

City Commission
January 19, 2016

Mayor Mark Warba called the regular meeting of the City Commission to order at 6:30 p.m.

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

Absent: Dan Rothstein, who was excused due to health concerns.

There were 10 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA - Addition of resolution 11g excusing Commissioner Rothstein's absence.

APPROVAL OF MINUTES

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of January 4, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

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

Mr. Aaron Kuhn, City Treasurer, presented the Park & Recreation, Library, Pool Bills and Quarterly Investment reports. Some of the highlights included: \$25,000 for tree removal, \$3,600 for water aerobics and \$6,517.18 for Ferris State partnership. The Mayor asked how much was saved by the library closing during Christmas break. Mr. Sweppenheiser commented that it was approximately \$3,500. A break down by category was requested from the Mayor and Commissioner James. Mr. Sweppenheiser commented that he would compile those figures.

SPECIAL ORDERS OF THE DAY – none

STUDY SESSION

Hyett Palma Update – Mr. Mark Gifford, Director of Public Works, handed out a timeline outlining Hyett Palma's first site visit to Big Rapids. Doyle Hyett and Dolores Palma will arrive in Big Rapids March 14 – March 18, 2016 to discuss the project process and meet with the Steering Committee. Mayor Warba, Steve Sobers, Mark Gifford and Carleen Rose met to discuss how the Steering Committee should be composed.

Mayor Warba commented that he has talked with the County Commissioner Chair and Big Rapids Township Supervisor Bill Stanek both; have expressed their willingness to be on the committee. Commissioner Anderson also expressed her interest to be part of this Committee.

There is a list of items that Mr. Gifford will compile before the HyettPalma visit.

PUBLIC COMMENT

Jay Cimala, 914 Loudon, expressed his desire to have a left turn signal on the traffic light on Perry Avenue by Meijer. There is always traffic congestion in the left turn lane. Mayor Warba commented that the traffic light in question is located in Big Rapids Township, outside of the City's jurisdiction. The City has been cooperating with the Big Rapids Township for a sidewalk extension on Perry Street, which will also allow pedestrians to cross at that intersection. Perry Street also falls within the State trunkline (M20) whereby the Department of Transportation (MDOT) controls the signal light.

Mr. Sobers commented that Mr. Bill Stanek (Big Rapids Township Supervisor) brought up the traffic signal while discussing the sidewalk extension at the previous MCDC meeting. Mr. Stanek promises to review the whole intersection, both the crosswalk and the left turn congestion area, so there may be a new configuration in the future.

Mr. Jim Sandy spoke with a representative of MDOT last week and expressed this concerns to MDOT regarding the Meijer traffic light.

Wendy Nystrom, 530 Winter, expressed her concerns regarding W.B. Osborn Oil & Gas Operations from San Antonia, Texas wanting to acquire an underground injection well permit from the E.P.A. Ms. Nystrom handed out a flyer that stated the following:

- W.B. Osborn Oil & Gas owns approximately 18 oil wells in Fork Township, Mecosta County.
- The injection well is for underground storage of toxic brine from oil wells.
- The toxic brine will be injected 3,860 feet into porous limestone.
- This well is proposed to inject up to 5,040 barrels per day.
- This well site is one mile from the town of Barryton
- The injection well would be monitored by the W.B. Osborn Company.

There will be a public meeting and a public hearing on Thursday, January 21, 2016 starting at 6:00 p.m. at the Chippewa Hills High School.

PUBLIC HEARING

City Manager, Steve Sobers, opened the public hearing regarding the Downtown Infrastructural Grant Closeout at 6:58 p.m. and read the following public notice:

**PUBLIC HEARING CLOSE OUT
FOR MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING
FOR MAPLE STREET DOWNTOWN INFRASTRUCTURE**

The City of Big Rapids signed a grant agreement with the Michigan Economic Development Corporation on March 4, 2014, for Maple Street and downtown improvements. As part of the grant requirements, the City must conduct a Public Hearing for the purpose of affording citizens an opportunity to submit comments and receive a final report on the completion of the Maple Street CDBG Downtown Infrastructure Grant (DIG).

The CDBG grant provided funding to assist in the following Maple Street improvements: installation of new concrete curb, gutter and sidewalk to meet ADA requirements, installation of adequate storm water collection system including tree filter basins and the addition of LED site lighting and electrical upgrades. Also included in the project was the installation of a new transit station (bus stop at the Nesbit Building), a bike maintenance station, Big Rapids' first car charging station and the addition of public art/pavilion at Mitchell Creek Park.

The CDGB project benefitted at least 51% low to moderate income persons and no persons were displaced as a result of the project.

The total CDBG project cost was \$757,217. The City was responsible for 15% of the cost, or \$113,583. The grant amount was 85% or \$643,634.

