

City Commission
January 5, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 7:31 p.m.

Present: Commissioners Lynn Anderson, Peggy Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 42 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA -

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, supported by Commissioner Harper that the minutes of the December 15, 2008, meeting be approved as presented.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, supported by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan	45.00	Staples	14.27
Farm Plan	100.00*	Staples	398.78*
AT&T	175.38*	Baker & Taylor	1,855.03*
Elevator Service	140.00*	Joseph Electric	155.00*
Consumers Energy	102.78	Consumers Energy	483.80*
DTE Energy	1,118.48*	Demco, Inc.	292.31*
Money	39.95*	Readers Digest	29.96*
Scientific American	34.97*	Thomson Healthcare	59.95*
Baker & Taylor	457.47*	Consumers Energy	410.49
Buse, Jill	64.14	Consumers Energy	140.07

*Indicates library bill

Yeas: Unanimous

Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA – None.

LIBRARY COMMITTEE REPORT PRESENTATION

Mayor Warba thanked the Committee members for serving over the last year. He stated that the information provided at this meeting was a presentation only and not a Commission action item. The Library will be a January 24th Commission retreat topic. Public comment will be received according to the Commission's Rules of Procedures giving those who wish to speak five minutes.

Luanne Rothstein, Chairperson of the Library Committee, summarized the written report that was presented to the City Commission.

- The Committee met over 18 times this past year.
- The Library Board has unanimously approved the Library Committee's report.
- The Committee addressed the three questions presented to them:
 - 1) Do we need a Library?
The Committee answered yes.
 - 2) At what location should the Library be?
The Committee studied seven locations and concluded there were two viable possibilities. Those being the location across from City Hall and the current Library site.
 - 3) How should the Library be funded?
The Library Committee recommended that a District Library be formed.
- The final location of the Library will be decided by the District Library Board. The Committee made a recommendation, recognizing the downtown will be important over the coming years, but the final decision is not theirs to make.

The Library Committee members and Library Board members present were recognized.

Commissioner Brennan questioned what the steps were in pursuing a District Library. Mrs. Rothstein explained that it takes two entities to form a District Library. One would be the City and the Library Committee is recommending the Big Rapids School District as the second governmental unit. A sub-committee of the City Commission members will talk with a subcommittee from the Schools. At this time, there seems to be interest from the schools. The schools have done a lot of cutting and do not have a librarian in the elementary schools. There will an agreement between the City and School district as to how they will proceed. A District Library Board would be formed and there would need to be a millage vote.

Commissioner Harper stated the comparison of the other libraries brought back some interesting information. She questioned the recommendation of where the library should be located.

Mrs. Rothstein stated that the site of the Library would be up to the District Library Board. The site across from City Hall was the Committee's first option but the current site is also a viable location.

Commissioner Harper questioned if the Library Committee was referring to the current Library or only the current site in their recommendation. Mrs. Rothstein stated that the report refers to the "site" Library Committee member Lorraine James stated that all Committee members said that they did not want to put money into a building that was old.

The Mayor opened the floor for public comment:

Wesley Thompson, 17625 Nancy Dr, Colfax Township, addressed the City Commission with a variety of issues:

- He is in favor of a library, but not a new library.
- There is already a library, so the City just needs to work with what there already is.
- People are looking to the cities to provide more things. The City is expected to provide services. He cannot see why the City cannot put money towards the library.
- There has always been a community library – that is what the people are use to. There needs to be a determination of what 'community' means and define it in a mission statement.
- The City is in dire need of money, how can it look at a new library?
- If people have a Michi-Card, they cannot be stopped from using the Library. With a card, a cardholder can go to any library.
- Eighty percent of the people who use the library are from outside the City, and 80% of the people who file taxes live outside the City.
- There are penal fines that go towards libraries that the City has not collected.
- The current library can be addressed by putting in a parking lot. Mr. Thompson has made a previous offer to construct one at no cost.
- The bathroom can be addressed by putting in a unisex bathroom on the first floor.
- A District Library is controlled by a taxing authority.
- Going to a District Library is a loss of power.
- Times are tough and people need to think about how money is spent.

John Holdsworth, 18200 Northland Drive, Green Township, stated he is in opposition to a new library because of (1) the economy and (2) downtown is not the place for a new library because of safety concerns. This is not the right time.

Mary Davis, a city resident, stated she is in favor of the Library, and presented the following points:

- She has attended some of the Committee meetings. The Committee worked very hard and unfortunately was treated badly.
- She home schools and knows the value of a library.
- Status quo is not an option for the future of the library.
- She does not understand why people have a problem with a District Library.
- She does not believe the Commission can stop at this point when they should allow the people to have a vote on a District Library.

Paul DesNoyers, BRPOA, was concerned about the cost per household and that a District Library would add an additional tax burden to the landlords.

Library Board and Committee member Dale Hobart, explained some of the benefits of a District Library in terms of funding. One of the benefits is that there is the opportunity to get the big box stores into the tax base. A district will allow some taxes on businesses that do not currently contribute.

Lorraine James stated that \$44,000 is the average taxable value on a home in the City of Big Rapids. One mill on that would be \$44.00. Mr. Thompson stated that at this time no one knows for sure what the millage will be.

Wendy Nystrom, lives in Big Rapids. At first, she was against the District Library concept, but now she is very much supportive of it.

Rosemary Jennings, 606 Bjornson Street, was concerned with any additional costs with the high WWTP renovations coming up. She was concerned that any millage currently going towards the library will not be returned to the people as occurred with 2% mills in the past. She has concerns over the families who will have trouble putting food on their tables for their kids.

Diane Scarpelli, 17309 Astro Drive, stated that Morley went to a District Library and the building ended up located on school property. She questioned how that would benefit the downtown. If the school is interested in a District Library because of the library facility shortage in school buildings, they will want the library located on school property.

Rita Conrad, 14785 Tomahawk Drive, does not understand where the rumor has started from that the schools would want the facility on their property. She has talked with many people in the school system and they have never come up with that proposal.

Jerry Everett, Big Rapids Township, offered the following for consideration:

- He believes that the issue needs to be addressed one item at a time.
- He has faith that everyone on the Commission and School Board has earned their right to be there. Not only do the citizens need to trust these officials, but also the officials need to be sensitive as to what the community can afford.

- It is important to at least sustain the life of the Library.
- The District Library is made up of appointed officials and everyone that we need to be sensitive to can be put into the agreement.
- A District Library can be what the citizens want it to be.
- We need information that is factual, not rumors.
- There is always a better way to do something.
- He believes that this community can move forward and form a District Library.

Dawn Blake, Colfax Township resident, supports a District Library and hopes the process is coming to a point of where the community can work towards a District Library. A Library serves poor families in a very powerful way. A Library can provide the service that poorer families cannot afford on their own. She urged to let this come to the community members to decide.

Mrs. Rothstein stated that future needs cannot be based on this year's economics. The Commission should go forward from here and let the people vote on this. She has not heard anything that the school would want a building on their property. The school boundaries were proposed because it includes most of the people who currently use the Library.

There was a discussion regarding whether or not the City Charter requires the City to dedicate one mill for the operations of the Library. Lorraine James explained the one mill dedication. It is not in the City Charter, however, the past City Manager used the one mill as a guideline for Library funding. It has never been voted by the City Commission to guarantee a dedication of one mill. She stated that the City has transferred \$240,000 from the General Fund into the Library Fund to sustain it.

Commissioner Harper believes that the State Law requires a one-mill dedication. She would like to know what that State Law says.

Mary Davis urged people to look at what is good for the community, and not just 'my household'. She would like people to look outside themselves, as to what is best for all and not just 'me'.

Mayor Warba concluded the discussion stating that there has been a lot of controversy and comments pertaining to the Library. The effort is to come up with what is best for the community as a whole. He is confident that a common ground will be found and the Library will move forward. He expressed thanks, appreciation, and respect to the Library Committee for their commitment. The Commission will begin to look at the recommendations to move forward.

RESOLUTION NO. 09-01

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

**RESOLUTION ADOPTING 2009
CITY COMMISSION MEETING SCHEDULE**

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

NOW, THEREFORE, BE IT RESOLVED, that the attached 2009 meeting schedule be adopted, which includes a study session set for 6:30 p.m. and the regular meeting set for 7:30 p.m.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 5, 2009

Mayor Warba stated that the MML is an advocate for Michigan City Government. When the resolution supporting train service was brought to his attention, he brought it to the Commission. The resolution encourages support for expanded train service.

Wendy Nystrom stated she has a passion about passenger trains. She was disappointed when many of the rail lines went to trails. She would like to see more people taking trains.

Commission Hogenson stated it is feasible to look at everything and the economy and than do nothing. Rail transportation was the mainstay at the turn of the century. He believes that it should be said that if there is an opportunity to say what enhances the quality of life in West Michigan, the Commission should say so.

Commissioner Harper appreciated the matter being put before them because it provided an opportunity to learn more about the current rail transportation system. She noted the following:

- She did not have much information before this.
- MML will take positions that do not necessarily benefit all communities.
- The current performance of the Amtrak system is very poor.
- State subsidy will be required at about \$1.3 million.
- \$1 billion lost from the system in 2007.
- The train is late $\frac{3}{4}$ of the time, which is an 88% late rate.
- She questioned why the State should continue to support a poor operating structure.
- Instead of supporting a bad system, she would like to send a message that there needs to be rethinking regarding the operation of the public trains transportation system.

RESOLUTION NO. 09-02

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

RESOLUTION OF SUPPORT FOR MICHIGAN PASSENGER TRAINS

WHEREAS, Amtrak, first established by Congress in 1970, serves more than 500 stations in 46 states, spanning 21,000 route miles, employing over 20,000 people, carrying more than 28.7 million passengers in 2008, an increase of 11.1 percent over the previous year, and has implemented significant reforms over the past five years to improve overall performance and customer satisfaction; and

WHEREAS, forty nine communities in Michigan are part of Amtrak's schedule which include eight daily trains on three routes: the Wolverine route connecting Pontiac and the Detroit Metro area with cities across southern Michigan, the Blue Water route connecting cities between Port Huron and Niles, and the Pere Marquette route connecting lakeshore communities from Grand Rapids to New Buffalo; and

WHEREAS, two of these routes – the Pere Marquette and the Blue Water – are partially supported by the state of Michigan; and

WHEREAS, for the FY 2007-08 ridership on the Pere Marquette was up 6.6 percent over FY 2006-07 and revenues are up 11.6 percent; and ridership on the Blue Water route is up 7.0 percent over 2007-08 and revenues are up 16.9 percent, reflecting statewide increases in ridership of 52%-69% over the last 5 years; and

WHEREAS, a record for FY 2007-08 was 720,647 passengers traveling on Michigan trains.

WHEREAS, Amtrak's request for state support has not increased since FY 2003/04 while dramatic increases in diesel fuel and employee health care costs have been offset partially by increases in ticket revenues; and

WHEREAS, future increases in ridership and revenue will be limited by lack of train capacity; and

WHEREAS, passenger trains provide a safe, convenient and cost effective travel choice that reduces congestion on roads and in the skies, thus saving fuel and improving air quality; and

WHEREAS, Amtrak employs 114 people in Michigan paying approximately \$6.6 million in salaries and wages and has more than \$5.7 million in contracts for goods and services with Michigan businesses; and

WHEREAS, the Pere Marquette passenger train brings students, business leaders and vacationers to the Michigan lakeshore communities of New Buffalo, St. Joseph-Benton Harbor, Bangor-South Haven, Holland, Grand Rapids and beyond from throughout the Midwest;

THEREFORE, BE IT RESOLVED by the City of Big Rapids that we memorialize the Michigan House of Representatives, the Michigan Senate and Governor Jennifer M. Granholm to increase the current funding level for the state-supported Pere Marquette passenger train so as to add a second daily train out of Chicago to arrive in Grand Rapids before noon; and

BE IT FUTHER RESOLVED that copies of this resolution be transmitted to Governor Granholm, The Honorable Michael Bishop, Majority Leader of the Michigan Senate, The Honorable Andy Dillon, Speaker of the Michigan House of Representatives, The Honorable Michelle McManus, and The Honorable Darwin Booher.

Yeas: Anderson, Hogenson, Warba

Nays: Brennan, Harper

The Mayor declared the resolution adopted.

Dated: January 5, 2009

UNSCHEDULED BUSINESS.

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
January 20, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 7:40 p.m.

Present: Commissioners Lynn Anderson, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: Commissioner Peggy Brennan, who was excused.

There were 24 persons in the audience.

PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was led by Melissa Spencer.

APPROVAL OF THE AGENDA - No additions.

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, supported by Commissioner Harper that the minutes of the January 5, 2009, meeting be approved as presented.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, supported by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Demco	64.20*	Michigan Office Solutions	158.80*
AT&T	.80*	Consumer Reports	26.00*
Discover	31.95*	Good Housekeeping	23.97*
First National Bank	595.99*	Baker & Taylor Books	302.18*
Wilson company H.W.	420.00*	Charter Communications	269.99*
Big Rapids Cash & Carry	80.66	Consumers Energy	274.02
National Recreation	135.00	Corporate Title Agency	230.00
Hurst Industries	275.25*	Staples Business	20.21
State Street Hardware	17.66	American Society of Composers	307.50
Tri County Portable	110.00	Michigan Chapter International	75.00
AT&T	67.77	Arnold Sales	-7.80*
Elevator Service	140.00*	Central Fire Protection	132.00*
Staples	285.03*	AT&T	170.91*
Baker & Taylor Books	269.98*		

*Indicates library bill

Yeas: Unanimous

Nays: None

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Don Jones, 522 Elm Street and Vice-President of the BRPOA, reminded everyone of the Plan Board meeting to be held on Wednesday January 21, 2009, at 6:30 p.m. There will be a public hearing on the International Fire Code, which he feels could have an impact on businesses and rental property.

Sue Glatz, 17870 205th Avenue, requested the following of the City Commission:

- (1) Consider the idea of having non-residents and taxpayers appointed to sit on City Boards. Even if they do not have a vote, their presence and input would be important.
- (2) Try to revisit the Padlock Ordinance. Currently the nuisance 'three-strikes' goes with the property. When the property is sold the 'three strikes' stays with the property. It is a burden on the new property owner. There should be an erasure clause for a new property owner.

Mayor Warba stated that the Charter Revision/Amendment is on the City Commission's Retreat agenda for January 24th. Perhaps any Charter revision could look at the possibility of a non-resident on City Boards.

RESOLUTION NO. 09-03

Commissioner Harper moved, seconded by Commissioner Hogenson the adoption of the following resolution:

RESOLUTION ADOPTING THE 2009 RULES OF PROCEDURES FOR CONDUCTING THE BIG RAPIDS CITY COMMISSION BUSINESS

WHEREAS, Section 6.1 of the City Charter requires that the City Commission adopt at its first or second meeting of January each year its Rules of Procedures, and

WHEREAS, the 2009 Rules of Procedures are attached.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby adopts the 2009 Rules of Procedures for Conducting the Big Rapids City Commission Business.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2009

Jean DeVries, the person requesting the liquor license for 407 N. State Street, informed the Commission that she would be opening a small Italian restaurant at the location. She is requesting a Class C liquor license under the City's Redevelopment District licensing. She owned and operated Pepper's Deli for twelve years. The liquor will be for table service only. There will be no bar.

RESOLUTION NO. 09-04

**RESOLUTION APPROVING CLASS C LIQUOR LICENSE UNDER
THE CITY'S REDEVELOPMENT PROJECT AREA LIQUOR LICENSES PROVISION
FOR 407 N. STATE STREET**

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Tuesday, January 20, 2009 at 7:30 p.m., the following resolution as offered:

Moved by Commissioner Hogenson and seconded by Commissioner Harper.

That the request from VIVO, LLC, for a new Class C license under the City's Redevelopment Project Area Liquor License Provision, to be located at 407 N. State Street, Big Rapids, MI 49307, Mecosta County, be considered for approval "Above All Others".

APPROVAL

Yeas: Anderson, Harper, Hogenson, Warba

Nays: _____

DISAPPROVAL

Yeas: _____

Nays: _____

It is the consensus of this legislative body that the application be: Recommended for issuance.

State of Michigan)

County of Mecosta)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on Tuesday, January 20, 2009.

Roberta R. Cline, City Clerk

226 N. Michigan Avenue
Big Rapids, MI 49307

RESOLUTION NO. 09-05

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

**RESOLUTION PROVIDING FOR AN ALTERNATE MEETING DATE
FOR THE MARCH BOARD OF REVIEW**

WHEREAS, currently the March meeting of the Assessment Board of Review is held the second Monday in March as set forth by statute, and

WHEREAS, Act No. 194 of public Acts of 2003 amends the MCL 211.30 statute and allows cities and townships to adopt an alternate date for the March session of the Board of Review to accommodate such circumstances as a lack of quorum of Board members, and

WHEREAS, staff recommends establishing the permissible alternate date as Wednesday following the second Monday in March.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts staff recommendation to provide for an alternate date for the March meeting of the Assessment Board of Review.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2009

RESOLUTION NO. 09-06

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

**RESOLUTION OF INTENT TO APPLY FOR
FINANCIAL ASSISTANCE FROM STATE OF MICHIGAN
FISCAL YEAR 2010 UNDER ACT NO. 51 OF THE
PUBLIC ACTS OF 1951, AS AMENDED**

WHEREAS, pursuant to Act No. 51 of the Public Acts of 1951 (Act 51), As Amended, it is necessary for the City of Big Rapids' Dial-A-Ride Public Transportation System, established under Act 94, to provide a local transportation program for the state fiscal year of 2010 (October 1, 2009 through September 30, 2010) and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the City of Big Rapids, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators for this agency have been reviewed and approved by the City of Big Rapids; and

WHEREAS, the City of Big Rapids, has reviewed and approved the proposed balanced budget, and revenue funding sources of estimated \$64,992 federal funds, \$144,688 estimated state funds, \$120,620 estimated local funds, \$58,000 estimated fare box funds, and \$17,900 in estimated other funds, with total revenues in an estimated amount of \$406,200.

NOW, THEREFORE, BE IT RESOLVED that the City of Big Rapids does hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

HEREBY, appoints Stephen Sobers as the Transportation/Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for the state fiscal year of 2010 (October 1, 2009 through September 30, 2010).

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: January 20, 2009

RESOLUTION NO. 09-07

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

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SIGN THE APPLICATION PERMIT FOR MISCELLANEOUS OPERATIONS WITHIN STATE TRUNKLINE RIGHT-OF-WAY FOR 2009

WHEREAS, the City of Big Rapids hereinafter referred to as the "GOVERNMENTAL AGENCY", periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT", for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the governmental agency agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by

the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY.

Name	Title
Donald Greiner	Public Works Director

Yeas: Anderson, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: January 20, 2009

The City Commission discussed the proposed resolution regarding Wilcox Engineering for the professional services for Streetscape and the resolution for additional payment for VSCI Streetscape design services.

City Manager Sobers explained that the City submitted an \$800,000 grant application to the Michigan Department of Transportation (MDOT) for an enhancement project in the downtown area. The MDOT grant people instructed that the total amount of the grant be reduced. Another application was prepared for \$600,000 and the City was again instructed to reduce the amount. MDOT accepted an application for \$400,000. Each revision resulted in additional plan work done by Wilcox Engineering, who is requesting an added \$18,700 to the \$12,900 already paid them.

Commissioner Harper questioned if staff has gone back to re-negotiate the additional payment. Mr. Sobers replied that staff has talked with Wilcox Engineering representatives and they do not have a desire to renegotiate.

Jim Tiffany, representative of Wilcox, stated that the extra cost was for design and engineering services, based on time and expense, billed on a monthly basis. The original plan was submitted to MDOT, then the second and third revisions. No one anticipated the length of time involved in the revisions.

Mayor Warba questioned the costs. The City paid \$12,900 for the \$800,000 proposed project. Two reductions in that proposed project involves an \$18,000 cost. He questioned how revisions in an original plan more than double the cost. He questioned if there was duplication in any of these revisions?

Mr. Tiffany described the revision process. They developed a conceptual plan for the entire project, along with estimated costs, and submitted to MDOT. MDOT made the decision that the project needed to be reduced. Wilcox made the necessary revision, issuing an addendum to the initial submission. There was a request for a third submittal

with a new conceptual design and new estimates of cost. Effort for the revisions was put into the project and Wilcox would like to be paid for that effort.

Commissioner Harper stated that before the Commission is also the resolution for the professional engineering services for \$201,000. This resolution is separate from the design resolution. Mr. Tiffany stated that the streetscape professional services contract amount is all under a 'not to exceed' amount.

The resolution on the additional payment for Wilcox Engineering services for the VSCI Streetscape Project design was withdrawn for further negotiations.

RESOLUTION NO. 09-08

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

**RESOLUTION AUTHORIZING WILCOX ENGINEERING
TO PROVIDE PROFESSIONAL SERVICES
FOR STREETScape**

WHEREAS, design work is necessary for the Streetscape Improvements of the Vibrant Small Cities Initiative (VCSI) project, and

WHEREAS, Wilcox Professional Services is the approved engineering firm to provide engineering assistance, and

WHEREAS, Wilcox Professional Services has submitted a not to exceed amount of \$201,216 to provide the professional work for the Streetscape Improvement project which will consist of design and construction engineering services for the Streetscape and associated street reconstruction work and also Pocket Park, and

WHEREAS, the engineering services for this project will extend over a two year fiscal budget period, and

WHEREAS, the remainder of the cost for construction engineering will need to be appropriated in the 2009/2010 fiscal year budget.

NOW, THEREFORE BE IT RESOLVED, that the City Commission hereby accept the proposal of Wilcox Professional Services for the professional services for the Streetscape Improvements in an amount not to exceed \$201,216.

BE IT FURTHER RESOLVED that funding for \$124,000 of these services be expensed to Account No. 244-728-802.002.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The resolution was declared adopted.

Dated: January 20, 2009

Roger Schneidt, Deputy Director of Public Works outlined this year's sidewalk special assessment project.

Don Jones, 522 Elm Street, stated he read an article pertaining to an increase in concrete costs. There will be some emission requirements required of the concrete plants and they affect the buyers costs. Mr. Schneidt stated that the cost of concrete has already seen an increase this year and he assumes it is due to this requirement.

Kim Wortley, 621 Osceola Avenue, questioned why the City charges 5% interest on the sidewalk assessments. Mr. Sobers and City Treasurer Julie Tetsworth stated most of the charges are not excessive and that the majority of people pay their special assessment bill up front.

RESOLUTION NO. 09-09

Commissioner Hogenson moved, seconded by Commissioner Harper, the adoption of the following Resolution:

**RESOLUTION DIRECTING STAFF TO PREPARE ESTIMATES
AND DIAGRAMS AND TO ESTABLISH A PUBLIC HEARING DATE REGARDING
2008/2009 SIDEWALK SPECIAL ASSESSMENT PROJECT**

WHEREAS, the City Commission of the City of Big Rapids determines that a public improvement through the new, replacement and repair of certain sidewalks, where required, is necessary and shall be initiated by Special Assessment and therefore;

BE IT RESOLVED, that a public improvement through construction of new sidewalk, replacement and repair of existing sidewalk, is necessary and shall take place within certain properties on the following streets:

- | | |
|-------------------|--------------------|
| Hutchinson Street | Lilac Avenue |
| Rust Avenue | S. Division Street |
| Escott Street | W. Madison Street |
| N. State Street | Marion Avenue |
| W. Pine Street | Rose Avenue |
| Green Street | Locust Street |
| Sanborn Street | S Michigan Avenue |
| S. State Street | Spring Street |
| Woodward Avenue | Maple Street |
| Cherry Street | Cypress Street |
| Ives Avenue | Linden Street |
| Magnolia Street. | River Street |
| S. Stewart Avenue | Mill Street |
| Willow Street | |

BE IT FURTHER RESOLVED, that 50% of the expense shall be paid by each property owner benefited thereby, and 50% of the expense shall be paid by the City of Big Rapids, and that the property owner's expense shall be levied and paid in the manner following:

Full payment to be spread over a three (3) year term payable in three (3) annual installments with interest at the rate of five percent (5%) 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 said special assessment shall be upon each lot, premise and parcel of land abutting the public improvement on or next to the above list of properties proportionately to the improvement; the expense for said improvement is estimated to be \$3.40 per square foot for installation of four inch (4") thickness sidewalk, \$4.20 per square foot for installation of six inch (6") thickness sidewalk, and \$4.20 per square foot for installation of ramp.

BE IT FURTHER RESOLVED, that the Public Works Deputy Director shall prepare estimates and diagrams and that the estimates and diagrams be filed with the City Clerk for public examination, and the City Clerk shall publicize this public improvement in the Pioneer Press; and that the City Commission will meet on Monday February 16, 2009, at 7:30 p.m. in the Commission meeting room of City Hall to consider any objections.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2009

RESOLUTION NO. 09-10

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

RESOLUTION ON MAYORAL APPOINTMENTS TO BOARDS AND COMMISSIONS

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

PROPERTY MAINTENANCE APPEALS BOARD

Jeff Joseph appointed to an unexpired term ending October 2010.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: January 20, 2009

RESOLUTION NO. 09-11

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

**RESOLUTION DIRECTING CITY PLAN BOARD TO REVIEW AND CONSIDER
A REQUEST TO VACATE THE ALLEY LOCATED IN BLOCK 3 OF
GRAND RAPIDS AND INDIANA RAILROAD COMPANY'S AND CONTINENTAL
IMPROVEMENT COMPANY'S SECOND ADDITION**

WHEREAS, the City Commission has received a recommendation from the Assessing Office to vacate an alley located in Block 3 of Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second Addition, and

WHEREAS, the City Commission seeks public input regarding this matter, and

WHEREAS, the City Commission seeks a recommendation from the Plan Board regarding how granting this request may or may not comply with Section 560.27 of the Michigan Land Division Act (pertaining to improving the health, welfare, comfort, and safety of citizens) and Section 34.54 of the Big Rapids Code of Ordinances (pertaining to whether real property is required by the City).

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby refers said request to the Plan Board for review and recommendation.

Yeas: Harper, Hogenson, Warba

Nays: Anderson

The Mayor declared the resolution adopted.

Dated: January 20, 2009

City Commission Evidentiary Hearing for 211 E. Grand Traverse St. under the Padlock Ordinance.

City Attorney Eric Williams read aloud the following as part of the Public Evidentiary Hearing on 211 E. Grand Traverse Street under the City's "Padlock Ordinance" which began at 8:57 p.m.

Introduction

Whenever three specified incidents occur within any 9-month period on any real property within the City of Big Rapids, the City Commission may declare by resolution that the real property is a public nuisance and may order the nuisance abated. (Title 9, Chapter 90, §90.82.)

Complaint, notice and hearing are required

“A declaration of a public nuisance can occur only after a formal complaint is filed by the City’s Director of Public Safety and notice is given to the owner of the real property and the owner has had an opportunity to be heard at a public evidentiary hearing before the City Commission.” (§90.83(1)).

City Commission as municipal administrative agency

The City Commission shall act as a municipal administrative agency in determining whether a public nuisance exists. §90.83(3). The City Commission shall make its determination based solely on evidence presented at the public evidentiary hearing. The City Commission shall afford an owner and City personnel an opportunity to present evidence and oral argument. (§90.83(3)).

The Case

A complaint has been filed from the Director of Public Safety against 211 E. Grand Traverse based on three or four specified incidents alleged to have occurred on September 13, 2008, October 24, 2008, November 7, 2008 and November 21, 2008.

Mr. Williams stated that there might not be evidence to show noise parties. Records must show that there were three or more nuisance parties. Reading the reports, it appears there may be parties occurring, but the third incident will show there were only two people present. Two people are enough to make it a finding. The Department of Public Safety is not recommending any abatement because the property owner has already taken care of the tenants that made the nuisance. They are not recommending padlocking. They are required to document all occurrences and bring it to the point of evidentiary hearing.

Commissioner Harper stated that it appears that the property owner has evicted the troublesome tenants of this house. Perhaps the Commission will need to come up with a procedure to handle cases like this. If the Commission should decide not to take action on these events, the tickets still apply to the Padlock Ordinance and subsequent tenant(s) who violate the noise ordinance would enable the City to revisit this issue. She stated she would like to suspend the hearing since it appears the nuisance has been abated.

Commissioner Hogenson agreed to some extent. The object is not some punitive thing, but to abate a problem. This is about the neighborhood. The desired action here is to stop the problem. Abatement in this case does not seem necessary. The Padlock Ordinance has been inordinately effective.

Commissioner Anderson concurred. She was glad that the issue has been addressed by the property owner. There are many who want people to come into the City to live.

Kim Wortley, 621 Osceola Avenue, is a resident around the corner from the property. One of the tenants moved in and partied for three straight days. The next weekend, they partied again for three straight days. During homecoming, there were at least 80 cars with 80 – 160 people there. The music is not always the problem, it is the pounding base. The house has been disruptive to the neighborhood.

Mr. Williams stated that the incidents go with the property. It is good to know that the nuisance individuals have been removed from the property.

Commissioner Harper stated that three of the incidents involved a person who has been evicted from the property. The fourth incident involved another individual also has been evicted.

Mayor Warba stated the Commission would need to decide if the Padlock Ordinance has been violated. Has there been a social gather at this property three or more times? Would law enforcement consider two people a social gathering?

Sgt. Craig Brockett stated that if there are two people, law enforcement must look at it as a party. The complaint in November involved two people, but someone's peace was being disturbed. When Public Safety receives a complaint, officers respond to the complaint. It is not our decision to decide if the peace is being disturbed, we respond to the complaint. Perhaps it does not rise to the point of being padlocked, but if there is another complaint, it will need to be reconsidered.

