

City Commission
April 6, 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 10 persons in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA – none.

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of March 16, 2015 meeting be accepted with the correction of a topographical error.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

PARK/RECREATION AND LIBRARY BILLS. City Treasurer Jon Locke presented the Quarterly Report for October 1, 2014 to December 31, 2014 for park/recreation activities and the library. He walked through the report providing various explanations.

SPECIAL ORDERS OF THE DAY - none

STUDY SESSION

- a. Budget Input Session - The public input session for obtaining input and ideas for projects to be included in the 2015/2016 City budget was opened. There were no public comments.

Mayor Warba stated that an e-mail was received from Beth Krueger, 701 Magnolia Street, requesting that the City crosswalks be remarked. She also expressed the desire for some pedestrian traffic control lights with pedestrian signals as well, at some of the City corners. Mrs. Marian Beadle, 509 Magnolia St., submitted a written request for the yearly zinnia program for Big Rapids citizens.

- b. Airport Update - Mike Lafferty, Airport Manager, reviewed his written Airport Update. He updated the City Commission on the AirFest, Airport Manager's 101 Seminar,

Big Aviation News, runway extension justification study, regular Chili Saturdays event, traffic, fuels sales, fees, Operation Good Cheer and AeroMed departure.

- c. Revisions to Purchasing Ordinance – City Attorney Eric Williams was requested to review Section 8.10 of the City Charter, particularly the sentence “ The City Commission may authorize the making of public improvements or the performing of any other City works by any other City department or agency without competitive bidding”. That section has not been used routinely. The statement is repeated in the City Code, but without any implementing or administrative language. There is the authority to make public improvements or performance of any other City works without competitive bidding, but no guidelines.

In section 34.27 of the Code of Ordinances, there is language regarding bidding for items of \$7,500 or more. Mr. Williams provided possible additional wording (C) and (D), which would address the types of purchases suggested by staff that could possibly be made without the competitive purchasing procedures. He collected staff input of unusual or unique circumstances where the proposed ordinance sections may apply.

Mr. Williams requested direction from the City Commission as to how they would like to proceed. If the Commission wishes to consider the Charter wording, there should be wording in the purchasing code as to how such purchases will be handled.

Mayor Warba stated that he reads the Charter language to be ‘improvements’ and ‘City work’, not purchases. He believes that to say that if any other City department or agency can make a public improvement or perform any other City work, it does not have to be sent out for competitive bids. It can be done internally. Mr. Williams stated that his original thoughts were also that the Charter language was geared towards public improvements. But, he was requested to look at it as if it was geared towards purchasing as well.

Commissioner Hogenson stated that if it was felt that the \$7,500 bid amount in the Charter was so onerous, so difficult, and so demanding, the Charter can be amended.

Mr. Sobers believes that the operative importance is that the City Commission stay in control of the finances, budget and purchasing. An example is, the City bids BS&A as a software company. Elements are added to that to make the operations more efficient and often times those upgrades come with a price tag of more than \$7,500. Does the City write specifications to rebid the entire system again to add an element that will cost over the \$7,500? There are elements of things that come up that the specification writing is difficult to do and/or would incur some engineering costs for technical things to bids plant parts.

Mayor Warba believes that the Charter and Code of Ordinances set the direction that purchases over \$7,500 must go out for sealed bid. Perhaps there is a need to

amend or fine tune this section, and other sections of the Charter to improve operations. Mayor Warba believes it would be prudent to have the City Attorney to look at what it would take to do a Charter amendment to address this issue.

Commissioner James would like to know how many of these incidences have happened since last July, that it would have been in the benefit of the City had the \$7,500 been different to have not to have dealt with sealed bids. A couple examples she has heard are the replacing of the wastewater treatment plant part and upgrading BS&A software. What would these occurrences cost the City in engineering or extra costs for specifications and bidding? She believes the \$7,500 holds everyone accountable.

Mr. Williams will not bring a proposed ordinance for adoption at this time.

