

City Commission
August 15, 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 19 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA – Kids Guide to clay Cliffs Nature Park will be first on the Study Session, followed by NLC Service Line program.

APPROVAL OF MINUTES

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of August 1, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

SPECIAL ORDERS OF THE DAY - None

STUDY SESSION

a. Kids Guide to Clay Cliffs Nature Park – Preston Long and Jenny Long

Preston Long, who is 5 years old, with the help of his mother Jenny Long, wrote and illustrated a book called “The Kid’s Guide to Clay Cliffs Nature Park”. Preston gave a PowerPoint presentation of this guide. This guide contains a full year of the Long’s family experiences at Clay Cliffs Nature Park which includes text and photos. The Kindle edition of this guide can be purchased at Amazon.com for \$2.99. Mr. Sobers presented Preston with a donation rewarding him for all of his hard work on this guide.

b. NLC Service Line Warranty Program – Emilie Zalfini

Emilie Zalfini, Inside Sales Manager for NLC Service Line Warranty Program, gave a presentation regarding what NLC has to offer the City and its residents. NLC Service Line Warranty Program has a partnership with the National League of Cities whereby they recognize the growing problem of aging infrastructure and the need to find a solution for not only cities, but for its residents. NLC Service Line Warranty Program has over 330 partners in 34 States including 11 in the State of Michigan. This company will only

provide this service to City residents if the City consents and supports the company. The City would have to consent to the use of the City Logo on all mailings to residents, which is twice a year. The following is a breakdown of what their services would include:

Homeowner repair protection for leaking, clogged or broken water and sewer lines from the point of utility connection to the home exterior. Coverage includes:

- Educating homeowners about their service line responsibilities
- Up to \$4,000 coverage per repair incident
- Additional allowance for public street (\$4,000) and public sidewalk (\$500) repair
- No annual or lifetime limits
- No deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- Repairs made only by licensed, local contractors. City has the option to weigh in on who the best local contractors would be
- Affordable rates and multiple payment methods

Homeowner repair protection for **in-home** water supply lines and **in-home** sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry. Coverage includes:

- Up to \$3,000 coverage per repair incident
- Repair of clogged toilets
- Includes coverage for broken or leaking water, sewer, or drain lines under the slab or basement floor.
- No annual or lifetime limits
- 24/7/365 availability
- No deductibles, service fees, forms, or paperwork
- Repairs made only by licensed, local contractors. City has the option to weigh in on who the best local contractors would be
- Affordable rates and multiple payment methods

The City of Big Rapids will receive .50 cents a month for every resident that contracts with the NLC Service Line Warranty Program. If the City opts to decline the .50 cents a month, that money would be passed on to the contract holding residents.

There was discussion on the use of the City's logo for promotional purposes and direct mailings to residents. The use of the City's logo would be perceived as a City endorsement, which the City may not be in favor of. Ms. Zalfini stated that this would be contingent on the use of the City's logo. Without the logo the company would not solicit the program in the City of Big Rapids.

c. Park and Recreation Policy for Food Vendors – Heather Bowman

Earlier this year, the City Commission amended Chapter 111 of the Big Rapids Code of Ordinance (Peddlers and Transient Merchants) to include Mobile Food Vending in the City of Big Rapids. In regards to the City parks, this ordinance stated that Mobile Food Vendors could only operate in the City parks posted "Licensed Mobile Food Vendors

Allowed” and be in compliance with Park and recreation Board rules on the location and hours of operation of the mobile food vending units.

The Park and Recreation Board met and established a Food Vendor Policy. The parks that food vendors would be allowed to be in are: Bandshell, Centennial Park, Hemlock Park, Industrial Park, Northend Riverside Park, Swede Hill Park and Vogel Field. Parks that are not included in this policy are: Clay Cliffs, Hanchett Park, Holland Park, Library Park, Linden Street Park, Mitchell Creek Park, Osceola Pavilion, Pocket Park, River Street Park and Supervisor’s Park. It was determined that these locations did not have adequate parking or were deemed not appropriate to sell food during normal park hours. Mobile food vendors would be allowed to set up in the parking lots but not on the City’s grassy areas. They would not be allowed to use the City’s power.

These vendors would still have to go to the Clerk’s office and fill out the proper paperwork and obtain a permit. At this time a copy of the newly revised ordinance and Food Vendor Policy would be handed out to all properly permitted vendors.