In reading the Ordinance, Mayor Warba believes that there can be a nuisance party with two individuals. The question is if the action taken by the property owner is enough to mitigate the problem.

MOTION NO. 09-12

Commissioner Harper moved, seconded by Commissioner Hogenson that the City Commission suspend the evidentiary hearing on 211 E. Grand Traverse Street and take no action.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The motion was declared passed.

January 20, 2009

Sue Glatz questioned at what point the property owners can find out that a tenant is a troublemaker. How do we find out who these people are who are causing the problem?

Mr. Sobers suggested that a standing FOIA request might be beneficial so that when the Public Safety Department sends the second notice out, they would give the property owners an advance notice of the report.

Mr. Williams stated that the landlords could share the notices as well. Mr. Jones stated that the landlords are currently doing this with tenants who do not pay their rent. The prosecutor also provides them with names of drug offenders.

Rose Mary Jennings stated that previous Director Kevin Courtney told her that she could go to the Public Safety Department to have someone checked out.

Ben Brandt, owner of 211 E. Grand Traverse, desires to work with the City and neighbors. He asked for any direction or comment to the property owners as to what they can do.

Commissioner Hogenson felt that what he has done, acted promptly with eviction, was a good response. Mayor Warba added that joining the Good Neighbors and BRPOA was also a good idea. Commissioner Harper suggested driving by the property on Thursday, Friday and Saturdays evenings. Mr. Brandt stated he does do the drive bys.

The hearing process closed at 9:47 p.m.

UNSCHEDULED BUSINESS.

- The Comstock House received their OPRA due to a change in status by the State.
- There has only been two water main breaks so far with the cold water. There are apt to be more in the spring as the frost gets driven down.
- The aerial ladder vendor paid for staff to travel to review the construction of the apparatus. This proves to be beneficial so that all specification issues can be dealt with during construction, guaranteeing that the apparatus will serve the community's needs when it is finished.

There being no further business to come before the Commission, the meeting was adjourned at 9:53 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
February 2, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peggy Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 25 persons in the audience.

There was a moment of silence in honor of Barbara Randle.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - Addition of Proclamation Recognizing the Community Service of Barbara Randle.

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, supported by Commissioner Harper that the minutes of the January 20, 2009, meeting be approved as corrected.

Yeas: Unanimous
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, supported by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Phil's Auto Parts	38.00	Consumers Energy	370.17
Arboriculture Society	75.00	AT&T	.60*
Baker & Taylor	2,331.86*	Consumers Energy	629.63*
Consumers Energy	168.16	District Health Dept.	70.00
Arnold Sales	24.97*	Miller, Becky	54.60
Rush, Lori	42.90	Baker & Taylor	129.29*
Xerox Corp.	124.67*		

*Indicates library bill

Yeas: Unanimous
Nays: None

SPECIAL ORDERS OF THE DAY

PROCLAMATION RECOGNIZING THE COMMUNITY SERVICE OF BARBARA RANDLE

WHEREAS, Barbara Randle was an extraordinary citizen and public servant in the City of Big Rapids, Michigan for 46 years, from 1963 to 2009, and

WHEREAS, Barbara Randle was a charter member of the Organization of Business and Professional Women's Club and was named its 'Woman of the Year' in 1988. Barbara was also an active member of the General Federation of Women's Clubs, Zonta Club and the Mecosta County Historical Society, and

WHEREAS, Barbara Randle's professional and civic leadership took her from a teaching roll at Ferris State University to elected positions in the community as a delegate on the 1989 Charter Revision Committee and the Big Rapids City Commission (1982-1986). Barbara also served for eleven years on the Park and Recreation Board and most recently on the Mayor's select Library Planning Committee, and

WHEREAS, Barbara Randle was known as a positive and cheerful individual and a special friend and patron of the arts. Barbara was a dedicated member of the First United Methodist Church.

NOW, THEREFORE, in recognition and appreciation of her lifelong service to the City, the Big Rapids Commission hereby pays tribute to this outstanding community member, and orders and directs that a certified copy of this proclamation be delivered to the Randle family, and that a permanent copy be placed in the records of this Commission in thanksgiving of her generous civic contribution and as a lasting memorial to her service.

Mayor Mark J. Warba

Dated: February 2, 2009

STUDY SESSION ITEMS

1) Financial Report

The Quarterly Investment Report was submitted outlining the City's investment Portfolio, Pooled Cash and Investment Balances and Interest Earnings. Discussion points:

- The bank balances of \$100,000 are based on the old FDIC insurance rates. There are now new insurance caps of \$250,000 and monies can be moved once the certificates of deposit mature.

- It was questioned that since there is a wide range of interest being earned from the CDs, is the City looking at putting its money in the banks with the higher interest? The City looks at the best rate of return, while keeping everything locally. The rates do change month to month, so different banks may have the higher rate during different months. It is not standard across the board and the City Treasurer will be moving money back and forth. It is also important to note that we do keep monies in the various banks because there are times the City asks for their assistance.
- Spikes in the pooled cash and investment balances occur depending when the 'picture' is taken. Balances fluctuate if there are expenses to be paid, whereby more money is kept in the account, or if the City has payments coming in such as property taxes, it will also be spiked.
- The City Treasurer will keep a close eye on the investments. These are long-term investments and over time they will recover. The City is not investing in high risk funds. The City is required to follow PA 20 and it is very rigid in what the City is allowed to invest in.

2) Wastewater Treatment Plant Improvement Report

Don Greiner presented the following information:

SERF Funding:

- As of January 5, the City had five deadlines for funding. Four of the five were requirements of the DEQ. The City's requirement was to publish the bid advertisement. All the deadlines have been met.
- On January 6 a Part II of the application was due. After DEQ reviewed and after a couple of changes, the application was accepted. That process is now complete.
- There are two remaining submittals that are required:
 - (1) A resolution authorizing the award of the contract for construction.
 - (2) Part III of the application is due on February 20.
- Bonds are scheduled to be sold on April 3, 2009.

Enforcement Items:

- The City retains BioTech under contract to dispose of the wastewater plant's biosolids. They did a land application of the biosolids on a farmer's field in the middle of January. The ground was frozen and the machine could not penetrate the frost and some of the biosolids ponded on the ground, which is a violation. Staff has asked BioTech for an explanation of what they intend to do regarding it. The City must provide a written report to the DEQ. BioTech will accept responsibility for the incident. Because of the contract with BioTech, the City will also hold them responsible. The City Attorney was invited to review the BioTech contract to see what contractual remedies exist.
- The City has been notified by phone that the City will receive a Notice of Violation covering three broad areas:
 - (1) Removal of the primary basins from service in the fall of 2002.

- (2) Submission of annual report that is late. Staff does not know what report they are talking about.
- (3) Sanitary Sewer overflow at the plant.

Once the report is received, staff will be in a better position to respond.

Plant Operation:

- The plant continues to meet requirements.
- Ice Mountain discontinued hauling on January 5th but it is still too early to say if there is any signification change.

Construction Schedule:

- Erhardt Construction will be here on February 11 for a preconstruction meeting. This will involve the contractor and all of his team, some DEQ individuals, design engineering people, City staff and any utility people who have services on site.
- This is the last night that Prein and Newhof will be billing the City for design work. Staring tomorrow they will wear their project construction engineer hats.

Discussions:

- Is there any necessity to develop a policy to be included in the biosolids contract as to when the City would want them spread? Mr. Greiner stated that this matter will clearly be a part of a discussion with BioTech.
- Commissioner Brennan questioned what the violation was with removing the primary basins. Mr. Greiner is not sure, but at the time, the City did notify the DEQ that it wanted to remove the primary basins used for grease removal to see if they were necessary in the big picture. If they were to be continued to be used, because of their locations, the City would have had to construct new basins. With an operating trial period, it was decided that the City could operate without them. The DEQ has been aware that the basins have been out of service for 6 – 7 years. This is a notice of violation, which will allow the City an opportunity for a response. Until the City sees the written violation, staff is not sure what the violation is. After the DEQ receives the City's response, they can decide to assess a fine or to do nothing. It is hoped that because construction is being authorized this evening, it may positively affect the DEQ's decision.
- The new construction will include a facility for grease and grit removal. This will be the remedy for the removal of the old primary basins.
- Mayor Warba asked Mr. Greiner if a cash reserve of \$300,000 in the Sewer Replacement Fund was reasonable. Mr. Greiner feels it is reasonable and stated that it will grow about \$100,000 each year. During construction, he does not believe the City will have to access that account. Mr. Sobers added that it is reasonable that in 5 – 6 years, when the current bonding obligation is done; there will be some money to complete some of the other small improvements that are not a part of this current improvement project.

User Charge Study:

- Subcommittee reviewed Jim White's letter and as a result are spreading the depreciation throughout the entire study as recommended by Mr. White. That

- One of the exhibits was his question pertaining to the use of accumulated funds to assist in the amount of money we need to borrow under the SRF program. The snapshot of the cash balance in the sewer equipment fund of a couple of months ago was about \$533,000. It is the City's position to keep some reserve money there to meet any emergencies. In staff's discussion, a \$300,000 figure has been considered a safe figure. There will be least \$230,000 plus what has been put in the last couple of months.
- Due to the rate increases adopted a couple of years ago, interest has accumulated to about \$850,000 and will be a little higher than that in April and all of that will help to defer the cash dollars that the City will need to borrow.
- By the time the City reaches the bonding timeframe, there should be probably \$1.2 to \$1.4 million to help to defer monies the City would otherwise be borrowing.
- A resolution will be presented for the full \$8 million, but it does not mean that \$8 million will be borrowed. There will be payment of interest only on the amount actually borrowed when the time comes.

3. International Fire Code:

- Deputy Director Warren Hansen stated that the City is currently working from the 1970 Fire Code, which is antiquated and outdated. Today's fire service needs to be able to enforce the most up-to-date rules and the recommendation is to adopt the International Fire Code (IFC) of 2006.
- The International Fire Code provides minimal standards and guidelines for flammables. A committee appointed by the International Code Council, consisting of building officials, code administrators and fire officials, developed the IFC. Their goal was to set minimal standards for fire prevention and fire protection systems. It gives the fire department a guideline to enforce the storage of flammable liquids, solids and gases, requirements regarding sprinkler systems, fire extinguishers and smoke detectors, and the maintenance of each device, occupancies in buildings and many other provisions relating to public health, safety and welfare. It is available internationally for cities to adopt and many cities in our area have adopted the code.
- This has been before the Plan Board and was voted unanimously for adoption.
- The International Property Maintenance Code was adopted two years ago and the IFC is compatible with that code.
- Commissioner Harper stated that one of the issues brought up was that one person would be solely in charge of making decisions pertaining to the IFC. That potential problem would be offset by a Board of Appeals. She questioned if there would be a problem finding qualified individuals for the Appeals Board as outlined in the Code. Scot Mroz believed it could potentially be a problem and challenging, but he does not believe it should prohibit the adoption of the code. Commissioner Harper requested if that answer could be provided before the adoption of the Code.

- Commissioner Harper also stated that the IFC would not only give the City the authority to inspect rental properties but it could be expanded to also commercial property. Deputy Director Hansen stated there are no plans to inspect commercial properties at this time, but if that should change, there would be notification to the property owners. The Fire Department does have authority to do limited inspections currently under PA 207 under a complaint process. The 1970 Fire Code does say that the commercial properties shall be inspected; therefore, the City is not in compliance even with the 1970 Fire Code.
- Seven of nine communities who have adopted this Code are university or college towns.
- Don Jones stated that the BRPOA was the driving force behind the adoption of the IFC and are supportive the IFC as written. Ruth York was also supportive of the Code as written. It is illegal to change and the BRPOA expects that it will not be changed. In adopting these codes, the State Code does take precedence over the IFC and the IPMC. Scott Mroz confirmed that it is illegal to change any life saving code and to his knowledge, there are no plans to make changes.
- Mrs. York stated that to her knowledge, the person who will be enforcing the Code has been changed from the Code. That is illegal to do so.
- The Code will be taken up for action at the next meeting.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

Don Greiner briefed the Commission on the WWTP construction bid process. Fourteen bids were received; one had to withdraw their bid, resulting in Erhardt Construction being the lowest bid.

There is a contingency account to cover any changes. During construction, things will occur that may result in a change to the work.

City Manager Sobers recognized the support of Big Rapids Township. Maxine McClelland, Big Rapids Township Supervisor, stated that both Big Rapids and Green Township are pleased that good bids were received and that SRF funding was received.

RESOLUTION NO. 09-13

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

**RESOLUTION AWARDING
WASTEWATER TREATMENT PLANT IMPROVEMENT BIDS
TO ERHARDT CONSTRUCTION**

WHEREAS, specifications were developed for the Wastewater Treatment Plant Improvement Project and bids were requested whereby, a total of fourteen bids were received and reviewed by staff and the City's engineering firm, Prein and Newhof, and

WHEREAS, staff and Prein and Newhof are recommending the bid submitted by Erhardt Construction of Ada, Michigan, in the amount of \$6,445,300, be accepted as the best bid, and

WHEREAS, it is also recommended that 5% of the contract amount be designated to cover contingencies that will arise during the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the bid of Erhardt Construction, in the amount of \$6,445,300 for the Wastewater Treatment Improvement Project and the Mayor be authorized to sign the contract.

BE IT FURTHER RESOLVED, Prein and Newhof be authorized to issue the Notice to Proceed to Erhardt Construction.

BE IT FURTHER RESOLVED, that all construction expenses be charged to and covered by funds currently in the Sewer Expansion/Replace Fund Account No. 598-560-970.100; that the additional contingencies funds in the amount of \$150,000 also be expensed to this fiscal year's Account No. 598-560-970.100; and an additional \$100,000 be requested for each of the fiscal years 2009-2010 and 2010-2011 to cover contingencies that may occur after this year.

BE IT FURTHER RESOLVED, that as funds are received from the State of Michigan State Revolving Funds program, they shall be deposited in Account No. 598-000-698.100.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The resolution was declared adopted.

Dated: February 2, 2009

Commissioner Harper questioned a built in contingency. Don Greiner stated that there is a contingency amount of \$405,000. This has been reduced to stay approximately in line with a 5% number, which is the \$405,000. It has always been a part of the original plan. Contingencies are always added after the final numbers are established. There can be no change in the contract without a change order. The 5% contingency is based on the \$6,500,000 and spread over three years. All contingency money will come out of existing account numbers.

Commissioner Harper questioned the letter from Windemuller Electrical Co. of Big Rapids. When she reviewed the bids submitted and the lowest electric bid presented in the Erhardt bid, Windemuller is underneath the 5% granted for local preference for bids. She questioned if Mr. Erhardt could talk to Windemuller, and would Mr. Erhardt be willing to work together or are we on a deadline that would prohibit that conversation.

Mr. Greiner replied that this was a sealed bid process. The general contractor will typically work with a number of subcontractors and suppliers to form a base bid. In

order for the contractor to provide his best quote, he needs the freedom to pick the subcontractors that work best with his bid. Windemuller's letter has been referred to Mr. Erhardt. Mr. Erhardt stated he was present because his bid is the low bid and he has put together the best and lowest bid he can. They are very comfortable with West Michigan Instrumentations.

Change orders will come back to the City Commission for direction. The steps for change orders are as follows:

- (1) They are generated from the Erhardt Company
- (2) Reviewed by Prein and Newhof based on their design
- (3) If Prein and Newhof say there is a substitute that works, it is referred to Don
- (4) City Staff reviews and signs off
- (5) It goes back to Prein and Newhof
- (6) It goes back to the contractor to be built

The City Commission took a short break.

RESOLUTION NO. 09-14

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

RESOLUTION AUTHORIZING ADDITIONAL PAYMENT FOR WILCOX ENGINEERING SERVICES – VSCI STREETScape PROJECT

WHEREAS, Wilcox Engineering Services was contracted to assist in the VSCI Grant Streetscape design work, and

WHEREAS, after developing the design for a \$800,000 MDOT enhancement project, and again for a revised \$600,000 and \$400,000 project, as directed by MDOT, MDOT has finally invited a full application for the \$400,000 project, and

WHEREAS, Wilcox continued to work and make alterations to fit with the MDOT reduced funding targets despite no additional service payments from the City after the original contract funding amount of \$12,900 was exceeded, and

WHEREAS, the cost for the additional services provided by Wilcox Engineering totals \$18,700.24 but has been negotiated to \$15,000.

NOW THEREFORE, BE IT RESOLVED, that the City Commission approve an additional \$15,000.00 to Wilcox Engineering Services for these redesign efforts of the streetscape plans, which should result in obtaining the \$400,000 enhancement project.

BE IT FURTHER RESOLVED that the cost of these additional services be expensed to Account No. 244-728-802.002.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The resolution was declared adopted.
Dated: February 2, 2009

City Manager Sobers stated that he has worked with Wilcox Professional Services regarding the additional \$18,000 charge for the VSCI streetscape project. The City and Wilcox have agreed that \$15,000 was a reasonable amount as a settlement. This is a reduction of \$3,700.

Paul Bearman, representative of Wilcox Professional Services, addressed the Commission regarding the additional engineering charges for the streetscape project. He thanked the City for allowing them to serve the City and for approving the contract for the streetscape work at the last meeting. They are willing to accept the \$3,700 revision and hopes that it shows good faith on their part to move forward.

The City Commission expressed their appreciation.

UNSCHEDULED BUSINESS.

Commissioner Harper questioned the marking of trees for removal and trimming by the electric company. It appears at least 12 trees may be removed from the public right-of-way and she questioned how that might impact the Tree City USA designation.

City Manager Sobers stated that the City would attempt to replace many of the trees removed, usually with a smaller growing tree. The City can review the status of any tree that is marked. A couple of the trees appeared that they may be on private property. The City Attorney stated that the utility company is not supposed to be doing anything with trees on private property.

Commissioner Anderson reminded everyone that with the Festival of the Arts there is something to be enjoyed everyday.

There being no further business to come before the Commission, the meeting was adjourned at 8:37 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
February 16, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: Peggy Brennan, who was excused.

There were 24 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA -

APPROVAL OF THE MINUTES.

Commissioner Harper moved, seconded by Commissioner Hogenson that the minutes of the February 2, 2009, meeting be approved as corrected.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

State Street Hardware	4.29	Consumers Energy	267.99
First National Bank	202.34	Miller, Becky	109.20
Rush, Lori	105.30	State Street Hardware	119.37*
DTE Energy	1,193.32*	Demco, Inc.	147.30*
First National Bank	2,234.51*	Body & Soul	14.95*
Fortune	29.98*	Hemmings Motor News	31.95*
Michigan, State of	19.95*	Prevention	16.97*
Sky & Telescope	79.95*	Charter Communications	269.99*
Golden West Industrial	169.04	Menards	119.97
Consumers Energy	15.00	Staples	35.63
AT&T	71.27	Medler Electric	51.88*
Staples	67.76*	Great Lakes Office	67.00*
Staples	171.24*	AT&T	181.34*
Baker & Taylor	717.74*	Xerox Corporation	91.42*

*Indicates library bill

Yeas: Unanimous
Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Mark Warba presented the Silver PAC (Promoting Active Communities) Award to the Healthy Big Rapids Coalition and Walk Big Rapids for their developing and promoting the use of the trails in the area and for encouraging residents and visitors to increase their physical activity.

STUDY SESSION ITEMS

1) Financial Report – Assessing Office Activities.

The Assessing Office has entered into its last quarter of the business cycle. It appears that the ad valorem tax base will decrease by 1.5% for the 2009 tax year. The value of the tax abatements is expected to decrease by 9% and the base of the Downtown Development District is expected to decline by 3%. Commercial values declined by 1%; industrial value declined by 7%; and residential decreased by 4% for the year.

The Assessing Office composed an informational brochure that attempts to educate taxpayers on the idiosyncrasies of the property tax structure when experiencing a declining market.

2) Wastewater Treatment Plant Upgrade – Status Report

Don Greiner presented the following update:

SRF Funding Status:

- Part III applications are due February 20, 2009.
- MDEQ Order of Approval is required to be issued by March 13, 2009.

Enforcement Status: Violation Notice included:

- Eight violations of the total Coliform limits contained in the City's NPDES permit.
- One violation of the dissolved oxygen minimum requirement of 3.0 mg/l.
- Two violations of the discharge of untreated or partially treated sewage to the waters of the State.
- Violation of the bypass Prohibition and Notification requirements of the NPDES permit for permanently removing the primary basins from service.

The Violation Notice requires the City to prepare a written response by April 1, 2009 on the following four issues: 1) Staffing, 2) Construction Schedule, Operation and Maintenance Manual, 3) Fecal Coliform Compliance and 4) Sanitary Sewer Overflows.

Actual construction is expected to begin on Monday, March 2, 2009 with a ground breaking ceremony at 11:30 a.m.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

RoseMary Jennings, 606 Bjornson, stated that she has 15 empty lots in the park. The overall commercial values have declined by 1% and her assessed value on the mobile home park went up. She believes that this is very wrong in this economy.

Sue Glatz commented that every property has a card with data on it and the data could be wrong. Residents should talk to Cliff if they have any questions concerning their property. Mayor Warba thanked Ms. Glatz for her years of service on the Assessment Board of Review.

PUBLIC HEARING

Mayor Mark Warba opened the public hearing on estimates and diagrams for the 2008/2009 Sidewalk Improvement Program at 7:40 p.m.

Roger Schneidt, Deputy Director of Public Works, stated that this was the first of two public hearings on the estimates and diagrams for the construction of sidewalk under the City of Big Rapids 2008/2009 Sidewalk Improvement project.

Special Assessment Roll for the improvements under the Sidewalk Improvement Project will be at a cost of \$3.40 per square foot for installation of four inch (4") thickness sidewalk, and \$4.20 per square foot for installation of six inch (6") thickness sidewalk, 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, which will be levied in three (3) annual installments.

The Mayor opened the public hearing to comments from the audience. Joe Bechaz questioned if a person could replace their own sidewalk? Mr. Schneidt commented that if they were part of the assessment project they could. They would have to apply for permits and abide by the City's standards then apply for the 50% reimbursement from the City.

Commissioner Harper inquired as to why there was nothing on the eastside. Mr. Schneidt stated that there are not many streets on the eastside that have sidewalks and the ones that do are in pretty good shape.

Mayor Warba closed the public hearing at 7:45 p.m.

RESOLUTION NO. 09-15

RESOLUTION APPROVING CLASS C LIQUOR LICENSE UNDER THE CITY'S REDEVELOPMENT PROJECT AREA LIQUOR LICENSES PROVISION FOR 407 N. STATE STREET

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Monday, February 16, 2009 at 6:30 p.m., the following resolution was offered:

Moved by Commissioner Hogenson and seconded by Commissioner Harper.

That the request from: VIVO, LLC, for a new full year Class C license, issued under MCL 436.1521A (1) (A) to be located within the Redevelopment District Area at 407 N. State Street, Big Rapids, MI 49307, Mecosta County,

be considered for (approval or disapproval) "Above All Others".

APPROVAL

DISAPPROVAL

Yeas: Anderson, Harper, Hogenson, Warba

Yeas: _____

Nays: None

Nays: _____

It is the consensus of this legislative body that the application be: Recommended for issuance.

State of Michigan)

County of Mecosta)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on Monday, February 16, 2009.

Tamyra Gillis, Deputy Clerk
226 N. Michigan Avenue
Big Rapids, MI 49307

Mr. Sobers complimented Roger Schneidt on his fine job with the sidewalk program. Mayor Warba suggested changing the second public hearing date for the sidewalk program to March 16, 2009 instead of March 2, 2009.

RESOLUTION NO. 09-16

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

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
SPECIAL ASSESSMENT ROLL
FOR 2008/2009 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, the Big Rapids City Commission held a public hearing on Monday, February 16, 2008, on the estimates and diagrams for the construction of sidewalk under the City of Big Rapids 2008/2009 Sidewalk Improvement Project, 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 Sidewalk 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 2008/2009 Sidewalk 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 Sidewalk Improvement Project at the cost of \$3.40 per square foot for installation of four inch (4") thickness sidewalk, and \$4.20 per square foot for installation of six inch (6") thickness sidewalk, 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, which will be levied in three (3) annual installments, and to deposit said Roll with the City Clerk for public examination thereof.

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 7:30 p.m. on Monday, March 16, 2009, 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, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: February 16, 2009

Steve Sobers reported on the Ordinance Bond. The City can potentially borrow eight million dollars from the State Revolving Loan Fund at 2.5%. The City can continue to draw funds up to what is needed. The City pays interest only on what is drawn from the date that we draw it. At the end of the construction timetable when the contractor says he is done the City will continue to pay the interest only for one year beyond that date so that subcontractors can turn in their bills. A year from when the project is completed the State comes in and finishes and then sets the coupon payments to include both interest and principal and the City will pay on that debt for the next twenty years to pay it off.

Mayor Warba stated that in Section eight of the following Ordinance, second and third sentence the word "Commissioner" should read "Commission" in both places.

ORDINANCE NO. 602-02-09

AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF IMPROVEMENTS TO THE CITY'S SEWAGE DISPOSAL SYSTEM; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF SUBORDINATE STANDING TO THE REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; TO CONFIRM THE EXISTING RATES FOR THE SYSTEM; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Adjusted Net Revenues" means for any operating year the excess of revenues over expenses for the System determined in accordance with generally accepted accounting principles, to which shall be added depreciation, amortization, interest expense on Bonds and payments to the Issuer in lieu of taxes, to which may be made the following adjustments.

(i) Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of additional Bonds or to be placed into effect before the time principal or interest on the additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect.

(ii) Revenues may be augmented by amounts which may be derived from rates and charges to be paid by new customers of the System.

The adjustment of revenues and expenses by the factors set forth in (i) and (ii) above shall be reported upon by professional engineers or certified public accountants or other experts not in the regular employment of the Issuer.

(c) "Authority" means the Michigan Municipal Bond Authority.

(d) "Authorized Officers" means the Mayor, City Clerk, City Treasurer, and City Manager of the Issuer.

(e) "Bonds" where the context requires means the Series 2009 Bonds, together with the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.

(f) "Issuer" or "City" means the City of Big Rapids, County of Mecosta, State of Michigan.

(g) "MDEQ" means the Michigan Department of Environmental Quality.

(h) "Outstanding Bonds" means the Sewage Disposal Revenue Bonds, Series 1993, dated October 1, 1993 in the original principal amount of \$2,000,000.

(i) "Prior Ordinance" means Ordinance No. 338-8-93 adopted by the City Commission on August 23, 1993 authorizing the Outstanding Bonds.

(j) "Project" means the additions, extensions and improvements to the System together with appurtenances and attachments thereto.

(k) "Revenues" and "Net Revenues" mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues," the earnings derived from the investment of moneys in the various funds and accounts established by this Ordinance.

(l) "Series 2009 Bonds" means the Sewage Disposal Junior Lien Revenue Bonds, Series 2009 (Limited Tax General Obligation), of the Issuer in the principal amount of not to exceed \$8,000,000 authorized by this Ordinance.

(m) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(n) "System" means the Sewage Disposal System of the Issuer, including such facilities thereof as are now existing, are acquired and constructed as the Project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

Section 2. Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the City's engineers, which plans and specifications are hereby approved. The Project qualifies for the State of Michigan Revolving Loan Fund financing program being administered by the MDEQ and the Authority, whereby bonds of the Issuer are sold to the Authority and bear interest at a fixed rate of not to exceed four percent (4%) per annum.

Section 3. Costs; Useful Life. The total cost of the Project is presently estimated not to exceed Eight Million Dollars (\$8,000,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than forty (40) years.

Section 4. Payment of Cost; Bonds Authorized. To pay the cost of acquiring and constructing the Project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2009 Bonds, the Issuer shall borrow the sum of not to exceed Eight Million Dollars (\$8,000,000) (the "Principal Amount") and issue the Series 2009 Bonds therefor pursuant to the provisions of Act 94.

Section 5. Issuance of Series 2009 Bonds; Details. The Series 2009 Bonds of the Issuer, to be designated SEWAGE DISPOSAL JUNIOR LIEN REVENUE BONDS, SERIES 2009 (Limited Tax General Obligation), are authorized to be issued in the aggregate principal sum of not to exceed the Principal Amount or as otherwise finally determined by order of the MDEQ for the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2009 Bonds. The Series 2009 Bonds shall be payable out of the Net Revenues, as set forth more fully herein. The Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and City Clerk and shall have the City's seal impressed or imprinted on them. The Series 2009 Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery of the Series 2009 Bonds, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series 2009 Bonds and approved by the Authority and an Authorized Officer. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Series 2009 Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2009 Bonds, and any of the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above.

The Series 2009 Bonds or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Series 2009 Bond contained in this Ordinance or as may be approved by the Authorized Officers at the time of sale of the Series 2009 Bonds or by the Authority at the time of prepayment.

The Series 2009 Bonds shall bear interest at a rate of not to exceed four percent (4%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and any of the Authorized Officers shall deliver the Series 2009 Bond in accordance with the delivery instructions of the Authority.

The Series 2009 Bond principal amount is expected to be drawn down by the Issuer periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2009 Bond shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2009 Bond shall be payable as provided, in the Series 2009 Bond form in this Ordinance.

The City Treasurer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the City Treasurer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2009 Bond, the Authority shall deliver the Series 2009 Bonds to the Issuer for cancellation.

Section 6. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Series 2009 Bonds contained in Section 18 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the transfer agent

shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the transfer agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the transfer agent may pay the same without surrender thereof.

