

City Commission
February 1, 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; and City Treasurer Aaron Kuhn.

Absent: Commissioner Rothstein, who was excused due to medical illness

There were 11 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA –

- a. Addition of resolution 10d excusing Commissioner Rothstein's absence.
- b. Addition of the welcoming of Tom Paul to Special Orders of the Day.

APPROVAL OF MINUTES

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of January 19, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Warba
Nays: None

SPECIAL ORDERS OF THE DAY –

New employee Tom Paul, Administrative Assistant for the Income Tax and Assessing office, was introduced by Gail Dolbee, City Assessor and Paul Cole, Income Tax Administrator.

Mayor Warba read the proclamation recognizing and thanking Dr. Henry Ho and his marketing class for conducting a successful Community Survey.

PROCLAMATION OF RECOGNITION

WHEREAS, Dr. Henry Ho, Associate Professor of Marketing and students in his class at Ferris State University conducted a Community Survey for the City of Big Rapids during the fall semester in 2015, and

WHEREAS, these students were extraordinarily successful in gaining 705 respondents to their survey data, making this report one of the most statistically significant ever completed for the City, and

WHEREAS, this study is a practical and useful look at the Big Rapids community which will be used and will serve as a template for the immediate future as well as a comparable reference for similar studies in the future, and

WHEREAS, review of this report reveals a very professional analysis and a quality work product.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the City of Big Rapids not only acknowledges receipt of this important document, but also wishes to thank the fall semester students in Dr. Henry Ho's marketing class, and Dr. Ho himself for their cooperative support of the community and for the time and effort put into this valuable Community Study.

BE IT FURTHER RESOLVED, that the City Commission directs the Clerk of the City of Big Rapids to transmit a copy of this proclamation to Ferris State University in appreciation of the work completed.

Mayor Mark J. Warba
Dated: February 1, 2016

STUDY SESSION

a. Airport Update – Mike Lafferty

Airport Manager Mike Lafferty updated the City Commission on the following:

- The airport is doing well with several small successes.
- The Jet A fuel and 100 LL sales varies depending on the weather conditions and pilots. Jet A is 90% bought by residents like Wheatlake, Big Rapids Products, AeroMed and local residents.
- Operation Good Cheer – First weekend in December pilots fly-in gifts for foster children in the area. Four counties get involved and organize this worthwhile event. Thirty-five airplanes and three large trucks brought gifts to the airport.
- The flight school is doing well. If you have a healthy flight school, you will have a healthy airport. Over half of the pilots that fly out of Big Rapids, took their flight training at Roben Hood airport. Two-thirds had their training with Colt Aviation. Mr. Lafferty commented that they currently have the most students they have ever had.

It costs between \$7,000/\$8,000 to become a pilot, which includes 50 hours of air time and instructor.

- AirFest will be June 25, 2016. This year there will be colorful model airplanes for the kids to sit in. This event is always well received as a nice, clean, fun family event.
- Courtesy car is always appreciated. Visitors arrive via plane and take the car into Big Rapids where they will ultimately spend money. This is a direct advantage to the merchants of Big Rapids and the community. There were 104 uses last year.
- AeroMed is leaving as of May 1, 2016. They plan to continue paying for their lease, but AeroMed will not be stationed at the airport. Talks are taking place to find a replacement.
- Runway Justification Study – Years ago the airport was accepted to have a 5,000 ft. runway. That is not the case today. Currently the airport has a 4,300 ft. runway, the cost for the additional 700 ft. has doubled. MDOT has not decided whether or not to approve the additional 700 feet. Mr. Lafferty has a meeting with MDOT to discuss this issue. He anticipates a growth spurt at the airport if this runway extension is approved.