Installation of Mitchell Creek gazebo dome is pending but will be complete as time and weather allow. Any additional costs are not part of the CDBG project.

Mr. Sobers stated that the DIG grant is now financially closed out. Only the labor to finish the Mitchell Creek Pavilion dome remains, and there is no cost associated with that.

Jay Cimala, 914 Loudon commented that Mitchell Creek Park is a perfect place to collect night crawlers for fishing. He would like the City to keep this in mind, when doing anymore restorations to the area.

The public hearing closed at 7:05 p.m.

RESOLUTION NO. 16-07

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

**RESOLUTION ACCEPTING THE 2016 BIG RAPIDS
WASTEWATER USER CHARGE SYSTEM REPORT AND
AUTHORIZING THE MAYOR TO SIGN**

WHEREAS representatives from the City of Big Rapids, Big Rapids Township and Green Township [the “Municipalities”] have met in committee to complete the 2016 User Charge Report [the “Report”], and

WHEREAS the Report identifies City accounts utilized to quantify and track shared expenses in the operation of the wastewater treatment plant and collection system, and sets the methodology of preparing the User Charge System Report, and

WHEREAS, the information about the collection system and treatment plant serving the Municipalities set forth in the Report will be used in the setting of wastewater rates and the preparation of future user charge system reports.

NOW, THEREFORE BE IT RESOLVED, that the City Commission accepts the 2016 Big Rapids Wastewater User Charge System Report as prepared by the participating municipalities, subject to the approval by the State of Michigan, Department of Environmental Quality, Environmental Sciences and Services Division, and the Mayor is authorized to accept and sign the Report on behalf of the City.

BE IT FURTHER RESOLVED, that the rates established by the 2016 Report to be charged Green Township and Big Rapids Township effective February 1, 2016, shall be \$5.88 per unit (1 unit = 1,000 gallons) exclusive of IPP charges as provided in this report.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 19, 2016

RESOLUTION NO. 16-08

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

**RESOLUTION ACCEPTING HEALTH CARE AGENT SERVICES
FOR EMPLOYEE HEALTH CARE INSURANCE**

WHEREAS, the City has an Employee Health Care Committee consisting of two representatives from each of the employee groups (AFSCME, Non-bargaining, Fire, Police and Police Supervisory) and management, who review insurance issues, recommend cost savings and policy modifications, and keep the other employees updated as to their health care coverage and costs, and

WHEREAS, the City solicited proposals covering health insurance agent services and broker qualifications, whereby five proposals were received, and

WHEREAS, three firms were selected and interviews took place whereby the employee representatives of the City's Employee Health Care Committee unanimously recommended that Gallagher Benefit Services, Inc. be selected for Agent Broker services for the City's Health Care Plan for a one-year period starting January 1, 2016 through December 31, 2016, and

WHEREAS, there is a provision to review the needs of the City of Big Rapids and potentially renew as mutually agreed, for up to five additional years.

NOW, THEREFORE BE IT RESOLVED, that the City Commission accept the recommendation of the City's Employee Health Care Committee to utilize Gallagher Benefits Services as the City's agent for the employee health care insurance coverage as presented by Gallagher Benefit Services, Inc., for one year with the option to review the needs of the City of Big Rapids and potentially renew as mutually agreed, for up to five additional years.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 19, 2016

RESOLUTION NO. 16-09

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

RESOLUTION ACCEPTING A STORM SEWER EASEMENT LOCATED AT 819 OSBURN CIRCLE

WHEREAS, there is a portion of Osburn Circle that consistently floods and requires pumping 6-8 times a year, and

WHEREAS, the flooding occurs due to the storm water drainage in that location which consists of two leaching basins that are not large enough to deal with a major storm occurrence or quickly melting snow, and

WHEREAS, leaching basins need to be drained to the Muskegon River requiring a permit from the MDEQ and a 10-foot wide easement 200 feet in length across the north side of the private property owned by Thomas, Sharon, and Samuel Swedenborg located at 819 Osburn Circle, and

WHEREAS, staff has negotiated the purchase price for the 10-foot easement to be \$1,000 and has reviewed and approved the storm main easement agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the easement agreement between the City and Thomas, Sharon, and Samuel Swedenborg for the storm service line for the property located at 819 Osburn Circle with a negotiated price of \$1,000 expensed to Account No. 203-469-782.000.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to sign said easement and the City Clerk is authorized to record the easement and retain the original document.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 19, 2016

Upon the retirement of Water Plant Superintendent Carmen Johnson, the City looked at changing the operation of both the water and the wastewater treatment plants. Fleis & VandenBrink was employed on an interim basis and is assisting and providing the City with a Class D II operating license that is required by the Michigan Department of Environmental Quality (MDEQ).

The additional cost of \$20,000 to Fleis & VandenBrink to act as interim management for the next two/three months is over the City's purchasing limit of \$7,500. Any purchase over \$7,500 needs City Commission approval. The City has promoted Dave Cushway to oversee both the water and wastewater treatment plants and it is expected that a promotion from within for assistant superintendents will occur in the near future.

The Mayor commented that the position paper referenced a contract with Fleis & VandenBrink for \$20,000. There was no contract in the Commission packet and he wondered if the City would be receiving one from Fleis & VandenBrink. Mr. Gifford stated that there is no contract and the understanding is that Fleis & VandenBrink would work on a month to month basis. Mr. Gifford believes that a contract was signed back when Jack Fraser retired and Dave Cushway was appointed to his position. Mr. Gifford agreed to be responsible and accountable for the \$20,000 and the explanation of how it was spent.

RESOLUTION NO. 16-10

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

RESOLUTION APPROVING ADDITIONAL EXPENSES TO FLEIS & VANDENBRINK FOR INTERIM MANAGEMENT FOR THE WATER PLANT

WHEREAS, Fleis & VandenBrink have been employed as the engineers of record for the City of Big Rapids, and

WHEREAS, each project that is expected to exceed \$7,500 in cost is reviewed by the City Commission for individual approval of that project and expense, and

WHEREAS, upon the retirement of Carmen Johnson, Water Plant Manager, Fleis & VandenBrink was employed on an interim basis to lead the plant until a new manager was chosen, and

WHEREAS, a promotion has been delayed due to ongoing discussions with AFSCME, concerning a new leadership model and the promotion of an internal candidate to fill this new roll, and

WHEREAS, these discussions are nearing completion, but are expected to create an interim expense above \$7,500.

NOW THEREFORE BE IT RESOLVED, that the Commission of the City of Big Rapids authorizes an expenditure of \$20,000 to cover interim leadership at the Water Plant, to be expensed from Account No. 591-560-801-000 (Contracted Services) as an additional appropriation from fund balance as a Fleis & VandenBrink project until a new manager is appointed.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: January 19, 2016

RESOLUTION NO. 16-11

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

**RESOLUTION ACCEPTING THE RECOMMENDATION OF THE BIG RAPIDS
BROWNFIELD AUTHORITY TO HIRE THE BONNER GROUP
AS THE CITY'S COMMERCIAL REAL ESTATE BROKER FOR
THE SALE OF THE HANCHETT SITE**

WHEREAS, the City solicited Requests for Qualifications for Commercial Real Estate Broker for the sale of the Hanchett site, and

WHEREAS, the Big Rapids Brownfield Authority conducted interviews and is recommending the Bonner Advisory Group as the City's Commercial Real Estate Broker for the sale of the Hanchett site.

NOW, THEREFORE, BE IT RESOLVED, the Big Rapids City Commission accept the recommendation of the Big Rapids Brownfield Authority to hire the Bonner Advisory Group for professional services as the City's Commercial Real Estate Broker for the sale of the Hanchett site.

BE IT FURTHER RESOLVED, that the Mayor be authorized to sign any contract documents when they have been completed and approved by the City attorney.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: January 19, 2016

RESOLUTION NO. 16-12

Commissioner James 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 appointments/recommendations:

BIG RAPIDS BROWNFIELD AUTHORITY

Carol Betts re-appointed to a full term ending January 2019

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: January 19, 2016

RESOLUTION NO. 16-13

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

**RESOLUTION EXCUSING COMMISSIONER ROTHSTEIN
DUE TO HEALTH CONCERNS**

NOW, THEREFORE, BE IT RESOLVED, that the City Commission excuses Commissioner Rothstein from the regular meeting of January 19, 2016 due to health concerns.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: January 19, 2016

UNSCHEDULED BUSINESS

- See Click Fix - The City has implemented a new app for reporting issues in and around the City. This app will allow residents to report issues such as potholes, sidewalks in need of repair and other City related issues. Once a person reports

an issue, the program will automatically generate a response to the person thanking them for reporting the problem. The program will then report the problem to the proper City department. When the issue has been resolved, another notification will be sent to the person letting them know that the issue has been resolved. This program can also be used internally. It can be downloaded on a smart phone or tablet. There will be a presentation scheduled for a City Commission meeting in March.

- Commissioner Hogenson stated that he attended the Big Rapids Township's State of the Township Address and thought that it was very positive. He believes that the township is in very good hands.
- The Frozen Water Policy was inserted in the January water utility bill.
- Capital Day is March 23, 2016. Any Commissioner interested in going, please let the City Clerk know by February 1, 2016 so that reservations can be made.
- Recently, Governor Snyder passed a law (PA 269 SB 571) restricting the ability of local officials to offer information on ballot proposals within 60 days of the election that the proposal is on. The MML has a sample resolution which the Mayor will review and bring before the Commission at the February 1, 2016 meeting seeking the repeal of this law.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 7:55 p.m.

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Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk