

City Commission
September 21, 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 13 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA –

APPROVAL OF MINUTES

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of September 8, 2015 regular meeting be accepted as corrected.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Commissioner Anderson moved, seconded by Commissioner Rothstein that the minutes of the September 17, 2015 special meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

STUDY SESSION

a. **Screw Pump At The Wastewater Treatment Plant**

Bob Wilcox from Fleis & VandenBrink gave an update regarding a screw pump at the Wastewater Treatment Plant that has recently been giving them issues. There are two screw pumps at the WWTP that lift the wastewater into the treatment basin. These pumps are very large; each are approximately 45 feet long.

The pump that is currently the problem was installed in 2002. Necessary repairs were made to the opposite pump in 2013 and at that time it was decided to acquire some spare parts in case of an emergency repair with the stub shaft. In June of 2014 the decision was made to replace the stub shaft along with the upper and lower bearings as proactive maintenance.

With the substantial rains in September, the shaking of this pump has gotten progressively worse. The pump is inoperable at this point. The pump would need to be disassembled and looked at to determine the next steps to repair it. There is a

portable bypass pump on standby. The cost to disassemble and inspect the pump is \$5,800. The cost of a new one is approximately \$250,000. The pump is out of warranty.

Kent Mechanical has done this type of work for the City in the past and can be here to access the problem in about a week.

Mr. Sobers commented that it is important for the User Charge to fund the replacement cost in order to assure proper financing if/when a costly part needs to be replaced. Furthermore, the fund could be wiped out if there continues to be a shortfall in the appreciation schedule.

b. Frozen Water Line Policy

Mr. Sobers presented the proposed Frozen Water Line Policy for the residents of the City of Big Rapids. The City resident would be responsible for their individual service line from their home to the water main. Cost of construction, maintenance, repair, and operation of that service line would be paid by the customer. This would include sidewalks and curbs in the right-of-way. The City would be responsible for the large water mains in the right-of-way of the City streets.

The process for frozen water lines would be as follows:

- When a call is received that a line is frozen, personnel from the Department of Public Works will make contact by phone and, if needed, go to the home and assess the problem.
- The customer may choose to have the City use their equipment to attempt to thaw the frozen water line. If this option is chosen by the customer they will be billed at a cost of \$75.00 per hour.
- Customers can ask a neighbor, and if the neighbor agrees, they can hook up using a garden hose.
- City would announce “permission to let water run” and include a process in which customers could receive an adjustment for water usage on their water bill.

It is the responsibility of the homeowner to keep their water meters protected from freezing. If a frozen meter was replaced, the cost would be billed to the homeowner. If the homeowner wants their service line reconstructed, the City would agree to pay ½ of the replacement cost of the service line that is in the road. The portion of the service line that is under the private property (grass and yard) would be the responsibility of the homeowner.

Commissioner Hogenson stated that there seems to be too much explanation and not enough clarity with this policy.

Commissioner Anderson does not believe that the service line on the homeowner's property to the water main is an accepted assumption. Commissioner Anderson showed the proposed policy to other City residents and their view was that they assumed responsibility for their property but not public property.

Mr. Sobers commented that it is typical of communities across the country that the service line is the responsibility of the homeowner.

It was suggested that contact information on who to call if someone has a frozen water line should be included in the policy.

Mayor Warba asked if the customer is responsible for the cost of repairs in the right-of-way, having already paid for that through taxes. Mr. Sobers explained that when sidewalks need to be replaced in residential areas, half of the cost is paid by the City and the other half is paid by the property owner. In the policy, it proposes that the property owner be billed on a 'time and material' basis for work done by the City in the right of way due to permits that need to be acquired. Since the property owner cannot hire a contractor, despite being cheaper in cost, Mayor Warba recommended revising Sub Paragraph B (under the section Responsibility) of the policy to say 'on a 50/50 basis' instead of 'time and material' basis when the work is performed in the street right-of-way.

Mayor Warba asked if the property owners of the 'Woodward Experience' would fall under this policy. The problem on Woodward was the water lines were placed over the storm lines instead of under by the contractor. Mr. Sobers stated that the 'Woodward Experience' would not fall under this policy because the water lines were not installed as originally designed. However, all of the reconstruction of the water lines on Woodward would fall under this policy. The reconstruction of Woodward water lines should begin in mid-October.

SPECIAL ORDERS OF THE DAY – None

PUBLIC COMMENT - None

PUBLIC HEARING – None

RESOLUTION NO. 15-96

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

**RESOLUTION REQUESTING THAT THE STATE LEGISLATURE REPEAL
THE FIREWORKS SAFETY ACT, 256 PA 2011**

WHEREAS, the Michigan Legislature adopted the Fireworks Safety Act, 256 PA 2011, which became effective January 1, 2012, and

WHEREAS, the Act liberalized the sale and use of consumer fireworks, while restricting the authority of Michigan municipalities to regulate and ban the use of consumer fireworks, and

WHEREAS, the City of Big Rapids has experienced the indiscriminate use of fireworks by members of the public after 256 PA 2011 became effective, and

WHEREAS, the use of fireworks within the City of Big Rapids increased as a result of the Fireworks Safety Act, producing problems that include

- 1 – loud noise that sounds like gunfire in the streets which disturbs residents and military service veterans
- 2 - risk of fire from errant bottle rockets and other fireworks that are shot in the air over houses and other structures
- 3 - law enforcement difficulties in determining which discharged fireworks are legal or illegal for general use in Michigan.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission requests that the Michigan Legislature repeal 256 PA 2011 and allow municipalities to regulate and ban the use of consumer fireworks throughout the year.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward this Resolution to Governor Rick Snyder, State Senator Judy Emmons, State Representative Phil Potvin, and the Michigan Municipal League.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 21, 2015

RESOLUTION NO. 15-97

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

RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH NORTHERN A-1 (POLLUTION CONTROL SERVICES) FOR GREASE/GRIT REMOVAL FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, per Resolution No. 12-107, dated October 1, 2012, the City contracted with Northern A-1, (Pollution Control Services) for grease/grit removal for a three year contract period expiring September 30, 2015 with an option of 2 one-year extensions, and

WHEREAS, staff has received a request from Northern A-1 to extend the first of two one-year extensions at a modest price increase from \$185 to \$200 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the first one-year extension with Northern A-1, Inc. for a period of October 1, 2015 through September 30, 2016.

BE IT FURTHER RESOLVED, that the cost of the services be expensed to 590-560-801.000 (Contracted Services).

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: September 21, 2015

RESOLUTION NO. 15-98

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

RESOLUTION ELECTING THE MICHIGAN MUNICIPAL LEAGUE LIABILITY AND PROPERTY POOL'S BOARD OF DIRECTORS

WHEREAS, the Michigan Municipal League Liability and Property Pool has a Board of Directors which is elected by participating members, and

WHEREAS, the vote for the members must be done by the governing body, and

WHEREAS, the ballot consists of two names, Incumbent members Robert Clark and Paula Zelenko.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission recommends that the ballot be completed by voting for these two individuals and authorizing the City Clerk to sign and submit.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the Resolution adopted.
Dated: September 21, 2015

MOTION NO. 15-99

Commissioner James moved, seconded by Commissioner Rothstein, that the City Commission extend an offer of employment to Aaron Kuhn as the Big Rapids City Treasurer, the terms of which will be communicated to and accepted by Aaron Kuhn before October 19, 2015, and subject to the outcome of his physical examination and any action to be taken by the City Commission at its regularly scheduled meeting on or before October 19, 2015.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the motion adopted.
Dated: September 21, 2015

UNSCHEDULED BUSINESS

- Mr. Sobers handed out the proposed Request for Qualifications (RFQ) ad that will be published in the Pioneer as well as other avenues to the Commission. This ad will be placed in the paper at the end of the week or the first of next week. The Brownfield Authority will meet to interview candidates after the November 2, 2015 deadline.
- Dedication of the handicapped swing was September 17, 2015 at Hemlock Park.
- City Attorney, Eric Williams, attended the MML Conference in Traverse City. The focus at the conference was redevelopment within cities and approaching the legislature on additional sources of revenue for municipalities.
- August 2015 Pool Report – the report mentions that B & B Pools will be here to discuss having the pool remarcited. Pat Horan reported that the meeting did occur and she is waiting on B & B to get back with her.
- Mayor Warba and the Commission received a letter with pictures from Judy Carver regarding overflowing polycarts in the alleys. At the recent Planning Commission meeting it was decided to form a committee to handle this issue. Commissioner James mentioned that several homes need additional polycarts due to the size of the family that lives in them. Waste Management personnel take pictures of over usage of single polycarts or dumpsters and gives them to City staff. Residents can rent additional polycarts if one is not sufficient.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 7:45 p.m.

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Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk