

City Commission  
August 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, Lorraine James, and Dan Rothstein; Mayor Mark J. Warba; City Attorney Eric D. Williams; and City Treasurer Aaron Kuhn.

Absent: None

There were 25 people in the audience.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA –**

An emergency purchase for repair of the community pool was added as (e) under study session and also added as 10d under general business.

Appointing Officer Delegate and Employee Delegate to the annual meeting of the Michigan Employee's Retirement System annual meeting was added as 10c.

**APPROVAL OF MINUTES**

Commissioner Hogenson moved, seconded by Commissioner James that the minutes of July 18, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

**SPECIAL ORDERS OF THE DAY** - None

**STUDY SESSION**

a. Music Industry Management Association – Dan Cronk & members of the MIMA

Members of the Music Industry Management Association gave a presentation on their 2<sup>nd</sup> annual event called Music on the Muskegon to be held October 1, 2016. This event will be held at Hemlock Park and will be a cultural event bringing both Ferris students and the Big Rapids community together. This year will focus on family activities with games and face painting in the pavilion area. The Jaycees will be having a beer tent with a beer tasting area. This will be located within the softball field fenced in area so as to better monitor alcohol consumption.

This event would be contingent upon the approval of a temporary liquor license from the Michigan Liquor Control Commission and approval by the Director of Public Safety. It

would also be contingent upon a detailed plan with regards to clean up, management, security, damages, and music. The Jaycees would be responsible for giving a copy of the approved temporary liquor license to the City Clerk along with proof of event insurance. Detective Brian Miller commented that last year this event was well organized and very well run.

#### b. Recreation Authority – Mayor Warba

The State law now allows for school districts to partner with municipalities. The question now is how to create the authority. The City Commission will begin by reviewing the following:

- Articles of Incorporation
- Deciding on the number of board members
- Distributing the brochure that identifies supporters and projects

Hillcrest School, with school approval, could be turned into a Community Center.

In order to fund this Recreation Authority, the Authority may level up to one mill for a period of 20 years. In addition to this, with voter approval, the authority can issue bonds supported by a debt millage not to exceed 2 mills at the time the bonds are issued.

The Mayor will be giving an update on the Recreation Authority at the August 29, 2016 City Commission Retreat.

#### c. Surplus Properties – Steve Sobers/Mark Sweppenheiser

Steve Sobers went through a map and spreadsheet indicating where surplus properties are located. These properties have all gone to the Planning Commission for recommendation. These properties are as follows:

- 114 N. Warren - City owned parcel that is located behind the Post Office. The Planning Commission has recommended that the property NOT be considered surplus. This lot is currently being used for parking.
- 1002 N 4<sup>th</sup> Avenue – 1002 N. Fourth Avenue – This property was purchased by the City from the railroad. This parcel is zoned R-2. This property was reviewed in 2012 and the Planning Commission thought the best use of the property was a screen for Wolverine World Wide parking and declared the property NOT surplus. The City Commission affirmed this recommendation. In 2016 the Planning Commission reviewed this property again and did not believe that there was any new information and recommended that the parcel NOT be surplus. Mr. Sobers recommended to the City Commission to square up the end of this parcel that is adjacent to the property located at 1038 N. 4<sup>th</sup> (Peg Brenna's house) and putting that piece up for sale and leaving the rest as not surplus.

The Mayor asked Eric Williams about carving off a portion of a property to accommodate a piece of property that is adjacent to it. What is the process and who bears the expense of doing this? Once this property is carved off, it would then be advertised for sale and

anyone could bid on it. Mr. Eric Williams responded that there is not a quick answer to this question, but it can be done. The City would have to do a lot split. The Mayor expressed that if after the effort, time and expense to split this property it exceeds what the market value might be for the sale, then a business decision will need to be done. If it can be done efficiently and an adjacent property owner bids on it and it is added to their parcel, then everyone walks away satisfied.

Mr. Sobers commented that a couple of properties that are surplus, a single neighbor would be advantaged and the City would not be disadvantaged. The purchasing person would need to be willing to pay as much or more than what it cost the City to do the work. Mayor Warba stated that he sees the reason and logic behind this, but does not want the City to engage in a precedent of looking at properties being surplus for sale just to advantage a particular property owner. Once they are surplus and put up for sale anyone, not just the adjacent property owner, can bid on them. There is no promise or guarantee that the adjacent property owner will win the bid.

Mr. Sobers commented that once bids are received, it is still up to the City Commission on whether they want to sell the property or not.

- 119 2<sup>nd</sup> Avenue – This property was part of the Buy Back the Neighborhood. The Big Rapids Housing Commission is interested in purchasing this parcel and attaching it to the property that they already have. The Planning Commission has recommended that the property be considered surplus.
- 318 S. 3<sup>rd</sup> – Recommended holding on to this parcel for now. The Planning Commission has recommended that the property be considered surplus.
- 1002 Catherine Street - This is a nice site, but cannot build on it. The Planning Commission has recommended that the property be considered surplus.
- 701 N. State Street – Old Dial-A-Ride bus garage. The Planning Commission has recommended that the property be considered surplus.
- 702 N. 4<sup>th</sup>, 602 N. 4<sup>th</sup>, and 518 N. 4<sup>th</sup> Avenue – Has a potential of being a very nice location for development as part of the Industrial Park. The Planning Commission has recommended that the property be considered surplus.
- 610 Rust – Bought this parcel as part of the Clay Cliffs. Parcel large enough to build approximately three houses. May want to have restrictions on the size of the houses. The Planning Commission has recommended that the property be considered surplus.
- 514 Bjornson and 603 Bjornson – these two parcels are next to Jennings Trailer Park. The Jennings have expressed interest in adding them to their parcel. The Planning Commission has recommended that the property be considered surplus.
- 603 Bjornson – Acquired from the DNR and located by the ballfield. Planning Commission did NOT declare this parcel surplus.

- 906 N. State – Hanchett site. The Planning Commission has recommended that the property be considered surplus.
- 15+ acres west of the cemetery – Can sell to the Township to expand the cemetery. The Planning Commission has recommended that the property be considered surplus.
- 225 N. Michigan Avenue – Parcel across from City Hall. Viewed as a key parcel for the downtown. The Planning Commission has recommended that the property be considered surplus.
- 1509 Catherine Street - Parcel is next to Bill Routley's property and Mr. Routley may be interested in this parcel. This parcel is being referred to the Planning Commission for recommendation.

Mr. Sobers stated that the next step would be to advertise these parcels for sale. The City Commission would then vote on the approval of the sales. Commissioner James expressed concern over the minimum price figures. Some seem to be extremely low. Mr. Sobers commented that he would appreciate any help establishing what the minimum bid should be on these parcels.

d. Ives Drain – Steve Sobers

Mr. Sobers explained the problems regarding the Ives Drain. It was discovered that a tree had fallen and redirected the storm water flow into the side-wall of the waterway which caused erosion, exposing the City Sanitary Sewer alongside the same drain. This condition creates the distinct possibility of failure of the 24-inch sewer line that serves most of Ferris State University and a sizeable portion of Perry and residential areas around the Ives Drain. Mr. Sobers expressed concern that an immediate repair is urgently needed. Mr. Sobers has talked to Ms. Jackie Fitzgerald, County Drain Commissioner, regarding creating a County Drain. This option would result in an engineering study, followed by a county controlled/bid repair of the drainage basin and permanent future maintenance of the improvements. An assessment would be established to pay for the cost of improvements over a 20-year period.

A home on Cherry that was built near the Ives Drain is also having complications stemming from the erosion which has effected the backyard of their property. While the property owner has taken several steps on their own to prevent this threat, the water continues to move closer to their home. They need a long term solution to this issue as well.

As an immediate fix to this problem, Mr. Sobers suggested that the City install some protection and armoring of the Drain to prevent failure of the sanitary. It is expected that the cost of installation of rock and barrier wall could exceed \$7,500.00. In light of the imminent issues involved Mr. Sobers suggests that this improvement be treated as an emergency purchase and that the administration complete these improvements with both contracted and City employees at the earliest opportunity and report on its efforts to the City Commission as soon as the work is complete.

Jackie Fitzgerald stated that a district could be formed and would act as a mini watershed. The residents and businesses that are in this district would help pay for the drain and any future maintenance of the drain. Ms. Fitzgerald believes that this would be a good fix, but it needs to be looked into immediately. The Drain process is lengthy and requires public meetings and engineers need to be retained to conduct a study. The City would pay for the engineering study, but if the creation of the drain moves forward, then the cost for the study could be assessed back into the district.

e. Pool Marciting

A portion of the pool is in need of emergency Marciting. The floor has experienced failure in its marcite coating which is causing lacerations in the feet of pool customers. The replacement of the marcite finish requires 28 days of circulated water above 50 degrees to cure the marcite. This process could be done as soon as the pool closes for the season. This is being recommended as an emergency purchase due to the safety and health of the pool patrons.

There was discussion as to whether to go out for bid, which could take a couple of months, or act on this as an emergency purchase. If this was bid out, the pool would have to be heated and circulating for the time it took to bid out the cost and could alternately cost an additional \$2,000 a month. Ms. Pat Horan stated that this should be reviewed as an emergency purchase. Now is the perfect time to marcite the pool. If you wait until Spring, you will have to deal with all of the algae and the pool would have to be pre-cleaned. Ms. Horan received a quote from B&B Pools and Spas for \$48,900 and is satisfied with the quote. She also informed the Commission that this company has done work for the City in the past. This will also be an action item under general business.

**PUBLIC COMMENT** – None

The City Commission took a 5-minute break.

**PUBLIC HEARING** - None

**RESOLUTION NO. 16-67**

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

**RESOLUTION ACCEPTING PARK AND RECREATION BOARD  
RECOMMENDATION PERTAINING TO THE REQUEST  
OF THE MUSIC INDUSTRY MANAGEMENT ASSOCIATION  
FOR A BEER TENT IN HEMLOCK PARK FOR A  
OCTOBER 1, 2016 MUSIC FESTIVAL**

WHEREAS, the Ferris State University Music Industry Management Association has presented to the Park and Recreation Board a request for permission to serve alcohol during their proposed International Music Festival in Hemlock Park on October 1, 2016, and

WHEREAS, on July 21, 2016, the Park and Recreation Board met and approved the proposed Music Festival, and

WHEREAS, the City's Temporary Liquor Licenses policy requires that temporary liquor licenses, such as needed for this event, must be approved by the Director of Public Safety, as well as, if the temporary liquor license is for premises not owned or leased by the applicant, City Commission review and approval is needed, and

WHEREAS, City Commission approval of this request is contingent upon a detailed written plan submitted to and approved by the Park and Recreation Board pertaining to cleanup and management (security, damages, music) and approval from the Michigan Liquor Control Commission for a Temporary Liquor License and by the Director of Public Safety per City policy.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the Musical Industry Management Association request for use of Hemlock Park on October 1, 2016 for their International Music Festival with a beer tent based on the above contingencies.

BE IT FURTHER RESOLVED, that the Musical Industry Management Association must present the City with a copy of the Michigan Liquor Control Commission temporary liquor license approval.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

### **RESOLUTION NO. 16-68**

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

#### **RESOLUTION ACCEPTING AGREEMENT BETWEEN THE CITY OF BIG RAPIDS DIAL-A-RIDE (DART) AND FERRIS STATE UNIVERSITY**

WHEREAS, per Resolution No. 15-04, dated January 20, 2015 Ferris State University contracted with the City's DART bus transit system to provide transportation for their students by way of a route through the Ferris campus, and

WHEREAS, Ferris State University would like to continue this service for two years beginning August 29, 2016 through May 4, 2018, and

WHEREAS, Ferris State University agrees to pay the City \$36.60 per vehicle hour for the first year beginning August 29, 2016 through May 5, 2017 and \$37.20 per vehicle hour for the second year beginning August 28, 2017 through May 4, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accepts the Service Agreement between the City of Big Rapids Dial-A-Ride (DART) and Ferris State University and authorizes the Mayor to sign said agreement.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

### **RESOLUTION NO. 16-69**

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

#### **RESOLUTION AWARDING BID TO NORTHWEST KENT MECHANICAL FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS**

WHEREAS, per resolution 16-23, dated March 7, 2016 the City Commission approved the 2016/17 Capital Improvements Program Prioritization Plan year for the wastewater Treatment Plant, and

WHEREAS, projects were approved in the 2016/17 CIP which includes improvements to the Ferric Chloride delivery system and foam controls in the clarifier's scum pits, and

WHEREAS, the City solicited bids for improvements to the Wastewater Treatment Plant, whereby one bid was received, with staff recommending that the bid of Northwest Kent Mechanical, Cedar Springs, MI be accepted in the amount of \$12,300.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Northwest Kent Mechanical, Cedar Springs, MI for Wastewater Treatment Plant Improvements in the amount of \$12,300.

BE IT FURTHER RESOLVED, that the cost be expensed from account number 598-560-977.953 (Ferric Chloride Access/Scum Pit Valves).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

### **RESOLUTION NO. 16-70**

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

**RESOLUTION AUTHORIZING EMERGENCY  
PURCHASE FOR REPAIR OF THE IVES DRAIN  
AND SANITARY SEWER**

WHEREAS, recent storms have severely eroded the Ives Drain and endangered the sanitary sewer that crosses the drain in several places thereby causing a threat to the health, safety, and welfare of the City and its citizens and requires immediate purchase of supplies and/or possible contractual services, and

WHEREAS, Section 34.43 - EMERGENCY PURCHASES - of the City Code of Ordinances and Section 8.11 of the City Charter allows for the temporary suspension of provisions of Section 8.10 of the City Charter pertaining to sealed bids and the purchase of items or contract services exceeding \$7,500.

NOW, THEREFORE, BE IT RESOLVED, that the potential contamination to the Ives Drain from failure of the sanitary sewer be recognized as an emergency situation and the City Manager is hereby authorized to purchase on the open market, at the lowest obtainable price, any necessary services or supplies necessary to make the needed repairs.

BE IT FURTHER RESOLVED, that the City Manager shall report to the City Commission, as required by City Ordinance, the progress of all related emergency purchases made in excess of \$7,500.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

**RESOLUTION NO. 16-71**

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

**RESOLUTION REFERRING TO THE PLANNING COMMISSION  
A RECOMMENDATION OF CITY OWNED  
SURPLUS REAL PROPERTY PARCEL NO. 54-17-02-301-002  
LOCATED AT 1509 CATHERINE STREET**

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 located at 1509 Catherine Street, Parcel No. 54-17-02-301-002, is a vacant lot which is zoned R-1 with a lot size of 6.36 acres.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission refer Parcel No. 54-17-02-301-002 to the Planning Commission for a recommendation.

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

**ORDINANCE NO. 697-08-16**

Commissioner Hogenson moved, supported by Commissioner James, the adoption of the following Ordinance.

**ORDINANCE AMENDING ARTICLE 3, SECTION 3.9 TO ADD  
SMALL ANIMAL VETERINARY CLINICS AS A PERMITTED USE IN  
THE C-1 ZONING DISTRICT**

WHEREAS, City Staff recommended that the permitted uses in the C-1 Zoning District be amended to include small animal veterinary clinics with indoor animal boarding; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed zoning text amendment on July 20, 2016, and recommended the zoning text amendment to the City Commission by which small animal veterinary clinics with indoor animal boarding would be listed as a permitted use in the C-1 zoning District; and

WHEREAS, the City Commission accepts the recommendation of the Planning Commission to allow small animal veterinary clinics with indoor small animal boarding as a permitted use in the C-1 Zoning District; NOW THEREFORE

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. Article 3, Section 3.9:2(4) Principal Uses and Structures is amended to read as follows, with the text of the amendment in bold print:

- (4) Office establishments which perform services on the premises such as:
  - (a) financial institutions
  - (b) insurance offices
  - (c) real estate offices
  - (d) offices for attorneys, accountants, architects, engineers and similar professionals
  - (e) small animal veterinary clinics with indoor boarding, excluding large agricultural animals**
  - (f) and other similar establishments.

Section 2. This ordinance shall become effective 20 days after publication.

Section 3. The City Clerk shall publish this ordinance or a summary of this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 1, 2016

Published: August 4, 2016

**ORDINANCE NO. 698-08-16**

Commissioner James moved, supported by Commissioner Anderson, the adoption of the following Ordinance.

**ORDINANCE REZONING 745 WATER TOWER ROAD  
FROM R-2 TO C-1**

WHEREAS, the Planning Commission recommended rezoning the property at 745 Water Tower Road from R-2 to C-1 after conducting a public hearing on the rezoning on July 20, 2016, and

WHEREAS, the City Staff recommended rezoning of the property at 745 Water Tower Road from R-2 to C-1; and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to rezone the property at 745 Water Tower Road from R-2 to C-1; NOW THEREFORE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The property at 745 Water Tower Road is rezoned from the Residential- 2 (R-2) Zoning District to the Commercial- 1 (C- 1) Zoning District, which property is more particularly described as:

Part of the Southwest ¼ and part of the Southeast ¼ of Section 15, T15N, R10W, City of Big Rapids, Mecosta County, Michigan described as: Commencing at the West ¼ corner of said Section; thence South 89° 30' 00" East along the East-West ¼ line of said Section 2016.15 feet to the Northerly extension of the East line of Water Tower Road (66.00 feet wide); thence South 00° 28' 55" East along the Northerly extension of the East line of Water Tower Road and the East line of Water Tower Road 380.12 feet to the place of beginning of this description; thence South 89° 15' 54" East 372.34 feet; thence North 00° 53' 33" West 348.68 feet to the South line of Fuller Street (66.00 feet wide); thence South 89°

30' 00" East along the South line of Fuller Street 258.82 feet to the North-South ¼ line of said Section; thence South 89° 01' 46" East along the South line of Fuller Street 46.18 feet; thence South 00° 53' 33" East 525.55 feet; thence North 89° 15' 54" West 211.82 feet; thence South 00° 28' 55" East 94.03 feet; thence North 89° 15' 54" West 466.80 feet; thence North 00° 28' 55" West along the East line of Water Tower Road 270.00 feet to the place of beginning. Containing 6.19 acres, more or less.

Section 2. The Zoning Administrator is directed to amend the zoning map to reflect the rezoning.

Section 3. This ordinance shall be effective 20 days after publication.

Section 4. The City Clerk shall publish this ordinance or a summary of this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 1, 2016

Published: August 4, 2016

### **RESOLUTION NO. 16-72**

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

#### **RESOLUTION APPOINTING OFFICER DELEGATE AND EMPLOYEE DELEGATE TO ANNUAL MEETING OF THE MICHIGAN EMPLOYEE'S RETIREMENT SYSTEM ANNUAL MEETING**

BE IT RESOLVED, that Aaron Kuhn be appointed as Officer Delegate and Melissa Hauger be appointed as Employee Delegate to the Annual Meeting of the Michigan Municipal Employee's Retirement System to be held on September 28 - 29, 2016, in Traverse City, Michigan.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

### **RESOLUTION NO. 16-73**

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

**RESOLUTION AUTHORIZING EMERGENCY  
PURCHASE FOR REPAIR OF THE CHARLES E. FAIRMAN  
COMMUNITY POOL**

WHEREAS, the floor of the Charles E. Fairman Community Pool has experienced failure in its marcite coating, which can cause lacerations in the feet of pool customers, whereby causing a threat to the safety and health of the City and its citizens, and

WHEREAS, the replacement of the marcite finish requires 28 days of circulated water above 50 degrees to cure the marcite, which could add substantial cost to the repair process, and

WHEREAS, Section 34.43 - EMERGENCY PURCHASES - of the City Code of Ordinances and Section 8.11 of the City Charter allows for the temporary suspension of provisions of Section 8.10 of the City Charter pertaining to sealed bids and the purchase of items or contract services exceeding \$7,500.

NOW, THEREFORE, BE IT RESOLVED, that the potential hazard to the feet of citizens use of the pool and the threat of substantial additional cost to heat the pool water for 28 days be recognized as an emergency situation and the City Manager is hereby authorized to purchase on the open market, at the lowest obtainable price, any necessary services or supplies necessary to make the needed repairs.

BE IT FURTHER RESOLVED, that the City Manager shall report to the City Commission, as required by City Ordinance, the progress of all related emergency purchases made in excess of \$7,500.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 1, 2016

**UNSCHEDULED BUSINESS**

- Jennifer Cochran held a recycling meeting at City Hall which was positive and well attended. The meeting focused on recycling and trash in the alleys.
- The whole Commission welcomed Dr. Scott (Riversbend Animal Hospital) to the community.
- There will be five Commission Retreat items on the agenda for August 29, 2016.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:40 p.m.

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Mayor Mark J. Warba

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Tamyra K. Gillis, City Clerk