

City Commission
November 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; and City Manager Steve Sobers.

Absent: None.

There were 43 people in the audience.

PLEDGE OF ALLEGIANCE – Cody Schultz of Boy Scout Troupe #114 led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of October 19, 2015 regular meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

PARK & RECREATION, LIBRARY, POOL BILLS AND QUARTERLY INVESTMENT REPORT

City Treasurer, Aaron Kuhn, presented the quarterly investment reports. The two major investments are Harbor Pershing and the Money Market at Chemical Bank. The Lake Osceola Municipal Fund has been closed out and put into the Money Market at Chemical Bank. This occurred as the result of Lake Osceola requiring a \$1.00 deposit to keep the account open to prevent it from becoming dormant. It was easier for the City to close out the account.

The Mayor encouraged Mr. Kuhn to look at the Library's expenditures for items that could be eliminated and to look into ways to potentially fund the library. Part of the revenue for the library is reflected in the property tax allocation that was adopted by the City Commission last year. This option may not be repeated in the next fiscal year.

There was a little confusion regarding the revenue for recreation. Mr. Kuhn will research this and present it at the November 16th meeting.

SPECIAL ORDERS OF THE DAY – None

STUDY SESSION

Recreation Authority Update – Mayor Warba

Mayor Warba spoke on the possible partnership with the City and the Big Rapids Schools to form a Recreation Authority. State law does not currently allow school districts to partner with municipalities. The Playgrounds Act from 1917 allows school districts to engage in and create recreational opportunities. The Recreation Authority Act allows the City, Township and other municipals to create a Recreation Authority. There is a disconnect between the two laws and the ability for a City to partner with a school district.

There has been discussion in Lansing to change State law to add school districts to the definition of what a municipal would be under the Recreational Authority Act. City and school representatives travelled to Lansing to give testimony before the House Local Government Committee as well as to the Senate.

If the legislation passes both Houses, there is a possibility that it could be presented to the Governor before the end of the year.

If a Recreation Authority can be formed, the City has discussed partnering with Big Rapids Public Schools to establish a Community Recreational Center at Hillcrest Elementary School.

Bill Stanek, on behalf of Big Rapids Township, has sent a letter of support.

Ordinance updates supporting Frozen Water Line Policy

Mr. Eric Williams identified two City code sections that need to be addressed so that they coincide with the Frozen Water Line Policy. Section 51.06(D) states that *the service pipe from the main to the curb box, including the curb box, shall be maintained by the Department*. This sentence does not accurately describe the Frozen Water Line Policy and needs to be amended for clarification. This sentence also does not refer to the cost, which should be borne by the property owner.

Section 51.07(B) identifies who pays with the following sentence: *All service pipes, fittings, labor and connections now existing or hereafter installed under this chapter shall be paid for by the property owner for whose property such service is installed*.

One or both of these sections should be modified, or a section should be added, to reflect the shared cost for thawing or fixing frozen water lines.

Mr. Williams will draft a proposed amended ordinance to combine the City code sections and the Frozen Water Line Policy.

Mayor Warba would like to see the same language in both the City code sections and the Frozen Water Line Policy. The Mayor would also like to see some cost relief afforded to the property owner if the service line is in the right of way, because the property owner cannot offset the cost by hiring a contractor of his choice to do the work in the City's right of way.

PUBLIC COMMENT - None

PUBLIC HEARING – None

The second paragraph of the proposed resolution was amended to read: *WHEREAS, the owners of Creeks Edge Apartments have agreed to participate in their share of the project in the approximate amount of \$67,082.49 and said amount shall be paid by June 30, 2016.*

Mr. Sobers explained that he had spoken to the owner of Creeks Edge Apartments, Mr. Allen Johns, who confirmed the cost portion of \$67,082.49 and is prepared to bring a check in to the City prior to June 30, 2016.

The Mayor clarified that once the bid is accepted the project will move forward whether Mr. Johns follows through on his cost portion or not.

RESOLUTION NO. 15-109

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

**RESOLUTION AWARDING BID FOR GILBERT ROAD AND
NORTHLAND DRIVE WATER MAIN IMPROVEMENTS**

WHEREAS, the owners of Creeks Edge Apartments have approached the City regarding an extension of the City's water system to Creeks Edge Apartments, located on Gilbert Road, and

WHEREAS, the owners of Creeks Edge Apartments have agreed to participate in their share of the project in the approximate amount of \$67,082.49 and said amount shall be paid by June 30, 2016, and

WHEREAS, Fleis & VandenBrink reviewed the six solicited bids that were received recommending that the low bid of Hardrock Directional Drilling, be accepted in the amount of \$328,815.64.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Hardrock Directional Drilling for the Gilbert Road and Northland Drive Water main Improvements in the net amount of \$328,815.64 contingent on a special agreement from Creek's Edge offering their financial participation in the project.

BE IT FURTHER RESOLVED, that the construction of the water main be in the spring of 2016 and the cost be expensed from Account No. 591-561-967.954 (Gilbert Drive water main ext.)

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

Commissioner James recommended changing the expense Account No. for the Water Reliability Study from 591-560-967.709 to 591-560-802.709. Mr. Kuhn will make that change.

The title of the proposed resolution was changed to reflect that the Water Reliability study was on the water distribution system and not on the Water Treatment Plant.

RESOLUTION NO. 15-110

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

**RESOLUTION AUTHORIZING FLEIS AND VANDENBRINK
TO COMPLETE A DEQ MANDATED WATER RELIABILITY STUDY FOR THE
WATER DISTRIBUTION SYSTEM**

WHEREAS, the City per Resolution No. 15-52, dated June 1, 2015 contracted Fleis and VandenBrink for their Engineering Services, and

WHEREAS, a Water Reliability Study is required to be completed every five years per the Rules of the Michigan Safe Drinking Water Act (399 PA 1976, as amended), and

WHEREAS, the study is to determine whether the City's public water supply and distribution system is adequate to meet current needs, as well as projected future needs, and

WHEREAS, the study will consist of the following:

- Review and Compile Existing Data And Operations
- Create Computer Model
- Hydrant Testing
- Model Calibration & Simulations
- Draft Report, Review with the City & the MDEQ, Prepare Final Report
- Additional Planning Assistance,

and

WHEREAS, the cost of this reliability study is \$13,800, and

WHEREAS, in addition to this study, Fleis & VandenBrink can complete additional planning assistance for

- Evaluate extending water service to the west side of US-131 along Perry Street and 19 Mile Road
- Evaluate improvements to the State Street water tower versus replacement of the tower

for an additional fee of \$1,700.00 for a total amount of \$15,500.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission authorize Fleis and VandenBrink to complete a Water Reliability Study and General Plan.

BE IT FURTHER RESOLVED, that the cost of the Water Reliability Study and General Plan, in the amount of \$15,500, be expensed to Account No. 591-560-802.709 (water reliability study and planning).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

RESOLUTION NO. 15-111

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

**RESOLUTION ACCEPTING BIDS FOR
THE SALE OF A 2004 CHEVROLET IMPALA CAR**

WHEREAS, the City solicited bids to dispose of a 2004 Chevrolet Impala car, and

WHEREAS, five bids were received, whereby staff is recommending the acceptance of the bid of James Unger, in the amount of \$3,852.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts staff's recommendation for the disposal of a 2004 Chevrolet Impala car in the amount of \$3,852.00.

BE IT FURTHER RESOLVED, that the funds from the sale of this vehicle be deposited into Account No. 661-000-693.000 (gain/loss on disposal of equip).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

RESOLUTION NO. 15-112

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

**RESOLUTION AMENDING FISCAL YEAR 2015/2016
GENERAL APPROPRIATIONS ACT FOR GIRLS ON THE RUN AND ACT 345**

WHEREAS, the City of Big Rapids adopted FY 2015/2016 General Appropriations on May 21, 2015 per Resolution No. 15-50, 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 following budget amendments for Fiscal Year 2015/2016 for Girls on the Run and ACT 345

General Fund				
Account Number	Account Description	Current Budget	Change	Amended Budget
101-004-590.555	Girls on the Run Grants	\$0	\$6,000	\$6,000
Reason: Girls on the Run received a grant of \$6,000				
101-758-732.555	Girls on the Run	\$7,000	\$6,000	\$13,000
Reason: Expenditure of grant funds received				

Act 345				
Account Number	Account Description	Current Budget	Change	Amended Budget
732-297-874.000	Retirement Benefits	\$590,000	\$43,800	\$633,800
Reason: Jerald J. Higgins retirement effective 09/10/15.				
732-297-808.000	Independent Audit Fees	\$3,000	\$8,000	\$11,000
Reason: GASB 67 and GASB 68 reporting requirements for the Big Rapids Policemen and Firemen Retirement System. Services provided by Gabriel, Roeder, Smith & Company are independent of and in addition to Annual Audit.				

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2015/2016 City of Big Rapids Budget.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

RESOLUTION NO. 15-113

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

**RESOLUTION AMENDING FISCAL YEAR 2015/2016
GENERAL APPROPRIATIONS- 2014/2015 CARRY FORWARDS –
USDA-FIRE WATER TENDER**

WHEREAS, the City of Big Rapids adopted FY 2015/2016 General Appropriations on May 21, 2015 per Resolution No. 15-50, and

WHEREAS, the USDA –Fire Water Tender from fiscal year 2014-2015 needs to be carried forward into this fiscal year 2015/2016.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following budget adjustment to carry forward to the 2015/2016 budget for the USDA –Fire Water Tender.

Motor Pool				
Account Number	Account Description	Current Budget	Change	Amended Budget
661-444-977.914	USDA- FIRE WATER TENDER	\$0	\$7,500	\$7,500
Reason: Fire Department making repairs on the tender.				

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2015/2016 City of Big Rapids Budget accordingly.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: November 2, 2015

The Mayor thanked Mr. Lafferty for this efforts in trying to keep AeroMed in the community. Commissioner Hogenson expressed his appreciation for the excellent service that Mr. Lafferty has given to the airport. Commissioner Rothstein stated that Colt Aviation has kept standards high and commended Mr. Lafferty on a job well done.

RESOLUTION NO. 15-114

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

**RESOLUTION APPROVING CONTRACT EXTENSION FOR
ROBEN HOOD AIRPORT FIXED BASE OPERATOR**

WHEREAS, per resolution 11-139, dated December 5, 2011, the City contracted with Colt Aviation, Inc. for a FBO/Manager, and

WHEREAS, the contract allows for four successive two-year term renewals (for a total of 10 years), and

WHEREAS, Colt Aviation, Inc. has submitted a letter requesting the desire to continue as FBO/Manager services and to renew the second two-year extension for November 1, 2015 through October 31, 2017, and

WHEREAS, the management fee will be increase by \$10,000 and will be paid to Colt Aviation in the amount of \$80,000 (account 295-249-801-400 FBO Management Fee) and other contractual considerations designed to provide incentives to Colt and the City to create a more profitable airport with increasing business activity.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the contract with Colt Aviation, Inc., for the Roben Hood Airport Operator-FBO/Manager services for the second two-year extension for November 1, 2015 through October 31, 2017 and authorizes the Mayor and City Clerk to sign said attached contract.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

RESOLUTION NO. 15-115

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

RESOLUTION ADJOURNING TO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING THE POLICE SUPERVISORY AND THE PATROL OFFICERS UNIT UNION NEGOTIATIONS

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Police Supervisory and the patrol officers union labor negotiations.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

The City Commission took a 10-minute break. The City Commission adjourned for closed session at 7:55 p.m. They returned to regular session at 8:30 p.m.

RESOLUTION NO. 15-116

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

RESOLUTION ACCEPTING AGREEMENT WITH THE SERGEANT'S UNIT

BE IT RESOLVED, that the City Commission of the City of Big Rapids hereby approves the attached settlement contract between the City of Big Rapids and Sergeant's bargaining unit of the Police Officers Labor Council, for the period of January 1, 2016 to December 31, 2018, and that the Mayor and City Manager are hereby authorized to sign the contract upon final contract formatting.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

RESOLUTION NO. 15-117

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

RESOLUTION ACCEPTING AGREEMENT WITH THE PATROL OFFICER'S UNIT

BE IT RESOLVED, that the City Commission of the City of Big Rapids hereby approves the attached settlement contract between the City of Big Rapids and Patrol Officers bargaining unit of the Police Officers Labor Council, for the period of January 1, 2016 to December 31, 2018 and that the Mayor and City Manager are hereby authorized to sign the contract upon final contract formatting.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2015

UNSCHEDULED BUSINESS

- The Library will be closing on some major holidays in order to save money. This should offset the deficit in part-time salaries for this budget year.
- Dr. Henry Ho's marketing class at Ferris is conducting a citizen survey of resident attitudes and opinions. They are looking for area businesses willing to accommodate the students with a table in order to conduct the survey.
- The Big Event is April 16, 2016. There will be a drop box at City Hall and a stuffer in the utility bill. The Mayor suggested that rather than bagging the debris, the yard waste and leaves could be raked to the curb for a scheduled one-day pickup.
- Township Supervisors Bob Baldwin and Bill Stanek hosted a meeting at Green Township Hall, which City representatives, attended to discuss area fire departments.

- The Fall Festival was a success with good a turnout and good weather.
- Mayor Warba will not be in attendance at the November 16, 2015 City Commission meeting.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:38 p.m.

Mayor Mark J. Warba

* * * * *

Tamyra K. Gillis, City Clerk