There was discussion as to whether or not this policy should be an ordinance or remain as a policy. It was decided that since mobile food vendors were covered in the revised Peddlers and Merchants ordinance this policy did not need to be incorporated in the Code of Ordinances.

Commissioner Anderson expressed concerns regarding the rule of signs not being larger than the mobile vendor. Some of the vending carts can be quite large. Ms. Bowman explained that the Park and Recreation Board did not want large flags that stick in the ground that would take away from the park experience. This would also be able to be regulated, if need be, by the City’s sign ordinance.

Commissioner Hogenson asked who would be enforcing this policy. Ms. Bowman stated that park staff, City staff, Department of Public Works, and the Department of Public Safety would be the ones who would oversee the vendors. Since the City does not have many requests for mobile food vendors, Ms. Bowman does not anticipate much regulation. If in the future the City gets inundated with an abundance of food vendor requests, this issue will need to be revisited and a determination made of which department will be responsible to enforce this policy.

PUBLIC COMMENT - None

PUBLIC HEARING

Public Hearing on Special Assessment for Alley Improvements for Block 36 of the Original, between Warren Avenue and Stewart Avenue, North of Oak Street opened at 7:20 p.m. No one spoke in favor or opposition. There was no telephonic or written correspondence. Public Hearing closed at 7:20 p.m.

The Planning Commission is recommending that 1002 N. Fourth Avenue not be declared surplus property. If a property owner approached the City with a request to purchase and has surveyed the property and provides a legal description at their expense, not the city’s’, the City could then consider that request for some but not all of the parcel. Ms. Peg

Brennan has an adjacent property owner to this parcel and may have an interest in a portion of this property. The only problem with squaring up the lot and declaring that portion surplus, is once it is put out for public bid anyone can bid on this parcel. The adjacent property owner is not guaranteed this parcel.

Ms. Peg Brennan handed the City Commission three pictures which shows how the property line of this parcel affects her property. She has lived at 1038 N. Fourth for 49 years and has maintained a pie shaped portion of 1002 N. Fourth Avenue for 49 years. The lot line of the property at 1002 N. Fourth is very close to Ms. Brennan's property line; where there is hardly any setback. Ms. Brennan is asking that the Commission approve the Planning Commission's recommendation and not declare this property surplus property for two reasons: 1. She plans to come back to the Commission and ask how to straighten up the lot line. 2. Wolverine World Wide's new addition – The new addition will eliminate about 50 parking spaces, so until Wolverine gets the new addition built and their parking situation figured out, and they concur that they have adequate parking and that they have no interest in this parcel, it should remain City owned. Ms. Brennan is concerned about how close the property line is to her house, if someone was to purchase this parcel.

Motion was made by Commissioner Hogenson, seconded by Commissioner Rothstein that the last paragraph pertaining to the 1002 N. Fourth Avenue surplus property resolution be changed as follows:

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and ~~not declare~~ **determines that** Parcel No. 54-17-11-124-007 **as is not** surplus property.

RESOLUTION NO. 16-74

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

**RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION
OF CITY OWNED PROPERTY AT
1002 N. FOURTH AVENUE (PARCEL NO. 54-17-11-124-007)
AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 16-22, dated March 7, 2016, referred the discontinuation of City owned property identified as 1002 N. Fourth Avenue (Parcel No. 54-17-11-124-007) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the parcel is 1.153 acres with a lot size of 456' X 110' and is zoned R-2, and

WHEREAS, at its May 18, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-11-124-007 shall not be declared as surplus property.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and determines that Parcel No. 54-17-11-124-007 is not surplus property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 15, 2016

RESOLUTION NO. 16-75

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

**RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION
OF CITY OWNED PROPERTY AT
119 SECOND AVENUE (PARCEL NO. 54-17-11-381-005)
AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 16-40, dated April 18, 2016, referred the discontinuation of City owned property identified as 119 Second Avenue (Parcel No. 54-17-11-381-005) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the lot size is 25' X 122' and is zoned R-2, and

WHEREAS, at its May 18, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-11-381-005 be declared as surplus property, and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare Parcel No. 54-17-11-381-005 as surplus property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 15, 2016

RESOLUTION NO. 16-76

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

**RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION
OF CITY OWNED PROPERTY AT
1002 CATHERINE STREET (PARCEL NO. 54-17-11-126-003)
AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 16-35, dated April 4, 2016, referred the discontinuation of City owned property identified as 1002 Catherine Street (Parcel No. 54-17-11-126-003) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the parcel is 0.182 acres with a lot size of 50' X 158' and is zoned R-2, and

WHEREAS, the City recently granted an easement to Consumers Energy for a utility pole installation, and

WHEREAS, at its June 15, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-11-126-003 be declared as surplus property, and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare Parcel No. 54-17-11-126-003 as surplus property.

BE IT FURTHER RESOLVED, that the easement granted to Consumer Energy transfer to future ownership of the property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 15, 2016

RESOLUTION NO. 16-77

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

RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION OF CITY OWNED PROPERTY AT 318 S. THIRD STREET (PARCEL NO. 54-17-14-200-031) AS SURPLUS PROPERTY

WHEREAS, the City Commission, per Resolution 16-36, dated April 4, 2016, referred the discontinuation of City owned property identified as 318 S. Third Street (Parcel No. 54-17-14-200-031) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the parcel is an irregular 0.625 acres with a lot size of 74.7' X 364.3' and is zoned C-3, and

WHEREAS, at its June 15, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-14-200-031 be declared as surplus property, and

WHEREAS, there is an existing 15' concrete storm line on the property that would require an easement.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare Parcel No. 54-17-14-200-031 as surplus property with the provision that an easement be created for the existing 15' concrete storm line that is on the property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Date: August 15, 2016

RESOLUTION NO. 16-78

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

**RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION
OF CITY OWNED PROPERTY AT
318 S. THIRD STREET (PARCEL NO. 54-17-14-204-001)
AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 16-37, dated April 4, 2016, referred the discontinuation of City owned property identified as 318 S. Third Street (Parcel No. 54-17-14-204-001) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the parcel is 3.427 acres with a lot size of 173.0' X 862.9' (irregular lot) and is zoned R-3, and

WHEREAS, at its June 15, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-14-204-001 be declared as surplus property, and

WHEREAS, there is an existing 15' concrete storm line on the property that would require an easement.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare Parcel No. 54-17-14-204-001 as surplus property with the provision that an easement be created for the existing 15' concrete storm line that is on the property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Date: August 15, 2016

RESOLUTION NO. 16-79

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

**RESOLUTION ACCEPTING PLANNING COMMISSION RECOMMENDATION
OF CITY OWNED PROPERTY AT
701 N. STATE STREET (PARCEL NO. 54-17-10-282-010)
AS SURPLUS PROPERTY**

WHEREAS, the City Commission, per Resolution 16-38, dated April 4, 2016, referred the discontinuation of City owned property identified as 701 N. State (Parcel No. 54-17-10-282-010) to the Planning Commission to determine if it may be surplus property, and

WHEREAS, the parcel is 0.577 acres with a lot size of 150' X 150' (irregular lot) and is zoned C-3, and

WHEREAS, at its June 15, 2016 meeting, the Planning Commission held a public hearing and determined that Parcel No. 54-17-10-282-010 be declared as surplus property, and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Planning Commission recommendation and declare Parcel No. 54-17-10-282-010 as surplus property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 15, 2016

ORDINANCE NO. 699-08-16

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

ORDINANCE ADOPTING UPDATED ZONING MAP

WHEREAS, per Ordinance No. 698-08-16, dated August 1, 2016, the City Commission accepted the Planning Commission's recommendation to rezone 745 Water Tower Road from R-2 to C-1, and

WHEREAS, the zoning map of the City needs to be updated to reflect this change.

THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The City Commission approves and adopts the updated Zoning Map, a copy which is attached and shall be available for inspection at the City Clerk's Office.

Section 2: This Ordinance shall be effective upon publication.

Section 3. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 15, 2016

Published: August 25, 2016

The Commission took a five-minute recess.

RESOLUTION NO. 16-80

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

RESOLUTION ACCEPTING BID FOR A 2017 1 TON DUALY 4X4 PICKUP TRUCK WITH PLOW AND DUMP BED FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works maintains a fleet of vehicles to meet the needs of various City Departments, and

WHEREAS, the City solicited bids for the purchase of a 2016, or current model, 1 Ton Dually 4X4 pickup truck with plow and dump bed, and

WHEREAS, 3 bids were received with staff recommending that the low and best bid of Berger Chevrolet, Grand Rapids MI, be accepted for one 2017 1 Ton Dually 4X4 pickup truck with plow and dump bed in the amount of \$42,378.42, which includes a 5 yr./100,000 warranty.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Berger Chevrolet be accepted in the total amount of \$42,378.42 for a 2017 1 Ton Dually 4X4 pickup truck with plow and dump bed.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.936 (garage truck)

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: August 15, 2016

RESOLUTION NO. 16-81

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

RESOLUTION ACCEPTING BID FOR A 2017 3/4 TON 4X4 REGULAR CAB WITH AN 8' BED PICKUP TRUCK WITH PLOW FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the Department of Public Works maintains a fleet of vehicles to meet the needs of various City Departments, and

WHEREAS, the City solicited bids for the purchase of a 2016 or current model ¾ Ton 4X4 regular cab with an 8' bed pickup truck with plow, and

WHEREAS, 3 bids were received with staff recommending that the low and best bid of Jorgensen Ford Sales, Detroit, MI be accepted for one 2017 ¾ Ton 4X4 regular cab with an 8' bed pickup truck with plow in the amount of \$32,681.00, which includes a 5 yr./100,000 warranty.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Jorgensen Ford Sales be accepted in the total amount of \$32,681.00 for a 2017 ¾ Ton 4X4 regular cab with an 8' bed pickup truck with plow.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.936 (garage truck).

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: August 15, 2016

RESOLUTION NO. 16-82

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

RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE SPECIAL ASSESSMENT ROLL FOR ALLEY IMPROVEMENTS FOR BLOCK 36 OF THE ORIGINAL PLAT

WHEREAS, the Big Rapids City Commission held a public hearing on Monday, August 15, 2016 on the plats, estimates and diagrams for the alley improvement project for Block 36 of the Original Plat, between Warren Avenue and Stewart Avenue, north of Oak Street and;

WHEREAS, the City Commission deems it to be in the public interest to make said improvements at the properties identified in the City of Big Rapids Alley Improvement Project and that the said improvements shall be special assessed upon each lot, premise and parcel of land abutting the public improvement proportionately to the improvement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Big Rapids, that said estimates and diagrams are hereby adopted and approved for said improvements under the Block 36 of the Original Plat Alley Improvement Project.

BE IT FURTHER RESOLVED, that the City Assessor or his/her designate is hereby directed to prepare a Special Assessment Roll for the improvements under the Alley Improvement Project at the cost of \$14.22 per lineal foot for installation of three inch (3") thickness asphalt, with 50% of the expense to be paid by the City of Big Rapids and 50% of the expense to be paid by special assessment by each property owner benefited and to deposit said Roll with the City Clerk for public examination thereof.

BE IT FURTHER RESOLVED, that payment shall be levied in the manner following:

Full payment during a three (3) year term payable in three equal annual installments with interest at the rate of three (3) percent per annum on all unpaid sums with no interest charged until after the first installment of the special assessment.

BE IT FURTHER RESOLVED, that the City Commission and City Assessor, or his/her designate, will meet and consider any objections to said Roll at 7:00 p.m. on Tuesday, September 6, 2016 in the Commission room of City Hall, 226 N. Michigan Avenue, and that notice of said hearing shall be given by first class mail at least ten (10) days prior to said hearing to each owner of property to be assessed.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 15, 2016

The resolution regarding the crack sealing for Roben Hood Airport was contingent on a corresponding contract from MDOT. The MDOT contract stated that the City's share would be \$3,600 and the Interstate contract stated that the City's share would be 2,236.25. The resolution was changed to say the following:

BE IT FURTHER RESOLVED, this contract is contingent on a corresponding contract from MDOT **with the City's share of \$3,600**. Upon review and approval of the contracts by the City attorney, the Mayor is authorized to sign any and all documents to implement this crack sealing project.

RESOLUTION NO. 16-83

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

RESOLUTION AWARDING BID FOR ROBEN HOOD AIRPORT AIRFIELD CRACK SEALING TO INTERSTATE SEALANT & CONCRETE, INC.

WHEREAS, the north-south runway has developed many serious cracks which are in need of repair in order to maintain the viability of the landing strip, and

WHEREAS, all bids were reviewed by the City's engineer, Mead and Hunt, and by the State of Michigan (Michigan Department of Transportation), and

WHEREAS, MDOT has specific requirements in their bidding process, which resulted in the bid of interstate Sealant & Concrete, Inc. being accepted by MDOT in the amount of \$44,725.00, and

WHEREAS, a portion of this cost is 95% covered by State and Federal funds making the City's share of 5%, \$2,236.25.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Interstate Sealant & Concrete, Inc. for a cost of the City's share of \$2,236.25 and the cost be expensed to Account No. 295-249-967.020 (airport match).

