

City Commission
September 6, 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

There were 43 people in the audience.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA –

APPROVAL OF MINUTES

Commissioner Hogenson moved, seconded by Commissioner Anderson that the minutes of August 15, 2016 meeting be accepted.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

SPECIAL ORDERS OF THE DAY

a. Public Safety Director Awards – Director Eddinger

Director Eddinger presented the Director's Letter of Appreciation to Police Officer Loren Juday for his role in the Fifth Third Bank Robbery. Officer Juday reviewed video without being prompted and discovered footage of the suspect vehicle fleeing the scene.

Director Eddinger presented the Director's Award to Detective Brian Miller for his excellent investigative skills and outstanding compassion to Fifth Third Bank employees at a time of extreme stress. Three of the employees that had been victims of the robbery were present and spoke of his professionalism and praised him for his detective work.

b. Certificates for Citizen Police Academy – Director Eddinger

Director Eddinger presented all of the participants of the Citizen Police Academy with a tee shirt and certificate.

STUDY SESSION

a. Ives Drain

Jackie Fitzgerald, Drain Commissioner and Larry Protasiewicz, Spicer Group, spoke on the Ives Drain. The City has received an agreement from the County Drain Commissioner

and the study proposal from the Spicer Group. The cost of the study is approximately \$10,000 - \$15,000. 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. If the City decides not to petition for the drain, the City would be out the money for the study.

This assessment could be spread over a number of years.

Mr. Protasiewicz gave a timeline of the Ives Drain project:

- Gather information from the County Drain Commission office, Ferris State University, and the City of Big Rapids and evaluate the drain
- Prepare a computer model of the enclosed portions of the drainage system to determine the peak discharges, capacity of the existing system, effectiveness/capacity of the storm detention facilities.
- Determine how much erosion repair needs to be done.
- Provide preliminary estimates of cost to repair the system.
- Present and meet with the City, Ferris, and County Drain Commission office to discuss design concept alternatives.
- Work with County Drain office to prepare some preliminary ideas on how it would be assessed.
- If the City wants to move forward they would need to file a petition (Chapter 3) to establish the drain as a district and then file another petition (Chapter 4) to establish the drain.
- There will be Public Hearings and notices sent out to the property owners that will be affected. There is an appeal process for any property owner who believes that they should not be assessed.
- Looking at a December time frame.

This project can be done in phases; all the City needs to do is keep petitioning for another phase.

b. Advertising of City Manager's Position

City Manager Steve Sobers is planning to retire at the end of January 2017. The application process will begin this week with applications being accepted until October 21, 2017. Hiring a consultant was discussed but the Commission decided to wait to make this decision.

c. Clay Cliffs Incorporation – Steve Sobers

Currently portions of Clay Cliffs Nature Area, which is owned by the City of Big Rapids, are located both in the City limits and in Big Rapids Township. This creates confusion in emergency situations as well as others when services are needed. To solve this issue, the City of Big Rapids would like to incorporate all of Clay Cliffs into the City's boundaries. There is no taxable value involved in this initiative. City staff has talked with Big Rapids Township, the Public Schools and Crossroads Charter Academy concerning the process and issues involved.

Incorporation of land already owned by the City would only need a resolution authorizing unilateral annexation of property to the City of Big Rapids. It would then need to be reported to the Boundary Commission of the State.

Incorporating properties not owned by the City involves a positive action by the owners involved as well as approval of the Big Rapids Township Trustees.

Property owners who live in the Township would not be incorporated in the City under this proposed plan.

PUBLIC COMMENT - None

The City Commission took a 5-minute break.

PUBLIC HEARING

Mayor Warba opened the public hearing to consider objections to the Special Assessment for Alley Improvements for Block 36 of the Original Plat, between Warren Avenue and Stewart Avenue, North of Oak Street at 7:10 p.m.

The Mayor opened the floor for comments from the audience. There were no persons in the audience who spoke for or against the special assessment. There was no written or telephonic correspondence.

The public hearing was closed at 7:10 p.m.

RESOLUTION NO. 16-87

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

**RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL NO. 16-520
FOR ALLEY IMPROVEMENTS FOR BLOCK 36 OF THE ORIGINAL PLAT,
BETWEEN WARREN AVENUE AND STEWART AVENUE,
NORTH OF OAK STREET**

WHEREAS, Special Assessment Roll No. 16-520 has been submitted for alley improvement to Block 36 of the Original Plat, Between Warren Avenue and Stewart Avenue, north of Oak Street, and

WHEREAS, the City Commission held a public hearing on Tuesday, September 6, 2016, to consider any objections to said Roll, at which time the special assessments were confirmed.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves said Special Assessment Roll No. 16-520 to be spread over a three (3) year term payable in three (3) annual installments with interest at the rate of three percent (3%) per annum due each February 1st hereafter, beginning February 1, 2017, and directs the City Assessor to deposit the same with the City Clerk for endorsement as to the date of confirmation, and

BE IT FURTHER RESOLVED that upon confirmation by the City Clerk, said Roll shall be transmitted to the City Treasurer for collection.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 6, 2016

I hereby certify that the foregoing Resolution is a true and complete copy of a resolution of the City of Big Rapids duly adopted at a regular meeting of the City Commission of said City held September 6, 2016.

I further certify that said resolution has been recorded in the Minute Book of the City of Big Rapids and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

Tamyra K. Gillis, City Clerk

Dated: September 7, 2016

ORDINANCE NO. 700-09-16

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

ORDINANCE AMENDING SECTIONS OF CHAPTER 52, SEWER USE REGULATIONS, TO DEFINE FOOD SERVICE ESTABLISHMENTS AND REQUIRE GREASE INTERCEPTORS, AND UPDATING SECTIONS OF CHAPTERS 53 AND 54 ON SURCHARGES

WHEREAS, the deposit of fats, oil, and grease in the wastewater treated by the City causes problems and increased costs in the treatment process, and

WHEREAS, research and experience indicate that the installation and maintenance of grease interceptors will reduce the fats, oil and grease in the wastewater to be treated at the wastewater treatment plant, and

WHEREAS, a system of surcharges for fats, oil, and grease and other pollutants

has been developed,

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

1. Section 52.03 DEFINITIONS is amended to include the following definitions of FATS, OIL, AND GREASE CONTROL DEVICES, FOOD SERVICE ESTABLISHMENTS and an amended definition of SUPERINTENDENT.

FATS, OIL, AND GREASE CONTROL DEVICES (FOG CONTROL DEVICES). Any on site devices by which fats, oil, grease, or solvent extractables are removed from wastewater prior to discharge into the sanitary sewer, including but not limited to grease traps and interceptors.

FOOD SERVICE ESTABLISHMENTS (FSEs). Establishments that prepare food for consumption in a dining, carry-out, or institutional setting, or that prepare food for sale on the premises such as a bakery, grocery or convenience store deli.

SUPERINTENDENT. The Superintendent shall be appointed by the Public Works Director, subject to the approval of the City Manager, and shall meet the minimum requirements established by the Michigan Department of Environmental Quality. **All references in this code to the Superintendent shall include the Superintendent's designees.**

2. Section 52.05(A) USER CLASSIFICATION is amended to include a classification for Food Service Establishment.

(6) Food Service Establishment. Any commercial or institutional user that prepares or serves food onsite.

3. Section 52.17 Duties of superintendent is amended to add subsection (E).

(E) Users with grease interceptors shall submit grease interceptor cleaning and disposal manifests on an annual basis to the Superintendent, at a minimum.

4. Section 52.19(A) is amended to require Food Service Establishments to install grease, oil and sand interceptors.

52.19(A) GREASE, OIL AND SAND INTERCEPTORS

(A) Grease, oil and sand interceptors **or similarly effective fats, oil and grease control devices** shall be provided **by and for all Food Service Establishments, and for any other sewer user** when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes which may contain grease in excessive amounts, or any flammable wastes, sand or harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units or FSE's that prove to the

Superintendent, **through procedures outlined in Section 52.19(C)(8)**, that the user's discharge of fats, oils and grease into the sanitary sewer is less than the domestic background concentration which is updated annually in the Wastewater User Charge Report as the "Domestic Background Wastewater Strength" table. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning by the owner and inspection by the City.

