

City Commission
January 6, 2025

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

Present: Commissioners Lorraine James, Amanda Johnson, David Rhodes, Karen Simmon; Mayor Fred Guenther; City Manager Mark Gifford; City Attorney Brad Fowler; City Treasurer Carla Staffen, and City Clerk Karen Manoski.

There were 16 people in attendance.

ROLL CALL

Guenther, James, Johnson, Rhodes, Simmon

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

Commissioner Simmon moved, seconded by Commissioner James that the minutes of December 16, 2024, regular meeting be accepted.

Yeas: Guenther, James, Johnson, Rhodes, Simmon

Nays: None

SPECIAL ORDERS OF THE DAY

- a. Proclamation recognizing the Ferris State University Football Team for their NCAA Division II Football Title.

Whereas, on December 21, 2024, Ferris State University's Football Team, became a 3-time NCAA Division II National Champions, and

Whereas, Head Coach Tony Annese led the Ferris State Bulldogs defeating Valdosta State University by a score of 49-14 to secure the National Championship, and

Whereas, Ferris State Bulldogs Football Team had a record of 14-1 for the 2024 season, and

Whereas, Head Coach Tony Annese and his staff along with an outstanding group of student athletes have made Ferris State Football one of the winningest programs in all of college football.

Therefore, the City Commission of the City of Big Rapids, hereby with Great Pride extend congratulations to Ferris State University's Football Team on becoming 3-time NCAA Division II National Champions and for their outstanding accomplishments, hard work, and ability. Coach Annese, his staff, and players are an outstanding representation of the Big Rapids Community.

Dated: January 6, 2025

Mayor Fred Guenther presented the proclamation to Defensive Run Game Coordinator / Defensive Line Coach Tesfa Smith, recognizing the Ferris State Football Team for winning three National

Championships in four years, and how proud the community is. Coach Smith stated he feels blessed to be living in Big Rapids and working for FSU.

b. Introduction of Amy Cole as Deputy Clerk.

City Clerk Karen Manoski introduced Amy Cole as the new Deputy Clerk. Ms. Cole began working for the City in 2022 and was officially sworn in as Deputy Clerk on December 12.

STUDY SESSION

a. Monthly Financial Report – Revenue Sharing– Carla Staffen, City Treasurer.

City Treasurer Carla Staffen stated that Article IX, section 30 of the Michigan State Constitution requires that 48.9% of state spending from state sources be paid to local government, and state revenue sharing payments represents the largest unrestricted portion of that requirement for Cities, Villages, Townships (CVT), and counties.

State revenue sharing payments traditionally come from:

1. Constitutional revenue sharing requires that 15% of sales tax collections at the 4% rate be distributed to CVTs on a per capita basis as determined by the most recently completed decennial census.
2. Statutory revenue sharing payments began with the repeal of prohibition in 1933 when 85% of liquor licenses were fees were returned to local units. The Economic Vitality and Incentive Program (EVIP) replaced statutory revenue sharing beginning in fiscal year 2011-12. CVTs EVIP payment was contingent on fulfilling requirements in Accountability and Transparency, Consolidation and Collaboration, Employee Compensation Issues, and Reducing Unfunded Liabilities. There were steps the City had to take to prove we were compliant. For Fiscal Year 2014-15, the majority of the EVIP compliance requirements were eliminated, leaving only Accountability and Transparency. The program's name was changed to CVT Revenue Sharing.

The program requirements and payment structure have been modified again for fiscal year 2025 to provide additional revenue sharing funding, to include a 3-Factor Formula Payment comprised of Taxable Value Payment, Weighted Value Payment, and Yield Equalization Payment. The City is not eligible for the Yield Equalization Payment.

The City receives six payments a year, payments are for the preceding two months.

State Revenue Sharing (SRS) issued to City of Big Rapids-5 year history with an estimate for FY 24-25

| | <u>FY 24-25*</u> | <u>FY 23-24</u> | <u>FY 22-23</u> | <u>FY 21-22</u> | <u>FY 20-21</u> | <u>FY 19-20</u> |
|---------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| SRS/Sales Tax | 822,992 | 844,778 | 829,648 | 978,570 | 1,033,955 | 911,866 |
| State CVTRS | 511,945 | 479,927 | 465,863 | 439,493 | 430,875 | 359,060 |
| State CVTRS-Public Safety | | 9,229 | - | - | - | - |
| State CVTRS CLFRF** | | 4,615 | - | - | - | - |
| | <u>1,334,937</u> | <u>1,338,549</u> | <u>1,295,511</u> | <u>1,418,063</u> | <u>1,464,830</u> | <u>1,270,926</u> |

*estimated Revenue sharing 24-25

**Coronavirus Local Fiscal Recovery Fund (CLFRF)

b. Charles E. Fairman Community Pool Site Plan – Todd Richter, Fleis & VandenBrink

The City has the opportunity to submit a grant application for \$500,000 to be used for the Charles E. Fairman Community Pool Improvement Project, if approved, the City would have to match that amount. Todd Richter with Fleis & VandenBrink was asked to develop an Engineer's Estimate of Probable Construction Costs based on previous discussions/work sessions.

The largest expense would be to remarcite the pool, estimated to cost \$350,000. The rest of the list focuses on the exterior of the pool including the entrance, and parking lot. This list has 20-line items that include upgrading the entrance with an arch, flagpole, and signage. The parking lot includes the addition of a drop off area, additional accessible parking spots, an elevated sidewalk and pedestrian crossing, and a storm sewer. The sidewalk would also extend up the block, eliminating people walking to the pool in the street. The list also includes benches, path lighting, bike loops, and a pool slide. The goal is to make the area more attractive and used year-round as the path leads to Clay Cliffs.

Commissioner Karen Simmon asked what percentage was built into the estimate as a contingency; Richter said he did not set a percentage on contingency; it is built into the unit prices shown. Simmon asked if the grant is awarded and bids come in over budget, do we have the flexibility to cross items off the list; Richter states the grant is awarded based on scope items, they cannot be removed from the list. Simmon expressed concern that items may come in over budget, maybe should be taken off the list. Richter stated items on the list can be done for less, for example the arch. The project could still include an arch, maybe it's different, and at a lower cost.

Mayor Guenther expressed his wish for a master plan of the whole area, to include the pool and Clay Cliffs instead of doing two separate projects.

PUBLIC COMMENT –

Jeff Peticolas stated he was here to remind the Commission what happened to the township boards and now the County board, that the Commission is the last governing body in the County that still support Gotion, and they may want to consider that as it could come back on them at another election.

PUBLIC HEARING - None

GENERAL BUSINESS

Mayor Guenther asked City Clerk Karen Manoski to point out any changes to the regular meeting schedule; Manoski stated there are two meetings that will be held on Tuesdays as the regular Monday meeting date falls on a holiday, January 20, Martin Luther King, Jr Day, and September 1, Labor Day.

Manoski also stated there are two elections in 2025, May and November, pushing those Commission meetings out a week making them the second and third Mondays for those months.

Guenther asked Manoski to create calendar invites for the Commission for all Commission meetings in 2025.

RESOLUTION NO. 25-01

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

RESOLUTION ADOPTING THE 2025 CITY COMMISSION MEETING SCHEDULE

WHEREAS, Section 6.1 of the City Charter requires the City Commission to adopt its meeting schedule for the upcoming year before or at their first regularly scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED, that the attached 2025 City Commission Meeting Schedule be adopted, which sets the regular meeting for 6:30 p.m.

Yeas: Guenther, James, Johnson, Rhodes, Simmon

Nays: None

The Mayor declared the resolution adopted.

Dated: January 6, 2025

RESOLUTION NO. 25-02

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

RESOLUTION ADOPTING POVERTY GUIDELINES FOR ADMINISTRATION OF THE POVERTY EXEMPTION FROM PROPERTY TAXES FOR 2025

WHEREAS, the adoption of guidelines for property tax poverty exemptions is required by state law, and

WHEREAS, the principal residence of persons who the City Assessor and Board of Review determine by reason of poverty are unable to contribute to the public charges is eligible for exemption in whole or in part from taxation under MCL 211.7u, and

WHEREAS, pursuant to MCL 211.7u, the City of Big Rapids needs to adopt guidelines for the City Assessor and the Board of Review to implement,

NOW THEREFORE, BE IT RESOLVED that the City Assessor and Board of Review shall follow the Federal Poverty Guidelines Used in Determination of Poverty Exemptions for 2025, which are adopted by the City Commission:

| Size of Family Unit | Poverty Guidelines |
|----------------------------|--------------------|
| 1 | \$ 15,060 |
| 2 | \$ 20,440 |
| 3 | \$ 25,820 |
| 4 | \$ 31,200 |
| 5 | \$ 36,580 |
| 6 | \$ 41,960 |
| 7 | \$ 47,340 |
| 8 | \$ 52,720 |
| For each additional person | \$ 5,380 |

Yeas: Guenther, James, Johnson, Rhodes, Simmon

Nays: None

The Mayor declared the resolution adopted.

Dated: January 6, 2025

RESOLUTION NO. 25-03

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

RESOLUTION APPROVING A SPECIAL LAND USE PERMIT FOR A HOME OCCUPATION OF A DOG GROOMING BUSINESS AT 507 WINTER AVENUE

WHEREAS, the City of Big Rapids received a request for a Special Land Use Permit for a home occupation at 507 Winter Avenue, and

WHEREAS, the Planning Commission published notice of a Public Hearing in the Big Rapids Pioneer on December 3, 2024, and also sent to all property owners within 300 feet of 507 Winter Avenue, and

WHEREAS, the Planning Commission and City Commission determined that new information and changes to the previous application had validated rehearing the application prior to the year required in Section 10.5 of the Zoning Ordinance, and

WHEREAS, the Planning Commission held a public hearing on December 18, 2024, recommending approval with the conditions of a maximum of two (2) dogs per appointment and no boarding of dogs, to the City Commission on the special land use request, and

WHEREAS, the City Commission ultimately decides whether or not to approve special land uses.

NOW, THEREFORE, BE IT RESOLVED: that the City Commission accepts the recommendation of the Planning Commission and approves a special land use permit for the home occupation of a dog grooming business at 507 Winter Ave with the conditions of a maximum of two (2) dogs per appointment and no boarding/kenneling of dogs.

Yeas: James, Johnson, Rhodes, Simmon

Nays: Guenther

The Mayor declared the resolution adopted.

Date: January 6, 2025

Commissioner Lorraine James asked if a line item comes in under budget, does the grant allow the excess from that line to be applied to another line that is over budget. Todd Richter, Fleis & VandenBrink, stated if the funds are moved to another item in the scope, it is allowed.

Commissioner Simmon stated she would like this list to reviewed again, verifying there is a consistent contingency plan for all items. Mayor Guenther expressed his wish for a master plan for the entire project, not just the pool.

City resident Rose Mary Jennings stated she sees the importance of having the marcite replaced but doesn't feel a need for the rest of the items. Commissioner David Rhodes stated he believes these beautification projects are the changes the State wants to see when issuing grants.

RESOLUTION NO. 25-04

Commissioner Simmon moved, supported by Commissioner Johnson, the adoption of the following:

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC) FOR THE REVITALIZATION AND PLACEMAKING (RAP 3.0) GRANT FOR THE BIG RAPIDS COMMUNITY POOL IMPROVEMENT PROJECT

WHEREAS, the City Commission supports the submission of an application titled "Big Rapids Community Pool Improvement Project" to the MEDC RAP 3.0 GRANT for developments at the community pool, including replacement of the marcite lining of the pool, safer and more ADA accessible parking, expanded seating area, and a fire pit at the entrance area of the pool and neighboring Clay Cliffs Nature Area, and

WHEREAS, the proposed application is supported by the approved City of Big Rapids Parks and Recreation 5-Year Plan 2022-2026, and

WHEREAS, the City of Big Rapids intends to apply for a MEDC RAP 3.0 grant in the amount of \$500,000 and commits \$500,000 in city funds, which is a 50% match toward the estimated total project cost of \$1,000,000, and

WHEREAS, the match is committed through the following account numbers:

General Fund Account # 208-249-967.000-P0103 in the amount of \$500,000.

NOW THEREFORE BE IT RESOLVED that the City Commission hereby authorizes submission of a MEDC RAP 3.0 Grant for \$500,000, and further resolves to make available during the contract period \$500,000 cash match expensed to account 208-249-967.000 – P0103, toward the Big Rapids Community Pool Improvement project total estimated cost of \$1,000,000.

Yeas: James, Johnson, Rhodes, Simmon

Nays: Guenther

The Mayor declared the resolution adopted.

Dated: January 6, 2025

I hereby certify that the foregoing Resolution Number 25-04 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 on January 6, 2025, with a quorum present.

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.

Karen Manoski, City Clerk Date:

MOTION NO. 25-05

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

Motion to accept Dan Kirwin's resignation as the Contracted City Assessor.

Yeas: Unanimous

Nays: None

The Mayor declared the motion adopted.

Dated: January 6, 2025

RESOLUTION NO. 25-06

Commissioner Johnson moved, seconded by Commissioner Simmon, the adoption of the following:

RESOLUTION APPOINTING MEMBERS TO THE CITY ASSESSOR'S HIRING COMMITTEE

WHEREAS, the City Assessor position is open, and

WHEREAS, it has been determined the best method to proceed with hiring a new City Assessor is to appoint a committee comprised of commission members, and staff.

NOW THEREFORE, BE IT RESOLVED that the City Commission appoints Commissioner Lorraine James, Commissioner David Rhodes, City Manager Mark Gifford, City Treasurer Carla Staffen, and Mecosta County Equalization Director Shila Kiander as the City Assessor's Hiring Committee.

BE IT FURTHER RESOLVED, that this committee be coordinated by the City Manager and provide a recommendation to the City Commission for the appointment of the next City Assessor for the City of Big Rapids.

Yeas: Guenther, James, Johnson, Rhodes, Simmon

Nays: None

The Mayor declared the Resolution adopted.

Dated: January 6, 2025

City Attorney Brad Fowler summarized proposed changes to the ordinances; all Boards and Commissioners cannot be in default to the City to serve, adding Income Tax returns to the list. Also included, the City will not award bids or contracts to those who are in default to the City, or business licenses to individuals, managers, or owners of said business who are in default to the City. Applications for a liquor license would have to include a certification from the Treasurer that the applicant is not in default.

Commissioner Amanda Johnson asked if a non-profit organization asked for a one-day liquor or raffle license, do they fall under this. City Manager Mark Gifford stated the City code does not require a raffle permit, the State of Michigan requires the raffle license, they would not fall under this ordinance.

Commissioner Simmon stated she would like more time to review this ordinance and wants to understand exactly how it will be executed.

Gifford stated the list of those on boards lives in the Clerk's office. Fowler said when someone comes for appointment to a board or commission, before approval they must be compliant. The City Charter states if a board member or commissioner is not in compliance, the mayor, with consent of the commission, may give that person 30 days to become compliant or they may remove them from their position.

Commission Johnson stated she would like to have more time to review; Mayor Guenther tables the ordinance, asking it to be moved to a work session for the first meeting in February.

ORDINANCE NO. - TABLED PENDING FURTHER REVIEW

Commissioner _____ moved, supported by Commissioner _____, the adoption of the following Ordinance.

ORDINANCE AMENDING CHAPTERS 33, 34, 110, 111, 112, 119, 122 and 131 OF THE BIG RAPIDS CITY CODE TO REQUIRE CERTIFICATION OF PAYMENT OF CITY INCOME TAXES AND OTHER OBLIGATIONS TO THE CITY

THE CITY OF BIG RAPIDS ORDAINS:

[Section 1.](#) Chapter 33 of the Big Rapids City Code is hereby amended to add Section 33.001 to read in its entirety as follows:

§33.001 General Provisions

All Boards and Commissions existing at the time of the adoption of this provision shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed. Except as otherwise provided as to any particular Board or Commission, all Boards and Commissions shall be subject to the following general provisions:

- (A) Any vacancy occurring in the membership of any Board or Commission shall be filled for the remainder of the unexpired term in the manner provided for original appointment.
- (B) No person shall be appointed to a City Board or Commission if they are in arrears to the City upon debt or contract, or if they are in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns. Certification or other written evidence from the City Treasurer demonstrating that all real and personal property taxes, City income taxes, City utility bills, and all other obligations to the City are paid to date shall be provided to the City Commission for all prospective appointees.
- (C) All members of Boards and Commissions shall serve without compensation as members thereof.
- (D) The mayor, with the consent of the City Commission, may remove any member of any Board or Commission for cause, but any member shall be entitled to a public hearing on such removal, on written demand filed with the City Clerk within ten (10) days after notice or removal has been given to such member. Such a hearing shall be limited to a statement by the mayor of the reason for the removal and any response that the removed member makes regarding the removal. The hearing is not an appeal hearing but shall be held only to provide a removed member an opportunity to publicly respond to the stated reason for the removal. Cause as provided for in this subsection shall

include, but not be limited to, a member's failure to file with the City Clerk a sworn acceptance and oath of office, a member's default on any obligation to the City remaining uncured for a period of thirty (30) days following notice from the City Commission, unless the person, in good faith, is contesting the liability for default, or a member's failure to comply with any statement of privileges and duties or other standards of attendance or conduct promulgated by the City.

Section 2. Section 34.41 of Chapter 34 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

The City Commission shall not accept the bid of a contractor or bidder who is in arrears to the City upon debt or contract, or in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of taxes, payment of utility bills and compliance with all license requirements. Certification or other written evidence from the City Treasurer demonstrating that all real and personal property taxes, City income taxes, City utility bills, and all other obligations to the City are paid to date shall be provided to the City Commission prior to the award of any bid or contract. If the contractor or bidder is a business, this subsection applies to the business entity and all persons with an ownership interest in the business.

Section 3. Section 110.03 of Chapter 110 of the Big Rapids City Code is hereby amended to add a new subsection (H) to read as follows:

(H) An affidavit that the applicant, and all persons owning, operating and managing applicant's business are not in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of all income and real and personal property taxes and payment of utility bills. Certification or other written evidence demonstrating that all real and personal property taxes, City income taxes, City utility bills, and all other obligations to the City are paid to date shall be obtained from the City Treasurer prior to issuing any license under this section.

Section 4. Section 111.02 of Chapter 111 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

§111.02 License Required.

It shall be unlawful for any person to engage in business as a peddler, route salesman or transient merchant in the City without first having procured a license from the Clerk as herein provided. A person, persons, or company applying for a business license under this section shall complete an Authorization to Obtain a Criminal History Report form and submit it along with the current fee for obtaining such report, to the City Clerk for processing. No license shall be granted except upon approval of the Chief of Police. Additionally, no license shall be granted except upon approval of the City Treasurer after investigating and certifying that the applicant, and all persons owning, operating and managing applicant's business are not in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of all income and real and personal property taxes and payment of utility bills. Mobile food vendors must obtain a permit or license from the Health Department and provide a copy to the City Clerk.

Section 5. Section 112.02 of Chapter 112 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

§112.02 License Required.

- (A) No person shall engage in the business of a pawnbroker, secondhand dealer, junk dealer or antique dealer without first procuring a license from the City of Big Rapids signed by the mayor with the approval of the Chief of Police and the City Treasurer.
- (B) A person, persons or company applying for a pawnbroker license shall complete an authorization to obtain a criminal history report form and submit it along with the current fee for obtaining the report, to the City Clerk for processing. The Chief of Police shall review and consider the criminal history prior to approving or disapproving the pawnbroker license. Any person, persons or company disapproved by the Chief of Police for a pawnbroker license shall be entitled to a meeting with the Chief of Police and the opportunity to be heard on the reason for disapproval.
- (C) The City Treasurer shall investigate whether the applicant, and all persons owning, operating and managing applicant's business, is in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of all income and real and personal property taxes and payment of utility bills. Certification or other written evidence demonstrating that all real and personal property taxes, City income taxes, City utility bills, and all other obligations to the City are paid to date shall be provided to the City Clerk prior to issuing any license under this section.
- (D) The license shall designate the particular place in the City where the license holder shall carry on the business, and no person shall carry on the business in any place other than the one designated in the license.
- (E) The license period shall be for one year from January 1 to December 31, unless sooner revoked for cause, and shall not be transferable. If a license is issued for a partial year, the license fee amount will be pro-rated from the date of issuance of the license to December 31.

[Section 6.](#) Section 119.04 of Chapter 119 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

§119.04 Investigation.

- (A) The City Clerk shall forward a copy of the application to the Chief of Police and the City Treasurer.
- (B) The Chief of Police shall investigate the qualifications and background of the applicant and furnish a written report to the City Clerk accompanied by a recommendation as to whether the license should be granted or refused. As part of the investigation, the Chief of Police shall determine whether or not the applicant has been convicted of any crime involving moral turpitude, gambling, narcotics, sexual offense or has previously violated any of the provisions of this section.
- (C) The City Treasurer shall investigate whether the applicant, and all persons owning, operating and managing applicant's business is in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of all income and real and personal property taxes and payment of utility bills. Certification or other written evidence demonstrating that all real and personal property taxes, City income taxes, City utility bills, and all other obligations to the City are paid to date shall be provided to the City Clerk prior to issuing any license under this section.

- (D) The Fire Marshal shall inspect the location to determine whether the proposed location is free from fire hazards and either approve or disapprove the application.

Section 7. Section 122.04 of Chapter 122 of the Big Rapids City Code is hereby amended to add a new subsection (C) to read in its entirety as follows:

- (C) No license shall be issued under this Chapter unless the City Treasurer has investigated whether the applicant, and all persons owning, operating and managing applicant's business, is in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment of all income and real and personal property taxes and payment of utility bills, and certified compliance to the City Clerk.

Section 8. Section 131.22(A)(5) of Chapter 131 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

- (5) Certification or other written evidence from the City Treasurer demonstrating that the applicant, and all persons owning, operating and managing applicant's business, is not in default on any obligation to the City including, but not limited to, the filing of annual City income tax returns, payment in full of all income and real and personal property taxes and payment in full of all utility bills.

Section 9. The City Clerk shall publish this Ordinance in the Pioneer, and the Ordinance shall become effective upon publication.

YAS: Commissioners: Guenther, James, Johnson, Rhodes, Simmon

NAYS: _____

The Mayor declared the ordinance: _____.

Date: _____, 2025

Published: _____, 2025

UNSCHEDULED BUSINESS

Clerk Manoski sent the Commission the Rules of Procedure; Commissioner James replied with notes; Commissioner Simmon requested this be a work session. Manoski will add this as a work session for the January 21 meeting.

Mayor Guenther stated he wants to move forward with the evaluation of Mark Gifford for 2023 and 2024. Commissioner Simmon stated she has compiled the information and, moving forward, wants the commission to evaluate the City Manager in January for the previous calendar year. Simmon asked for a study session at the next meeting to formally present the process.

WORK SESSION - None

There being no further business to come before the City Commission, the Mayor declared the meeting adjourned at 7:47 p.m.

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Mayor Frederick Guenther

Karen Manoski, City Clerk