BE IT FURTHER RESOLVED, this contract is contingent on a corresponding contract from MDOT with the City's share of \$3,600. Upon review and approval of the contracts by the City attorney the Mayor is authorized to sign any and all documents to implement this crack sealing project.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: August 15, 2016

In the late 1990s the City entered into an agreement with the Bergelin Family to convert their homestead into a museum to display their furniture and to showcase early industry in Big Rapids. The agreement at that time included renewal options for 5 years that could continue the relationship on the same or differing terms or return the home to the Bergelin family. Renewals of this contract expired around 2003.

This year, another attempt to reach the Bergelin's was initiated by Mary Loesch. Chris and John Bergelin were in agreement that the present operation was satisfactory to them, and they finally agreed to remove all the contingent language in the transfer of the real estate to the City. Chris and John stopped in to City Hall and signed over the home on 218 Winter Avenue with no strings attached.

The Historical Society will continue to operate and maintain this property. The City will budget \$500 to assist with bills and maintenance but an annual report will be required to receive the funding in January. There is a renter that is occupying the second floor to assist with ongoing expenses.

There was discussion as to who was the lessor on this property, The City or the Historical Society. The City also owns the Old Jail whereby that also has a renter occupying it. Eric Williams will look into these situations.

RESOLUTION NO. 16-84

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

**A RESOLUTION ACCEPTING A QUIT CLAIM DEED FROM
CHRISTOPHER AND JOHN BERGELIN FOR REAL PROPERTY AT
218 WINTER AVENUE**

WHEREAS, in the early 1990's the Bergelin family donated their homestead to the City to serve as a furniture museum, and

WHEREAS, the early agreements had a reversion provision to the family depending upon their satisfaction level of both parties, and

WHEREAS, the past twenty years of operation have resolved these early concerns, and

WHEREAS, Christopher and John Bergelin have now given a revised quit claim deed to the City of Big Rapids with no strings attached for the real property located at 218 Winter Avenue and legally described as:

Entire Lot 12 and South Half (S ½) of Lot 13, Block 25, Warren and Bronson's Third Subdivision Plat #2, City of Big Rapids, Mecosta County, Michigan.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the Quit Claim Deed from Christopher and John Bergelin for the real property at 218 Winter Avenue, releasing Christopher and John Bergelin from all claims by the City arising out of the real property.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 15, 2016

RESOLUTION NO. 16-85

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

**RESOLUTION ACCEPTING CITY MANAGER'S REPORT ON
EMERGENCY PURCHASE FOR REPAIR OF
IVES DRAIN**

WHEREAS, over the past several years' water cascading from Ives to the Muskegon River has eroded several sections of the Ives Drain exposing a main sanitary sewer line to the treatment plant, and

WHEREAS, the City Commission met and authorized necessary repairs under Section 34.43 of the City Code of Ordinances and Section 8.11 of the City Charter, which allow for the temporary suspension of required purchasing procedures, and

WHEREAS, the recommended repair of the Ives Drain involved the placement of rocks and boulders along the North side of the drain to prevent further erosion and protect the sanitary from failure, and

WHEREAS, Morningstar Construction company was available to complete this work at a cost of \$18,500.00, and

WHEREAS, the cost will be expensed to account number 598-561-967.930 (Ives Drain emergency).

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the attached Ives Drain – Emergency Purchase Position Paper Report presented by the City Manager and Director of Public Works.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 15, 2016

RESOLUTION NO. 16-86

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

RESOLUTION APPROVING TRAFFIC CONTROL ORDER NO. 516 FOR PLACEMENT OF FOUR-WAY AND STOP AHEAD SIGNAGE ON IVES AVENUE AT MAGNOLIA STREET

WHEREAS, in accordance with the provisions of Act 32, Public Acts of 1956, Section 2.53, the Department of Public Safety has authorized the following traffic control order:

Place stop signs (four-way) and stop ahead signage on Ives Avenue at Magnolia Street.

BE IT RESOLVED, that the City Commission hereby approves the above Traffic Control Order.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.
Dated: August 15, 2016

UNSCHEDULED BUSINESS

- City Retreat will be August 29, 2016 at 6:00 p.m. at City Hall.
- The repairs to the community pool have not been started yet. The company who is doing the repairs has requested \$24,000 up front, which was stated in their contract.

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

Tamyra K. Gillis, City Clerk