Mayor Warba stated that installing fencing around the City's wells should be discussed as well as fencing in the entire airport. Mr. Lafferty stated that the fencing would have to be 10-foot high and buried six-foot deep. Approximate cost would be one million dollars to fence in the entire airport. The wells would be fenced in separately.

b. DEQ Review of Water Plant – Sobers, Gifford, Cushway

Two reports from the DEQ were presented to the Commission:

City of Big Rapids 2016 Water System Sanitary Survey – the purpose of this survey was to evaluate the water system with respect to the requirements of the Michigan Safe Drinking Water Act. Upon completion of the survey the DEQ found one deficiency:

- Implementing a cross connection program in the residential sector. City must formulate a plan and begin implementation of the plan immediately in order to gain compliance with the regulations. This means that eventually, every resident in the City of Big Rapids will have an individual back flow preventer. This back flow preventer would need to be installed at the homeowners' expense and inspected by the City every couple of years. The City is going to start small with residents who have an irrigation system.

The Mayor asked three questions regarding the back flow preventer:

1. What is the purpose of the back flow preventer? The purpose is to keep contaminants from exiting the house and contaminating the City's water supply. The contaminants that are contained in the home can then be flushed down the drain with fresh City water.
2. What is the cost associated to install a back flow preventer? The cost would be approximately \$30–\$50 for the preventer and approximately \$100 to have it installed. The Mayor suggested informing the residents so they understand how and why the City is implementing these back flow preventers.
3. Once installed, can it be tested electronically? Staff did not know of any devices that could read the preventers electronically.

Commissioner Anderson asked why it had to be installed inside the home. Mr. Gifford responded that the device could be installed outside but this would be much more expensive. It would have to be a different device than the one used inside the home. Outside devices are buried underground making them difficult to inspect.

Upon completion of the survey the DEQ made the following recommendations:

- Update the City's General Plan and Reliability Study in 2016.
- Call DEQ regarding the sludge or waste from filter backwash.
- Establish a formal valve exercising, inspection, and record keeping program which conforms to industry standards.
- Keep records and calculate unaccounted for water (UAFW) figures at least once per year.
- Verify the option for sending the recycled filter backwash water to the sanitary sewer. The City should restore this option if it is not currently available.
- The City's Wellhead Protection Program Committee should work on passing an ordinance which restricts activities that may compromise the City's source water.
- Continue to implement an adequate preventative maintenance program to allow functionality of the various treatment components to ensure water quality and plant longevity.
- Consider construction of additional fencing to limit access to the wells and well house and increase security of the source water. The City would like to see a 40x40 size fence around the wells. A CIP is being requested for fencing of the wells. Another idea would be to consider using the fencing that is surrounding the Hanchett property depending on its height and condition.
- Update the City's Emergency Response Plan.

The City is required to submit a letter to the DEQ by February 19, 2016 that outlines the City's plan and schedule to address the recommendations and deficiency.

The DEQ's report also mentions that the City of Big Rapids does not have any leaded service lines. The City for years has done water sampling of thirty sites in the City whereby they test for lead/cooper every three years. The City gives the residents a bottle

and instructs them on how to draw the water that has been sitting in the pipes overnight. The City then sends this sample to the State lab for testing.

If a resident wanted their water tested, the City does this service for a modest fee. Please contact Mr. Mark Gifford at City Hall or Mr. Dave Cushway at the Water Plant. The Mayor suggested posting this report on the City's website.

Report two was an analysis of the four wells. The potential of contamination for all four wells was rated "moderate" risk. This is due to the soil being sandy and the depths of the wells being shallow. The only way to mitigate the "moderate" risk is to develop more wells in a different area where the ground is deemed better.

PUBLIC COMMENT - none

PUBLIC HEARING – none

The City Commission took a five-minute break.

Commissioner James questioned the account numbers that are being used for expensing the cost of the Bonner Advisory Group. Commission James has concerns regarding this company receiving a 1099. Mr. Kuhn was asked if the City's software would trigger a 1099 using the current account numbers. Mr. Kuhn was unsure. Commissioner James believes that this expense should be expensed to account numbers 101-101-801.300, 590-561-801.301, and 591-561-801.301 for contracted services. These changes will be documented and changed in the resolution.

RESOLUTION NO. 16-14

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

**RESOLUTION ACCEPTING THE BONNER ADVISORY GROUP
AGREEMENTS FOR COMMERCIAL REAL ESTATE BROKER
FOR THE HANCHETT SITE**

WHEREAS, the City Commission per resolution 16-11, dated January 19, 2016, accepted the Brownfield Redevelopment Authority's recommendation to hire the Bonner Advisory Group for professional services as the City's Commercial Real Estate Broker for the sale of the Hanchett site, and

WHEREAS, the Bonner Advisory Group has submitted their Business Development Consulting Agreement and Exclusive Listing Agreement, which the City Attorney has reviewed, and

WHEREAS, utility lines presently crisscross the Hanchett property and will need to be evaluated, planned for and moved as part of this effort, and

WHEREAS, funds will be used for both utility and general fund to cover these economic development appropriations to the following Account Numbers:

101-101-801.300 Contracted Services	\$15,000
590-561-801.301 Contracted Services	\$ 5,000
591-561-801.301 Contracted Services	\$ 5,000

NOW THEREFORE BE IT RESOLVED, that the City Commission accept the attached Business Development Consulting Agreement and Exclusive Listing Agreement from the Bonner Advisory Group and authorize the Mayor to sign said agreements.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: February 1, 2016

RESOLUTION NO. 16-15

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
AMENDED SPECIAL ASSESSMENT ROLL NO. 15-518
FOR 2014/2015 SIDEWALK PROGRAM
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved the 2014-2015 Sidewalk Improvement Project Special Assessment Roll No. 15-518 on March 16, 2015, and

WHEREAS, the actual costs incurred by the City differ from the original estimates and the actual footages installed are different for some of the parcels than the original estimates, requiring an amendment to reflect the actual square footage of construction and the actual unit costs expended.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby directs the City Assessor or his/her designate to prepare an Amended Special Assessment Roll No. 15-518 to reflect actual square footages and unit costs.

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, February 15, 2016 at 7:00 p.m. in the Commission Meeting Room of City Hall to consider any objections to said amended roll.

BE IT FURTHER RESOLVED, that the property owners be notified of said public hearing.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: February 1, 2016

Mr. Sobers commented that he has talked to Senator Booher and currently there is Senate Bill 5219 that has been introduced to reverse Public Act 269.

RESOLUTION NO. 16-16

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

RESOLUTION IN OPPOSITION TO PUBLIC ACT 269

WHEREAS, Governor Snyder signed into law, with immediate effect Public Act 269 (Senate Bill 571) despite widespread calls for a veto of this bill, including from members of his own party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year, and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local governmental organizations, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act, and

WHEREAS, because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the elected officials in the Michigan House of Representatives and the Michigan Senate.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: February 1, 2016

Mr. Sobers recently talked to Commissioner Rothstein regarding his illness. Commissioner Rothstein has a doctor's appointment on February 10, 2016 at which time he may have additional information regarding his recovery.

RESOLUTION NO. 16-17

Commissioner Anderson moved, supported by Commissioner Hogenson, 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 February 1, 2016 due to health concerns.

Yeas: Anderson, Hogenson, James, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: February 1, 2016

UNSCHEDULED BUSINESS

- A letter from the Department of Environmental Quality that was reviewed in the Study Session refers to the City submitting a letter by February 19, 2016 that outlines the City’s plan and schedule regarding certain issues that were addressed in this letter. The Mayor would like Mr. Gifford to share with the Commission his response to the DEQ at the February 29, 2016 City Commission Retreat.
- Director Andrea Nerbonne has given the City her notice of retirement as of May 31, 2016. The Commission thanked Director Nerbonne for her service to the City and wished her well. This position will be added to the February 29, 2016 retreat for discussion.
- Capital Day- Anyone interested in going to Lansing for Capital Day should contact the City Clerk.
- At the last City Commission meeting of January 19, 2016, a break down by category was requested from the Mayor and Commissioner James regarding the library being closed during Christmas break. The Mayor would like that breakdown presented at the February 15th meeting.
- February 29, 2016 will be a City Commission retreat meeting starting at 6:00 p.m.
- Festival of the Arts has begun and events are scheduled for the entire month of February. Books can be obtained at City Hall and other various businesses.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:10 p.m.

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Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk