

City Commission
November 16, 2015

Mayor Pro-Tem Rothstein called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Lorraine James, Tom Hogenson and Dan Rothstein; City Manager Steve Sobers; City Treasurer Aaron Kuhn and City Attorney Eric D. Williams.

Absent: Mayor Warba, who was excused.

There were six people in the audience.

PLEDGE OF ALLEGIANCE .

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of the regular meeting of November 2, 2015 be approved.

Yeas: Hogenson, James, Rothstein

Nays: None

Abstain: Anderson

ADMINISTRATION OF OATH OF OFFICE.

City Clerk Tamyra Gillis administered the Oaths of Office to Lynn Anderson and Thomas Hogenson, City Commissioners.

The meeting of the new City Commission was called to order with the following present: Commissioners Lynn Anderson, Tom Hogenson, Lorraine James and Dan Rothstein; City Manager Steve Sobers; City Treasurer Aaron Kuhn and City Attorney Eric D. Williams.

APPOINTMENT OF A MAYOR PRO-TEM.

Commissioner Rothstein nominated Commissioner Hogenson, as Mayor Pro-Tem. Commissioner Hogenson accepted the nomination as Mayor Pro-Tem.

MOTION NO. 15-118

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

**A MOTION APPOINTING
MAYOR PRO-TEM**

BE IT RESOLVED that Thomas Hogenson is hereby appointed Mayor Pro-Tem.

Yeas: Anderson, Hogenson, James, Rothstein

Nays: None

The City Clerk declared the motion adopted.

Dated: November 16, 2015

The City Clerk passed the gavel over to Mayor Pro-Tem Hogenson who continued with the meeting.

APPROVAL OF THE AGENDA:

STUDY SESSION

Financial Update – Aaron Kuhn, City Treasurer

Mr. Kuhn gave an update regarding the revenue for Parks and Recreation. The total revenue for Parks and Recreations for the quarter ending of September 30, 2015 is \$17,695.94.

Amendment of City Charter Section 8.10 – Eric Williams, City Attorney

Mr. Williams spoke on the City Charter Section 8.10 which pertains to formal sealed bids. There is one sentence in the Charter that has been the object of discussion. The sentence is: *Formal sealed bids shall be obtained in all transactions involving the expenditure of \$7,500 or more and the transaction, evidenced by written contract, submitted to and approved by the City Commission.*

The current City Charter requires that all purchases costing more than \$7,500 go through a sealed bidding process. Mr. Williams was previously asked to present how the City could make an amendment to the Charter. The process is as follows:

- Resolution proposing the amendment and setting the date for election is adopted by the City Commission
- An election is held

There are instances of when the bidding process may not be necessary, including bidding for a replacement part when you can only get that part from the manufacturer, but it exceeds the \$7,500 limit. According to the Charter you would have to bid out this particular part.

Mr. Williams presented three options that could be discussed when considering amending the Charter:

- Raise the limit of \$7,500 to \$10,000 or \$15,000
- Remove “formal sealed bids” and replace it with “competitive bids” for purchases up to a determined dollar amount
- Authorize exceptions to formal sealed bids or competitive bids as the City Commission may provide in the City Code on purchasing.

It was recommended that a study group or committee be formed for the purpose of recommending an amendment to Section 8.10 that would expand the purchases that can be made by City staff without formal sealed bids and City Commission approval.

Utility Bill Inserts – Eric Williams, City Attorney

Mr. Williams spoke on the City's Utility Bill Insert Policy in regards to religious information, instruction, or events being inserted in the City's water bills. The City's policy is fine the way it is written, however, it needs to be amended so that religious information or information on religious instruction or religious events is not allowed in the utility bill inserts. This would take a policy change to specify that those materials are not supposed to go into the utility bill inserts.

Mr. Williams commented that the reason religious information should not be included in the utility bills is that there is a significant risk that people would view these religious materials as some sort of endorsement of religion by the City because it is included with the City water bill.

This could be a simple modification of the policy that would prohibit the use of the utility bill inserts for the purpose of religious information or publication to events.

This issue would also pertain to advertising on the DART buses. Mr. Williams will check the DART advertising policy and propose the same changes to that policy.

Baldwin Bridge Update – Roger Schneidt

Roger Schneidt gave a slide presentation regarding the removal of the Baldwin Street Bridge.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

RESOLUTION NO. 15-119

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

RESOLUTION AUTHORIZING DEER CULL

WHEREAS, in 2014 City Commission received a petition signed by approximately 90 citizens requesting that the City develop, establish and implement an on-going annual plan to eliminate deer herds in the area of Cherry, Willow, Magnolia, Lilac, Cypress, and Osburn Streets, and

WHEREAS, the Director of Public Safety has proposed that if a deer culling is to be conducted within the City of Big Rapids, it shall be conducted by the U.S. Department of Agriculture Wildlife Services with only antlerless (does) being harvested, and

WHEREAS, the U.S. Department of Agriculture Wildlife Services will draft a Cooperative Service Agreement, which will include a Work Plan and a Financial Plan, with the cost of one site visit and one contract visit not exceeding \$1,226.00, and

WHEREAS, harvested deer would be field dressed by Wildlife Services and turned over to the City for donation to charity, and

WHEREAS, advanced notice of a culling will be provided to residents via newspaper and personal contact, and

WHEREAS, any direct expenses beyond personnel costs will be passed on to the benefiting property owners and not to the City.

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Safety is hereby authorized to conduct a deer cull during day light hours in December 2015, within the specified areas of Cherry, Willow, Magnolia, Lilac, Cypress, and Osburn Streets.

BE IT FURTHER RESOLVED, that a contract be established between the City and the U.S. Department of Agriculture Wildlife Services for actual expenses incurred and Mayor to sign said contract.

BE IT FURTHER RESOLVED that the cost be expensed to Account No. 101-301-801.009 (Contracted Services – deer cull).

Yeas: Hogenson, James, Rothstein

Nays: Anderson

The Mayor Pro-Tem declared the resolution adopted.

Date: November 16, 2015

RESOLUTION NO. 15-120

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

RESOLUTION APPOINTING AARON KUHN AS TRUSTEE TO JOHN HANCOCK PLANS

BE IT RESOLVED, that Aaron Kuhn, City Treasurer, is hereby appointed as the Trustee for City of Big Rapids Contract #25669, (ACT 345 police and Fire 457 Plan), #26581, (ACT 345 Police and Fire 401A Plan), and #26582, (457 Plan) held at John Hancock and that Jean C. Schneidt, Assistant City Treasurer is hereby appointed as an authorized signer.

Yeas: Anderson, Hogenson, James, Rothstein

Nays: None

The Mayor Pro-Tem declared the Resolution adopted.

Dated: November 16, 2015

The address at 114 N. Warren is the back half of the City parking lot that is located near the Post Office. The Post Office leased the parking lot until three years ago when they

sent a letter stating that they were not interested in leasing it anymore. The City is looking to identify various parcels of City owned land that may have future private sector value.

The Chamber of Commerce may be interested in this piece of property to relocate their office.

Mayor Pro-Tem Hogenson stated that he was on a task force that has been designated by the Chamber to look into such matters. He is not a board member or a decision maker for the Chamber. He asked the Commission if they believed that he needed to excuse himself from voting on this resolution. There was no opposition from the Commission regarding Mayor Pro-Tem Hogenson voting on this resolution.

RESOLUTION NO. 15-121

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

**RESOLUTION REFERRING TO THE PLANNING COMMISSION
A RECOMMENDATION OF CITY OWNED
SURPLUS REAL PROPERTY AT 114 N. WARREN AVENUE**

WHEREAS, whenever the City has property that may not be needed, the City Commission has asked the Planning Commission to review this excess property and make a recommendation on its disposition, and

WHEREAS, the property at 114 N. Warren Avenue (Parcel No. 54-17-11-362-004) is currently used as a municipal parking area, and

WHEREAS, the lot size is 50'X150' and located in the Residential-Professional District and may be of interest to a developer.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission refer 114 N. Warren Avenue (Parcel #54-17-11-362-004) to the Planning Commission for a recommendation.

Yeas: Anderson, Hogenson, James, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: November 16, 2015

RESOLUTION NO.15-122

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

RESOLUTION AMENDING ANNUAL INTEREST RATE OF CITY INCOME TAXES

WHEREAS, Resolution No. 93-6 dated January 18, 1993, establishes policies and procedures for processing City income tax returns and refunds, and

WHEREAS, it is necessary to amend the rate of interest to be charged for taxes owed to the City or overpayment made to the City.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 93-6 be amended to read as follows:

The rate determined by the State of Michigan on interest on taxes owed to the City or overpayment made to the city will be 4.25% per annum or .0001164 per day to be effective on July 1, 2015 – December 31, 2015 and 4.25% per annum or .0001161 per day to be effective on January 1, 2016 – June 30, 2016.

Yeas: Anderson, Hogenson, James, Rothstein

Nays: None

The Mayor Pro-Tem declared the resolution adopted.

Dated: November 16, 2015

UNSCHEDULED BUSINESS

Storm sewer on Osburn Circle – Mr. Sobers mentioned that the City is still in discussions with the two property owners that easements are needed from.

Mayor Pro-Tem Hogenson gave thanks to Dr. Henry Ho’s marketing students for attaining 300/400 responses to the City’s Community Survey. The survey ends November 23, 2015. Paper copies are available at City Hall for citizens who do not have internet access.

There is a provision in the Republic contract that if there are any unknown fees, Republic can ask the City to collect those fees on their behalf. Beginning January 1, 2016 the recycling facility in Grand Rapids will charge a \$10.00 per ton fee for separation. Republic would like to recover the \$10.00 per ton charge beginning January 1, 2016. This equates to an 11 cent increase per month from residents that have recycling polycarts.

There being no further business to come before the City Commission, the Mayor Pro-Tem declared the meeting adjourned at 7:58 p.m.

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Mayor Pro-Tem Thomas Hogenson

Tamyra K. Gillis, City Clerk