Section 7. Payment of Bonds. Principal of and interest on the Series 2009 Bonds and the Outstanding Bonds shall be payable from the Net Revenues, and to secure such payment, there is hereby recognized the statutory lien upon the whole of the Net Revenues created by the Prior Ordinance which shall continue in the case of the Outstanding Bonds to be a first lien until payment in full of the principal of and interest on the Outstanding Bonds and all bonds of equal standing with the Outstanding Bonds payable from the Net Revenues. The Series 2009 Bonds shall also be payable primarily from Net Revenues remaining after full provision is made for the payment of the Outstanding Bonds and bonds of equal standing with the Outstanding Bonds. The liens on Net Revenues herein created shall cease when sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under the Prior Ordinance or this Ordinance. The Issuer shall pledge its limited tax full faith and credit for the payment of the principal of and interest on the Series 2009 Bonds. Should the Net Revenues of the System, after provision is made for the payment of the Outstanding Bonds and bonds of equal standing with the Outstanding Bonds, at any time be insufficient to pay principal and interest on the Series 2009 Bonds, as the same become due, then the Issuer shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer, subject to applicable constitutional and statutory limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the

Net Revenues of the system subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Prior Ordinance.

Section 8. Management; Fiscal Year. The operation, repair and management of the System and the acquiring of the Project shall continue to be under the supervision and control of the City Commission. The City Commission may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. The City Commission may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 9. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance.

Section 10. Bond Reserve Account. The Bond Reserve Account in the Bond and Interest Redemption Fund established by Section 13, subsection B of the Prior Ordinance need not be increased by reason of the issuance of the Series 2009 Bonds. All of the provisions relative to the use of said Bond Reserve Account, its maintenance and other details relative thereto, shall remain as specifically set forth in the Prior Ordinance.

Section 11. Fixing and Revising Rates; Rate Covenant. The rates now in effect and the rate increases to be placed into effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law, the Prior Ordinance and this Ordinance. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Investments. Moneys in the funds and accounts established herein and moneys derived from the proceeds of sale of the Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal of and interest on which is fully guaranteed by the United States of America and any investments hereafter permitted by law, and moneys derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of moneys in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment of the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of moneys in the Bond Reserve Account shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five

years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which the purchase was made. Profit realized or interest income earned on investment of funds in the Receiving Fund, Operation and Maintenance Fund and Improvement Fund shall be deposited in or credited to the Receiving Fund at the end of each fiscal year. Profit realized on interest income earned on investment of moneys in the Redemption Fund including income derived from the Bond Reserve Account shall be credited as received to the Redemption Fund.

Section 13. Bond Proceeds. From the proceeds of the sale of the Series 2009 Bonds there shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on the delivery of the Bonds. The balance of the proceeds of the sale of the Series 2009 Bonds when received from the Authority shall be deposited in a bank or banks, designated by the City Commission, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project, including any engineering, legal and other expenses incident thereto and to the financing thereof. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Commission a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Bonds remaining after completion of the Project in the Construction Fund may, at the discretion of the Issuer, be used for further improvements, enlargements and extension to the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law. Any remaining balance after such expenditure shall be paid to the Redemption Fund and may be used for the purpose of purchasing Bonds on the open market at not more than the fair market value thereof, but not more than the price at which the Bonds may next be called for redemption, or used for the purpose of paying principal of the Bonds upon maturity or calling Bonds for redemption.

Section 14. Bond Form. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MECOSTA
CITY OF BIG RAPIDS**

**SEWAGE DISPOSAL JUNIOR LIEN REVENUE BOND, SERIES 2009 (LIMITED TAX
GENERAL OBLIGATION**

REGISTERED OWNER: Michigan Municipal Bond Authority

PRINCIPAL AMOUNT: _____ Dollars (\$____,000)

DATE OF ORIGINAL ISSUE: _____, 2009

The CITY OF BIG RAPIDS, State of Michigan (the "Issuer"), for value received, hereby promises to pay, primarily out of the hereinafter described Net Revenues of the Issuer's Sewage Disposal System (hereinafter defined), to the Michigan Municipal Bond Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority, Revenue Sharing Agreement, and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the Issuer under this bond, the Authority will periodically provide to the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule attached to the Purchase Contract, as such Schedule may be adjusted if less than \$____,000 is disbursed to the Issuer or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of _____ percent (____%) per annum. Interest is first payable on _____, 200_, and semiannually thereafter on the first day of October and April of each year, as set forth in the Purchase Contract.

The Bonds may be subject to redemption prior to maturity by the Issuer only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of this bond, (a) this bond is payable as to principal, premium, if any, and interest at the designated office of _____. or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond

shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Sewage Disposal System of the Issuer, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory lien thereon is hereby recognized and created. In addition in case of insufficiency of said Net Revenues, the principal of and interest on the bonds shall be payable from the general funds of the Issuer or, if necessary, from ad valorem taxes levied upon all taxable property in the Issuer, subject to applicable statutory and constitutional tax rate limitations.

The bonds of this issue are of subordinate standing and priority of lien as to the Net Revenues with the Issuer's outstanding Sewage Disposal Revenue Bonds, Series 1993, dated October 1, 1993 in the original principal amount of \$2,000,000.

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to ordinances adopted August 23, 1993 and February __, 2009 by the City Commission of the Issuer, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of acquiring and constructing additions, extensions and improvements to the System.

Principal installments of this bond are subject to prepayment by the Issuer prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of superior and equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned. As additional security, the City has pledged its limited tax full faith and credit for payment of the principal of and interest on the bonds of this issue, which includes the Issuer's obligation to levy taxes, if necessary, within applicable constitutional and statutory tax limitations.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of the bonds of this issue, as and when the same shall become due and payable, and to maintain a bond redemption fund therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

This bond is transferable only upon the books of the Issuer by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Big Rapids, State of Michigan, by its City Commission, has caused this bond to be executed with the manual signatures of its Mayor and its Clerk and the corporate seal of the County to be impressed hereon, all as of the Date of Original Issue.

CITY OF BIG RAPIDS

By

Its Mayor

(Seal)

Countersigned:

Its City Clerk

Section 15. Application to MDEQ and Authority. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2009 Bonds with the Authority. The Authorized Officers are further authorized to execute and deliver such contracts, documents and certificates including a revenue sharing pledge agreement, purchase contract, and supplemental agreement as are necessary or advisable to qualify the Series 2009 Bonds for the State Revolving Fund. In the event of a sale of the Series 2009 Bonds to the Authority, an Authorized Officer is hereby authorized to make such changes to the form of Series 2009 Bond contained in Section 14 of this Ordinance as may be necessary to conform to the requirements of 1985 PA 227 (“Act 227”), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227. In the event the Series 2009 Bonds are sold to the Authority, the taxes collected by the State of Michigan and returned to the Issuer may be pledged for payment of the Series 2009 Bonds, and an Authorized Officer is further authorized to negotiate, execute and deliver an agreement with the Authority for payment of such taxes to the Authority or to a trustee as provided in Section 23 of Act 227.

Section 16. Covenant Regarding Tax Exempt Status of the Bonds. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the “Code”) including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, and to prevent the Bonds from being or becoming “private activity bonds” as that term is used in Section 141 of the Code.

Section 17. Repeal, Savings Clause. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed. It is the intent of the City to issue the Series 2009 Bonds as bonds having subordinate standing with the Outstanding Bonds and the provisions of the Prior Ordinance therefor shall relate to and govern the Series 2009 Bonds.

Section 18. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section,

paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 19. Publication and Recordation. This Ordinance shall be published in full in The Big Rapids Pioneer, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and the City Clerk.

Section 20. Effective Date. This Ordinance shall be effective upon its adoption.

Adopted and signed this 16th day of February, 2009.

Signed _____
Mayor

Signed _____
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Big Rapids, Michigan, at a Regular Meeting held on the 16th day of February, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Anderson, Harper, Hogenson, Warba and that the following Members were absent: Peg Brennan.

I further certify that Member Hogenson moved adoption of said Ordinance, and that said motion was supported by Member Harper.

I further certify that the following Members voted for adoption of said Ordinance: Anderson, Harper, Hogenson, Warba and that the following Members voted against adoption of said Ordinance: None.

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

City Clerk

The new Arial Ladder for Public Safety will cost \$823,313. The City has a USDA grant of \$100,000, as well as City monies of \$167,313. There is no penalty for early payment

and the City is anticipating money from people who will be the major benefactors of the City having an Arial Ladder. The City is hoping to raise as much as \$100,000 from the sale of the old Arial Ladder, as well as some direct solicitation. The balance will be discussed with Ferris and then the City will determine what actually needs to be borrowed.

The following changes are to be made to the following resolution before proposed adoption: Exhibit B – Purchase Contract - # 1, third paragraph the word “Equipments” change to Equipment. Exhibit D – Note Agreement – Section 9 (a) change “general law village” to home rule city. Section 16 add “of Michigan” at the end of the sentence.

RESOLUTION NO. 09-17

**CITY OF BIG RAPIDS
COUNTY OF MECOSTA
STATE OF MICHIGAN**

**RESOLUTION APPROVING PURCHASE CONTRACT,
NOTE AGREEMENT AND RELATED MATTERS**

Minutes of a regular meeting of the City Commission of the City of Big Rapids, County of Mecosta, State of Michigan, held on the 16th day of February, 2009, at 6:30 p.m., Eastern Standard Time.

PRESENT: Commissioners Lynn Anderson, Terry Harper, Tom Hogenson,
Mayor Mark Warba

ABSENT: Commissioner Peg Brennan

The following preamble and resolution were offered by Commissioner Harper and supported by Commissioner Hogenson:

WHEREAS, the City of Big Rapids, County of Mecosta, State of Michigan (the “Municipality”), determines it to be necessary for the public health, safety and welfare of the Municipality and its residents to acquire the personal property described on Exhibit A attached hereto and made a part hereof (the “Property”); and

WHEREAS, under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended (“Act 99”), the City Commission is authorized to enter into any contracts or agreements for the purchase of the property to be paid for in installments over a period of not to exceed the useful life of the property acquired as determined by resolution of the City Commission; and

WHEREAS, the outstanding balance of all purchases by the Municipality under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of

the taxable value of the real and personal property in the Municipality at the date of such contract or agreement; and

WHEREAS, purchase of the Property pursuant to an installment purchase agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, the Municipality has received a proposal from the United States Department of Agriculture, Rural Development (the "U.S.A.") respecting the financing of the Property; and

WHEREAS, the City Commission of the Municipality has received the offer of Rosenbauer America (the "Vendor"), for the sale to the Municipality of the Property, which proposal has been reviewed by the City Commission, and the City Commission has concluded that the offer of the Vendor is in the best interest of the Municipality and said offer has been approved; and

WHEREAS, the City Commission has reviewed (1) a form of Purchase Contract (the "Purchase Contract") setting forth the terms and provisions of the sale of the Property to the Municipality and the payment by the Municipality therefor, (2) a form of Assignment of Purchase Contract of the Vendor (the "Assignment"), and (3) a form of Note Agreement between the Municipality and the U.S.A. (the "Note Agreement") and it is the desire of the City Commission to approve the purchase of the Property and to approve the general terms of the financing thereof as set forth in the Purchase Contract, the Assignment and the Note Agreement and the execution thereof, subject to the completion of negotiations with the Vendor and the U.S.A. on the timing of the sale and purchase.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Purchase Contract in the form attached as Exhibit B hereto, is hereby approved, ratified and confirmed.
2. The Assignment in the form attached as Exhibit C is acknowledged.
3. The Note Agreement is hereby approved substantially in the form attached as Exhibit D hereto with such additions, changes and modifications as shall be approved by the Mayor, the City Manager, the City Clerk and the City Treasurer of the Municipality. The Mayor, the City Manager, the City Clerk and the City Treasurer are hereby authorized and directed to execute the Note Agreement, when in final form, and deliver it to the U.S.A.
4. The useful life of the Property is hereby determined to be not less than fifteen (15) years.
5. The Mayor, the City Manager, the City Clerk and the City Treasurer each is hereby directed and authorized to execute such additional documentation as shall be

necessary to effectuate the closing contemplated by the Purchase Contract and the Note Agreement.

6. The Municipality hereby agrees to include in its budget for each year, commencing with the 2009-2010 fiscal year, a sum which will be sufficient to pay the principal installment of and the interest coming due under the Note Agreement before each following fiscal year. In addition, the Municipality hereby pledges to levy ad valorem taxes on all taxable property in the Municipality each year in an amount necessary to make its debt service payments under the Note Agreement, subject to applicable constitutional, statutory and charter tax rate limitations.

7. The Municipality covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the Agreement from adjusted gross income for general federal income tax purposes under the Code including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.

8. The acquisition of the Property and the approval of the Purchase Contract and the Note Agreement hereby are found and declared to be for a valid public purpose and in the best interest of the health and welfare of the residents of the Municipality.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

AYES: Members Anderson, Harper, Hogenson, Warba

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Deputy Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Big Rapids, County of Mecosta, State of Michigan, at a regular meeting held on February 16, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Deputy Clerk

Exhibit A

PURCHASE OF FIRE TRUCK

Exhibit B PURCHASE CONTRACT

THIS PURCHASE CONTRACT, dated as of _____, 2009, by and between the City of Big Rapids, County of Mecosta, State of Michigan (the "City"), and Rosenbauer America (the "Vendor"), is as follows:

1. Purchase Price, Payment Amount, Acceptance Date and Title. The City agrees to purchase and the Vendor agrees to sell a fire truck (the "Equipment"), as set forth in the City's Information for Bidders (the "Specifications"), and the Vendor's proposal in response thereto (the "Proposal"), for the sum of \$829,313.00 (the "Purchase Price") of which sum the amount of \$167,313.00 has been or will be paid by the City to the Vendor on or before the date of acceptance of the Equipment (the "Acceptance Date"), \$100,000 will be received from USDA Rural Development as grant money and the remaining \$562,000 (the "Payment Amount") will be payable in fifteen (15) annual principal installments as set forth on Exhibit A attached hereto and made a part hereof.

The City shall pay interest on the unpaid balance of the Payment Amount to the U.S.A. as assignee of this Purchase Contract at the interest rate per annum and on the interest payment dated to be determined by the City and the U.S.A. on or before the Acceptance Date.

The Purchase Price includes the Equipment and other rights assigned and conveyed by the Vendor to the City. Upon delivery and acceptance by the City of the Equipment, title to the Equipment shall vest in the City.

2. Incorporation by Reference. The Specifications and the Proposal are incorporated in full herein by this reference. In the event of a conflict in terms of payment for the Equipment between this Purchase Contract and the Specifications and the Proposal, the terms of this Purchase Contract shall govern.

3. Acceptance Date, Payment of Payment Amount. The Acceptance Date shall be the date when the Equipment has been delivered to the City in accordance with the Specifications and the City has accepted the delivery of the Equipment in writing. Upon the Acceptance Date the City shall cause the Payment Amount to be paid to the Vendor and the Vendor shall assign and deliver to the U.S.A. this Purchase Contract.

4. Warranty. The Vendor warrants the Equipment as set forth in the Specifications and the Proposal and pursuant to the manufacturer's warranties. Any warranties with respect to the Equipment shall not be assigned but shall remain enforceable by the City.

5. Governing Law. This Purchase Contract shall be governed and construed in accordance with the laws of the State of Michigan.

6. Counterparts. This Purchase Contract may be executed in any number of counterparts.

Executed as of the date first above written by the

CITY OF BIG RAPIDS

By _____

Its Mayor

And by

Its City Clerk

ROSENBAUER AMERICA
as Vendor

By

Its Authorized Representative

Exhibit C

ASSIGNMENT OF PURCHASE CONTRACT

THIS ASSIGNMENT OF PURCHASE CONTRACT (the "Assignment") made this _____, 2009 by Rosenbauer America ("Assignor"), to the UNITED STATES OF AMERICA ("U.S.A.").

WHEREAS, the Assignor and the City of Big Rapids, County of Mecosta, State of Michigan, a home rule city (the "Municipality"), entered into a Purchase Contract dated as of _____, 2009 (the "Purchase Contract"), to enable the Municipality to purchase a fire truck (the "Equipment"); and

WHEREAS, the Municipality desires to finance part of the cost of the purchase of the Equipment; and

WHEREAS, the Assignor, by this Assignment, shall assign its rights to receive payment under the Purchase Contract to the U.S.A. in exchange for the full payment of the debt owned by the Municipality to the Assignor.

NOW, THEREFORE, in consideration of the premises, and for the good and valuable considerations:

1. Assignor hereby assigns to the U.S.A. the right to receive all payments due under and pursuant to the Purchase Contract in an amount equal to the Payment Amount plus interest.

2. The U.S.A. shall have no liability for payment of money to the Assignor or further performance of any obligations to the Assignor. The Assignor represents and warrants that this Assignment does not violate any agreement, contract or loan agreement to which the Assignor is a party and that the Assignment has been duly authorized, executed and delivered by the Assignor and is enforceable in accordance with its terms.

3. The Municipality consents to this Assignment, except with respect to the warranty and other obligations of Assignor set forth in the Purchase Contract, any conveyance or other document delivered or to be delivered pursuant thereto, and the Assignor hereby acknowledges that all of such warranties and other obligations shall not be assigned or assumed by the U.S.A. and shall remain the sole responsibility of the Assignor.

4. Assignor hereby represents and warrants that it is the owner of and has absolute title to the Purchase Contract, free of all liens, security interests and encumbrances of any kind.

5. This Assignment shall be binding upon Assignor and its successors and assigns, and shall inure to the benefit of the U.S.A., its successors and assigns.

ROSENBAUER AMERICA

By _____

Its Authorized Representative

Exhibit D
NOTE AGREEMENT
(Act 99, P.A. 1933)

THIS NOTE AGREEMENT made and executed on _____, 2009 (the "Note Agreement"), by and between the CITY OF BIG RAPIDS, County of Mecosta, State of Michigan, a home rule city, organized and existing under the constitution and

laws of the State of Michigan (the "Municipality"), and the UNITED STATES OF AMERICA (the "U.S.A.").

W I T N E S S E T H:

WHEREAS, the Municipality intends to acquire a fire truck (the Equipment"), from Rosenbauer America (the "Vendor") for use by the Municipality for public purposes; and

WHEREAS, the Municipality is authorized, pursuant to Act 99 of the Public Acts of Michigan of 1933, as amended ("Act 99"), to purchase equipment, to be paid for in installments, and the Municipality desires to pay for the Equipment in installments, in accordance with Act 99; and

WHEREAS, the U.S.A. is willing to provide the required funding to the Municipality pursuant to the terms and conditions of this Note Agreement.

RECITALS

A. The Municipality shall purchase the Equipment from the Vendor pursuant to the terms of a Purchase Agreement (the "Purchase Agreement"), for the total price of \$829,313.00 (the "Sale Price").

B. The Municipality shall pay the Sale Price as follows: \$167,313.00 shall be paid from funds on hand, \$100,000 shall be received from a U.S.A. grant and the balance in the amount of \$562,000 (the "Payment Amount"), shall be paid in installments as set forth in the Note.

C. The interest of the Vendor to receive a portion of the Sale Price equal to the amount of the Payment Amount from the U.S.A. has been assigned to the U.S.A.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Definitions. The following terms, wherever used in this Note Agreement shall have the following meanings, unless the context shall indicate another or different meaning:

"Code" means the Internal Revenue Code of 1986, as amended. Reference to the Code shall also include applicable final or temporary regulations and proposed regulations thereunder and any successor provisions thereof.

"Interest Rate" means an interest rate of 4.375% per annum, computed on the basis of 365 days in the year.

"Note" means the Note evidencing the Municipality's obligation to repay the Payment Amount with interest at the Interest Rate, substantially as set forth on Exhibit A attached to the Note.

“Payment Amount” means the amount required to be paid by the Municipality to the U.S.A., pursuant hereto, in the amount of \$562,000.

“Payment Date” means the date a payment of principal and/or interest is due and payable in accordance with the Note.

“State” means the State of Michigan.

Section 2. Installment Payments. The Municipality agrees to pay to the U.S.A. the Payment Amount in installments on the Payment Dates, and to pay interest on the unpaid balance of the Payment Amount at the Interest Rate, all in accordance with the Note.

Section 3. Payments Unconditional. The Municipality’s obligation to pay the principal of and interest and any other amounts owed pursuant to the Note is absolute and unconditional and shall remain in full force and effect until the amounts owed under the Note shall have been paid, and such obligation shall not be affected, modified or impaired upon the happening from time to time of any event, including without limitation, any of the following:

- (a) Any failure of title with respect to the Municipality’s interest in the Property;
- (b) The invalidity, unenforceability or termination of this Note Agreement;
- (c) The modification or amendment (whether material or otherwise) of any obligation, covenant or agreement set forth in this Note Agreement;
- (d) The voluntary or involuntary liquidation, dissolution, sale or other disposition of all or substantially all of the assets, marshalling of assets and liabilities, receivership, insolvency, bankruptcy, assignment for the benefit of creditors, reorganization, arrangement, composition with creditors or readjustment or other similar proceedings affecting Vendor or any of its assets or any allocation or contest of the validity of this Note Agreement or the Note, or the disaffirmance of this Note Agreement or the Note in any such proceeding;
- (e) Any casualty or destruction of the Property.

The Municipality shall make payments when due and shall not withhold any such payments as a result of any disputes arising between the Municipality and the Vendor or any other person, nor shall the Municipality assert any right of set-off or counterclaim against its obligation to make such payments or be entitled to any abatement of such payments as a result of accident or unforeseen circumstances, or the Property being inoperative.

Section 4. Prepayment. The balance of principal under the Note may be prepaid by the Municipality at any time upon at least seven (7) days prior written notice to the U.S.A.

Section 5. Useful Life of Property. The Municipality represents that the useful life of the Property is equal to or longer than the date of the final payment on the Note.

Section 6. Security for Payment-Limited Full Faith and Credit. The Municipality agrees to include in its budget for each fiscal year during the term hereof an amount sufficient to pay when due the principal of and interest coming due under this Note Agreement during such fiscal year. In addition, the Municipality hereby pledges to levy in each fiscal year ad valorem taxes on all taxable property in the Municipality in an amount which, together with other funds available for such purpose, shall be sufficient to pay when due the principal of and interest coming due under this Note Agreement during such fiscal year. Any such tax levy is, however, subject to existing constitutional, statutory and charter tax limitations.

Section 7. No Security Interest in Property. The U.S.A. shall have no security interest in the Equipment.

Section 8. Term of Agreement. This Note Agreement shall terminate on such date that all amounts due hereunder by the Municipality to U.S.A. are paid in full.

Section 9. Representations of the Municipality. The Municipality makes the following representations:

(a) The Municipality is a Michigan home rule city duly organized and legally existing under the constitution and laws of the State of Michigan.

(b) The Municipality will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a Michigan municipal corporation.

(c) The Municipality is authorized under the constitution and laws of the State to enter into this Note Agreement and the transactions contemplated hereby and to perform all of its obligations hereunder.

(d) This Note Agreement constitutes a legal, valid, binding and enforceable obligation of the Municipality in accordance with its terms, except to the extent limited by applicable bankruptcy, insolvency, reorganization or other laws affecting creditors' rights generally, now existing or hereafter enacted, and the application of the general principles of equity, including the doctrine of equitable subordination.

(e) During the term of this Note Agreement, the Property will be used exclusively by the Municipality only for the purpose of performing one or more governmental public functions of the Municipality consistent with the permissible scope of the Municipality's authority.

(f) The Municipality will provide the U.S.A. with a copy of its annual audit upon written request of the U.S.A.

(g) Neither the payment of principal and interest under the Note nor any portion thereof is directly or indirectly (a) secured by any interest in (i) property used or to be used for a private business use within the meaning of Section 141(b) of the Code or (ii) payments in respect of such property, or (b) to be derived from payments (whether or not to the Municipality) in respect of property, or borrowed money, used or to be used for a private business use within the meaning of Section 141(b) of the Code. The Property will not be used for any private business use within the meaning of Section 141(b).

Section 10. Disclaimer of Warranties by U.S.A. The U.S.A. makes no warranty or representation, either expressed or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for use of the Property, or warranty with respect thereto. In no event shall the U.S.A. be liable for any incidental, indirect, special or consequential damage in connection with or arising out of this Note Agreement or the existence, furnishing, functioning or the Municipality's use of the Property.

Section 11. Events of Default. The following shall be an "Event of Default" under this Note Agreement:

(a) Failure by the Municipality to make the principal and/or interest payments at the times specified in the Note; or

(b) Failure of the Municipality to observe and perform any other covenant, condition or agreement hereunder on its part to be observed or performed and continuation of such failure for a period of 30 days after written notice specifying such failure and requesting that it be remedied, unless the U.S.A. shall agree in writing to an extension of time prior to its expiration and shall be such that it cannot with due diligence be corrected within such period, it shall not constitute an Event of Default if corrective action is instituted by the Municipality within such period and diligently pursued until corrected; or

(c) The Municipality shall: (i) admit in writing its inability to pay its debts generally as they become due; (ii) commence a proceeding under any federal or state bankruptcy, insolvency, reorganization or other similar law, or have such a proceeding commenced against it and either have an order of insolvency or reorganization entered against it or have the proceeding remain undismissed or unstayed for 60 days; (iii) make an assignment for the benefit of creditors or provide for the entry into any agreement for the composition of creditors; or (iv) have applied for the appointment of a receiver, purchaser or liquidator for it or the whole or any substantial part of its property; or

(d) The Municipality shall materially breach any representation or warranty under this Note Agreement.

Section 12. Remedies Upon Default. Whenever an Event of Default referred to in Section 11 hereof shall occur and be continuing the U.S.A. may:

(a) Upon the occurrence of an Event of Default described in Section 11(a) hereof and the failure to cure such Event of Default within 5 days after receipt of written request from the U.S.A., declare all of the unpaid amounts of principal and interest (the portion thereof accrued) to be immediately due and payable, whereupon such amounts shall become immediately due and payable without presentment, demand, protest or other notice of any kind, all of which are expressly waived; and

(b) Take whatever action at law or in equity may appear necessary or desirable to enforce its rights under this Note Agreement.

Section 13. Assignment by the U.S.A. This Note Agreement and the Note hereunder may be assigned by the U.S.A. at any time subsequent to its execution, without the necessity of obtaining the consent of the Municipality. The U.S.A. agrees to give notice of assignment to the Municipality, and upon receipt of such notice the Municipality agrees to make all payments to the assignee, notwithstanding any claim, defense, set off or counterclaim whatsoever (whether arising from a breach of this Note Agreement, the Note or otherwise) that the Municipality may from time to time have against the U.S.A., or the assignee. The interest of the U.S.A. in this Note Agreement and the Note may not be assigned or reassigned in whole or in part unless (i) the document by which such assignment or reassignment is made discloses the name and address of the assignee, and (ii) the Municipality receives written notification of the name and address of the assignee. The Municipality hereby designates the U.S.A. or its assignee as its agent to maintain a book entry system in conformance with Section 149(a) of the Code, consisting of a record of ownership that identifies the owner of any interest in the Note Agreement, which record may be examined by the Municipality at its request. The right to payment of the amounts due hereunder may be transferred only through such book entry system. Anything in the foregoing to the contrary notwithstanding, the interest of the U.S.A. in this Note Agreement may be assigned in whole or in part upon terms which provide in effect that the assignor or assignee will act as a collection and paying agent for holders of certificates of participation in this Note Agreement.

Section 14. Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when dispatched by registered or certified mail, return receipt requested, postage prepaid, or by hand delivery, or by telegram or facsimile transmission and confirmed the same day by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Municipality:

City of Big Rapids
Attn: City Clerk
226 North Michigan Avenue
Big Rapids, MI 49307

If to the U.S.A.

USDA Rural Development
Attn: Adrin Wagner
1075 Cleaver Road
Caro, MI 48723

The parties hereto may, by notice given hereunder, designate any further or different address to which subsequent notices, certificates or other communications may be sent.

Section 15. Loan Agreement. The Municipality shall approve the Loan Agreement, Form No. 1942-47, between the Municipality and the U.S.A.

Section 16. Governing Law. This Note Agreement and the Note shall be construed in all respects in accordance with the laws of the State of Michigan.

Section 17. Severability. In the event any provision of this Note Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 18. Binding Effect. The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective successors and assigns of the parties hereto.

Section 19. Counterparts. This Note Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 20. Captions. The captions or headings in this Note Agreement are for convenience only and in no way define, limit or describe the scope or intent or any provisions or sections of this Note Agreement.

Section 21. Entire Note Agreement. This Note Agreement and the Note constitute the entire agreement between the parties, and there are no representations, warranties, promises, guarantees or agreements, oral or written, express or implied, between the parties hereto with respect to this Note Agreement and the Note.

Section 22. Amendments. Neither this Note Agreement nor the Note may be effectively amended, changed, modified, altered or terminated without the prior written consent of the Municipality and the U.S.A.

Section 23. No Defeasance. So long as the U.S.A. is the holder of the Note, the Municipality covenants that it will not defease the Note.

IN WITNESS WHEREOF, the Municipality and the U.S.A. have caused these presents to be signed all as of the day and year first above written.

CITY OF BIG RAPIDS

By _____

Its Mayor

By _____

Its City Clerk

UNITED STATES OF AMERICA

By _____

Title _____

USDA Rural Development

RESOLUTION NO. 09-18

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

**RESOLUTION AMENDING THE CITY TREASURER'S OFFICE
REFUND POLICY PERTAINING TO AMOUNTS UNDER \$1.00**

WHEREAS, the City Commission approved a Refund Policy by Resolution No 04-37, dated March 1, 2004, which stated that refunds less than \$1.00 will not be processed by the City because the costs of staff time and postage involved in the refund process, and

WHEREAS, there are certain refunds that are governed by law, examples being Income Tax under Public Act 284 and the payment of property tax, to which this policy shall not apply.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission amends the Refund Policy, whereby all refunds under \$1.00 will not be processed for payment by the City unless there are laws and/or statutes that require the refund.

Yeas: Anderson, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: February 16, 2009

UNSCHEDULED BUSINESS.

Steve reported on the community hangar, which two people are interested in and they are applying for low interest loans.

The March 2, 2009, City Commission meeting will be at Ferris State University in the Pharmacy Building room 101. Parking will be available in the Allied Health Building parking lot. Parking maps are available.

Commissioner Harper commented about the Commission voting on the past staff reorganization. She would like to see the City Treasurer research the reorganization and the cost savings from it.

Commissioner Anderson commented that the Ferris Environmental Group hosted a film series. Commissioner Anderson saw the movie “Flow”, which is based on Ice Mountain and Mecosta County and highly recommends it. Also, the County had a fact finding seminar on wind and solar energy, which Commissioner Anderson hopes the City will be part of.

Mayor Warba commented on the follow:

- March 4, 2009, MML Conference - Mark needs to leave the conference at 4:00, he will drive alone if others wish to stay. Please let Roberta know your choice.
- Mayor Warba attended a meeting in Harrison with the topic being a business incubator. There is a lot of funding available for this type of opportunity.
- Friends of Ferris Dinner, February 20, 2009 – Steve has tickets for sale.
- Betty VanAlstine sent in a “Thank You” note thanking the Commission on hosting the Boards and Commission Dinner.
- Mayor Warba recognized Ina Christensen on her 100th Birthday. A card was sent.
- Health insurance bids – the Mayor would like the Commissioners to look over the three bids along with the recommendation from the outside firm for a preparation of a discussion at the March 16th Commission meeting.

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

* * * * *

Mayor Mark J. Warba

Tamyra K. Gillis, Deputy Clerk

City Commission
March 2, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Mayor Warba thanked the University for the opportunity to conduct the City Commission meeting on campus and to do the first live broadcast of its meeting. He expressed appreciation for the attendance of FSU students.

Commissioner Harper introduced the members of the Media Committee. She explained that this particular meeting resulted as a desire to take the opportunity to have a meeting outside of City Hall and within the community, and to provide the residents who can not attend a meeting an opportunity to see a City Commission through a recording that will be replayed.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 70 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - no changes

APPROVAL OF THE MINUTES.

Commissioner Harper moved, supported by Commissioner Hogenson that the minutes of the February 16, 2009, meeting be approved as presented.

Yeas: Anderson, Harper, Hogenson, Warba

Abstain: Brennan

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Hogenson moved, supported by Commissioner Harper that the Park and Recreation and Library bills be approved.

Dewitt Barrels	625.00	Tri County Portable	110.00
Corporate Title Agency	450.00	Miller, Becky	105.30
Rush, Lori	154.05	Bise, Debrah	40.00
Weining, Janice	40.00	Elevator Service	146.50*
Baker & Taylor Books	918.01*	Consumers Energy	273.48
Ferris State University	1,072.50	Consumers Energy	131.24

Ferris State University	7,764.07*	Baker & Taylor Entertainment	309.50*
Consumers Energy	522.90*	DTE Energy	1,165.71
Menards	20.81*		

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY

The following certificates were presented:

The Big Event – presented to Claire Gould. This is an event sponsored by Ferris students that assist area City residents with various spring cleanup activities. The activities include raking leaves, picking up branches, washing windows, painting, weeding and mulching.

Dump and Run – presented to Diane Griffin. An event at which students can donate their unwanted usable items. The items are then donated to charity groups. The recipients this year were St. Andrew’s Manna Panty, Project Starburst, Morley-Stanwood American Legion Food Pantry, WISE, Big Brothers/Big Sisters, Foster Parents, Love, Inc. and Michigan Works.

Master Plan Survey Done by Ferris Students. A survey conducted by the Ferris Marketing Research Class to identify the attitudes and opinions of the Big Rapids Community relating to the future Big Rapids Plan. The survey consisted of 91 questions pertaining to community features, future direction, facilities/services, and public funding and activities.

The following proclamation was presented to Girl Scouts Samantha and Ashley.

**PROCLAMATION DECLARING MARCH 8-14, 2009
AS GIRL SCOUTS
“MAKE THE WORLD A BETTER PLACE WEEK”**

WHEREAS, Monday, March 12, 2009, marks the 97th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has helped build millions of girls and women of courage, confidence and character; and,

WHEREAS, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout organization thrives for girls in so many settings,

WHEREAS, through Girl Scouting's unique leadership development program, girls define leadership by making the world a better place by discovering, connecting, and taking action in their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, health and fields that can expand their horizons; and,

WHEREAS, more than 3.7 million Girl Scout members nationwide will be celebrating 97 years of this American tradition, with nearly 50 million women who grew up participating in Girl Scouting and exemplify the impact of this amazing Movement.

NOW, THEREFORE, I Mayor Mark J. Warba, by virtue of the authority vested in me as Mayor of the City of Big Rapids do hereby applaud the commitment Girl Scouts has made to America's girls and proudly proclaim the week of March 8-14, 2009 as Girl Scouts "Make The World A Better Place Week".

Dated this 2nd day of March 2009

Mark J. Warba, Mayor

STUDY SESSION ITEMS

1) Financial Report –

City Treasurer Julie Tetsworth presented a report on salary savings, which resulted from the 2007 staff reorganization. The Treasurer and City Manager explained that the savings to the City was about \$55,852 and as some overtime was eliminated, the savings is probably closer to \$67,000 to \$68,000. It has been profitable for the City.

Commissioner Harper questioned how the hiring back of Mr. Tim Vogel as a consultant for about \$33,000 becomes a savings. Three employees replaced him, but he was brought back to do consultant work. Mr. Sobers stated savings would continue to grow now that Mr. Vogel is no longer providing his services. Commissioner Harper believed that she had heard that Mr. Vogel would again be brought back for continued consulting services. Mr. Sobers replied that was not the case. ***Commissioner Harper believes that consulting fees should be calculated as an expense to the budget, not as a savings.***

Commissioner Harper also questioned if the City needed to hire an additional firefighter because of the new Fire Marshall position. Mr. Sobers explained that two people left in the Neighborhood Services Department and they were replaced with the current Zoning Administrator and the Fire Marshall. The firefighter position that was vacated at the Fire Department was filled with a new full-time firefighter.

City Treasurer Tetsworth stated that a house in the Buy-Back-The-Neighborhood program has been sold. That house was located at 201 Rose Avenue and generated \$11,800 in interest since 2005.

2) Muskegon Watershed Assembly Study

Terry Stilson, from the Muskegon River Watershed Assembly, presented a study prepared by Ferris Students. Five Ferris State University students in the Recreation Management Resources Department made a presentation regarding storm water management.

3) Big Event Report –

Claire Gloud of the Big Event reminded the audience to fill out sheets for the Big Event.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

The Mayor opened discussion pertaining to the adoption of the International Fire Code (IFC).

City Manager Steve Sobers outlined the following:

- In 1964, the City adopted the first fire code, which was the 1960 edition. In 1974, the updated 1970 edition was adopted by the City. The City is currently operating under this code. There have been a number of revisions to the code since 1970, but they have not been adopted by the City.
- It is inappropriate and out of date that the City is still trying to work off the 1970 code.
- Last year the City adopted the Property Maintenance Code, and that references the 2006 International Fire Code.
- The BRPOA is reasonably in support of adopting the code without change.
- The 1970 code allows for a commercial inspection program, but the City has not conducted a commercial inspection program. The City is not anticipating starting one in the near foreseeable future.
- The 1970 and 1964 codes will be repealed and replaced with the 2006 IFC.

Warren Hansen, Deputy Director of Public Safety, presented some details of the IFC.

- Fire services have changed drastically since the adoption of the 1970 code. That code does not address today's standards for safety.
- The City's code must be updated to be able to enforce today's rules, laws, and standards. The IFC gives the authority to address any hazardous conditions that effect life or property.
- The IFC is the code choice by the City because of its familiarity with the other codes adopted by the City. It references specific National Fire Protection Association standards and procedures; it is referenced by the Michigan Building Code and by the International Property Maintenance Code.
- Many cities in our area have made the change to the IFC.
- The Public Safety Department recommends its adoptions and the City Plan Board unanimously recommended it.
- Staff is also recommending that as revisions are made in the code, the City continue to adopt the updates.

Fire Marshall Scott Mroz added that this code is a good thing for the City. He stated that he is certified by the International Code Council as a Fire Inspector and a plan reviewer, from the MTA as a fire inspector and plan reviewer and he is also certified by the State of Michigan as a Fire Inspector. Therefore, he has the abilities, knowledge, and expertise to carry out the mission of this code.

The Commission received comment from the audience.

Pat Currie, Currie's BP, 620 Maple Street, stated he has concerns regarding any potential inspections of businesses. OSHA, the food inspector, and insurance inspectors already inspect him. This last week he requested that the Chamber notify the business community of this meeting. Based on the concerns of the businesses, he requested that the matter be tabled until the Chamber can better inform the businesses through the Legislative Council as to what this may mean to them.

Mr. Sobers and Mr. Mroz both stated that the 1970 code currently allows for the inspection of businesses. Mr. Mroz added that even without the fire code, Public Act 207 says that Fire Departments have the right to inspect businesses at any time for the safety of the public and firefighters. It is not a matter of trying to shut down a business; it is for the safety of all individuals.

Mr. Hansen stated that he could not say that they will not ever do a business inspection program, but it currently is about safety. Under the current code, the fire department has the authority and ability to inspect businesses. The City does not need a new code to do that. It is not about inspecting the businesses and making a profit, it is about inspecting them for safety. The 39-year-old code needs to be updated.

Mayor Warba questioned Mr. Currie if the concern was about cost if the properties were to be inspected, or are there additional concerns of the business community? Mr. Currie replied that it was both.

Joe Bechaz, 8694 Wilson Rd., questioned if the fire department is not enforcing Public Act 207, which is the State Fire Code, at this time. Deputy Director Hansen replied that the department does work under PA 207. Mr. Bechaz questioned that if the City wanted to do inspections of businesses, they need to refer it to the State Fire Bureau for their approval, and don't they have to approve the fire inspectors under P.A. 207? Deputy Director Hansen replied "no" and that PA 207 gives the right to inspect businesses for safety issues and for inspectors to go in at reasonable times with the permission of the property owner. Mr. Bechaz questioned if firefighters had to be State certified to conduct inspections and Mr. Hansen replied they do not have to be for a safety inspection.

Chris Jacob from the Home Builders Association of Mecosta County stated that the Association has been disputing this code on a national and state level. Their mission is affordable housing within the communities and they feel that the code will not only cover businesses but residences and in this economic hard time, they feel the code will increase cost of construction and they do not feel this is the way to go at this time. She has done research and obtained from the Department of Labor and Economic

Growth website two documents that says that if the code is adopted it can not be legally enforced for new construction or remodel.

Curtis Scott, General Manager of Muffler Man, 700 N. State Street, has been here since 1960 and appreciates the Fire Department and the council, but with the economic times and taxes, if there are fees with the inspections, his business cannot afford that.

Don Jones, 522 Elm Street, is concerned that the City may be adopting an ordinance that has not been read by everyone concerned and not seen by everyone affected. The Plan Board meeting when this was discussed was not well attended, particularly by businesses. It has been stated that at this time, there is no intention to charge for business inspections, but the IFC allows for the inspection of business properties and the Deputy Director and Fire Marshall have publicly stated that they feel that all businesses should be inspected for safety purposes. Questions arising include: What is the intent of the City regarding the inspection of businesses if the IFC is adopted? When do these inspections begin? What would be the inspection fee? The BRPOA has been waiting a year for how the inspection fee was established for the rental properties. They are asking the Commission to take caution before rushing to adopt this code.

Roger Carver, owner of Carver Properties, felt that no one seemed to be concerned about this when it was only rentals being inspected. He believes his homes do not have to be inspected any more than businesses do. He keeps his properties up.

Randy Bleeker, Bleeker Insurance Agency, 206 S. Third Avenue, believes that there is fear on the part of people because they do not understand the fire code or appreciate the purpose of the code. No one knows what the 1970 code or the change to the 2006 code means for businesses, landlords, or residences. There is a fear that government will find unique ways of raising money. Perhaps it would be nice if everyone gives the fire department a drawing of their building. A question and answer section in the paper explaining the two codes would be nice along with more information.

Peter Ruttan, DP Tire, 604 N. State Street, would appreciate time for education.

Virginia Kienitz, 17940 River Bluff Drive, has an objection to the fees that are being charged for rental inspections. She believes that inspections are a part of the Fire Marshall's job. She would like an explanation of the purpose of the fees.

Robert Cook, Cook's Blacksmith and Welding, 402 Bjornson Street, stated he appreciates any review and comments from the fire department that will improve their safety. His question is who will police the code, who assesses the fines and closes the business? Mr. Mroz stated that it is his job as Fire Marshall to follow the code's provisions.

Mayor Warba stated that the code makes provisions for the Board of Appeal to review decisions made by the Fire Marshall.

Don Jones, VP of the BRPOA, stated that they do support the IFC as written, which includes appendices. He suggested it is a good idea to postpone the adoption of the code.

Mayor Warba closed the public comment section and opened the meeting for Commission comment.

Commissioner Anderson believes it is important to retire the 39-year-old code and adopt a newer version.

Commissioner Brennan recognized that the BRPOA has been involved with the code, educating themselves as to what is in it. The City is working under a 1970 code and the Commission does not want that to continue too much longer, but she does not see any harm in postponing the adoption for a little longer to allow the business community to review the code.

Commissioner Hogenson agreed with tabling the code adoption so that the businesses can review it. He supports the code but supports giving some time for others to review. He finds it difficult to believe that this code would put the City at any disadvantage.

Commissioner Harper believes that the decrease in fires within the City is due to the remarkable job the Fire Division is doing in educating people and they need to be applauded. She has some concerns regarding the 1970 code and IFC. At the Plan Board meeting, she had heard that the 1970 code did not give the Fire Department authority to inspect businesses. Now she hears that it did give the authority. Deputy Director Hansen responded that his recollection of the Plan Board meeting when that question was asked was that the reply was "yes, the old code did give the authority".

Commissioner Harper would like to know the marked differences between the codes.

Mr. Hansen explained that the differences are that the newer code provides a lot more of detail, giving the example of sprinkler systems. The business inspection is a minute part of the code, where the rest of the code details the storage of hazardous materials that did not even exist 39 years ago, explaining how to store hazardous materials. Not everyone will read and understand the code. Mr. Mroz and Mr. Hansen went to school to learn the contents of the code and how to read and interpret the code.

Commissioner Harper believed that the adoption of the code should be postponed to allow the businesses to look at and understand the code. There ought to be more discussion.

MOTION NO. 09-19

Commissioner Harper moved, supported by Commissioner Brennan that the Ordinance for adopting of the International Fire Code be tabled until the June 15, 2009 City Commission meeting.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The motion passed.

Dated: March 2, 2009

Mayor Warba encouraged the business community to ask questions. He would like to see clarification of the code in terms of the proponents of inspecting businesses. He would like a review of the other communities that have adopted the code, if they have a business inspection charge and what their rate structure is. It would be a guide or benchmark. He would like staff to be prepared to offer some recommendations if the inspection of businesses went forward, what the costs connected with that might be.

Commissioner Harper stated that one of the sticking points with BRPOA had to do with window size requirement. This was never resolved and with the adoption of the IFC, it comes into play that one person would interpret what they feel is appropriate. That information should be communicated as to what would be the expectation as far as window size when it comes to rentals.

Commissioner Hogenson does not believe that it is reasonable to expect the Fire Marshall to make a statement regarding inspection fees. The earnest objective is to get people to look at this from the public safety standpoint. The Fire Marshall is at the hospital all the time, which is necessary not only by law, but by ethics. It is necessary for good judgment and human concern for one another. The public has a right to act in its own best interest. This deserves to be given study and to be taken seriously.

Mayor Warba wanted to eliminate any misconceptions that the City Commission is adverse to business interests and does not promote businesses. Things the City has done include: tax abatements and criteria to help businesses to not only stay but to attract; waived late fees on property tax collections when it became onerous for a local business owner; made efforts through the Vibrant Small Cities Initiative grant to make improvements to the downtown area; and other similar projects through grant initiative.

RESOLUTION NO. 09-20

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

RESOLUTION AMENDING FISCAL YEAR 2008/2009 GENERAL APPROPRIATIONS

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39, and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2008/2009 General Appropriations:

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2009

RESOLUTION NO. 09-21

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

**RESOLUTION AUTHORIZING WILCOX PROFESSIONAL SERVICES LLC
TO COMPLETE CONSTRUCTION DOCUMENTS AND
CONSTRUCTION ENGINEERING FOR WAYFINDING SIGNAGE PROJECT**

WHEREAS, construction documents and construction engineering is necessary for the Wayfinding Signage Project of the Vibrant Small Cities Initiative (VSCI) project, and

WHEREAS, Wilcox Professional Services is the approved engineering firm to provide engineering assistance, and

WHEREAS, Wilcox Professional Services has submitted a not to exceed amount of \$11,221.50 to provide construction documents and construction engineering services for the Wayfinding Signage Project, and

WHEREAS, the City Commission adopted Resolution 08-56 in June 2008 for wayfinding conceptual design in the amount of \$11,100 which was neither expended in 2007/2008 nor appropriated in 2008/2009, and

WHEREAS, the City Commission therefore needs to appropriate the conceptual design costs in Fiscal Year 2008/2009, and

WHEREAS, it is recommended that \$23,000 be transferred from Vibrant Small Cities Initiative equity to expense account 244-728-967.203.

NOW, THEREFORE BE IT RESOLVED, that the City Commission hereby accept the proposal of Wilcox Professional Services for the professional services for the Wayfinding Signage Project in an amount not to exceed \$11,221.50.

NOW, THEREFORE BE IT FURTHER RESOLVED, that \$23,000 be transferred from Vibrant Small Cities Initiative equity account 244-000-390.000 to expense account

244-728-967.203.

BE IT FURTHER RESOLVED that funding for this services be expensed to Account No. 244-728-967.203.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 2, 2009

UNSCHEDULED BUSINESS.

Miscellaneous comments:

- Festival of the Arts closed yesterday. It was a great success.
- Ray Dickenson made a cross-stitch contribution to the City, which is displayed in the City Hall lobby.
- Groundbreaking for Wastewater Treatment Plant project was this morning.
- Letters have been sent to Township Supervisors to open discussion regarding library services.
- The Big Rapids Community Survey is on the website.
- The Mayor thanked the Media Committee for organizing and FSU for hosting the meeting this evening for recording.
- The City received national recognition for its efforts to protect its ground water.
- Legislation introduced by Rep. Booher, brought to his attention by the City, regarding low interest loans. This is a credit to the City.
- The Commission will conduct a meeting on March 30th at 6:30 p.m. One of the items revisited will be the Library.

There being no further business to come before the Commission, the meeting was adjourned at 8:46 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
March 16, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 24 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - no changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, supported by Commissioner Harper that the minutes of the March 2, 2009, meeting be approved with corrections to typographical errors and the following insert made by Commissioner Harper under the discussion of the City Financial Report: **“Commissioner Harper believes that consulting fees should be calculated as an expense to the budget, not as a savings”**.

Yeas: Anderson, Harper, Brennan, Hogenson, Warba

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, supported by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Medler Electric, Inc.	41.86	State Street Hardware	18.99
Consumers Energy	408.20	First National Bank	946.76
Miller, Becky	107.25	Rush, Lori	171.60
Buse, Jill	62.62	Arnold Sales	156.14*
Petty Cash	46.87*	State Street Hardware	5.88*
AT&T	3.64*	First National Bank	324.25*
Charter Communications	269.99*	Petty Cash	31.28*
Omara Products	227.28	Consumers Energy	246.51*
Tri County Portable	110.00	AT&T	71.27
Lowes	36.54*	Michigan, State of	190.00*
Demco	113.75*	AT&T	180.27*
Quill Corporation	228.94*	Baker & Taylor Books	705.84*
Audio Editions	1,576.65*	Xerox Corporation	91.42*

*Indicates library bill
Yeas: Unanimous
Nays: None

SPECIAL ORDERS OF THE DAY – None.

STUDY SESSION ITEMS

1) Wastewater Treatment Plant Improvement Update

Don Greiner presented a written update on the Wastewater Treatment Plant Improvements. He outlined the following points:

- No change orders issued at this time.
- The contractor submitted the first payment request for \$113,750. The City will retain 10%, so the contractor will be paid \$102,375. The contractor is allowed one pay request per month.
- Mr. Greiner will develop a spreadsheet showing the monthly activities of the project and year-to-date expense summary. He will present it as a monthly report and share it with the townships.
- The City is gathering information to respond to a DEQ Notice of Violation. Currently, the City continues to meet all permit requirements.
- Equipment purchase orders have been placed and Prein and Newhof continue to review shop drawings on equipment for proper construction and compliance.
- A construction slide show was presented.
- During construction, the contractors are expected to provide their own power.

2) Presentation of Stimulus Funding

Mr. Sobers up-dated the Commission regarding the impact of accepting the stimulus package on the wastewater treatment plant improvement construction. He presented six consideration points:

1. The improvement process started two years ago. The City received a \$700,000 S-2 grant from the DEQ to cover the engineering design done by Prein and Newhof. The City has now received a 2 ½% SRF loan. The original cost of the project came in at \$9.5 million, but the Commission requested that the improvements be re-designed to bring the costs down. The bids came in at about \$6.5 million. By getting the SRF loan at 2 ½%, it will save the City in excess of \$1 million. The City spent time with the townships, obtained their support, and delayed the project slightly in order to receive the SRF funds.
2. The City received some great bids for the project. The engineering estimate was a little over \$1 million more than the low bid. The low bidder came extremely well recommended.

3. When the City began working on the project in late fall, there was no discussion of a stimulus package for governments. The City was going forth with what was available.
4. The City's plant is somewhat seasonal in nature in that nine months of the year the population base is about twice the number of what it is during the three summer months. The construction timetable was designed around the student population. The City is also dealing with the DEQ and the threats of violation penalties.
5. The City is not against the stimulus funding, buying American or Davis/Bacon. The problem is a timetable. The project has been bid. To rework it will involve change orders to buy American and to adhere with Davis/Bacon. The cost of this change will be extremely high.
6. This needs an immediate decision. There is only about a 60-day window at the end of summer for construction glitches. To move away from that timetable for redesigning or canceling and reordering equipment, the important timetable will be missed. To stay the current course requires no action. To accept the stimulus package money will take action by the Commission.

Mr. Greiner clarified that the issue before the Commission was "should the City of Big Rapids delay the construction of the wastewater treatment plant upgrade to accept the bond principal reduction authorized by the Federal American Recovery and Reinvestment Act?"

The advantage is a 20 – 25% reduction of the loan principal amount approved by the DEQ, which is a potential \$1.6 million reduction. The disadvantages of accepting the stimulus package would include a project delay causing: an increase in the contractor's overhead; additional engineering services; another DEQ review and reissue of construction permits; an increased potential for NPDES violation penalties; and increase in project cost. The 'Made in America' and Davis/Bacon Act would increase the costs by 10 – 15%. The increase in the cost could reach and more likely exceed the amount of the potential stimulus savings.

Both Mr. Greiner and Mr. Everett, Wastewater Treatment Plant Superintendent, recommended that the current project proceed.

Kathy Prein, Prein and Newhof, addressed the issues of design:

- Provided history regarding the treatment plant, going back in time to when the City was addressing the solid digester.
- It is important to consider the flows of Ferris.
- With Mr. Everitt's input, equipment components selected were of high quality with a 20-year life.
- Up until the time of final design and determination of equipment would have been the time to look at the impact of other equipment for the stimulus program.
- The plant design was well received by bidders and competitive bids were received.

- There is an August 1 completion date (before students are back) for the gravity thickener, which is part of the solution to addressing the solids digesting process.
- The plans include three very important deadline dates with completion scheduled for November 2010.
- The contractor already has a number of activities underway.

Ben Wenstrom, Vice President of Construction for Erhardt Construction, addressed the issues of cost increase, which would result from accepting stimulus money due to the 'Made in America' requirement and Davis/Bacon clause.

- The Davis/Bacon clause will increase the cost by 10 to 15%. Each of the successful subcontractors were asked to breakdown their current wages and then determine what the affect of Davis/Bacon would be, which came to \$765,000. This is about 12% of project costs. The Davis/Bacon is a federal requirement. Example of an increase wage for a backhoe operator is about an additional \$10 - \$15 an hour.
- The 'general conditions' within the contract are all the resources and costs that go into delivering a project. It includes supervision of the project, bonds needed, insurance, builder's risk insurance, supervision of the site, trucking, dumpsters, port-a-johns, site clean up, expenses of the home office, job trailer, phones, faxes, computers, etc. All are time and dollar sensitive. As the duration of a project increases, these costs increase.
- The stimulus money will result in an up to one-year extension. It is not a good fit for this project because of its timing and components.

Jim Hathaway, Project Manager, addressed the 'Made in America' issue.

- The definition of 'Made in America' is not clear and there is no timeframe for this definition to be established. The plant equipment has all sorts of components to it. Eighty percent could be deemed to be US steel 'Made in America', but there are components that are manufactured elsewhere. All equipment proposed for the project is high quality.
- Three major suppliers were asked to look at the components of the project – electrical, mechanical and system processing – and the change in the main equipment alone came to a \$360,000 increase. This did not include the many smaller equipment items.
- Examples of the smaller items that may not be compliant would be the many valves needed. That would be a 36% increase or roughly \$49,000. Other examples would be an additional 35% (\$19,000) increase for fittings; piping - 70% or \$82,000 increase; lighting fixtures – 25% increase (\$8,000); a switch in blowers – 20 to 25% increase.

Mr. Greiner explained that the stimulus package includes a waiver if the cost of items reach over 25%, but it must be documented on a case by case item, which is time consuming and further delaying the project.

Ms. Prein addressed the engineering design and construction costs in terms of how 'Made in America' affects it.

- The blower building expansion is one portion of the project. It will accommodate the three new air supplier blowers for the aeration tanks, the four digestive blowers, and the electrical room. The floor plan is driven by the process and selection of the equipment. Any change in equipment would include a change in the floor plan because none of the equipment is made in the same design. As a result, the building enclosure starts to change.
- Estimated time to redesign the building and get new DEQ permits would take about 12 weeks - over \$100,000.
- Impact of project duration – one year longer and in excess of \$250,000 for the yearlong engineering services.
- All costs are estimates. American made items that could not be bought have not yet been defined, or the costs to install them.

In a discussion of change orders during the construction project, it was explained that change orders are inevitable for a project this size and will be itemized. The City set aside \$500,000 for unexpected changes. On a project as this, it can be estimated to be 5 – 10% of the total project. Some change orders may be a price reduction. The contractor does not see any big problems for change orders.

Mr. Sobers concluded that there is a minimum of \$1.8 million documented cost increase tied with the stimulus package for a savings of about \$1.6 million. The timetable for completion would be affected, which raises concerns with keeping the plant functioning. The recommendation of the engineers, contractor, and staff is to continue as planned without the stimulus package.

Maxine McClelland, Big Rapids Township Supervisor, added the project was started a long time ago and she is pleased that the City waited for the SRF funding and the good construction prices received. She is uncomfortable with accepting the stimulus package at this time and would like to move forward. Bob Baldwin, Green Township Supervisor, concurred. He believes that the added cost to the project will be much higher than predicted. He urged the Commission to proceed.

It was the consensus of the City Commission to stay the course and let the appropriate officials know that due to the timing of the construction project, the stimulus will not work for Big Rapids on this project.

The City Commission took a break from 8:03 – 8:10 p.m.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA - None

PUBLIC HEARING

Mayor Mark Warba opened the public hearing on Special Assessment Roll No. 09-512 for the 2008/2009 Sidewalk Improvement Project at 8:12 p.m.

Mr. Sobers presented the special assessment roll listing properties to be improved and costs associated with the improvements, which is paid 50% by the City and 50% by the property owner. This is the opportunity for property owners to express any concerns they may have pertaining to the project, which reserves their right to challenge at a later date before the Tax Tribunal.

Mr. Stan Jungck, 807 Cypress, addressed the Commission stating he was protesting what was proposed for his property. The cost to him for the project will be about \$1,000. Although the sidewalks are nice to have, he does not believe they are necessarily a need to have. His house is in a block where on either side there are no sidewalks, therefore, people do not walk on his sidewalks.

He stated that he was told that the sidewalk needs to be improved because the City would like to pave the adjoining alley. He questioned why, in today's economy, the alley needs to be paved. It serves no purpose. By not doing his sidewalks and by not paving the alley, he believes the City will save \$3,000 to \$5,000. He is concerned with the amount of money and effort that is going into that alley.

Mr. Schneidt explained that the cost to this property owner involves two sides of the property. The City uses criteria to determine which properties will be addressed. Mr. Jungck's parcel is a corner lot and has sidewalk on both Cherry and Cypress Streets. The alley has a change in grade and an adjustment to the alley approach is necessary to accommodate drainage and water flow. The sidewalk through the alley is designed different - it is thicker and it is the City's cost, therefore, it is not reflected in the proposed assessment for Mr. Jungck. The City has the option to remove sidewalk from the program, but the sidewalk is selected based on a set criteria.

Mr. Schneidt explained the pricing for the sidewalk project. A contractor looks at the entire project and submits a price, which will often eliminate additional charges for one property that has an oddity. Everyone pays the same price per lineal foot. Property owners pay 50% of the cost for sidewalk. The first year is interest free. After that, the 5% interest kicks in. Three yearly installments are allowed to pay the costs off. The figures given on the roll are estimates and were developed before the bids were received.

City Attorney Eric Williams explained that by the Jungck's appearing this evening, they have reserved their right to appeal the special assessment to the tax tribunal, as it pertains to the costs. They can also ask the Commission to remove them from the rolls. However, to break up the project may not necessarily be cost effective.

Mr. Schneidt stated that the issue at this location was the grade of the sidewalk in conjunction with the alley. Improvements require a grade adjustment.

The Commission requested that Mr. Schneidt meet with Mr. Jungck to review with him the proposed improvements.

Any changes made to any of the properties will appear before the Commission again in the form of an amended special assessment roll.

There being no further comment, the public hearing was closed at 8:35 p.m.

The Mayor opened the citizen input session for the Fiscal Year 2009/2010 City budget at 8:35 p.m. The City Manager explained that this is the first of two sessions. The second session will be held on Monday, March 23 at noon.

A letter from Marian Beadle was presented requesting money be budgeted again this year for flats of zinnias.

Rose Mary Jennings, 606 Bjornson Street, thanked the City Commission for their funding of the Community Pool. She requested continued funding of the pool program. She also supported funding for police and fire.

Mrs. Jennings was recognized for her contribution to the pool.

Mayor Warba asked Mrs. Jennings if she would approach Pat Horan, the Pool Director, regarding the hosting of a City Commission meeting at the Community Pool. Mrs. Jennings stated she would follow up on that.

The input session was closed at 8:41 p.m.

The following letter from Wendy Nystrom regarding the possible closing of Eastwood and Riverview School was entered into the minutes. Wendy is the PTO president at Riverview School.

Dear City Leadership,

My Name is Wendy Nystrom and I live at 530 Winter Ave. in Big Rapids.

I cannot come to your meeting to speak at the public input portion due to conflicts. So I asked someone to read my comments for me.

I wanted a chance to challenge your two city representatives that spoke at the school district March Meeting. I believe one is a planner and the other on Housing board.

I do challenge that Eastwood is a marketing tool. If it was a K-5 school people would not choose this school and having kindergarten in one school leaves a parent with no choices. When we were looking at the school district online Eastwood program was not even a deciding factor in what schools we choose to send my children to. It was the state ranking, test scores, and location to FSU.

1. They would choose the higher performing schools.
2. People choose our schools because they work here and moving the

- kindergarten back into the schools would not change people from outside the community from choosing Big Rapids school District.
3. This neighborhood has people in crisis and a better solution for these people would be to house community actions groups. A place with one stop assistance, such as literacy help, Michigan works, recreation center, medical and dental clinics the list could go on and on.
 4. Plus having a building that does house many assistance programs could create jobs people could walk to.
- These ideas would be much better for assisting this neighborhood.

Sincerely, Wendy Nystrom

RESOLUTION NO. 09-22

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

**RESOLUTION ADOPTING SPECIAL ASSESSMENT ROLL NO. 09-512
2008/2009 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, Special Assessment Roll No. 09-512 has been submitted for the construction of sidewalk under the City of Big Rapids 2008/2009 Sidewalk Improvement Project, and

WHEREAS, the City Commission held a public hearing on Monday, March 16, 2009, 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. 09-512 to be spread over a three (3) year term payable in three (3) annual installments with interest at five percent (5%) per annum due each February 1st hereafter, beginning February 1, 2010, 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, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2009

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 March 16, 2009.

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.

Roberta R. Cline, City Clerk
Dated:

RESOLUTION NO. 09-23

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

**RESOLUTION ACCEPTING BIDS FOR 2009
SIDEWALK IMPROVEMENT PROGRAM**

WHEREAS, the Big Rapids City Commission has approved the sidewalk improvement program for the year 2009 in which the City will address the rehabilitation of existing walks, accessible ramping, and detectable warning, and

WHEREAS, bids were solicited for the project, whereby three bids were received, and review of the bids by staff has resulted in a recommendation to accept the lowest and best bid of T & F Construction in the amount of \$39,689.80.

NOW, THEREFORE, BE IT RESOLVED, that the bid of T & F Construction be accepted in an amount of \$39,689.80 for the 2009 sidewalk improvement program.

BE IT FURTHER RESOLVED, that the cost be expensed to Account No. 101-442-967.703.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2009

RESOLUTION NO. 09-24

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING ASSISTANCE
AND AUTHORIZING MAYOR AND CITY CLERK TO SIGN
AGREEMENT NO. 2007-0177/Z4**

WHEREAS, the Big Rapids Dial-A-Ride Transportation (DART) system derives approximately 16% of its operating revenue from the Federal Transit Administration (FTA), which is administered by the Michigan Department of Transportation, and

WHEREAS, under the City of Big Rapids Annual Local Transportation Program Grant Application for the period of October 1, 2008 through September 30, 2009, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$65,568).

WHEREAS, this project authorization, Agreement No. 2007-0177/ZA, represents a partial payment of \$40,205.00.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2009 Section 5311 Operating Assistance, Agreement No. 2007-0177/Z4, in the amount of \$40,205.00 and authorizes the Mayor and City Clerk to sign the agreement documents.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2009

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 March 16, 2009.

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.

Roberta R. Cline, City Clerk

Dated: March 18, 2009

RESOLUTION NO. 09-25

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

RESOLUTION AMENDING FISCAL YEAR 2008/2009 GENERAL APPROPRIATIONS

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2008/2009 General Appropriations:

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 16, 2009

RESOLUTION NO. 09-26

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

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS
PERTAINING TO MICHIGAN DEPARTMENT
OF TRANSPORTATION ACT 51 STREET
FINANCIAL REPORT**

WHEREAS, the City received notification from the Michigan Department of Transportation that a review of the City's 2008 Audited Financial Statements resulted in a finding that administrative expenditures (Major Streets) of \$71,792 are in excess of the 10 percent of the current year's Michigan Transportation Fund returns, and

WHEREAS, this finding, as it pertains to the MDOT Act 51 Street Financial Report, requires a transfer from the General Fund to the Major Street Fund in the amount of \$25,200 .

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following transfer of funds:

<u>Account</u>	<u>Original Budget</u>	<u>Adjustment</u>	<u>Amended Budget</u>
Expenditure			
101-966-999.202	0	\$25,200	\$25,200
Revenue			
202-931-699.101	0	\$25,200	\$25,200

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: March 16, 2009

There was a lengthy Commission discussion pertaining to the solicitation of proposals for the City's employee health care.

Mr. Sobers provided the following information:

- The City requested agent proposals for its self-insured health care coverage plan. Three proposals were received, all proposing the use of the current carrier Blue Cross Blue Shield to be the supplier of health care.
- The City has a self-insured program. The City pays the first \$60,000 for any claim and after that, BC/BS kicks in with catastrophic health care coverage. The City puts short of \$1,000 every month into a fund to cover employee health care coverage. The current balance is about ½ million dollars and the payment for health incidents come out of that fund.
- All three bids are identical because they are all BC/BS. The three agents have equally comparable bids.
- There is an employee health care committee made up of members from each of the employee groups who reviews the health care issues and help to work through the concerns with the employees.
- Both the Health Care Committee and an outside benefits firm reviewed bids. The consultant came back with a recommendation that the City stay with Spectrum Benefits as its agent to handle the coordination and payment of the Blue Cross bills.
- The Health Committee voted unanimously to stay with Spectrum Benefits, who handle a lot of self-funded programs. They did so based on the size of the company, their experience in the self-funded arena and status of Spectrum Benefits coverage.
- This has not been before the Commission in the past, but the City Attorney recommends that when there are local dollar amount contracts, they should be bid out every three to five years.

Todd Csernai, from Lerner, Csernai and Fath Financial Group, one of the bidders, addressed the Commission.

- His business is local.
- When it comes to BC/BS, everyone pays the same price.
- His proposal offered to pick up the COBRA administration and 125 debit cards.
- He works with self-funding, but they do not have a self-funded group like the City of Big Rapids. However, with the amount of retirees on the City's program, he believes it is will not always be in the City's best interest to be self-funded.
- Because costs were not released, he was not able to compare the costs of a self-funded and fully funded program.
- He requested that the City reconsider them as the agent.

Mr. Wally Martyniek, of Spectrum Benefits, stated their account executive for the City of Big Rapids lives just outside of Big Rapids, his children attend Big Rapids Public Schools and Ferris employs his wife. COBRA will be handled at no charge.

Both Mayor Warba and Commissioner Anderson disclosed that Mr. Csernai handles their business health insurance. The City Attorney did not feel that the disclosures were a conflict of interest or would disqualify them from voting unless there was comment from the balance of the Commission that they see it as a conflict. There was no expressed concern from the Commission.

Commissioner Hogenson believed that additional consideration should be given to local bidders and the investment made by them. The City Commission does allow a 5% disparity in any bid to someone within the corporate limits of Big Rapids. Although he was not sure how that principle would be applied to this circumstance with a substantially coequal bid process, he believed it ought to be a consideration. He respects the point of view on the committee, but he believes the City should look at the locality of the bidder.

Mr. Martyniek's comments:

- He has considerable experience in self-funding.
- Their company made the recommendation about six years ago to change from Priority Health to BC/BS, enabling them to duplicate the service, but getting deeper discounts. Those discounts have resulted in an average of \$100,000 plus a year.
- There is a big difference between self-funding and working with self-funding than a fully insured plan.
- A self-funded program is mandated by State guidelines and ERISA guidelines, and it is important to keep it in compliance.

Todd Csernai's comments:

- Represents about 125 local businesses and organizations.
- Not interested in working out of town.
- The account service representative will remain the same.
- Agent is only a piece of the pie to change.
- He can bring the experience of what he knows works in Big Rapids.
- He would recommend that the City look at some fully insured programs.
- He works with Reed City, which is a fully funded program, but they utilize a drug card with a high co-pay and the City reimburses the employee.
- There are 14 employees in his firm and they are available at any time.
- It takes only one piece of paper to change the agent. If the City finds that his firm is not doing its job, it takes only a signature to change agents.

City Treasurer Julie Tetsworth stated she is all for the local bidder, but her concern as the plan administrator for the self-funded program is the experience of the agent. She questioned the number of other self-funded plans that Mr. Csernai works with. Because she is new at her position, she feels more comfortable with more experience in self-funding. Quality and experience is her concern.

Mr. Csernai replied that he would still use BC/BS. He would be the agent and BC/BS would still be the third party administrator. He stated he has zero plans that are set up

like the City of Big Rapids. Perhaps the City's plan needs some adjustments and perhaps go to a fully funded plan.

Commissioner Harper observed that the Benefits Team review indicated that only Spectrum Benefits complied with the request for proposals submitted. She questioned the City's policy in the past regarding bidders not meeting the minimum of specifications.

City Manager Sobers explained that if there were many competitive bids, the City would throw out the ones that did not meet specifications. On some occasions, it may be recommended that the Commission waive a specific requirement because it could not be met. Under other circumstances, there may be a recommendation to reject all bids and re-bid. In this particular case, Blue Cross is setting the rates. A re-bid will result in the same dollar figure coming back.

Comments made by Commissioner Harper:

- Observed that while the costs will be the same, Mr. Csernai's communication stated that the services provided may differ. She believes that is critical.
- She also observed that Spectrum Benefits was the only company that provided all the information.
- Mr. Csernai's proposal, as well as Employee Benefits Services, did not include dental and vision plans.
- She interprets local bidder preference as being "all things being equal". If all things are equal, the Commission has the discretion to prefer local bidders. What she saw, she cannot say all things are equal.
- She recognizes that a self-funded program is far different to manage than a fully funded program.
- She would like to recognize the importance of the local bidder preference. However, at this time Spectrum Benefits has demonstrated that they can right now rise to the occasion of handling self-funded plans.
- She would like to give Lerner, Csernai and Fath a year to come up with the information and demonstrate that they will be able to do what is necessary to manage a complex self-insured fund.
- She would recommend extending the contract for 12 consecutive months, allowing the local bidder to present something that compares to the current plan again next year.

Mr. Csernai has concerns that he was unable to obtain cost information he needed to complete the bid. Since he will be working with Blue Cross, the charges will remain the same.

Mr. Martyniek, stated that since they do deal in the self-funded arena, they deal in the bidding processes all the time. It is not uncommon in the bidding process that the costs be kept confidential so there is no price shadow underwriting. Part of the proposal was a request for qualifications. A lot of the answering of the questions was the detail under

the request for qualifications as to why a company is qualified with self-funded programs. It is not just the numbers, but also the service.

Commissioner Brennan reported she called Central Dispatch and Reed City who gave glowing reports regarding the services provided by Mr. Csernai. The City's proposal included the requirement of experience in self-funded plans, which Mr. Csernai's company does not have. Spectrum is larger and has more of the ability to watch the trends and make suggestions on changes. A financial impact pertaining to the raising of the stop loss amount was requested, which Spectrum provided, but she could not see where Mr. Csernai's company provided it. Mr. Csernai indicated that he was unable to get that information. Commissioner Brennan stated that had Mr. Csernai stated that in his proposal, that would have shown her that he understood what the City was asking for, but was unable to do at this time. Another concern was the he mentioned that the City might not want to stay self-funded. Spectrum Benefits has researched other carriers and they are recommending that the City stay with Blue Cross and stay self-funded.

Commissioner Anderson stated she came to the meeting ready to endorse the local business because it is important to support locals. As she reviewed the documents, the consultant and committee are all supportive of Spectrum. She did not feel that Mr. Csernai sold the committee as he presented his information. She is supportive of renewing with Spectrum Benefits for a one-year period.

RESOLUTION NO. 09-27

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

RESOLUTION ACCEPTING HEALTH CARE AGENT SERVICES FOR EMPLOYEE HEALTH CARE INSURANCE

WHEREAS, the City is self-insured for it employees' health care coverage, and

WHEREAS, the City has an employee Health Care Committee consisting of a representative from each of the employee groups (AFSCME, Non-bargaining, Fire, Police and Police Supervisory) and management, who review insurance issues, recommend cost savings and policy modifications, and keep the other employees updated as to their health care coverage and costs, and

WHEREAS, the City solicited proposals covering health insurance agent services and broker qualifications, whereby three proposals were received, and

WHEREAS, the proposals were reviewed by professional consultants, the Benefits Team, who evaluated the proposals and made recommendations as to the City's coverage and agent services, and

WHEREAS, the recommendation of the consultant and the City's Employee Health Care Committee is to continue its agent services with Spectrum Benefits LLC

because of their complete proposal information, premier agent ranking with Blue Cross Blue Shield of Michigan, and their experience with administrating self-insured health care accounts.

NOW, THEREFORE BE IT RESOLVED, that the City Commission accept the recommendation of the Benefits Team and the City's Employee Health Care Committee to utilize Spectrum Benefits LLC as the City's agent for the employee health care insurance coverage.

Commissioner Hogenson moved, supported by Commissioner Anderson that the award of the proposal be for a twelve month period form April 1, 2009 to March 31, 2010.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2009

RESOLUTION NO. 09-28

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

RESOLUTION ACCEPTING FREMONT AREA COMMUNITY FOUNDATION GRANT FOR RIVERWALK EXPANSION PROJECT – PHASE III GRANT NO. 20090121-MCCF

WHEREAS, the City of Big Rapids has been notified by the Board of Trustees of the Fremont Area Community Foundation approval of grant #20090121-MCCF in the amount of \$50,000 for the Riverwalk III Expansion Project, and

WHEREAS, this grant was recommended by the Mecosta County Community Foundation Board of Trustees and has been awarded from the Big Rapids Riverwalk Flexible Fund of the Fremont Area Community Foundation, and

WHEREAS, the Fremont Area Community Foundation would appreciate copies of the written progress reports required by the Michigan Department of Natural Resources for the Riverwalk Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Manager are hereby authorized to sign grant documents and the Revenue Account No. is 719-000-675-100.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2009

Mr. Sobers explained the bids received for the VSCI façade program and how the base bid and alternatives bids take effect. Commissioner Harper questioned if the numbers given for this project falls within what the projections were and what the City had accounted towards the façade program. Mr. Sobers replied that the total amount of money for the façade program is unchanged from the amount previously provided the Commission.

RESOLUTION NO. 09-29

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

RESOLUTION ACCEPTING BIDS FOR THE VSCI DOWNTOWN FAÇADE PROGRAM

WHEREAS, the Big Rapids City Commission has approved the Façade Improvement Project as a part of the Vibrant Small Cities Initiative whereby eleven downtown properties will undergo façade improvements, and

WHEREAS, bids were solicited for the project and review of the bids by staff has resulted in a recommendation to accept the lowest and best base bid of Steve Jones Construction in the amount of \$581,658, and

WHEREAS, alternate activities in the amount of \$237,212 are being considered by the business owners which may or may not be undertaken, thereby, altering the overall project costs, to be paid entirely by the participating businesses.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Steve Jones Construction be accepted in the amount of \$581,658 for the implementation of façade improvements.

BE IT FURTHER RESOLVED, that the alternatives selected by the businesses are hereby accepted to an amount not to exceed \$237,212.

BE IT FURTHER RESOLVED, that offsetting revenue for the façade improvements from the participating businesses shall be deposited in Account No. 244-728-675.001.

BE IT FURTHER RESOLVED, that project costs of \$818,870 shall be expensed to Account No. 244-728-967.101 and the Mayor is hereby authorized to sign the contract.

Yeas: Brennan, Harper, Hogenson, Warba
Nays: Anderson
The Mayor declared the resolution adopted.
Dated: March 16, 2009

MOTION NO. 09-30

Commissioner Brennan moved, seconded by Commissioner Harper that the City Commission continues with the agenda after the time of 10:00 p.m.

Yeas: Unanimous
Nays: None

The motion was declared passed.
Dated: March 16, 2009

RESOLUTION NO. 09-31

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

**RESOLUTION ON MAYORAL APPOINTMENTS
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

ASSESSMENT BOARD OF REVIEW

Dan Rothstein re-appointed to a full term ending February 2011.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: March 16, 2009

UNSCHEDULED BUSINESS - None

There being no further business to come before the Commission, the meeting was adjourned at 10:04 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
April 6, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 25 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - no changes

APPROVAL OF THE MINUTES.

Commissioner Harper moved, supported by Commissioner Hogenson that the minutes of the March 16, 2009, meeting be approved with typographical corrections.

Yeas: Anderson, Harper, Brennan, Hogenson, Warba
Nays: None

Commissioner Anderson explained her “no” vote pertaining to the Façade Grant considered at that last meeting. She stated “I voted against the resolution accepting bids for the downtown façade program because the Commission was told in the introduction that the informational numbers were wrong, since there were no longer 11 participants, but now 10. I felt that I could not approve the resolution as written, knowing it was erroneous. I remain committed to the success of Downtown Big Rapids”.

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, supported by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Sherwin Williams	46.01	Miller, Becky	74.10
Rush, Lori	85.80	Elevator Service	146.50*
Staples	421.39*	Brides	13.50*
Horticulture	23.95*	National Geographic	29.95*
PC World	24.95*	US News & World	88.00*
Baker & Taylor	246.40*	Recorded Books	435.58*
Grainger	173.76	Consumers Energy	339.61
Staples	41.75	DTE Energy	758.55*

Joseph Electric	241.76*	United Glass	32.77*
AT&T	.54*	Baker & Taylor	827.91*
Audio Editions	27.99*	Menards	34.31
State Street Hardware	28.99	American Society Composers	2.75*
Consumers Energy	334.85*	Tri County Portable	279.40*
Miller, Becky	107.25	Rush, Lori	85.80
Consumers Energy	125.74	State Street Hardware	41.36*
Consumers Energy	509.95*	Custom Plastic Card Co.	266.00*
Baker & Taylor	2,074.21*	McNaughton	256.00*

*Indicates library bill
 Yeas: Unanimous
 Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Warba presented the following certificate of appreciation to Ray Dickenson:

CITY OF BIG RAPIDS
 CERTIFICATE OF APPRECIATION
RAY DICKENSON
 for the beautiful cross-stitch artwork donated for the enhancement of
 City Hall and Public Safety

STUDY SESSION ITEMS

1) City Financial Report

City Treasurer Julie Tetsworth presented the City Financial Report consisting of a summary of the City Income Tax Revenues for 2008/09. She also presented a summary of the revenues collected from parking tickets issued.

2) Playscape Gate

Jill Buse, Recreation Director, presented information pertaining to the installation of a gate at Playscape. The proposal for a gate was presented to and reviewed by the Park and Recreation Board and they have made a recommendation.

- Riverwalk Committee has donated \$5,000 from its Riverwalk Flexible Funds for expenses for the installation of fencing and a gate at Playscape.
- In August of 2008, fencing was installed along Mitchell Creek, behind Playscape to the footbridge.
- The Park and Recreation Board did research pertaining to the proposed gate at Playscape.
- The Consumer Product Safety Commission influences the design and safety of products. The American Society for Testing and Materials (ASTM) is a technical source for materials, products, and services. The standards set by these two organizations are used for the standards in playground safety training.

- Ms. Buse is a certified playground inspector and has reviewed the safety issues with the Park and Recreation Board.
- The ASTM has identified items that should not be used at play areas, which include swinging gates.
- She presented the layout of playscape and how it was designed.
- Based on information they reviewed, it was a difficult decision for the Park and Recreation Board to make whether or not to install a gate at the entrance of Playscape, because they care about the safety of all participants. However, the safety standards do not recommend a gate.
- The Park and Recreation Board reviewed a variety of alternatives.
- The recommendation of the Board is to install two or three benches outside of Playscape, blocking the view of the river and to act as deterrent. They will be see-through, however, to allow a child to be seen. They will be placed facing Playscape.
- The benches will include a memorial for Jacob Porter engraved on the back.

Mrs. Tim Porter, stated the problem at the area is the memorial wall. It is of a height that blocks a 4 or 5 year old from one's view. She questioned the fence along Mitchell Creek when the real danger is the river. She appreciates the consideration given this matter, but the river and its activity is a draw. She encourages continual review of the matter to find a workable solution to protect the children from the danger of the river. She supports the installation of a gate at Playscape.

Mary Nicholson, hopes a way can be found to address the playscape area. Children can quickly leave Playscape without a gate as a deterrent.

Gary Fitch, Co-Chair of the Muskegon River Safety Committee, addressed the Playscape gate issue.

- There is a playscape committee with \$19,000 in their fund. Jerry Conrad and Jack Batdorff are members of that committee and they are in favor of the gate, as is Mr. Fitch.
- He has spent much of the last two years watching the activities at the river.
- He read a prepared statement pertaining to the Playscape area and the plan to put three benches outside the play area. The plan is that people will sit there and deter young children from wandering from the play area. This will not work, since at times there are not large number of people in the park, such as was the case with Jacob Porter and his father. The engraving of Jacob's name on a bench is nice, but it does not seem to be a proper solution.
- The sign placed with the pictures of the two young girls who drowned draw people to read the warning signs. He suggested that the same apply to Playscape, with a photograph of Jacob and some tasteful words warning parents to keep a close eye on any child who might attempt to wander outside of Playscape towards the river.
- He encourages a gate at Playscape. Even though there are safety concerns with pinched fingers, he believes it is better to have a pinched finger than a loss of

- He believes the current recommendation for Playscape is unacceptable and until it is completely closed in, it is an accident waiting to happen. The gate is necessary.
- He also recommends that the City enact legislation that would require individuals entering the Muskegon River at City Parks be required to wear a coast guard approved life jacket.

3) Waste Water Treatment Plant/DEQ Violation Review

Don Griener reviewed his written report, along with photos, pertaining to the Wastewater Treatment Plant Improvement. He reviewed the summary of responses for the DEQ violations. Staff will be meeting this week in preparation for an April 13 meeting in Lansing pertaining to the DEQ violations.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Wes Thompson, 17625 Nancy Drive, again addressed the City Commission regarding the Library. His presentation included:

- 50% of the people who live outside the City have library cards. About 80% of the people who use the Library live outside the City limits.
- The question for the City is “do you want to support the Library with appropriate funds?” If the answer is yes, the next question is how much? The City needs to determine what it wants to give and the rest will come from penal fines, other fines, and library cards. About one-half of the budget comes from the City and one-half of the budget comes from State Aid, through the townships (penal fines).
- Mr. Thompson presented what he believes to be a funding proposal for the Library.
- The City passed a City Income Tax in 1970. This money should be put into the pool, parks and recreation, safety, library and other things that benefit everybody. It should be earmarked instead of just put into the General Fund.
- He expressed safety concerns about the library bathroom. Staff is accompanying people to the basement with the key. This is unsafe.
- He believes needed updates could be done for \$300,000 or less.
- If the labor costs are an issue, the City should start thinking independent contractor or privatization. Labor is over one-half the budget.

The City Commission will be setting a date to meet with the townships regarding the Library.

Mark Gifford presented the following communication from the City Plan Board.

“At the April 1, 2009, City of Big Rapids Special Plan Board Meeting, the Board unanimously supported the following statement be brought before the City Commission:

Be it resolved that the Big Rapids Plan Board wishes to express its displeasure to the City Commission for settlement payments of \$6,500 and \$5,500 to Harry Albright of Harry's Rentals and to Craig Chapman of Chapman Housing, respectively, in exchange for removal of illegal signs on their City of Big Rapids rental properties."

City Attorney Eric Williams provided explanation of the settlement. He understands that the enforcement people would like to see the signs gone without paying money, however, the circumstances of the two cases warranted or justified paying the money to eliminate the non-confirming use and avoid the high litigation expenses that could be associated with it. The City could embark on a long litigation process, which could lead to an uncertain result. The process used leads to compliance without the risk of an adverse court decision and the City having the sign there forever. Mr. Williams will visit the Plan Board to discuss their concerns.

The Commission took a five minutes recess.

City Manager Sobers briefed the Commission on the Werth Development request for a Payment In Lieu of Taxes (PILOT) for the Country Place Family Apartments and Country Place Senior Apartments. Action is to refer the request to the City Plan Board for review.

Steve Werth, from Werth Development, stated that the project is about 20 years old and normally a project like this is under a PILOT program where taxes are based on income. With the PILOT, they will be transferring ownership and receiving additional funding to do major renovations of about \$2,000,000. They will also be reducing the rents. There are currently 17 vacant units and the occupancy can not support the taxes that are being paid. They are trying to do something for the community and tenants, by lowering rent.

Sue Glatz, BRPOA, expressed concern regarding an excess concentration of subsidized housing in that section of the City. She also indicated that other rental units have vacancies and property taxes to pay. However, they are not getting funds to help with their renovations.

Virginia Kientiz, 17940 River Bluff Drive, questioned if these housing units are City inspected. Mr. Werth stated they are federally inspected. Mr. Gifford replied that they are inspected by the City. Mrs. York stated that current regulations say that if you are federally inspected they do not have to be inspected by another agency.

RESOLUTION NO. 09-32

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution.

**A RESOLUTION REFERRING REQUEST FOR
PAYMENTS IN LIEU OF TAXES (PILOT) FOR
COUNTRY PLACE FAMILY APARTMENTS AND
COUNTRY PLACE SENIOR APARTMENTS
TO CITY PLAN BOARD**

WHEREAS, the Werth Development L.L.C. has requested a payment in lieu of taxes (PILOT) for Country Place Family Apartments and Country Place Senior Apartments, and

WHEREAS, Section 155.08 of the City's Code of Ordinance requires that a request for tax exempt status be submitted to the City Plan Board for review and recommendation to the City Commission on each of the six criteria in Section 155.07.

NOW, THEREFORE, BE IT RESOLVED that the City Commission refer the request of Werth Development LLC for a payment in lieu of taxes to the City Plan Board.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2009

RESOLUTION NO. 09-33

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

**RESOLUTION ESTABLISHING THE PAY FOR
ASSESSMENT BOARD OF REVIEW MEMBERS**

WHEREAS, City Charter Chapter IX, TAXATION, Section 9.3 , Assessment Board of Review, specifies that the City Commission establish the compensation of the Assessment Board of Review members, and

WHEREAS, Assessment Board of Review members have been receiving the following:

For meetings which are 2.5 hours or less in duration, the members shall be paid a flat amount of \$25.

For meetings which are 2.5 hours or longer in duration, members shall be paid \$10 per hour.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby approve the above rate of pay for the Assessment Board of Review members.

BE IT FURTHER RESOLVED, that this rate shall continue until such time as the Commission deems it necessary to make a revision.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2009

RESOLUTION NO. 09-34

**LOCAL GOVERNING BODY RESOLUTION
FOR CHARITABLE GAMING LICENSES**

At a regular meeting of the City of Big Rapids Council called to order by Mayor Warba on April 6, 2009 at 6:30 p.m. the following resolution was offered:

Moved by Hogenson and supported by Harper that the request from Mecosta Osceola Council for the Humanities and Arts of Big Rapids county of Mecosta, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

APPROVAL

Yeas: Anderson, Brennan, Harper
Hogenson, Warba

Nays: None

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on April 6, 2009.

Signed: _____

Roberta R. Cline, City Clerk

226 N. Michigan Avenue Big Rapids, MI 49307

RESOLUTION NO. 09-35

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ACCEPTING FREMONT AREA COMMUNITY
FOUNDATION GRANT FOR MUSKEGON RIVER WATER SAFETY PROJECT
GRANT NO. 20090238-MCCF**

WHEREAS, the City of Big Rapids has been notified by the Board of Trustees of the Fremont Area Community Foundation of the approval of grant #20090238-MCCF in the amount of \$30,000 for the Muskegon River Water Safety Project, and

WHEREAS, this grant was recommended by the Mecosta County Community Foundation Board of Trustees and has been awarded from the Riverwalk Fund, and

WHEREAS, the City agrees to the terms as outlined in the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Manager are hereby authorized to sign grant the documents.

BE IT FURTHER RESOLVED, that the Revenue Account No. for these funds is 715-000-675.050.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2009

ORDINANCE NO. 603-04-09

Commissioner Brennan moved, supported by Commissioner Harper, the adoption of the following Ordinance.