- d. Frozen Water Line on Woodward Avenue – Mr. Williams presented his written memo pertaining to the frozen water line of Kevin McBride on Woodward Avenue and who is responsible for the \$750 Mr. McBride incurred in thawing the line out. His summary of the situation was:
- The customer is responsible for the water service line from the curb stop to the place where the water is being used (house, business).
 - The City is responsible for maintenance from the main to the curb stop.
 - If a contractor installed the current water service at the wrong depth, would he be liable for that? The answer is yes, if it was found within the period of limitations, but if the work was done around the year 2000, the limitations have passed.
 - The City can ask if its insurance will cover the claim for costs incurred by Mr. McBride.

Commissioner James questioned if the City would be able to unthaw the City's lines unless Mr. McBride's lines were clear. Mr. Sobers drew a diagram of the lines and his understanding of where the freeze was when the City arrived. It is presumed the work the private contractor did cleared some of the line on both the private side and up to 10 feet in the line past the curb box. Mayor Warba questioned if it is known if the contractor encountered ice that had to be cleared between the home and the curb box. Mr. McBride did not believe there was any ice in his line, and the contractor worked the 6 – 7 hours putting steam in the line hoping to thaw the ice further down the line. The contractor stated that he was clear to the curb box, but did not have a hose to reach beyond that.

Mr. Sobers explained that in many instances that City cannot assist in thawing lines because of elbows in the water service lines. Commissioner James believes if the City has the equipment that can assist in thawing water lines, the City should be using it. Mr. Sobers stated that there will need to be a policy to address this type of assistance.

In a discussion of maintenance, Commissioner James and Mayor Warba believe that maintenance on the City's part includes keeping in good condition, operation or force, which in this case to keep water flowing through it.

Mayor Warba stated another concern may be if the water service line was not buried deep enough. Mr. Sobers said this is something that is being checked out.

Mr. McBride's insurance company will not cover the cost since the frozen pipe was not on his property. He believes that the City is responsible for the ice under the road and to put that on the homeowner is not fair. The City Clerk was requested to contact the City's insurance carrier regarding any coverage for this incident. The Mayor requested that a policy be developed for next winter.

Mr. Williams stated that the City Commission may consider a line of reasoning to which some credit can be given to Mr. McBride for his expenditure if the fact pattern includes the clearing of some portion of the City's line.

PUBLIC COMMENT

Mr. and Mrs. Greg Taylor, 606 Woodward Avenue, live next door to Mr. McBride and they were without water for five days. It is very inconvenient. Even with water running through the garden hose from the neighbor's, the water froze on an extremely cold night.

Bryan Ridenour, owner of 716 Grant, stated that last year his water line froze on February 12 and he got water back on April 18 with no help from the City. He hauled water for all that time. He will not forget the lack of cooperation from the City. When the water froze this year, he insisted that something was done. A hose was connected to the neighbor for water this year.

Mr. Taylor stated that Mr. Gifford commented in the March 17th Pioneer that the water lines were buried five to six feet deep and should have been eight feet deep. How does Mr. Gifford know they are 5 – 6 feet deep, when the City is saying they need to get a service to come in to find out how deep these services actually are? The article also said that the contractor took a shortcut. Mr. Sobers believes he was speaking generically and not specifically. It is unknown how the water line was laid, but it has not frozen for 14 years. Why it froze this year, it is unknown.

PUBLIC HEARING - none

The City Commission took a five minute break.

RESOLUTION NO 15-37

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

**RESOLUTION AWARDING BIDS FOR 2015 CONSTRUCTION
SEASON MAINTENANCE 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, maintenance, rented equipment, and operational repairs, and

WHEREAS, annually, the City advertises for competitive pricing for a variety of maintenance materials and rental of equipment that the City does not own, but may need to complete projects or assist with unexpected emergency repairs, and

WHEREAS, the City will use the determined lowest and best bid for each material and equipment, however, if the required material or equipment is not available from the lowest bidder, it is recommended that the City then go to the next low bidder for the material or equipment, and

WHEREAS, bids were solicited for construction materials and equipment and attached are the bids and the offered price, and

WHEREAS, prices are good April 1, 2015 through December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the attached bids with their offered price and that the equipment, maintenance and contracted services bid amounts may be utilized for other public works maintenance activities.

BE IT FURTHER RESOLVED, that the costs will be expensed to the following accounts:

Major Streets:	202.464.782.000
	202.464.801.000
Local Streets:	203.464.782.000
	203.464.801.000
Parks:	101-756-732.000
	101-756-801.000
Sidewalks, Alleys, & Storm Sewers:	101.442.782.000
	101.442.801.000
Sewage Transmission:	590.561.782.000
Water Transmission:	591.561.782.000
	591.561.801.000

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None
The Mayor declared the resolution adopted.
Dated: April 6, 2015

RESOLUTION NO. 15-38

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

**RESOLUTION ACCEPTING BID FOR
THE SALE OF SURPLUS ITEMS**

WHEREAS, the City solicited bids to dispose of a number of surplus items, and

WHEREAS, eight bids were received, whereby staff is recommending the acceptance of the following bids and amounts:

<u>ITEM</u>	<u>NAME</u>	<u>AMOUNT</u>
John Deere 828D Snowblower	Mike Stoike	360.00
Men's Mongoose Deception 21 speed bicycle	Jan Bittenbender	101.00
Men's Trek 800 bicycle	Roger Schneidt	32.00
Boy's Next bicycle	Jan Bittenbender	51.00
Girl's bicycle	Paul Cole	10.00
Men's Schwinn Discover bicycle	Jan Bittenbender	101.00
Ladies Roadmaster bicycle	Robert Carpenter	25.00
Ladies Huffy Rival 21 speed bicycle	Robert Carpenter	20.00
Men's Huffy Cruiser bicycle	Robert Carpenter	10.00

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation for the disposal of the said surplus items for a total amount of \$ 710.00.

BE IT FURTHER RESOLVED, that the funds be deposited in Account Numbers 590-000-690.000 – Snowblower (Miscellaneous Income) and 101-009-690.000 bicycles (Miscellaneous Income).

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: April 6, 2015

RESOLUTION NO. 15-39

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

**RESOLUTION AMENDING FISCAL YEAR 2014/2015
GENERAL APPROPRIATIONS FOR
VARIOUS CITY FUNDS**

WHEREAS, the City of Big Rapids adopted FY 2014/2015 General Appropriations on June 2, 2014 per Resolution No. 14-62, 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 amendments for Fiscal Year 2014/2015 for Various City Funds.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2014/2015 City of Big Rapids Budget.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2015

RESOLUTION NO. 15-40

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 appointment/recommendation:

DART

Merrilee Hill-Kennedy re-appointed to a full term ending May 2018.

Mary Sautter re-appointed to a full term ending May 2018.

INCOME TAX

Mark Walton re-appointed to a full term ending March 2018.

LIBRARY

MaeAlice Emerson re-appointed to a full term ending May 2020.

PARK & RECREATION

Caryn Schonert appointed to a full term ending May 2018.

Jason KostECKI appointed to a full term ending May 2018.

ZONING BOARD OF APPEALS

Paul Jackson re-appointed to a full term ending May 2018.

Robert King re-appointed to a full term ending May 2018.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2015

UNSCHEDULED BUSINESS

Mr. Sobers recognized the notification received that Tamyra Gillis has received the CMMC (Certified Michigan Municipal Clerk) Certification.

Commissioner Hogenson expressed concern and questioned who should be contacted about an area on the corner of Locust and Warren, which has a depression where wires have been taken out and a cast iron piece of metal remains in a hole.

Mayor Warba questioned if the Pre-Treatment Ordinance is being worked on. Mr. Sobers stated that is underway and is a 30 – 60 day project.

Mayor Warba updated the Commission on the current unemployment numbers. At the end of January, Mecosta County was at 7.1%, which is down from a year ago. The State of Michigan is at 6.6% and the National average is 6.1%. Lake County, which is part of the MichiganWorks group, had unemployment at 11% as of January 15th. The GEO prison will be reopening, which will not only help Lake County, but also Osceola and Mecosta Counties as well.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:53 p.m.

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Mayor Mark J. Warba

Roberta R. Cline, City Clerk