5. Section 52.19(C) is amended to require maintenance of grease, oil and sand interceptors by the owner and user.

(C) Where installed, all grease, oil and sand interceptors shall be **cleaned and** maintained by the owner at his or her expense, in continuously efficient operation.

(1) Any user required to install and maintain an interceptor (trap) of any kind shall maintain and clean out the interceptor and shall document and keep:

(a) A maintenance schedule;

(b) The identity of the person(s) who cleaned and maintained the interceptor;

(c) The method and location of grease, oil and sand disposal.

(d) The documentation required by this Section shall be available for review by the Superintendent and copies shall be provided to the Superintendent upon request.

(2) Problems with or damage to an interceptor/trap shall be reported immediately to the owner and the Superintendent and repaired or corrected.

(3) No interceptor/trap clean out material shall be discharged into a sewer.

(4) No bacteria or enzyme products shall be used in the maintenance of interceptors/traps without prior written approval from the Superintendent.

(5) Users shall implement best practices of grease management to minimize discharge of food grease to the POTW.

(a) Under sink grease traps shall be cleaned weekly, or more or less frequently as approved in writing by the Superintendent.

(b) Clean outs of all other interceptor/traps shall be scheduled and conducted so the interceptor/trap does not exceed 25% solids content (including both the top and bottom layers of solids) and there is no visible discharge of grease or oil.

(c) The clean out process shall remove the entire grease mat, liquids, sludge, and solids from screens, baffles, air-relief chambers, and wash down the interior walls.

(6) The interceptor/trap is subject to inspection by the Superintendent at any time.

(7) The Superintendent will maintain a list of all users with FOG control devices. All FSEs and other non-domestic users required to have FOG control devices shall submit to the Superintendent documentation describing the size and location of the control device installed. Each FOG device user may be charged a monthly fee to cover costs associated with the periodic evaluation and review. Users that do not maintain and produce monthly records of the FOG device may be fined for noncompliance in accordance with Section 53.107.

(8) FOG Control Devices

FSE facilities shall reduce the discharge of fats, oils and grease to the sanitary sewer to less than the domestic background concentration, or install an FOG control device approved by the Superintendent. FSE facilities must have an approved sampling manhole and must, at their own expense, conduct a random grab sample supervised by the Superintendent once a week for four weeks, or otherwise at the discretion of the Superintendent, to prove discharge of fats, oils and grease to the sanitary sewer is less than the domestic background concentration. FSE's that prove to the Superintendent that the user's discharge of fats, oils and grease into the sanitary sewer is less than the domestic background concentration will not be required to install a FOG control device and shall not be surcharged for fats, oils and grease.

A grease trap generally is used for small to medium volume establishments such as fast food restaurants or full service restaurants (generally serving less than 400 meals per day).

A grease trap is a small reservoir built into the sewer line close to the source of grease production. The reservoir contains baffles which retain the wastewater long enough for grease to congeal and rise to the surface. The accumulated grease is then removed from the trap for proper disposal, reducing the grease entering the sanitary sewer system.

Interceptors usually are used for high volume full service restaurants (generally serving more than 400 meals per day) or large institutional food service production such as hotels, hospitals and schools. An interceptor is typically a vault (500 to 750 gallons) that is located on the exterior of the building. The vault contains two chambers with 90° grease retention fittings and additional grease is collected as the wastewater cools and grease congeals on the surface of the water. This grease is then removed from the interceptor for proper disposal.

(9) Best FOG Management Practices

Best FOG management practices should be employed to decrease the amount of FOG discharged from FSEs. The use of best management practices can contribute to a financial benefit through a reduction in grease interceptor maintenance frequency and overall FOG discharge to the sanitary sewer system.

Suggested best management practices for food service establishments are posted on the City website.

6. Section 53.004 DEFINITIONS is amended by adding a definition of FOOD SERVICE ESTABLISHMENTS (FSEs).

FOOD SERVICE ESTABLISHMENTS (FSEs). Establishments that prepare food for consumption in a dining, carry-out, or institutional setting, or that prepare food for sale on the premises such as a bakery, grocery or convenience store deli.

7. Section 53.004 DEFINITIONS is amended to modify the list of users in the USER CLASS to include Food Service Establishments.

USER CLASS. The kind of user connected to the sanitary sewers, including but not limited to, residential, industrial, commercial, **food service establishment**, institutional and governmental.

8. Section 53.016 Specific Discharge prohibitions is amended by adding prohibitions on the discharge of fats, oils and grease and other substances.

(M) Soluble substances in a concentration that increases the

viscosity to greater than 10% over the viscosity of water or in amounts that will cause obstruction to the flow in the POTW resulting in interference.

(N) Any solvent extractable, including, without limitation, oil grease, wax, or fat, whether emulsified or not, in excess of applicable local limits; or other substances that solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32° Fahrenheit and 150° Fahrenheit in amounts that cause obstruction to the flow in sewers or other interference with the operation of the POTW.

(O) Any pollutant that results in excess foaming during the treatment process. Excess foaming is any foam that interferes with the treatment process.

(P) Any medical infectious waste.

(Q) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any wastewater or air pollutants.

(R) Any non-contact cooling water, air-conditioning water, swimming pool water, storm water, surface water, groundwater, roof runoff, and surface or subsurface drainage except as authorized by law, and as approved by the Superintendent).

(S) Any discharge into the collection system or the wastewater treatment plant which contains any material in excess of the concentrations allowed by the Local Limits or that causes the POTW to violate its NPDES permit, the receiving water quality standards, or associated local, state or federal laws, rules, or regulations, or interferes with the reclamation, reuse or disposal process for treatment residues, sludge, or scums.

9. Section 53.021(B)(1) is amended to read as follows, changing the BOD concentration from 530 to 1,000mg/l:

(1) No user shall discharge wastewater containing concentrations (and/or mass limitations) in excess of the following:

<i>Material</i>	<i>Concentration (mg/l)</i>
Conventional Pollutants	
Ammonia – N	64
BOD	530-1000
Total Suspended Solids	900
FOG	200
TPH	49
Total Phosphorus as P	36

Material **Concentration (ug/l)**

Nonconventional Pollutants/upper limits:

METALS

Arsenic	60
Cadmium	90
Copper	950
Cyanide	130
Chromium, Total	2,700
Chromium, Hexavalent	300
Lead	570
Mercury	*(LOD)
Nickel	930
Selenium	150
Silver	43
Zinc	3,700

ORGANICS

1,4-Dichlorobenzene	24
Chloroform	50
Lindane	0.6
Benzene	24
Toluene	24
Ethyl Benzene	31
Xylenes, Total	44
Methylene Chloride	41
Tetrachloroethylene	5
Trichloroethylene	21
1,1,1- Trichloroethane	16

* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW). Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The Level of Detection (LOD), developed in accordance with the procedure specified in 40

CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

- (a) A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
- (b) A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
- (c) A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure 2005 S-6 in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

10. Section 53.021(B)(3) is amended to read as follows:

(3) The City of Big Rapids sustains costs to operate and maintain the City's sanitary sewer system and wastewater treatment plant. The Utility is paid by user fees that shall be distributed as equitably as possible among the users. The typical user rates employed by the City of Big Rapids cover costs associated with the treatment of normal domestic strength wastewater. Higher strength wastes incur higher costs for treatment. Industrial and commercial users sometimes discharge high strength wastes and the surcharge program allows the City to recover the costs associated with treating this wastewater.

Surcharges are an additional charge used to cover the extra cost of treating conventional pollutants in excess of domestic background concentrations.

The City's surcharge procedure shall include, on at least a semi-annual basis, composite sampling on typically four consecutive days to determine the user concentration in mg/l of conventional pollutants from each non-domestic user. These user concentrations will be compared to the domestic background concentration for each parameter found under "Surcharge" in the City's User Charge Report. When the user concentration exceeds the domestic background concentration for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background concentration for total phosphorus is 5 mg/l. User A has an user concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of

gallons * 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons * 3 mg/l * 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/lb = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling. Each user subject to surcharges may be billed monthly or quarterly according to water usage or metered discharge. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request to the Superintendent. The City may obtain additional samples to verify a user's effluent parameters. Any surcharged user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.

11. Section 53.041 CHARGES AND FEES is amended by adding the following text as subsection (J) on fees for reimbursement for sampling and laboratory analyses.

(J) Reimbursement for sampling and laboratory analysis requested by non-domestic users to change a surcharge user classification.

12. Section 53.107 ADMINISTRATIVE FINES is amended by labeling the existing paragraph as subsection (A) and adding the following subsection (B).

(B) Non-domestic users that fail to file required documentation may be charged twice the IPP user charge for each month that the documentation is delinquent, or a minimum charge of twenty-five (\$25) dollars a month.

13. Section 54.12 SEWER RATES is amended by labeling the existing table and text as subsection (A) and adding the following text as subsections (B)-(F):

(B) Surcharges

The City's surcharge procedure shall be based on one of two methods:

(1) For Non-domestic users with a sampling manhole meeting the Industrial Pretreatment Program (IPP) manual specifications, or other approved method of discharge sampling, on at least a semi-annual basis, the City will conduct composite sampling, on typically four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These

user concentrations will be compared to the domestic background concentration for each parameter found under "Surcharge" in the City's User Charge Report. When the user concentration exceeds the domestic background concentration for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background concentration for total phosphorus is 5 mg/l. User A has an user concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of gallons * 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons * 3 mg/l * 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/lb = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request. The City may obtain additional samples to verify a user's effluent parameters. Any surcharged user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.

(2) Non-domestic users without an approved sampling manhole or other approved method of discharge sampling that are Food Service Establishments (FSE), and do not require an industrial discharge permit, may be surcharged according to the surcharge classification procedure established by the City. This allows the City to levy surcharges to FSEs based on the specific type of service conducted (i.e. Full Service Restaurant, Fast Food Restaurant, Institutional Food Service, Grocery Store with Food Preparation, or Baked Goods/Bakery) by the user, in lieu of individual waste sampling results. Users placed in a specific class of FSE by the City may request individual surcharging based on actual sampling and analytical results as long as an adequate sampling manhole is provided and the user reimburses the City for sample collection time and materials and analytical expenses.

(3) Each user subject to surcharges may be billed monthly or quarterly according to water usage or metered discharge.

(C) Food Service Establishments that do not have sampling manholes.

The Superintendent shall classify Food Service Establishments (FSEs) based on type of food product, customer consumption method and food preparation activities within the categories defined below. The waste classification system shall determine how FSEs are surcharged.

(1) Full Service Restaurants

Definition – This FSE typically prepares and serves food in a dining setting. Attending patrons are provided food items served on plates with utensils that have to be washed after the patrons have completed their meals. Cookware is also cleaned on the premises. Food preparation comprises the many activities that constitute the provision of service at a full service establishment – baking, frying, grilling, broiling, boiling, etc. The overwhelming majority of service is provided in seating areas with a relatively small amount of carryout business.

(2) Fast Food Restaurants

Definition - This FSE prepares food for intended for immediate consumption. Its food items are often provided in paper or other types of disposable wrappers and containers along with disposable utensils. The patrons of fast food establishments dine in a seating area or take their food on a carryout basis. Cookware is cleaned on the premises. Food preparation comprises the many activities that constitute the provision of service at a full service establishment – baking, frying, grilling, broiling or boiling.

(3) Institutional Food Service

Definition - This FSE category comprises establishments that basically provide food service to the tenants or employees of a commercial, multi-unit/group residential or institutional facility. The food is prepared and/or provided in the location of the facility, usually in a cafeteria with seating. Depending on the type of facility, the food may be delivered to the room of the patrons or they can consume their food in a dining area. The employees of the food service establishment usually work for or are contracted by the facility in which the food is served.

(4) Grocery Store with Food Preparation

Definition - This FSE encompasses the various grocers, delis and supermarkets that prepare food. Food preparation comprises the many activities that constitute the provision of

service at a full service restaurant– baking, frying, grilling, broiling or boiling. The patrons of these establishments buy food that is ready for consumption and they usually take the food items with them when they leave the establishment, although some may have relatively small areas for patrons to consume food. Cookware and utensils are cleaned on the premises.

(5) Baked Goods or Bakery

Definition - This FSE typically prepares a variety of baked goods, such as bread, pastries, and cakes for retail sale and for consumption by patrons who come to the establishment for baked goods for immediate consumption. The area dedicated to serving walk-in patrons is relatively small compared the total size of the facility with an equally small area dedicated to on premise consumption.

(D) Standard FSE Wastewater Strengths

Standard FSE wastewater strengths are established for each pollutant of concern including Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Phosphorus (TP), and Ammonia.

Category	BOD (mg/L)	TSS (mg/L)	TP (mg/L)	Ammonia (mg/L)
Full Service Restaurant	647	-	7.6	-
Fast Food Restaurant	620	344	8.6	-
Institutional Food Service	487	-	7.9	-
Grocery with Food Preparation	746	600	17.0	64.0
Baked Goods or Bakery	655	745	-	-

The Standard FSE Wastewater Strengths are established based on sampling at locations within each classification in Big Rapids and are posted on the City’s website and will be included in the annual Big Rapids Wastewater User Charge Report. These Standard FSE Wastewater Strengths will be updated annually to reflect the results of ongoing sampling.

(E) Surcharge Rates

The Superintendent shall assess a surcharge rate for each FSE user based on the standard FSE wastewater strength for that classification unless sampling is being conducted at the facility.

The established surcharge rate for each pollutant and domestic background concentration for each pollutant of concern is updated annually as part of the City's User Charge Report.

Surcharge amounts shall be determined for FSEs by determining the difference between the standard FSE wastewater strength and the domestic background concentration for that pollutant. The measured flow from the facility shall be applied to determine a cost per pound for each pollutant of concern. A facility may choose to conduct site specific sampling if they believe the standard FSE wastewater strengths listed do not adequately represent their discharge. Sampling procedures and frequency must be approved, and are subject to oversight, by the Superintendent. Costs associated with such sampling and lab analysis would be the responsibility of the user. Surcharge calculations shall then be established by averaging grab or composite (as determined by the City to be appropriate) samples taken from the facility's discharge.

(F) Site Specific Testing

The owner of a FSE may elect to have the industrial surcharge billed according to representative samples taken at the facility. The FSE owner is required to pay for installation of a sampling point and all sampling costs. Sampling frequency shall be determined by the City and analytical results shall be submitted to the City for review.

Non domestic users that conduct site specific testing shall install an approved sampling manhole together with any meters and equipment deemed necessary by the Superintendent or the city manager, in order to adequately sample wastewater. Unrestricted access to the sampling manholes shall be available at all times for the Superintendent. A sampling manhole or chamber must be located near the outlet of each lateral, sewer, drain or pipe which connects to the wastewater system. Site inspections may be conducted by the City to verify the user's discharge and note the presence of any sampling devices or grease traps.

14. This ordinance shall become effective 20 days after publication.
15. The City Clerk is directed to publish this ordinance or a summary of this ordinance in the Pioneer.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: September 6, 2016

Published: September 13, 2016

RESOLUTION NO. 16-88

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

**RESOLUTION APPOINTING OFFICE DELEGATE TO ANNUAL MEETING
OF THE MICHIGAN MUNICIPAL LEAGUE**

BE IT RESOLVED, that Mayor Mark J. Warba be appointed Delegate, and Mark Gifford be appointed Alternate to the Annual Meeting of the Michigan Municipal League to be held on September 14, 2016 at Mackinac Island.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 6, 2016

RESOLUTION NO. 16-89

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

**RESOLUTION AMENDING MECOSTA COUNTY
FIRE PROTECTION AGREEMENT**

WHEREAS, various area municipalities have entered into an agreement under the terms and conditions as outlined in and entitled the MECOSTA COUNTY FIRE PROTECTION AGREEMENT, approved by the City Commission by Resolution No. 92-21, on January 20, 1992, for the providing of mutual protection in cases of conflagration, natural disaster, or other fire and/or rescue emergencies, and

WHEREAS, said agreement is periodically amended, which improves fire protection to area citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the amended Mecosta County Fire Protection Agreement, copy hereto attached, and the Mayor and City Clerk are hereby authorized to sign the agreement on behalf of the City of Big Rapids.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 6, 2016

RESOLUTION NO. 16-90

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

**RESOLUTION AMENDING FISCAL YEAR 2016/2017
GENERAL APPROPRIATIONS- 2015/2016 CARRY FORWARDS**

WHEREAS, the City of Big Rapids adopted FY 2016/2017 General Appropriations on June 6, 2016 per Resolution No. 16-52, and

WHEREAS, there are a number of items from fiscal year 2015-2016 that need to be carried forward into this fiscal year 2016/2017.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached budget adjustments to carry forward to the 2016/2017 budget.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2016/2017 City of Big Rapids Budget accordingly.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: September 6, 2016

There was discussion regarding 11.1:10(5) of the Conditional Use Standards of the Zoning Ordinance which is the phrase "No clients or customers may visit on a regular basis to conduct business with the home occupation". Mr. Eric Williams believes that there would be no business if it did not have regular customers and recommends that this section be referred to the Planning Commission for review.

Commissioner Anderson commented that a couple of people have gotten variances for conditional uses and had section 11.1:10(5) been strictly applied, they may not have been approved. It seems that the Planning Commission has the leeway to overlook some of these conditions if they believe the business is suitable. Commissioner Anderson gave examples of a daycare and a beauty salon that were approved and she believes that these businesses should not and would not have been approved if these conditions were applied.

Mr. Sweppenheiser stated that the daycare business in question was not considered a home occupation. He is trying to help out applicants by trying to acquire a clear set of rules that everyone has to use. The language that the City is using is from the 1960s, which makes it hard to apply to current home occupations.

Commissioner Hogenson stated that Commissioner Anderson's comments were equal justification for periodical review of the standards rather than necessary insistence on adherence way past the useful life of that principal.

Mayor Warba was understanding with regards to the issue of helping applicants, but this is a conditional use not a use by right. Every applicant needs to understand that if they

don't satisfy all of the criteria they will not be approved. The City looks at the neighbors that are nearby the home occupation and tries to protect them as well. Applicants need clear language so that they understand the privilege that they are seeking and why they need to comply with the criteria.

RESOLUTION NO. 16-91

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

**RESOLUTION REFERRING SECTION 11.1:10 – CONDITIONAL USE STANDARDS
TO THE PLANNING COMMISSION FOR REVIEW
AND RECOMMENDATION**

WHEREAS, Section 11.1:10 of the zoning ordinance refers to Home Occupations in the R-1, R-2, and R-3 Residential zoning districts by Conditional Use permit, and

WHEREAS, there is a requirement in Section 11.1:10(5): “No clients or customers may visit on a regular basis to conduct business with the home occupation” of the zoning ordinance that has been an ongoing struggle.

NOW, THEREFORE, BE IT RESOLVED that Section 11.1:10 be referred to the Planning Commission for review, possible text changes and recommendation.

Yeas: Hogenson, James, Warba

Nays: Anderson

The Mayor declared the resolution adopted.

Date: September 6, 2016

Commissioner Anderson stated that she has looked at the layout of this business and it is across the street from Crossroads Charter Academy School. She voted no on principal but does not believe having this type of business will be a problem. Commissioner Anderson is pleased that Ms. Ruelle received her variance, but she felt that she had to stand up for the principal.

RESOLUTION NO. 16-92

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

**RESOLUTION GRANTING HOME OCCUPATION
CONDITIONAL USE PERMIT FOR 219 MARION AVENUE
FOR A PRIVATE COUNSELING BUSINESS**

WHEREAS, the City of Big Rapids received a request for a conditional use permit to establish a private counseling business home occupation at 219 Marion Avenue, and

WHEREAS, the City Planning Commission, following a public hearing held on August 17, 2016, recommends that a conditional use permit for a home occupation be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission accepts the recommendation of the Planning Commission and approves the conditional use permit request to operate a private counseling business at 219 Marion Avenue.

Yeas: Hogenson, James, Warba

Nays: Anderson

The Mayor declared the resolution adopted.

Dated: September 6, 2016

RESOLUTION NO. 16-93

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

**RESOLUTION AUTHORIZING A BALLOT PROPOSAL TO AMEND SECTION 8.10
OF THE BIG RAPIDS CITY CHARTER TO ALLOW THE CITY COMMISSION TO
WAIVE THE REQUIREMENT OF FORMAL SEALED BIDS**

WHEREAS, Section 8.10 of the Big Rapids City Charter currently states:

**Section 8.10 Purchasing Procedure: Bids, Contracts,
Regulations.**

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. 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 City Commission may authorize the making of public

improvements or the performing of any other city works by any City department or agency without competitive bidding.

WHEREAS, the City Manager recommended an amendment to the current City Charter Section 8.10 to allow the City Commission to waive the Charter requirement of formal sealed bids for expenditures of \$7,500 or more,

NOW THEREFORE, BE IT RESOLVED,

1. It is proposed that Section 8.10 of the Charter of the City of Big Rapids be amended to read as follows, with the amendment appearing in underlined bold print:

Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. 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 City Commission may authorize the making of public improvements or the performing of any other city works by any City department or agency without competitive bidding.

Upon written recommendation of the City Manager, the City Commission may waive the requirement of formal sealed bids for an expenditure of \$7,500 or more by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.

2. The purpose of the proposed amendment shall be designated on the ballot as follows:

This Charter Amendment is proposed for the purpose of allowing the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

3. The City Clerk shall transmit a copy of the proposed amendment to the Governor of the State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of the proposed amendment and ballot question to the Attorney General of the State of Michigan for approval, as required by law.
4. The proposed amendment shall be submitted to the qualified electors of the City of Big Rapids at the next General Election to be held in the City of Big Rapids after approval of the proposed Charter amendment and the ballot question by the Governor and the Attorney General.

5. The City Clerk is hereby authorized and directed to file this Resolution and complete any form, certificate, action, or document as may be required by the County Clerk to evidence the foregoing certification and submission to the electors.
6. The proposed amendment shall be submitted to the electors in the following format:

PROPOSED AMENDMENT TO SECTION 8.10 OF THE
CHARTER OF THE CITY OF BIG RAPIDS

The City Charter Amendment proposed by the City Commission to amend Section 8.10 of the Charter will allow the City Commission to waive the requirement of formal sealed bids for expenditures of \$7,500 or more when four or more City Commissioners determine it is in the City's best interest to do so.

Shall the proposed amendment to Section 8.10 of the City Charter that appears below in underlined and bold print be adopted?

Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations

Detailed purchasing and contracting procedures shall be established by Ordinance. The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the qualified bidder as regulated by the purchasing ordinance. 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 City Commission may authorize the making of public improvements or the performing of any other city works by any City department or agency without competitive bidding.

Upon written recommendation of the City Manager, the City Commission may waive the requirement of formal sealed bids for an expenditure of \$7,500 or more by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.

- Yes
- No

7. The proposed amendment shall be published in full together with the existing Charter provision as part of the notice of the election.
8. The canvass and determination of the votes of said question shall be made according to the laws of the State of Michigan and the Charter of the City of Big Rapids.

Yeas: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 6, 2016

CERTIFICATE

I, Tamyra Gillis, the duly elected and acting Clerk of the City of Big Rapids, hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a meeting of the Big Rapids City Commission held at the Big Rapids City Hall on September 6, 2016, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a quorum of the Commission was present and voted in favor of the Resolution; and that minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

Tamyra Gillis, City Clerk

Mr. Sobers asked if Commissioner Rothstein's absence should be considered excused at this meeting. Mr. Williams recommended not taking it up unless there has been some information or request to excuse the absence. The minutes should reflect that Commissioner Rothstein was absent.

UNSCHEDULED BUSINESS

The Old Jail/Yard Sale on Labor Day weekend raised \$1,200.00.

The Library book sale at the library and Hemlock Park was a great success.

Senator Peters visited the Wolverine World Wide plant on Wednesday, August 31, 2016. It was impressive to see 'standing room only' of plant employees who turned out to hear Senator Peters.

To tie into this event, Artworks will be having an event called "What's in the Truck?". Area facilities will have trucks parked downtown showing what they manufacture. There will be displays in Artworks as well. This event goes from 5:00 – 7:00 p.m. on Thursday, September 8, 2016.

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 8:25 p.m.

* * * * *

Mayor Mark J. Warba

Tamyra K. Gillis, City Clerk