**AN ORDINANCE AMENDING ARTICLE 6 SECTION 6.8
OF THE BIG RAPIDS ZONING ORDINANCE
TO ALLOW FOR TOURIST ORIENTED
DIRECTIONAL SIGNS**

WHEREAS, a tourist oriented directional sign is defined by state law as “a sign used to provide motorists with advanced notice of a tourist oriented activity,” MCL 247.401(e), which signs are regulated and permitted under state law administered by the Michigan Department of Transportation, and

WHEREAS, state law allows a tourist oriented directional sign to be placed in a city if the City “has adopted an ordinance that allows tourist oriented directional signs within the jurisdictional boundaries of the incorporated city,” MCL 247.403(7), and

WHEREAS, the Big Rapids zoning ordinance does not allow tourist oriented directional signs within the City of Big Rapids, and

WHEREAS, business owners have asked to place tourist oriented directional signs within the City of Big Rapids, and

WHEREAS, City staff members recommend that tourist oriented directional signs be permitted within the City of Big Rapids, if approved by the Michigan Department of Transportation, and

WHEREAS, a proposed amendment to the Big Rapids zoning ordinance that would recognize tourist oriented directional signs as exempt from zoning regulation was presented to the Planning Commission and a public hearing was held on March 18, 2009, and the Planning Commission recommended adoption of the amendment,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 6 Section 6.8 of the Big Rapids Zoning Ordinance is amended to add the following provision:

SECTION 6.8 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

6.8:10 Tourist-oriented directional signs provided such signs are otherwise permitted by the Michigan Department of Transportation pursuant to PA 299 of 1996, as amended.

Section 2. This ordinance shall become effective 7 days after publication.

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

Yeas: Brennan, Harper, Hogenson, Warba

Nays: Anderson

The Mayor declared the ordinance adopted.

Date: April 6, 2009

Published: April 13, 2009

The City Commission discussed the rezoning requests for 834 and 838 North Fourth Avenue. The City Plan Board has reviewed this request. The owner is requesting that it be changed to an R-2 zone so that the building can be renovated into living quarters.

The property owner explained that the location has been unsuccessful in retaining a business. The parking for the location is not convenient. He desires to convert it into a three bedroom, single family home. Mr. Gifford explained that the property would become a non-conforming use as it relates to the use, setbacks, etc.

Commissioner Brennan explained the background of that building. She is concerned about and does not want to see a patched up commercial building that has been made into a residence. She is concerned that there are no setbacks at this location. If it is changed to R-2 and it is put up for sale who will buy a residence that sits on a busy corner with no setbacks and no grass. She believes that if the money it takes to make it residential was put into it for commercial, there are specialty shops that would utilize that location. She feels that she has a responsibility to the neighborhood as to what it will look like as a residential structure.

ORDINANCE NO. 604-04-09

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

**AN ORDINANCE REZONING PROPERTY AT
834 AND 838 NORTH FOURTH AVENUE FROM THE
C-2 COMMERCIAL ZONING DISTRICT TO THE R-2
RESIDENTIAL ZONING DISTRICT**

WHEREAS, the Owners of two parcels of real property located at 834 North Fourth Avenue and 838 North Fourth Avenue requested rezoning of the parcels from C-2 to R-2, and

WHEREAS, the proposed rezoning was presented to the Planning Commission and a public hearing was held on March 18, 2009, after which the Planning Commission unanimously approved a motion to recommend rezoning of 834 North Fourth Avenue and 838 North Fourth Avenue from C-2 to R-2, and

WHEREAS, City staff recommend rezoning of the parcels from C-2 to R-2,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The parcels of property at 834 North Fourth Avenue and 838 North Fourth are rezoned from C-2 to R-2, which parcels are more particularly described as

000838 N FOURTH AVENUE: GRAND RAPIDS AND INDIANA RAILROAD COMPANY AND CONTINENTAL IMPROVEMENT COMPANY'S SUB-DIVISION-BLK 5, THE N 15 FT OF LOT 9 AND THE S ½ OF LOT 10 EXC THE E'LY 10 FT OF SAID LOTS, AND

000834 N. FOURTH AVENUE: GRAND RAPIDS AND INDIANA RAILROAD COMPANY AND CONTINENTAL IMPROVEMENT COMPANY'S SUB-DIVISION-BLK 5, THE N ½ OF LOT 8 AND THE S 35 FT OF LOT 9, EXC THE E'LY 10 FT OF SAID LOTS.

Section 2. The City Clerk is directed to amend the city zoning map to reflect the rezoning from C-2 to R-2.

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

Section 4. This ordinance shall be effective 7 days after publication in the Pioneer.

Yeas: Harper, Hogenson, Warba
Nays: Anderson, Brennan
The Mayor declared the ordinance denied.
Date: April 6, 2009

RESOLUTION 09-36

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

RESOLUTION AMENDING THE BYLAWS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the City of Big Rapids (the "City") is authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended (Act 197"), to create a downtown development authority, and

WHEREAS, the City Commission of the City duly established the Big Rapids Downtown Development Authority (the "Authority"), and

WHEREAS, it is necessary for the Authority to amend bylaws from time to time and,

WHEREAS, The Authority has made amendments to the following bylaw:

1. Time of meeting shall be 8:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the amended bylaws as approved by the Downtown Development Authority.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Date: April 6, 2009

RESOLUTION NO. 09-37

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION AMENDING FISCAL YEAR 2008/2009
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2008/2009 General Appropriations for the Muskegon River Safety and the Sewage Disposal Junior Lien Revenue Bond Series 2009.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: April 6, 2009

RESOLUTION NO. 09-38

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution.

**RESOLUTION OF NOTICE OF INTENT TO APPLY FOR THE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT (JAG) FORMULA PROGRAM FOR THE
DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, on February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), and

WHEREAS, as one of its many elements, the Recovery Act provides the U.S. Department of Justice with funding for grants to assist state, local, and tribal law enforcement to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system to assist victims of crime, and to support youth mentoring, and

WHEREAS, JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities, and

WHEREAS, the funds will come in part from the Edward Byrne Memorial Justice Assistance Grant and the balance of the expense will be covered by CMET drug forfeiture funds.

WHEREAS, the City of Big Rapids is eligible for \$14,768 of this federal grant money and will be used for the following equipment:

1. Hand Held Thermal Imager	\$14,000
2. Patrol Car Mounted Thermal Imager	\$ 3,500
3. Ballistic Shield	\$ 2,500
4. Sig Sauer P226 40 cal. Duty sidearm.	\$ 700

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the Edward Byrne Memorial Justice Assistance Grant program and the submission of a Notice of Intent to apply for grant money from the U.S. Department of Justice.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 6, 2009

UNSCHEDULED BUSINESS

- 1) Mayor Warba presented a note from Stanley Jungck thanking the Commissioners for the time they took to listen to him at the last Commission meeting and for Roger Schneidt meeting with him to discuss his sidewalk special assessment.
- 2) The Chamber of Commerce will conduct a lunch and learn on the International Fire Code at City Hall on April 22 at noon.
- 3) The Mayor would like to see acknowledgments prepared for the local sports teams.
- 4) The City has received the 2008 Housing Commission Annual Report.
- 5) The City Manager was asked to circulate a follow-up communication from Todd Csernai who submitted a bid on the City's health insurance. The Mayor did meet with Mr. Csernai and indicated that the City would be following up on his concerns.
- 6) The City Commission identified Monday, June 8th as the date for meeting with the townships pertaining to the Library. The meeting will be at the Public Safety Building at 6:30 p.m.
- 7) Rep. Booher has introduced the low interest loans as Bill No. 4744. It will be assigned to subcommittee.

There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
April 20, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 15 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - no changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the April 6, 2009, meeting be approved as presented.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry	10.79	Grainger, Inc.	268.92
Medler Electric	22.04	First National Bank	49.17
AT&T	71.51	Arnold Sales	143.18*
Medler Electric	131.38*	Demco, Inc	865.29*
First National Bank	2,171.27*	Great Lakes Office	67.00*
Detroit Media	200.10*	Petty Cash	84.00*
Baker & Taylor	939.55*	National Geographic Society	1,058.67*
Audio Editions	595.49*	Charter Communications	269.99*
Miller, Becky	89.70	Rush, Lori	159.90
Farm Plan	165.00	Kmart	38.34
Hamberg Fence	2,969.00	Demco	30.91*
Staples	253.17*	AT&T	20.12*
Mid-MI Library League	3,396.95*	Baker & Taylor	473.59*
Xerox Corporation	136.33*		

Yeas: Unanimous

Nays: None

STUDY SESSION ITEMS

1) City Financial Report

City Treasurer Julie Tetsworth briefed the City Commission on the City's Health Care costs for retirees. Under the GASB 45 rule, the City will be required to claim the retirees as an unfunded liability and set aside funds in a special reserve account to cover retiree health care costs. This would be a substantial amount of money, close to \$1,000,000. The alternative is to eliminate of the liability.

The employee health care committee has discussed the need to remove post-65 retirees from the health care plan, met with the health care consultants and reviewed alternate plans available to the post-65 retirees. There are comparable plans that may actually save the post-65 individuals money. Informational meetings with the retirees to discuss the plans and their costs will be conducted with the retirees.

The next thing to be addressed is the pre-65 retirees. Comparing the actual claims of these individuals to the premiums they pay, there is approximately an \$800 a month shortage per contract individual. This will be discussed with the Health Care Committee, looking for ways to be good to our people and not break the bank.

There will probably be an audit finding regarding the retirees, but it is hoped that by showing that the City has a plan to address the GASB ruling, that will satisfy the auditors.

Mr. Sobers explained that the full-time employees have covered the net loss of the retirees. The GASB rule requires that the retirees be separated from the employees. Just as the requirement to have funds behind people for their pensions, the City will now need to have funds behind retirees covered under the City's health care. There is no City union contract that requires the provision of health care for retirees. The proposal will be not to raise the retirees' premiums all at once, but over a three-year period. Blue Cross has developed a health care plan for those individuals on Medicare that is cheaper or as good as or better than what the retirees currently have. Ways for which the retirees can pay their own way are being researched.

Mr. Sobers provided some comment on the upcoming budget. A preliminary budget is on file. The budget is tight and staff has talked about a wage freeze or reduction in force. However, with the cutting of some General Fund capital improvement type projects to accommodate revenue flow, a wage freeze is not necessary. The proposed operating millage is staying at the current 10.2 mills. By the first of July, when the wastewater user charge study is complete and rates are implemented, it is anticipated that a user study be done for water. The result will be an increase in both water and sewer rates. In wastewater, it is anticipated to be a 25 to 30 cents per 1,000 gallons increase. In water, it will probably be a two to three year journey. It is preferred to do a yearly user charge study on water, as is done with wastewater.

2) Charter Revision

The City Commission reviewed the proposed timetable based on State law, outlining dates for Charter Revision. If the timetable is agreeable, a resolution will be placed on the May 4th City Commission agenda. Proposed changes will be gathered, as well as changes required by State Law. People willing to serve on the nine-member Charter Revision Commission will need to come forward to be placed on the ballot. An amount of funds, such as \$5,000, should be allocated for the process. It is helpful to have a consultant to help work through the revision process.

3) WWTP Improvement Review

Don Greiner, Public Works Director, presented the written update on the Wastewater Treatment Plant improvement project, the Contractor's Application for Payment No. 2 and summary of work completed report. The Commission viewed slides of construction activities.

Mr. Greiner briefed the Commission on the two enforcement issues as outlined in his written update. City representatives met with the DEQ on April 13, 2009, regarding alleged violations, presented a notebook full of response materials and information and are now waiting for the DEQ to review the information and respond.

Mr. Sobers added that staff is reviewing the problems at the wastewater treatment plant relative to fecal coriform and the ability to effectively use the UV system. Many of the violations occurred when the City was under construction for the new UV system. Service technicians from the UV equipment supplier will be here to review and maybe identify any problems with the system. If staff needs to relay information back to the DEQ, they will have substantial information as to what any trouble spots are and how the City has reacted to them.

Mayor Warba commented on the DEQ meeting and expressed appreciation to staff on their preparation for the meeting. The DEQ went back to 2004 with allegations of violation items. He was impressed and proud of staff for their presentation and the time and effort they put into the preparation.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Rosemary Jennings, 606 Bjornson St., questioned the status of Officer Little's horse Jesse. Director West explained that the horse has lost over 400 pounds in three months and Officer Little is taking him to Michigan State University for tests. Mr. Sobers clarified that there is a misunderstanding in that some believe that the horse is owned by the City. He clarified that Officer Little owns the horse, but it is a trained police horse and Officer Little uses him.

Gary Fitch, Co-Chairperson of the Muskegon River Water Safety Committee addressed the Commission. With the help of some firefighters, two auxiliary throw ring stations

have been installed at Hemlock Park. They will be adding another. The large signs with photos and warnings have been reconditioned and reinstalled, except at Northend Park, High Banks, and St. Paul's. Two more call box towers have been ordered thanks to the \$17,000 received from Trans Canada.

Mr. Fitch stated that community activities are happening revolving around river safety. Mr. Fitch told a story of a recent removal of a throw ring and a conversation he had with two Ferris resident advisors. They were upset that they tripped the alarm, but their reason was that they saw a cable around the throw ring and wondered why you would use a cable to secure the ring when its purpose was to be removed. He explained it was a magnetic device that when the ring was removed, an alarm was triggered. He gave them a DVD asking them to show it at the resident halls.

Commissioner Harper questioned what was being communicated to the elementary students regarding swim lessons and scholarships. She requested a report from the Recreation Director. She questioned how the schools were implementing the DVDs to be seen. Director Frank West stated that the school liaison officer does a lot with the elementary schools with the DVD. Commissioner Harper would like to get a report back as to what schools are covered and what age groups, as well as a report regarding swim lessons.

PUBLIC HEARING

Mayor Mark Warba opened the public hearing on USDA Rural Development Grant application for the Roben Hood Airport Municipal/Community Hangar at 7:30 p.m.

City Manager Sobers presented the grant information. The financial application to the USDA outlines the community hangar expense: \$1,470,000 from the Rural Development, \$320,000 MDOT contribution, and City contribution of \$10,000.

Mike Lafferty, the Airport Manager, presented and explained the hangar site plan, the construction, and the occupants of the cells. The hangar will be 70 feet by 200 feet and about 24 feet tall. Included is a cell and quarters for Areo Med. There are companies already interested in occupying the cells. There is interest by charter companies to be housed in the hangar. The apron will be extended. A snow removal building for cold storage is included in the plan. The jet fuel system will be put to good use. The airport is holding its own. Ultimately, there will be an increase of full-time jobs involved with the hangar: a mechanic and four pilots (two for the charter company and two for Areo Med).

Mr. Sobers explained that the rental for the cells would be in the range of \$1,500 to \$2,000. The Areo Med crew quarters rent is in the \$4,000 to \$5,000 range. The debt retirement will be roughly in the \$8,000 range. This is a 30-year loan with the USDA, indicating that the two groups that are solid tenants would make this a paying operation.

There were no public comments from the audience.

Commissioner Hogenson is pleased with the progress and the money presented through grants. This is a great service.

Commissioner Harper questioned how the utility costs are going to be covered. Mr. Sobers replied that the construction of utilities was covered by the FAA grant. The normal monthly utility costs will be part of the rent. Staff has tried to make sure that the rents collected will more than exceed the debt retirement so that there will be a cash flow to take care of other expenses. It is anticipated that in addition to the rental charges, there will be utility bills the occupants will need to pay as well.

Mr. Sobers stated the USDA \$1,400,000 money is all loan to be paid back. Probably the \$10,000 from the City will be USDA loan as well. The FAA \$320,000 is a grant.

Mr. Lafferty stated that the airport would now have contract jet fuel, which will make a difference in sales and should increase the revenue stream.

The public hearing was closed at 7:46 p.m.

The Commission took a five-minute recess.

RESOLUTION NO. 09-39

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

RESOLUTION EXTENDING CONTRACT WITH PREIN AND NEWHOF FOR WATER TREATMENT PLANT ENGINEERING SERVICES

WHEREAS, the City Commission accepted the engineering services of Prein and Newhof for Wastewater Treatment Plant and Water Treatment Plant engineering service for a period of July 1, 2005 to June 30, 2008, by adopting Resolution No. 05-08, on February 7, 2005, and

WHEREAS, the contract allows for two one-year extensions and it is now time to execute the second and last of the one-year extensions authorized by the resolution, and

WHEREAS, City staff is satisfied with Prein and Newhof's performance and recommends that the contract for engineering services be extended for Water Plant engineering services.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby extends the contract with Prein and Newhof for Water Plant engineering services for the period of July 1, 2009 to June 30, 2010.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 20, 2009

RESOLUTION NO. 09-40

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following resolution:

**RESOLUTION AWARDING BIDS FOR 2009 CONSTRUCTION
SEASON MATERIALS AND EQUIPMENT**

WHEREAS, the City of Big Rapids Department of Public Works maintains the streets within the City limits, which necessitates the need for maintenance materials and rental of maintenance equipment, and

WHEREAS, bids were solicited for construction materials and equipment with the bids and the offered price being as follows.

EQUIPMENT

ROTOMILLING BLACKTOP:

- | | |
|---------------------------------|-----------------|
| 1. D.J. McQuestion & Sons, Inc. | .16 square foot |
| 2. Woodland Paving | .18 square foot |

5/6 TON ROLLER W/OPERATOR

- | | |
|--------------------------------------|--------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 125.00 per hour |
| 2. Rieth Riley Construction | \$ 130.00 per hour |
| 3. Woodland Paving | \$ 75.00 per hour |

5/6 TON DIRT ROLLER W/OPERATOR

- | | |
|-----------------------------|--------------------|
| 1. *Morningstar Enterprises | \$ 100.00 per hour |
|-----------------------------|--------------------|

10/12 TON ASPHALT ROLLER W/OPERATOR

- | | |
|--------------------------------------|--------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 155.00 per hour |
| 2. Reith Riley Construction | \$ 160.00 per hour |

ASPHALT PAVER W/3 OPERATORS

- | | |
|--------------------------------------|--------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 475.00 per hour |
|--------------------------------------|--------------------|

- 2. Rieth Riley Construction \$ 525.00 per hour
- 3. Woodland Paving \$ 525.00 per hour

BULDOZER TD 8 W/OPERATOR

- 1. Morningstar Enterprises \$ 80.00 per hour
- 2. Fenstermacher Asphalt Paving, LLC \$ 83.00 per hour
- 3. Fred Myers Excavating \$ 95.00 per hour

HYDRAULIC EXCAVATOR 300 EL W/OPERATOR

- 1. Morningstar Enterprises \$ 105.00 per hour
- 2. Fenstermacher Asphalt Paving, LLC \$ 110.00 per hour
- 3. Fred Myers Excavating \$ 135.00 per hour

HYDRAULIC EXCAVATOR WO/OPERATOR

- 1. Fenstermacher Asphalt Paving, LLC \$ 50.00 per hour
- 2. Morningstar Enterprises \$ 80.00 per hour

DITCH WITCH P-80-BORING MACHINE

- 1. *Stan's Backhoe \$ 187.50 per hour

DIRECTIONAL ROD PUSHER

- 1. *Stan's Backhoe \$ 187.50 per hour

NAVIGATIONAL HORIZONTAL DIRECTIONAL DRILL

- 1. *Stan's Backhoe Service \$ 187.50 per hour

VEEMER D 24X40 A-DIRECTIONAL DRILL

- 1. *Stan's Backhoe Service \$187.50 per hour

DIRECTIONAL BORING MATERIALS

- 1. *Stan' Backhoe Service
 - 1" Copper/Boring Only \$ 12.00 linear foot
 - 2" Copper/Boring Only \$ 12.00 linear foot
 - 4" PVC/Boring Only \$ 16.00 linear foot

TRUCKS, TRI-AXELS W/OPERATORS

- 1. Fenstermacher Asphalt Paving, LLC \$ 75.00 per hour
- 2. Morningstar Enterprises \$ 70.00 per hour

3. Rieth Riley Construction \$ 75.00 per hour
TRUCKS, QUAD W/OPERATOR

1. Fenstermacher Asphalt Paving, LLC \$ 85.00 per hour
2. Rieth Riley Construction \$ 85.00 per hour

TRUCKS, SEMI W/LEAD TRAILER, W/OPERATOR

1. Morningstar Enterprises \$ 80.00 per hour
2. Fenstermacher Asphalt Paving, LLC \$ 90.00 per hour
3. Rieth Riley Construction \$ 91.00 per hour
4. Fred Myer's Excavating \$ 95.00 per hour

*Reith Riley Construction also offered an 8 axle flowboy w/operator \$ 120.00 per hour

MATERIALS

20 A OR 20 AA ASPHALT

1. Rieth Riley Construction \$ 51.00 per ton/No Delivery
2. Woodland Paving \$ 50.50 per ton/ 64.66 Delivered

25 AW or 31 – AA ASPHALT

1. Rieth Riley Construction \$ 67.00 per ton/No Delivery
2. Woodland Paving \$ 54.60 per ton/\$ 68.77 Delivered

SS 1 H BOND COAT – TACK

1. Rieth Riley Construction \$ 3.50 per gallon
2. Woodland Paving \$ 4.00 per gallon

13 A ASPHALT

1. Rieth Riley Construction \$ 51.00 per ton/No Delivery
2. Woodland Paving \$ 50.50 per ton/\$ 64.66 Delivered

SYLVAX

1. *Rieth Riley Construction \$ 100.00 per ton
6 SACK CONCRETE W/LIMESTONE

1. *LC Redi Mix \$ 88.75 per cubic yard

22 -A GRAVEL

- | | |
|--------------------------------------|-------------------------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 5.30 per ton / \$ 7.50 Delivered |
| 2. Morningstar Enterprises | \$ 5.60 per ton / \$ 7.80 Delivered |
| 3. Rieth Riley Construction | \$ 6.00 per ton / \$ 8.00 Delivered |

23-A GRAVEL

- | | |
|--------------------------------------|-------------------------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 5.30 per ton / \$ 7.50 Delivered |
| 2. Morningstar Enterprises | \$ 5.60 per ton / \$ 7.80 Delivered |
| 3. Rieth Riley Construction | \$ 6.00 per ton / \$ 8.00 Delivered |

CRUSHER DUST

- | | |
|------------------------------|-------------------------------------|
| *1. Rieth Riley Construction | \$ 20.00 per ton/ \$22.00 Delivered |
|------------------------------|-------------------------------------|

REPROCESS CRUSHED CONCRETE

- | | |
|--------------------------------------|-------------------------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 8.00 per ton/ \$12.00 Delivered |
| 2. Morningstar Enterprises | \$ 9.00 per ton/ \$ 12.00 Delivered |
| 3. Rieth Riley Construction | \$ 9.25 per ton/ \$11.25 Delivered |
| 4. LC Redi Mix | \$12.00 per cubic yard Delivered |

REPROCESSED ASPHALT/RAP

- | | |
|--------------------------------------|--------------------------------------|
| 1. Fenstermacher Asphalt Paving, LLC | \$ 8.00 per ton / \$ 12.00 Delivered |
| 2. Morningstar Enterprises | \$ 10.00per ton / \$13.00 Delivered |

HMA ULTRA THIN -LOW

- | | |
|-----------------------------|-------------------------|
| 1. Woodland Paving | \$ 3.95 per square yard |
| 2. Rieth Riley Construction | \$ 5.00 per square yard |

HMA ULTRA THIN -MEDIUM

- | | |
|-----------------------------|-------------------------|
| 1. Woodland Paving | \$ 4.25 per square yard |
| 2. Rieth Riley Construction | \$ 5.50 per square yard |

HMA ULTRA THIN -HIGH

- | | |
|-----------------------------|-------------------------|
| 1. Woodland Paving | \$ 4.45 per square yard |
| 2. Rieth Riley Construction | \$ 6.00 per square yard |

CONCRETE

F-4 CURB W ¾ REBAR

- | | | |
|----|------------------------|----------------------|
| 1. | D&R Concrete | \$ 11.63 lineal foot |
| 2. | Fred Myer's Excavating | \$ 12.50 lineal foot |

4" FLAT WORK

- | | | |
|----|------------------------|---------------------|
| 1. | D&R Concrete | \$ 2.60 square foot |
| 2. | Fred Myer's Excavating | \$ 3.25 square foot |

6" FLAT WORK

- | | | |
|----|------------------------|---------------------|
| 1. | D&R Concrete | \$ 3.45 square foot |
| 2. | Fred Myer's Excavating | \$ 3.75 square foot |

ADA RAMPS – ARMOR TILE SYSTEM

- | | | |
|----|------------------------|----------------------|
| 1. | D&R Concrete | \$ 22.50 square foot |
| 2. | Fred Myer's Excavating | \$ 34.00 square foot |

ROOT CONTROL FOAMING

- | | | |
|---------------|----------------------------|------------|
| 6" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |
| 8" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |
| 10" Pipe Size | *Duke's Root Control, Inc. | \$ 1.36 ft |
| 12" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |
| 15" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |
| 20" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |
| 24" Pipe Size | *Duke's Root Control, Inc. | \$ 1.39 ft |

*** INDICATES SOLE BIDDER**

WHEREAS, on occasion, the requested material or equipment is not available from the lowest bidder, whereby it is recommended that the City then go to the next low bidder for the material or equipment, and

WHEREAS, prices are good May 1, 2009 through December 31, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the lowest and best bid as signified by an * next to the bidders name with the understanding that if materials and/or equipment are not available, the City will proceed to the next lowest bidder within each category as outlined above.

BE IT FURTHER RESOLVED, that these equipment, maintenance and contracted services bid amounts may be utilized for other projects approved by the City Commission.

BE IT FURTHER RESOLVED, that the costs will be expensed to the following accounts:

Major Streets: 202.464.782.000

	202.464.801.000
Local Streets:	203.464.782.000
	203.464.801.000
Sidewalks, Alleys, & Storm Sewers:	101.442.782.000
	101.442.801.000
Sewage Transmission:	590.561.782.000
	590.561.801.000
Water Transmission:	591.561.782.000
	591.561.801.000

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 20, 2009

In considering the amendment to Chapter 151 of the Code of Ordinances, Mr. Sobers explained that the ordinance goes along with the International Property Maintenance Code (IPMC) adopted by the City about a year ago. The law calls for a title of a person as building inspector to be the person who does the property maintenance inspections. The City uses the Fire Marshal for that duty, since the Building Inspector is employed by the County and all the building inspection permits go through the County. This is not a change in the IPMC or the Fire Code or State regulations. This is primarily the definition of the building inspector to become titled Code Official. In Section 151.36, the title Fire Marshal, or an interim Fire Marshal, is to be synonymous with Code Official. The BRPOA did recommend some changes. There is also a section pertaining to Smoke Alarms to bring the City's code up to correspond with State Codes.

City Attorney Eric Williams stated that this is the process of replacing the BOCA Code with the IPMC and having our code chapter consistent with the IPMC. The Code Official is now the Fire Marshal instead of the Building Inspector.

Sue Glatz stated that the changing from Building Inspector to Code Official does change the intent of the IMPC. The BRPOA realizes that the City cannot afford to have a Building Inspector; therefore, the BRPOA has no problem with Fire Marshal Scott Mroz. The City Manager will appoint the Code Official, who is the Fire Marshal. There needs to be someone with the expertise doing the job. The concern is who will be the Code Official if it is not the Fire Marshal.

In a discussion of the Code Official as the Fire Marshal or Building Inspector, Mr. Williams stated that over time the City would be better served by having someone with the Building Inspector credentials and expertise. It would be better in line with the International Property Maintenance Code. In the long run, it will work better to have the building inspections done in-house.

Commissioner Harper stated the lengthiest changes have to do with the smoke alarms. That is just verbatim with the IPMC Code.

Ms. Glatz stated that in the discussions pertaining to the smoke alarm ordinance, when adopted, it will already be outdated because the State adopted the lithium battery regulations. Knowing that the lithium batteries will work for five years, maybe the units will not have to be inspected every year.

Mr. John Holdsworth stated that his units are hard wired with a battery backup and questioned if he is now to change over to Lithium units. He is way past safety according to the previous Public Safety employees doing his inspections. Mr. Williams stated that what he has looked at so far, it appears the hard-wired unit with battery backup is a step above the solely battery units and they qualify and should work with the Code.

ORDINANCE NO. 605-04-09

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

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 151,
PROVIDING FOR THE DEFINITION OF CODE OFFICIAL
AND AMENDING PROVISIONS PROVIDING FOR THE
REGULATION OF SMOKE ALARMS.**

WHEREAS, Chapter 151 of Title 15 of the Big Rapids City Code must be updated and amended to be consistent with the 2006 International Property Maintenance Code as adopted by the City Commission,

THE CITY OF BIG RAPIDS ORDAINS:

1. Title 15, Chapter 151 is amended to read in the form that follows.

**CHAPTER 151: HOUSING
REGULATIONS**

Section

General Provisions

- 151.01 International Property Maintenance Code 2006 (IPMC)
- 151.02 Property address numbers
- 151.03 Fire extinguishers

Housing Maintenance Certificates

- 151.15 Maintenance certificate required

- 151.16 Building Inspector to issue certificate
- 151.17 Dwellings to conform
- 151.18 Temporary certificates
- 151.19 Record to be kept; copies
- 151.20 Application for certificate; renewal
- 151.21 Local contact person to be designated
- 151.22 Tenant to allow entry of Inspector
- 151.23 Certificate to be displayed; not transferable to another dwelling or owner; notice required
- 151.24 Record of repair and complaint to be maintained by certificate holder
- 151.25 Notice of violation
- 151.26 Reinspection; suspension of operating license
- 151.27 Appeal

Smoke Detectors

- 151.35 Requirement
- 151.36 Definitions
- 151.37 Installation
- 151.38 Alternative
- 151.39 Conformance
- 151.40 Change of occupancy
- 151.41 Power source
- 151.42 Tampering
- 151.99 Penalty

GENERAL PROVISIONS

§151.01 International Property Maintenance Code. The City adopted the 2006 International Property Maintenance Code (IPMC) on August 20, 2007, a copy of which can be reviewed and obtained through the City Clerk.

§ 151.02 PROPERTY ADDRESS NUMBERS.

(A) *Posting of building address numbers.* The owners of all buildings within the City shall cause the correct building address numbers to be placed on such buildings in the manner specified herein.

(B) *Applicability to existing displays.* Existing building address displays, whether displayed as text or numbers, shall be permitted if the display illustrates the correct property address number and is visible from the street.

(C) *Responsibility for assigning numbers.* New building and/or property address numbers shall be assigned by the Department of Neighborhood Services.

(D) *Numbering method.*

(1) New building address numbers shall fall into the range of block numbers as established and indicated on the City zoning map.

(2) The point of origin for numbering shall be the intersection of State and Maple Streets.

(3) Along any street, numbering shall proceed by increments of four.

(4) Odd numbers shall be used on one side of a street while even numbers shall be used on the opposite side of the same street, and the odd/even pattern shall be consistent with the established pattern of the area.

(5) Fractional building address numbers, such as 232½, are prohibited.

(E) *Numbering multiple family dwelling.*

(1) A building containing two, three, or four residential units shall display numbers with alphabetical suffixes for each unit as specified by this section, for example, 342A, 342B, 342C, and 342D.

(2) A building containing more than four residential units shall display one number for the building. A placard indicating the addresses and/or apartment numbers of individual occupants of such a structure shall be posted in a common or public area of the structure.

(F) *Number place.*

(1) *Size and color.* Building address numbers shall not be less than three inches in height and shall be block letters of a color which contrasts with the immediate background on which they are mounted.

(2) *Placement.*

(a) Building address numbers on all structures shall be placed at, on, or as near as practical to the front door or directly over the garage door and shall be facing the street in such a position as to be readily visible from the street on which the building fronts.

(b) Numbers shall not be less than three feet from ground level.

(3) *Maintenance.* Building address numbers shall be maintained in a neat, attractive manner.

(4) *Enforcement.* It shall be the duty of the Department of Neighborhood Services to enforce this section. Existing structures will be required to be in compliance with this section within six months of the adoption of this section.

(Ord. 383-5-95, passed 5-1-95)

§ 151.03 FIRE EXTINGUISHERS.

(A) It shall be the responsibility of the owner of each new and existing rental unit within the City to install an ABC rated dry chemical fire extinguisher in the kitchen of each such rental unit. The extinguisher shall contain no less than 35 ounces of dry chemical and be maintained in working order. The landlord, within 72 hours of being notified, shall be responsible to refill or replace an extinguisher that has been emptied or is not functional for any reason.

(B) Extinguishers shall be installed a minimum of 42 inches and a maximum of 60 inches off the floor.

(C) No person shall tamper with or discharge an extinguisher placed in a rental unit under this section for any reason other than to extinguish a fire or for self protection.

(D) A person found in violation of this section shall be guilty of a municipal civil infraction.

(Ord. 561-01-06, passed 1-3-06; Am. Ord. 564-02-06, passed 2-20-06) Penalty, see § 151.99

HOUSING MAINTENANCE CERTIFICATES

§ 151.15 MAINTENANCE CERTIFICATE REQUIRED.

(A) No person shall occupy a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless a current, unrevoked Housing Maintenance certificate has been issued by the ~~Building Inspector~~ **Code Official**, or his designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless he holds a current, unrevoked Housing Maintenance Certificate issued by the ~~Building Inspector~~ **Code Official**, or his designee, in the person's name for the specific dwelling.
(‘88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83) Penalty, see § 151.99

§ 151.16 BUILDING INSPECTOR CODE

OFFICIAL TO ISSUE CERTIFICATE.

The ~~Building Inspector~~ **Code Official** or his designee is the duly appointed officer for the issuance of Housing Maintenance Certificates under this subchapter.
(‘88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83)

§ 151.17 DWELLINGS TO CONFORM.

Housing Maintenance Certificates shall be issued only for dwellings which are in conformity to all the provisions which apply to the particular type of building sought to be licensed.
(‘88 Code, Title VIII, Ch. 99, § 8.31(2)) (Ord. 181-6-83, passed 6-6-83)

§ 151.18 TEMPORARY CERTIFICATES.

Nothing in this subchapter shall prevent the ~~Building Inspector~~ **Code Official** from issuing a Temporary Housing Maintenance Certificate for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building or alteration, and provided

further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter.

(‘88 Code, Title VIII, Ch. 99, § 8.31(3)) (Ord. 181-6-83, passed 6-6-83)

§ 151.19 RECORD TO BE KEPT; COPIES.

A record of all Housing Maintenance Certificates issued shall be kept on file in the office of the ~~Building Inspector~~ **Code Official**, and copies shall be furnished upon request, upon payment of any fee required, to any persons having a proprietary or tenancy interest in the property involved. Copies shall also be furnished upon payment of any fee required, to any person who is contemplating purchasing the property who presents a purchase agreement or option to purchase signed by him and the person having a proprietary interest in the property.
(‘88 Code, Title VIII, Ch. 99, § 8.31(4)) (Ord. 181-6-83, passed 6-6-83)

§ 151.20 APPLICATION FOR CERTIFICATE; RENEWAL.

(A) Application for Housing Maintenance Certificates shall be made by the owner, and Certificates shall be issued in the name of the applicant. (‘88 Code, Title VIII, Ch. 99, § 8.31(6))

(B) Application for Housing Maintenance Certificates and for renewals of Housing Maintenance Certificates shall be made in writing to the ~~Building Inspector~~ **Code Official** on forms furnished by the ~~Building Inspector~~ **Code Official** and shall be accompanied by a fee as set forth in division (F) of this section paid as set forth in the rules and regulations made pursuant to this subchapter.

(C) Housing Maintenance Certificates and renewals of Housing Maintenance Certificates shall be issued if, after inspection, it is found that the dwelling is in accordance with all the provisions of this chapter. If the certificate is refused, the applicant for the certificate shall be notified in writing of the refusal and the cause thereof.

(D) Housing Maintenance Certificates shall be issued for a period of one year from its date of issuance unless sooner revoked, and may be renewed for successive periods of not to exceed one year, except the ~~Building Inspector~~ **Code Official** is authorized, on the first such certificate issued for a dwelling, to issue the certificate for a period longer than one year, but not longer than one year and nine months for the purpose of adjusting the time when such certificates expire and thus, adjusting the time when renewal of such certificates is likely to be requested.
(‘88 Code, Title VIII, Ch. 99, § 8.31(5)) 2006 S-7

(E) No Housing Maintenance Certificate shall be renewed unless an application therefor has been

made within 30 days prior to the expiration of the present Housing Maintenance Certificate. If timely application is not made, a late fee will be paid as set forth in division (F) of this section. ('88 Code, Title VIII, Ch. 99, § 8.31(9))

(F) *Application fee.*

(1) The certificate fee which must accompany application for a Housing Maintenance Certificate is as follows:

	*Beginning 08-01-05	Beginning 08-01-07
Initial inspection		
First unit per building	\$30.00	\$40.00
Each additional unit per building	20.00	30.00
Reinspection of a unit	30.00	40.00

There will be no charge for the first reinspection if violations identified at the initial inspection have been corrected.

If however, violations have not been corrected, the property owner will be charged the reinspection fee listed above for the first reinspection visit.

If the remediation required at the first inspection remains uncorrected at the next reinspection, the reinspection fee will be charged at the onset of each subsequent reinspection visit to be required until the work is completed.

Cabins, hotels, and motels	\$60.00	\$70.00
-------------------------------	---------	---------

*Increase will begin with invoices/inspections due after August 1, which corresponds to the group 2 billing cycle.

(2) Late fees: applicants failing to file timely under the provisions of this section shall pay double the above fees after the due date.

('88 Code, Title VIII, Ch. 99, § 8.31(17))
(Ord. 181-6-83, passed 6-6-83; Am. Ord. 355-6-94, passed 6-6-94; Am. Ord. 546-05-05, passed 5-16-05)

§ 151.21 LOCAL CONTACT PERSON TO BE DESIGNATED.

(A) Applicants shall designate a local contact person upon whom service of notice under this subchapter and service of process for violation of this code may be made in the absence of the owner. The owner must designate a local contact person with an office or residence in the City or within 10 miles of the corporate limits of the City. Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The violation of this subsection shall be a civil infraction, and shall be

cause for revocation of a housing maintenance certificate.

(B) An owner of real property who designates a local contact person can be given notice and billing by the City via first class mail to the local contact person at the address specified in the designation, for:

- (1) real property taxes;
- (2) personal property taxes;
- (3) utility billings (water, sewer, sanitation);
- (4) property maintenance code violations;
- (5) building and fire code violations;
- (6) zoning ordinance violations;
- (7) nuisance and blight violations;
- (8) nuisance padlock incidents.

('88 Code, Title VIII, Ch. 99, § 8.31(7)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.22 TENANT TO ALLOW ENTRY OF INSPECTOR.

Every person holding a Housing and Maintenance Certificate shall provide in his lease with tenants or roomers, whether said lease is written or oral, a provision that the tenant or roomer will allow the ~~Building Inspector~~ **Code Official**, or his designee, access to the leased premises for the purpose of the inspection required as a prerequisite to the granting or renewal of a Housing Maintenance Certificate.

('88 Code, Title VIII, Ch. 99, § 8.31(8)) (Ord. 181-6-83, passed 6-6-83)

§ 151.23 CERTIFICATE TO BE DISPLAYED; NOT TRANSFERABLE TO ANOTHER DWELLING OR OWNER; NOTICE REQUIRED.

(A) Each certificate shall be displayed in a conspicuous place within the common ways, if any, of the dwelling licensed.

(B) No certificate shall be transferable to another person, or to another dwelling. Each person holding a Housing Maintenance Certificate shall give notice in writing to the ~~Building Inspector~~ **Code Official** within 24 hours after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(10)) (Ord. 181-6-83, passed 6-6-83)

§ 151.24 RECORD OF REPAIR AND COMPLAINT TO BE MAINTAINED BY CERTIFICATE HOLDER.

Every person holding a Housing Maintenance Certificate shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all

corrections made in response to such requests and complaints. Such records shall be made available by the certificate holder to the ~~Building Inspector~~ **Code Official** for inspection and copying upon request.

('88 Code, Title VIII, Ch. 99, § 8.31(11)) (Ord. 181-6-83, passed 6-6-83)

§ 151.25 NOTICE OF VIOLATION.

Whenever, upon inspection of the licensed dwelling, or upon inspection of the records required to be kept under § 151.24, the ~~Building Official~~ **Code Official** finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner with notice of such violation in the manner provided for notice in this subchapter. Such notice shall state that unless the violation cited is corrected within a reasonable time set by the ~~Building Official~~ **Code Official** not to exceed 30 days, the operating license may be suspended.

('88 Code, Title VIII, Ch. 99, § 8.31(12)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.26 REINSPECTION; SUSPENSION OF OPERATING LICENSE.

At the end of the time the ~~Building Inspector~~ **Code Official** has allowed for the correction of any violation notices as provided in § 151.25, the ~~Building Inspector~~ **Code Official** shall reinspect the licensed dwelling and if he determines that the conditions requiring corrections set forth in the notice sent have not been corrected, he may issue an order suspending the operating license [i.e., Housing Maintenance Certificate] which shall be set in the manner provided for notices in this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(13)) (Ord. 181-6-83, passed 6-6-83)

§ 151.27 APPEAL.

(A) Any person whose certificate under this subchapter has been suspended by the order of the ~~Building Inspector~~ **Code Official** shall be entitled to an appeal to the Housing Board of Appeals as provided in this subchapter. If no appeal is properly presented within 21 days following this issuance of the order of suspension, the certificate shall be revoked except that if prior to revocation of the certificate any person whose certificate has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B) *Reinstatement.* If, upon reinspection pursuant to the request of the person whose certificate has been ordered suspended but not revoked, the ~~Building Inspector~~ **Code Official** finds the dwelling in connection with which the notice was issued is now in compliance with this code and with applicable rules and regulations issued pursuant thereto, he shall

reinstate the certificate. A request for reinspection shall not extend the suspension period.

(C) If an appeal to the Housing Board of Appeals is taken under division (A) of this section, and if the Housing Board of Appeals does not reverse the decision of the ~~Building Inspector~~ **Code Official**, the certificate shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals.

('88 Code, Title VIII, Ch. 99, § 8.31(14) - (16)) (Ord. 181-6-83, passed 6-6-83)

SMOKE DETECTORS

§ 151.35 REQUIREMENT.

It shall be the responsibility of the owner of each new and existing rental unit within the City to install smoke detectors in each such rental unit as is hereinafter provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the first day of adoption, in the manner hereinafter provided and thereafter maintained in working order in compliance with this subchapter. Failure to install smoke detectors as is required under this subchapter will subject the owner of any such rental unit to the penalties set forth.

('88 Code, Title VIII, Ch. 100, § 8.71) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

Cross-reference:

Fire prevention regulations, see Ch. 96

§ 151.36 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE OFFICIAL. The Fire Marshal of the City of Big Rapids, or in his absence an interim Fire Marshal designated by the City Manager to administer and enforce the International Property Maintenance Code, the Housing Law of Michigan, or the Housing Maintenance Certificates in Chapter 151.

OWNER. The person who holds legal title to the premises. However, should a land contract be in existence and recorded with the County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the County Register of Deeds, then the land contract purchaser shall be considered the "owner" for purposes of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(3))

RENTAL UNIT. Any residence, apartment, flat, motel room, hotel room, boarding room, or boarding house and the like, for which consideration is paid by one person to another for use or occupancy thereof.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms or sleeping rooms are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes as this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.73(1))

('88 Code, Title VIII, Ch. 100, § 8.72)

(Ord. 173-6-82, passed 6-7-82)

§ 151.37 INSTALLATION.

~~(A) At least one smoke detector shall be installed to protect each sleeping area.~~

~~(B) At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such a manner as to assure the rising smoke is not obstructed in reaching the detector and that the detector intercepts rising smoke before it reaches the sleeping area.~~

~~(C) At least one smoke detector shall be installed outside each sleeping area.~~

~~('88 Code, Title VIII, Ch. 100, § 8.73) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99~~

(A) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(B) Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

§ 151.38 ALTERNATIVE.

As an alternative to self-contained smoke detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved.

('88 Code, Title VIII, Ch. 100, § 8.74) (Ord. 173-6-82, passed 6-7-82)

§ 151.39 CONFORMANCE.

All devices, combinations of devices, and equipment required herein must be installed in conformance with this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.75) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.40 CHANGE OF OCCUPANCY.

After a change of occupancy of every dwelling unit in the City, occasioned by or incidental to a sale, lease or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify in writing before occupancy, to the now occupant that all smoke detectors as required by this subchapter are installed and in proper working condition. Failure to comply with this section shall be punishable as a misdemeanor as is provided in § 151.99(A) and shall be evidence of the negligence of or inattention of the grantor. This section shall not, however, render any lease or contract or sublease void for failure to have certification required hereby.

('88 Code, Title VIII, Ch. 100, § 8.76) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.41 POWER SOURCE.

(A) Battery type smoke detectors may be used provided that the batteries mount to assure that the following conditions are met

:

(1) All power requirements are met for at least one year's life, including weekly testing.

(2) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion and the like) the device(s) for alarm purposes.

(3) For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.

(4) The unit is capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.

(5) The audible trouble signal is produced at least once every minute for seven consecutive days.

(6) The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

(B) Electric plug-in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply. ('88 Code, Title VIII, Ch. 100, § 8.77) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.42 TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.78) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation who violates any housing regulation in Title XV, Chapter 151, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of the adopted ~~BOCA Code~~ **IPMC 2006**, shall be deemed a separate offense.

('88 Code, Title V III, Ch. 99, § 8.22) (Ord. 205-6-85, passed 6-3-85; Am. Ord. 399-11-95, passed 11-20-95; Am. Ord. 427-10-97, passed 10-6-97)

CHAPTER 151: HOUSING REGULATIONS

Section

General Provisions

- 151.01 International Property Maintenance Code 2006 (IPMC)
- 151.02 Property address numbers
- 151.03 Fire extinguishers

Housing Maintenance Certificates

- 151.15 Maintenance certificate required
- 151.16 Building Inspector to issue certificate
- 151.17 Dwellings to conform
- 151.18 Temporary certificates
- 151.19 Record to be kept; copies
- 151.20 Application for certificate; renewal
- 151.21 Local contact person to be designated
- 151.22 Tenant to allow entry of Inspector
- 151.23 Certificate to be displayed; not transferable to another dwelling or owner; notice required
- 151.24 Record of repair and complaint to be maintained by certificate holder
- 151.25 Notice of violation
- 151.26 Reinspection; suspension of operating license
- 151.27 Appeal

Smoke Detectors

- 151.35 Requirement
- 151.36 Definitions
- 151.37 Installation

- 151.38 Alternative
- 151.39 Conformance
- 151.40 Change of occupancy
- 151.41 Power source
- 151.42 Tampering
- 151.99 Penalty

GENERAL PROVISIONS

§151.01 International Property Maintenance Code. The City adopted the 2006 International Property Maintenance Code (IPMC) on August 20, 2007, a copy of which can be reviewed and obtained through the City Clerk.

§ 151.02 PROPERTY ADDRESS NUMBERS.

(A) *Posting of building address numbers.* The owners of all buildings within the City shall cause the correct building address numbers to be placed on such buildings in the manner specified herein.

(B) *Applicability to existing displays.* Existing building address displays, whether displayed as text or numbers, shall be permitted if the display illustrates the correct property address number and is visible from the street.

(C) *Responsibility for assigning numbers.* New building and/or property address numbers shall be assigned by the Department of Neighborhood Services.

(D) *Numbering method.*

(1) New building address numbers shall fall into the range of block numbers as established and indicated on the City zoning map.

(2) The point of origin for numbering shall be the intersection of State and Maple Streets.

(3) Along any street, numbering shall proceed by increments of four.

(4) Odd numbers shall be used on one side of a street while even numbers shall be used on the opposite side of the same street, and the odd/even pattern shall be consistent with the established pattern of the area.

(5) Fractional building address numbers, such as 232½, are prohibited.

(E) *Numbering multiple family dwelling.*

(1) A building containing two, three, or four residential units shall display numbers with alphabetical suffixes for each unit as specified by this section, for example, 342A, 342B, 342C, and 342D.

(2) A building containing more than four residential units shall display one number for the building. A placard indicating the addresses and/or apartment numbers of individual occupants of such a structure shall be posted in a common or public area of the structure.

(F) *Number place.*

(1) *Size and color.* Building address numbers shall not be less than three inches in height and shall be block letters of a color which contrasts with the immediate background on which they are mounted.

(2) *Placement.*

(a) Building address numbers on all structures shall be placed at, on, or as near as practical to the front door or directly over the garage door and shall be facing the street in such a position as to be readily visible from the street on which the building fronts.

(b) Numbers shall not be less than three feet from ground level.

(3) *Maintenance.* Building address numbers shall be maintained in a neat, attractive manner.

(4) *Enforcement.* It shall be the duty of the Department of Neighborhood Services to enforce this section. Existing structures will be required to be in compliance with this section within six months of the adoption of this section.

(Ord. 383-5-95, passed 5-1-95)

§ 151.03 FIRE EXTINGUISHERS.

(A) It shall be the responsibility of the owner of each new and existing rental unit within the City to install an ABC rated dry chemical fire extinguisher in the kitchen of each such rental unit. The extinguisher shall contain no less than 35 ounces of dry chemical and be maintained in working order. The landlord,

within 72 hours of being notified, shall be responsible to refill or replace an extinguisher that has been emptied or is not functional for any reason.

(B) Extinguishers shall be installed a minimum of 42 inches and a maximum of 60 inches off the floor.

(C) No person shall tamper with or discharge an extinguisher placed in a rental unit under this section for any reason other than to extinguish a fire or for self protection.

(D) A person found in violation of this section shall be guilty of a municipal civil infraction.

(Ord. 561-01-06, passed 1-3-06; Am. Ord. 564-02-06, passed 2-20-06) Penalty, see § 151.99

HOUSING MAINTENANCE CERTIFICATES

§ 151.15 MAINTENANCE CERTIFICATE REQUIRED.

(A) No person shall occupy a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless a current, unrevoked Housing Maintenance certificate has been issued by the Code Official, or his designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless he holds a current, unrevoked Housing Maintenance Certificate issued by the Code Official, or his designee, in the person's name for the specific dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83) Penalty, see § 151.99

§ 151.16 CODE OFFICIAL TO ISSUE

CERTIFICATE.

The Code Official or his designee is the duly appointed officer for the issuance of Housing Maintenance Certificates under this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83)

§ 151.17 DWELLINGS TO CONFORM.

Housing Maintenance Certificates shall be issued only for dwellings which are in conformity to all the provisions which apply to the particular type of building sought to be licensed.

('88 Code, Title VIII, Ch. 99, § 8.31(2)) (Ord. 181-6-83, passed 6-6-83)

§ 151.18 TEMPORARY CERTIFICATES.

Nothing in this subchapter shall prevent the Code Official from issuing a Temporary Housing Maintenance Certificate for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building or alteration, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter.

('88 Code, Title VIII, Ch. 99, § 8.31(3)) (Ord. 181-6-83, passed 6-6-83)

§ 151.19 RECORD TO BE KEPT; COPIES.

A record of all Housing Maintenance Certificates issued shall be kept on file in the office of the Code Official, and copies shall be furnished upon request, upon payment of any fee required, to any persons having a proprietary or tenancy interest in the property involved. Copies shall also be furnished upon payment of any fee required, to any person who is contemplating purchasing the property who presents a purchase agreement or option to purchase signed by him and the person having a proprietary interest in the property.

('88 Code, Title VIII, Ch. 99, § 8.31(4)) (Ord. 181-6-83, passed 6-6-83)

§ 151.20 APPLICATION FOR CERTIFICATE; RENEWAL.

(A) Application for Housing Maintenance Certificates shall be made by the owner, and Certificates shall be issued in the name of the applicant. ('88 Code, Title VIII, Ch. 99, § 8.31(6))

(B) Application for Housing Maintenance Certificates and for renewals of Housing Maintenance Certificates shall be made in writing to the Code Official on forms furnished by the Code Official and shall be accompanied by a fee as set forth in division (F) of this section paid as set forth in the rules and regulations made pursuant to this subchapter.

(C) Housing Maintenance Certificates and renewals of Housing Maintenance Certificates shall be issued if, after inspection, it is found that the dwelling is in accordance with all the provisions of this chapter. If the certificate is refused, the applicant for the certificate shall be notified in writing of the refusal and the cause thereof.

(D) Housing Maintenance Certificates shall be issued for a period of one year from its date of issuance unless sooner revoked, and may be renewed for successive periods of not to exceed one year, except

the Code Official is authorized, on the first such certificate issued for a dwelling, to issue the certificate for a period longer than one year, but not longer than one year and nine months for the purpose of adjusting the time when such certificates expire and thus, adjusting the time when renewal of such certificates is likely to be requested.

('88 Code, Title VIII, Ch. 99, § 8.31(5)) 2006 S-7

(E) No Housing Maintenance Certificate shall be renewed unless an application therefor has been made within 30 days prior to the expiration of the present Housing Maintenance Certificate. If timely application is not made, a late fee will be paid as set forth in division (F) of this section.

('88 Code, Title VIII, Ch. 99, § 8.31(9))

(F) *Application fee.*

(1) The certificate fee which must accompany application for a Housing Maintenance Certificate is as follows:

	*Beginning 08-01-05	Beginning 08-01-07
Initial inspection		
First unit per building	\$30.00	\$40.00
Each additional unit per building	20.00	30.00
Reinspection of a unit	30.00	40.00

There will be no charge for the first reinspection if violations identified at the initial inspection have been corrected.

If however, violations have not been corrected, the property owner will be charged the reinspection fee listed above for the first reinspection visit.

If the remediation required at the first inspection remains uncorrected at the next reinspection, the reinspection fee will be charged at the onset of each subsequent reinspection visit to be required until the work is completed.

Cabins, hotels, and motels	\$60.00	\$70.00
----------------------------	---------	---------

*Increase will begin with invoices/inspections due after August 1, which corresponds to the group 2 billing cycle.

(2) Late fees: applicants failing to file timely under the provisions of this section shall pay double the above fees after the due date.

('88 Code, Title VIII, Ch. 99, § 8.31(17))

(Ord. 181-6-83, passed 6-6-83; Am. Ord. 355-6-94, passed 6-6-94; Am. Ord. 546-05-05, passed 5-16-05)

§ 151.21 LOCAL CONTACT PERSON TO BE DESIGNATED.

(A) Applicants shall designate a local contact person upon whom service of notice under this subchapter and service of process for violation of this code may be made in the absence of the owner. The owner must designate a local contact person with an office or residence in the City or within 10 miles of the corporate limits of the City. Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The violation of this subsection shall be a civil infraction, and shall be cause for revocation of a housing maintenance certificate.

(B) An owner of real property who designates a local contact person can be given notice and billing by the City via first class mail to the local contact person at the address specified in the designation, for:

- (1) real property taxes;
- (2) personal property taxes;
- (3) utility billings (water, sewer, sanitation);
- (4) property maintenance code violations;
- (5) building and fire code violations;
- (6) zoning ordinance violations;
- (7) nuisance and blight violations;
- (8) nuisance padlock incidents.

('88 Code, Title VIII, Ch. 99, § 8.31(7)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.22 TENANT TO ALLOW ENTRY OF INSPECTOR.

Every person holding a Housing and Maintenance Certificate shall provide in his lease with tenants or roomers, whether said lease is written or oral, a provision that the tenant or roomer will allow the Code Official, or his designee, access to the leased premises for the purpose of the inspection required as a prerequisite to the granting or renewal of a Housing Maintenance Certificate.

('88 Code, Title VIII, Ch. 99, § 8.31(8)) (Ord. 181-6-83, passed 6-6-83)

§ 151.23 CERTIFICATE TO BE DISPLAYED; NOT TRANSFERABLE TO ANOTHER DWELLING OR OWNER; NOTICE REQUIRED.

(A) Each certificate shall be displayed in a conspicuous place within the common ways, if any, of the dwelling licensed.

(B) No certificate shall be transferable to another person, or to another dwelling. Each person holding a Housing Maintenance Certificate shall give notice in writing to the Code Official within 24 hours after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall

include the name and address of the person or persons succeeding to the ownership or control of such dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(10)) (Ord. 181-6-83, passed 6-6-83)

§ 151.24 RECORD OF REPAIR AND COMPLAINT TO BE MAINTAINED BY CERTIFICATE HOLDER.

Every person holding a Housing Maintenance Certificate shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the certificate holder to the Code Official for inspection and copying upon request.

('88 Code, Title VIII, Ch. 99, § 8.31(11)) (Ord. 181-6-83, passed 6-6-83)

§ 151.25 NOTICE OF VIOLATION.

Whenever, upon inspection of the licensed dwelling, or upon inspection of the records required to be kept under § 151.24, the Code Official finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner with notice of such violation in the manner provided for notice in this subchapter. Such notice shall state that unless the violation cited is corrected within a reasonable time set by the Code Official not to exceed 30 days, the operating license may be suspended.

('88 Code, Title VIII, Ch. 99, § 8.31(12)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.26 REINSPECTION; SUSPENSION OF OPERATING LICENSE.

At the end of the time the Code Official has allowed for the correction of any violation notices as provided in § 151.25, the Code Official shall reinspect the licensed dwelling and if he determines that the conditions requiring corrections set forth in the notice sent have not been corrected, he may issue an order suspending the operating license [i.e., Housing Maintenance Certificate] which shall be set in the manner provided for notices in this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(13)) (Ord. 181-6-83, passed 6-6-83)

§ 151.27 APPEAL.

(A) Any person whose certificate under this subchapter has been suspended by the order of the Code Official shall be entitled to an appeal to the Housing Board of Appeals as provided in this subchapter. If no appeal is properly presented within

21 days following this issuance of the order of suspension, the certificate shall be revoked except that if prior to revocation of the certificate any person whose certificate has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B) *Reinstatement.* If, upon reinspection pursuant to the request of the person whose certificate has been ordered suspended but not revoked, the Code Official finds the dwelling in connection with which the notice was issued is now in compliance with this code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the certificate. A request for reinspection shall not extend the suspension period.

(C) If an appeal to the Housing Board of Appeals is taken under division (A) of this section, and if the Housing Board of Appeals does not reverse the decision of the Code Official, the certificate shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals. ('88 Code, Title VIII, Ch. 99, § 8.31(14) - (16)) (Ord. 181-6-83, passed 6-6-83)

SMOKE DETECTORS

§ 151.35 REQUIREMENT.

It shall be the responsibility of the owner of each new and existing rental unit within the City to install smoke detectors in each such rental unit as is hereinafter provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the first day of adoption, in the manner hereinafter provided and thereafter maintained in working order in compliance with this subchapter. Failure to install smoke detectors as is required under this subchapter will subject the owner of any such rental unit to the penalties set forth.

('88 Code, Title VIII, Ch. 100, § 8.71) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

Cross-reference:

Fire prevention regulations, see Ch. 96

§ 151.36 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE OFFICIAL. The Fire Marshal of the City of Big Rapids, or in his absence an interim Fire Marshal designated by the City Manager to administer and enforce the International Property Maintenance Code, the Housing Law of Michigan, or the Housing Maintenance Certificates in Chapter 151.

OWNER. The person who holds legal title to the premises. However, should a land contract be in existence and recorded with the County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the County Register of Deeds, then the land contract purchaser shall be considered the "owner" for purposes of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(3))

RENTAL UNIT. Any residence, apartment, flat, motel room, hotel room, boarding room, or boarding house and the like, for which consideration is paid by one person to another for use or occupancy thereof.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms or sleeping rooms are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes as this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.73(1))

('88 Code, Title VIII, Ch. 100, § 8.72)

(Ord. 173-6-82, passed 6-7-82)

§ 151.37 INSTALLATION.

(A) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(B) Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

§ 151.38 ALTERNATIVE.

As an alternative to self-contained smoke detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved.

('88 Code, Title VIII, Ch. 100, § 8.74) (Ord. 173-6-82, passed 6-7-82)

§ 151.39 CONFORMANCE.

All devices, combinations of devices, and equipment required herein must be installed in conformance with this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.75) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.40 CHANGE OF OCCUPANCY.

After a change of occupancy of every dwelling unit in the City, occasioned by or incidental to a sale, lease or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify in writing before occupancy, to the now occupant that all smoke detectors as required by this subchapter are installed and in proper working condition. Failure to comply with this section shall be punishable as a misdemeanor as is provided in § 151.99(A) and shall be evidence of the negligence of or inattention of the grantor. This section shall not, however, render any lease or contract or sublease void for failure to have certification required hereby.

('88 Code, Title VIII, Ch. 100, § 8.76) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.41 POWER SOURCE.

(A) Battery type smoke detectors may be used provided that the batteries mount to assure that the following conditions are met :

- (1) All power requirements are met for at least one year's life, including weekly testing.
- (2) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion and the like) the device(s) for alarm purposes.
- (3) For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.
- (4) The unit is capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.
- (5) The audible trouble signal is produced at least once every minute for seven consecutive days.

(6) The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

(B) Electric plug-in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply.

('88 Code, Title VIII, Ch. 100, § 8.77) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.42 TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.78) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation who violates any housing regulation in Title XV, Chapter 151, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of the adopted IPMC 2006, shall be deemed a separate offense.

('88 Code, Title V III, Ch. 99, § 8.22) (Ord. 205-6-85, passed 6-3-85; Am. Ord. 399-11-95, passed 11-20-95; Am. Ord. 427-10-97, passed 10-6-97)

2. The City Clerk is directed to publish this ordinance in the Pioneer.
3. This ordinance shall be effective 20 days after publication.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: April 20, 2009

Published: April 27, 2009

RESOLUTION NO. 09-41

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution:

RESOLUTION DESIGNATING APRIL 1, 2010 AS CENSUS DAY IN BIG RAPIDS AND APPOINTING A COMPLETE COUNT COMMITTEE

WHEREAS, the kick off day for the 2010 Census is April 1, 2010, and

WHEREAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care center, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs, and

WHEREAS, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data, and

WHEREAS, census data ensures fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts, and

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community, and

WHEREAS, the information collected by the census is protected by law and remains confidential for 72 years, and

WHEREAS, as a 2010 Census partner, the City of Big Rapids will support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage community participation: encourage people in Big Rapids to place an emphasis on the 2010 Census and to participate in events that will raise overall awareness of the 2010 Census to ensure a full and accurate count; and appoint a Complete Count Committee to seek opportunities to collaborate with other like-minded groups in our community, to utilize high-profile, trusted people to advocate on behalf of the 2010 Census.

THEREFORE, BE IT RESOLVED, that the Mayor hereby designates April 1, 2010 as Census Day in Big Rapids and joins the rest of the nation as a 2010 Census partner.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 20, 2009

RESOLUTION NO. 09-42

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

RESOLUTION DESIGNATING BIG RAPIDS AS FIDUCIARY FOR CMET

WHEREAS, the Big Rapids Department of Public Safety is a part of the Central Michigan Enforcement Team, (CMET) the regional drug unit that covers Mecosta, Newaygo, Montcalm and Ionia Counties, and

WHEREAS, CMET is a cooperative effort of several agencies and is not recognized as an independent government agency able to receive funds or handle money in the usual manner, and

WHEREAS, this requires a member agency of CMET to act as the fiduciary agent for the team and that responsibility has rotated among the members, and

WHEREAS, the City of Big Rapids has been requested to serve in that role in the upcoming two fiscal years (October to September), and

WHEREAS, the City Treasurer has met with the CMET commander and is comfortable taking on this responsibility.

NOW, THEREFORE, BE IT RESOLVED, the City of Big Rapids agrees to act as the fiduciary for the Central Michigan Enforcement Team (CMET) for the fiscal year beginning October 1, 2008 and ending September 30, 2010 with the CMET Board of Control having the option of requesting the City act as the fiduciary a second year with the City retaining the right to refuse.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: April 20, 2009

UNSCHEDULED BUSINESS

Unscheduled Business

- 2008 Annual Report was distributed.
- Earth Day is Saturday, April 25, 2009, 9:00 a.m. starting in front of City Hall.
- May 16th is the wellness Susan P. Wheatlake Walk.
- April 25th is the Community Expo, 10:00 a.m. at the Middle School.
- Media Committee – When the Commission meetings are played on cable, they will also be streamed on the Ferris Website. At the next meeting, the Media Committee will provide a recommendation.
- April 18th was the big event. There were over 100 sites and several hundred volunteers.
- Commissioners were requested to respond to Mr. Csernai's communication on the City's health care.
- April 22nd is the City and Chamber hosted lunch and learn on the International Fire Code (IFC) to answer questions and concerns from the business community on the IFC.

The Michigan Municipal League, along with others, is taking on a case involving Consumers Energy's possible 25 – 40% rate increase for municipal users of electricity. Unless there is action taken, the requested rate increases take effect. The MML is asking communities to assist in the defense costs that will be incurred.

City Attorney Williams explained that the utility company has asked for rate increases that will apply to municipalities, particularly to municipal utilities, like the water and sewer plants that do pumping. For years, the municipalities have had a favored rate.

The City is a member of the MML Defense League. The cost of this type of defense is extraordinary and cities are being asked to contribute. Several larger cities have contributed large amounts toward the defense. If MML is successful in its case, it will be a benefit to the City. If the City wishes to contribute, Mr. Williams recommends a modest amount, such as \$500.

Mayor Warba stated that information provided states that municipalities are already paying 125% of the cost of providing service to the municipal class of users, however, Consumer's position is apparently that municipal users are below the cost of service. Unless the proposal to increase rates is blocked within six months, the increase takes effect.

Commissioner Harper questioned if it would be of benefit to adopt a resolution to send to the Public Services Commission. Mr. Williams replied that the MML's intent is to fight the rate increases.

The City Commission directed the City Manager to allocate \$500 for the defense and to let MML know what the City is doing.

There being no further business to come before the Commission, the meeting was adjourned at 8:56 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

Special Meeting of the City Commission
April 28, 2009

Mayor Warba called the special meeting of the City Commission to order at 12:00 p.m.

Present: Commissioners Lynn Anderson, Peggy Brennan, Terry Harper, and Tom Hogenson; Mayor Mark Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were seven persons in the audience.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

Mayor Mark Warba declared the public hearing open to review the Fiscal Year 2009/2010 proposed budget and to receive citizen comment on the budget.

City Manager Steve Sobers outlined the following:

- The property tax will remain at 15 mills. There are no proposed changes in property tax.
- The Motor Pool has a fund for the purchase of City vehicles. The motor pool vehicles are leased back to keep money in this fund for new purchases. City staff is looking closely at the types, size, and length of time the vehicles are kept. It may be a benefit to retain the vehicles for a little longer time period.
- All capital improvement items for the General Fund have been eliminated except for the purchase of BS&A software, zinnias, and County Economic Development. The purchase of the software will cost about \$40,000, but will save the City \$20,000 per year. It is a big savings in the end. BS&A is currently used for some of the City's applications. The Eden software will be eliminated the replaced with BS&A. The other 10 – 12 items in the General Fund were removed.
- If all the items listed in the CIP for General Fund were funded, there would be a \$200,000 deficit.
- Mr. Sobers summarized the other funds in which capital improvements were funded.
- Water and Wastewater will see rate increases this year. Staff is in the process of doing the User Charge Study for WWTP for 09/10. It is imperative that rates be addressed.
- The Water Fund will also need to be addressed. A couple of years ago, the method for charging for water was changed from a system that had a number of gallons associated with a meter size. The method was changed to charge by the number of gallons actually used. When the conversion was first done, there was

no way to calculate the revenue. The goal is to analyze the Water Fund each year with the same process being used for Wastewater and raise rates in minimal amounts.

- It was noted that the Historical Society monies need to be placed back in the budget.

The meeting was opened for public comment.

Dale Hobart, Library Board Member, questioned if any other department in the City has taken a decrease of 1/3 as it appears the Library has. This will be a difficult year for the Library. He questioned that if the City is anxious to get the Library off its books, why has the process of a District Library not been started.

Lorraine James, former City Treasurer, assisting with this year's budget preparation, explained the 1/3 decrease is not the case with the Library. She referred to page 84 of the budget document and explained that after transfers are made, there is no 1/3 cut.

Mayor Warba stated that there is a meeting scheduled for June 8th to meet with the townships regarding the Library. He stated that the City Commission will meet again on June 29th regarding the Library.

Mary Ryan, 327 S. Stewart, stated it appears the expenses are higher than the revenues and questioned how that can be. City Treasurer Tetsworth stated that there will be a fund balance that is rolled over at the end of this year and that amount will be added to the proposed revenues.

Mrs. Ryan stated that in previous budgets, there was \$5,000 through mini grants to help people of lower income in the community to do housing rehabilitation. This year, that amount was cut to \$2,000. However, the Festival of Arts is budgeted for \$5,000. She believes that it is important to take care of the people in the community, which the mini grants will benefit.

Mr. Sobers stated that staff is in union negotiations. This year everyone will need to be more conscious of the fund balance. Looking to the future and the possibility that the fund balance may drop, there will be discussions of staff pay concessions or a reduction in staff. There needs to be that conversation. Everyone should get together and discuss the opportunities of how revenues can be expanded and expenditures reduced.

Commissioner Harper noted that the cost of the DB pension contributions have increased, suggesting that the employees be approached with more of a contribution. Mr. Sobers explained that because new employees are in a DC program, there are fewer employees in the DB program funding it. The City is looking at a new MERS hybrid, which includes a DB and DC component and is beneficial to the City and the employee. Ms. Tetsworth explained that the increase in the MERS actuarial is spread across the effected employees. People have retired so that there are fewer people paying for the DB plan.

Commissioner Harper referred to page 7 of the budget document, the City Attorney's Account. Her point of discussion is not about performance, but expense. She has suggested in the past that the office become a full-time position of the City, which she feels could save the City \$100,000. She believes there needs to be a discussion of this in advance of contract renewal.

City Attorney Williams stated that Commissioner Harper is correct in wanting to use the budget as an opportunity to review the costs. He does not feel, however, that there is an opportunity to save money by making the position a full-time staff position. To do so, costs would include: the City attorney and benefits, a legal assistant plus benefits, a part-time support staff, dues and Library membership fees, office supplies and equipment. He does not believe that there would be a \$100,000 savings.

Commissioner Harper stated that Ferris State University is doing an exercise of asking all departments to put together a cost-cutting plan. She questioned what the City was doing. Ms. Tetsworth stated that she and the City Manager are initiating something just like that. They will be soliciting cost-cutting ideas from the various City Departments.

Commissioner Harper requested an update on the Vibrant Small Cities Initiative grant funds.

There was a discussion regarding the new Fire Division aerial ladder and a contribution for the cost from Ferris State University. There is nothing in writing from Ferris at this time, but they have stated that they will make a contribution once it is known what the unfunded balance is.

Ms. Tetsworth explained that the City is taking steps to address the retiree health care coverage. Due to GASB regulations, letters have been sent to the post-65 retirees informing them that they will be coming off the City's coverage plan. There will be an informational meeting for these retirees, reviewing optional coverages available. The budget reflects a transfer of additional money into that account to satisfy the GASB regulations, as the City works towards increasing the rates of the pre-65 retirees. There is a plan to continue to increase their premium payments to accurately reflect their actual costs. The increase in their premiums will be phased in over a period of time.

Mayor Warba questioned the cost for Charter Revision. City Clerk Roberta Clerk explained that the cost for the election for the ballot proposal and election of Charter Revisions Commissioners will be included in the Election Account since the election will be in coordination with the City's November election. Once the cost amount for the Charter Revision process is established, monies will be identified to cover that.

Mrs. Ryan questioned how it is determined that the Public Safety Building will be increased by 18.27%. The City Treasurer replied that there is an amortization schedule, which establishes payments. There was not enough collected in this year's budget and that needs to be adjusted in the next year's budget.

Commissioner Harper stated that the Good Neighbors and the BRPOA have pledged money for a downtown bench. She was in attendance at the meeting and suggested that the City Commissioners may want to donate a third of the cost, or \$333.00. She is hoping that each Commissioner will want to contribute, which will be \$66.66 each as the City Commission contribution.

There being no further comments, the Mayor declared the meeting adjourned at 1:05 p.m.

City Commission
May 4, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 20 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - no changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the April 20, 2009, meeting be approved as presented.

Yeas: Unanimous

Nays: None

Commissioner Harper moved, seconded by Commissioner Hogenson that the minutes of the April 28, 2009 special meeting be approved as presented.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Tumbleweed Press	1,397.00*	Baker & Taylor	1,036.09*
Elevator Service	146.50*	DTE Energy	575.57*
Spartan Distributors	251.60	Harley & Sons	337.50
Kmart	54.32	Spartan Distributors	170.36
Tractor Supply	41.85	Consumers Energy	471.37
Schubert & Sons	125.00	Tri County Portable	397.00
Tractor Supply	359.98	Bradley, Diann	25.00
Larie, Steven	30.00	Metz, Jason	25.00
Prescott, Amy	30.00	Taylor, Gail	25.00
Worden, Bill	30.00	Miller, Becky	74.10
Rush, Lori	107.25	Consumers Energy	119.79

Arnold Sales	34.53*	Consumers Energy	455.84*
AT&T Long Distance	.75	Baker & Taylor	2,865.88*

Yeas: Unanimous
 Nays: None

SPECIAL ORDER OF THE DAY

Gary and Char Fitch were presented the Park and Recreation Board Citizen Recognition Award Plaque and was recognized for their contribution to the Muskegon River Water Safety Project.

STUDY SESSION ITEMS

1) City Financial Report

(i) City Treasurer Julie Tetsworth distributed a summary of the GASB 45 Rule that pertains to post-employment benefits for retirees, in the City’s case, the retiree health care coverage. It requires the City to set aside a substantial amount of money if the City is to continue to fund the retirees’ health care. The ruling is to be implemented in 2009.

The pre-65 retirees are giving revenue to the City in the form of premiums at approximately \$5,043 monthly, an annual total of \$68,922. This is not enough to cover the cost of their claims and coverage. The retirees have been notified that their premiums will increase \$50 per month for single coverage and \$100 for family as of this year. These premiums will continue to increase over a period of time, about three years, until their premiums reach the claims costs, so that the City will not be required to set aside approximately \$1 million. It is a requirement that monies be set aside to cover costs. Letters have been sent to the post-65 retirees and pre-65 retirees informing them of the requirements.

(ii) The Fiscal Year 2009/2010 budget was presented to the City Commission. The property taxes will remain at 15 mills, which is no proposed change over the existing property tax. The Capital Improvements Projects are limited since it will be a difficult economic environment next year. The budget, as presented, is a balanced budget. Water and Wastewater will see some rate increases.

Commissioner Harper appreciated the information on the GASB ruling and the Health Committee’s work educating the retirees on increasing health care costs. She referred to a previous comment regarding a possible audit finding due to the lack of a reserve account. Ms. Tetsworth replied that she has discussed this with the auditors and since the City is addressing the matter with the implementation of a plan, the auditor would not issue a finding. Commissioner Anderson asked if the City was not self-funded, would that make a difference in the ruling requirements. Ms. Tetsworth replied it does

not matter if companies are self-funded or fully funded. The requirement revolves around offering post-retirement benefits.

Other points regarding the budget:

- BS&A software line item shows an updated amount, which is less than originally thought, due to a new version of software that BS&A will be providing.
- At the budget public hearing, it was noted that the mini-grant program went from \$5,000 in previous years to \$2,000 this year. Last year about \$3,000 was spent on the program. Commissioner Harper believes that this is an important program and would hate to lose the benefit to the community. She questioned if this was a set amount or if there would be some flexibility if there was a need over the \$2,000. It was requested that the minute's reflect that the amount would be flexible.
- There was no additional public input received outside of the public hearings.

2) Township Income Tax Going to the Library

Ms. Tetsworth distributed and explained a Fiscal Year 2007-08 Library Financial Report, which includes the entities that support the Library. The spreadsheet indicates that each township, for their utilization, is not paying from their fines or income tax enough to cover what they are actually utilizing. It was noted that the lack of funding also includes the City.

Mayor Warba observed that the income tax revenue, if that was dedicated to the library, comes up short compared to library usage by township residents. Under the current contracts, there are two funding mechanisms. One is the penal fines and the other is 3/10 of a mill. The contracts call for the higher of the two be dedicated to the library. The contracts have been in place since the early 90's but have not been enforced in recent years. The City has received notice from Green Township that they will continue to dedicate penal fines to the library, but not 3/10 of a mill. If the 3/10 of a mill were required, they would withdraw from the contract.

Gaylynn Rorabaugh, Library Director, explained her report, Library of Michigan FY 2007/2008 (for FY 2006/07) State Aid Report as it pertains to Class IV Libraries.

Commissioner Harper would like the information in the Hartzell-Mika report double-checked, as she believes it is skewed in that it incorporated peer libraries that are larger, rather than evenly dispersed libraries. She believes operating under budget of other libraries, but providing all the services, is an exceptional job.

3) Media Committee Update

Commissioner Harper reviewed the written Media Committee Report.

There was a discussion as to whether the new budget includes the \$5,000 proposed for the camera equipment. Ms. Tetsworth and Mr. Sobers stated it was withdrawn from the

General Fund capital improvement list, but they were unsure if Tim Moslener had the money in this year's budget.

This will be placed on the City Commission August 17th agenda for action upon the recommendations.

4) Wastewater Treatment Plant Improvement Update

Don Greiner, Director of Public Works, presented the Wastewater Treatment Plant Improvement update report dated April 30, 2009. He presented construction slides showing what construction has been completed.

PUBLIC COMMENT

Mr. Marco Menezes, representing Spruce Ridge Development, appeared before the Commission to provide an update regarding plans for the property, located between Fuller and Woodward. Points of issue:

- The proposal, consisting of forty-two units of assisted living, was presented to the Plan Board on June 2008.
- The location is on five acres in the southeast corner of the property.
- This is a multi-unit development.
- Proposal is allowed under the R-1 zoning by a conditional use permit.
- Numerous concerns raised by the neighbors have been addressed, including, screening, surface water flow, traffic, and aesthetics.
- The plan was favorably received by the Neighborhood Services staff.
- A Plan Board hearing was held in March and concerns were raised by the neighbors that this would become housing for students. This project is tailored to the needs of seniors.
- It is by a conditional use permit and the City will have complete control over the use of the property.
- At the April Plan Board meeting, his development requested a non-binding approval under Section 9.3 of the Ordinance for a sketch plan review. That was granted by the Plan Board.
- Under Section 10.3 of the Zoning Ordinance, the ultimate decision on conditional use permits is before the City Commission.
- They will continue to keep the Commission updated on progress.

PUBLIC HEARING

Mayor Warba opened the public hearing on the Edward R. Byrne Memorial Justice Assistance Grant under the American Recovery and Reinvestment Act of 2009 for public safety equipment at 7:46 p.m.

Public Safety Director Frank West explained that the Federal government has made these monies available for small communities. The Commission has previously adopted a resolution supporting the purchase of the equipment listed under the grant,

which was going to be paid for from forfeiture money at that time. Now that the grant is available, they are requesting that the grant pay for the equipment. Any shortage of funds to cover the cost will be taken from the drug forfeiture money.

The City Commission has also previously adopted a resolution supporting the intent to apply for the grant funds. At this meeting, they are fulfilling the requirement for a public hearing.

Director West explained the equipment listed for purchase with the Byrne grant funding and its use. The equipment includes a hand held thermal imager, patrol car mounted thermal imager ballistic shield, and sig Sauer P226 40 cal. Duty sidearm.

The Mayor opened the public hearing to comments from the audience. No one spoke. The Mayor opened the public hearing for comments from the City Commission.

Commissioner Anderson stated that although the authorization for the purchase has already been passed, she would like to emphasize the need for personal communication, such as the cop on the beat, bicycle officer, Jesse the horse. All of these things stop so many issues before it gets to the use of this type of equipment. She would like to see those types of things backed up with the monies.

The Mayor closed the public hearing at 7:55 p.m.

The City Commissions took a five-minute recess.

The Fiscal Year 2009/2010 Budget adopting resolution was introduced. Mr. Sobers again emphasized that there is no proposal for increased property tax. There is concern about the overall income so some cutting on Capital Improvements have been done. Ms. Tetsworth added that this will be a challenging year and therefore, this is a conservative budget. The fund balance is as close as staff can get.

There was a discussion regarding the \$5,000 requested for the Commission room cameras. Ms. Tetsworth stated that many of the General Fund Capital Improvement items were cut and this \$5,000 was one of those items. It is not known if monies are included in the 2008/2009 budget to cover the cost.

Commissioner Harper questioned if the Artworks Asbestos work is included in this budget. Mr. Gifford responded it is. Commissioner Harper inquired if there was a contract between Artworks and DDA regarding the proposal work at Artworks. Mr. Gifford indicated that Artworks and the DDA have both done resolutions. There will be an update within the next thirty days.

Virginia Kienitz questioned what relationship the City has with Artworks to be responsible for the Asbestos removal.

Mr. Sobers explained that the City applied for the VSCI grant and a requirement of the grant and matching those funds involved four things, of which one was that they would

all go through the City's General Fund. They included Streetscape, signage, Artworks (Cultural Center), and Façade improvements. The DDA will come up with the monies on behalf of Artworks.

Mayor Warba requested an update on the VSCI funding next month.

Mary Ryan questioned the Information Technology account and the cost of over \$500,000. It was explained that this is the budget for the total department, including salaries, equipment, computers, postage machine, phone equipment, copy machines and their leases, internet provider charges, etc.

RESOLUTION NO. 09-43

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

**RESOLUTION ADOPTING THE CITY OF BIG RAPIDS
GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009/2010**

WHEREAS, the City of Big Rapids is required to adopt a budget for the fiscal year beginning July 1, 2009 and

WHEREAS, the City Manager presented a budget in accordance with Public Act 621 of 1978 (MCL 141.435) to the City Commission on May 4, 2009, being the General, Special Revenue, Debt Service, and Capital Projects Funds and Information Summaries of the Enterprise, Internal Service and Fiduciary Funds, and

WHEREAS, a duly advertised, charter required public hearing was held April 28, 2009 to receive comments regarding the FY 09-10 proposed City Budget.

NOW, THEREFORE, BE IT RESOLVED, that the budget document presented with this resolution be adopted as the City's 2009/10 fiscal year budget and that the revenues for fiscal year commencing July 1, 2009, and ending June 30, 2010, on a fund and source basis are estimated as follows:

GENERAL FUND		
Taxes	\$4,085,700	
Licenses & Permits	49,300	
Grants	2,595,700	
Charges & Services	432,900	
Fines & Forfeits	99,500	
Interest & Rents	49,200	
Other	429,900	
Transfers-In	<u>593,000</u>	
TOTAL GENERAL REVENUES		\$8,335,200

MAJOR STREETS FUND

State Trunkline Maintenance	\$120,000	
State Gas & Weight Tax	443,000	
Interest Earned	<u>20,000</u>	
TOTAL MAJOR STREET REVENUES		\$583,000

LOCAL STREETS FUND

State Gas & Weight Tax	\$149,000	
Interest Earned	15,000	
Interest Charged	2,000	
Other	14,000	
Transfers-In	<u>100,000</u>	
TOTAL LOCAL STREET REVENUES		\$280,000

POOL FUND

Interest Earned	\$ 500	
Charges for Services	32,000	
Other	100	
Transfers-In	<u>92,300</u>	
TOTAL POOL REVENUES		\$124,900

VIBRANT SMALL CITIES INITIATIVE

Interest Earned	\$ 6,000	
VSCI Matching Grant	<u>900,000</u>	
TOTAL VIBRANT SMALL CITIES REVENUES		\$906,000

DOWNTOWN DEVELOPMENT AUTHORITY FUND

Property Tax	\$23,100	
Interest Earned	1,500	
Loan Interest	2,700	
Loan Principal	6,700	
Farmer's Market Fees & Coupons	<u>7,000</u>	
TOTAL DDA REVENUES		\$41,000

DRUG LAW ENFORCEMENT FUND

Byrne Grant	\$257,000	
Operating	100,000	
Interest Earned	<u>3,500</u>	
TOTAL DRUG LAW REVENUES		\$360,500

LIBRARY FUND

State Grants	\$ 13,000	
Sales & Services	3,700	
Income Tax Donation	1,000	
Penal Fines	124,000	
Library Fines	5,500	
Interest Earned	400	
Other	11,900	
Transfers-In	<u>205,400</u>	
TOTAL LIBRARY REVENUES		\$364,900
 <u>AIRPORT FUND</u>		
Leasing	\$ 6,000	
Fuel Sales	165,000	
Transfers-In	<u>125,800</u>	
TOTAL AIRPORT REVENUES		\$296,800
 <u>PS BLDG DEBT SERVICE FUND</u>		
Property Taxes - Current	<u>\$352,800</u>	
TOTAL PS BLDG DEBT REVENUES		\$352,800
 <u>WATER DEBT SERVICE FUND</u>		
Transfers-In	<u>\$326,200</u>	
TOTAL WATER DEBT REVENUES		\$324,200
 <u>SEWER DEBT SERVICE FUND</u>		
Transfers-In	<u>\$375,200</u>	
TOTAL SEWER DEBT REVENUES		\$375,200
 <u>BLDG IMPROVEMENT FUND</u>		
Transfers-In	<u>\$6,000</u>	
TOTAL BLDG IMPROVEMENT REVENUES		\$6,000
 <u>LIBRARY IMPROVEMENT FUND</u>		
Interest Earned	<u>\$2,500</u>	
TOTAL LIBRARY IMPROVEMENT REVENUES		\$2,500

WASTEWATER PLANT REPLACEMENT FUND

SRF Wastewater Loan

\$5,517,425

TOTAL WASTEWATER PL. REPL. REVENUES

\$5,517,425

DIAL-A-RIDE FUND

Grants

\$248,300

Fares & Sales

73,000

Interest Earned

100

Other

500

Transfers-In

182,200

TOTAL DIAL-A-RIDE REVENUES

\$504,100

SEWAGE DISPOSAL SYSTEM FUND

Sales & Services

\$ 2,000

Sewer Charges

2,143,100

Interest Earned

30,000

Other

2,500

TOTAL SEWAGE DISPOSAL REVENUES

\$2,177,600

WATER SUPPLY SYSTEM FUND

Sales & Services

10,000

Water Sales

2,091,000

Interest Earned

200

Other

3,000

TOTAL WATER SUPPLY REVENUES

\$2,104,200

SANITATION FUND

Sales & Services

\$997,900

TOTAL SANITATION REVENUES

\$997,900

SEWER REPLACEMENT FUND

Interest Earned

25,000

Transfers-In

320,000

TOTAL SEWER REPLACEMENT REVENUES

\$345,000

WATER EXPANSION & REPLACEMENT FUND

Interest Earned

\$20,000

Transfers-In

180,000

TOTAL WATER REPLACEMENT REVENUES

\$200,000

DPW SERVICES FUND

Services	\$789,300	
Other	7,000	
Transfers-In	<u>40,000</u>	
TOTAL DPW SERVICES REVENUES		\$836,300

MOTOR POOL FUND

Rentals	\$769,200	
Interest Earned	10,000	
Other	<u>2,000</u>	
TOTAL MOTOR POOL REVENUES		\$781,200

SELF INSURANCE FUND

Charges	\$757,800	
Interest Earned	6,100	
Interest Charged	<u>100</u>	
TOTAL SELF INSURANCE REVENUES		\$764,000

RETIREE INSURANCE FUND

Charges	\$215,900	
Transfers-In	<u>110,900</u>	
TOTAL RETIREE INSURANCE REVENUES		\$326,800

MUSKEGON RIVER SAFETY FUND

Fremont Foundation Grant	<u>\$20,000</u>	
TOTAL MUSKEGON R. SAFETY REVENUES		\$20,000

MILLER & AHLGREN TRUST FUND

Interest Earned	<u>\$200</u>	
TOTAL MILLER & AHLGREN REVENUES		\$200

SUSAN JENNINGS MEMORIAL FUND

Interest Earned	<u>\$200</u>	
TOTAL SUSAN JENNINGS REVENUES		\$200

PLAYSCAPE FUND

Interest Earned	<u>\$600</u>	
TOTAL PLAYSCAPE REVENUES		\$600

RIVERWALK FUND

Interest Earned	\$ 100	
Contributions	63,000	
DNR Grant	309,400	

Transfers-In	<u>68,000</u>	
TOTAL RIVERWALK REVENUES		\$440,500

ACT 345 RETIREMENT FUND

DB Employee Contributions	\$ 5,000	
DC Employee Contributions	113,000	
DB Employer Contributions	326,000	
DC Employer Contributions	202,800	
457 Plan	3,200	
Interest Earned	2,000	
Stock Dividends	45,000	
Bond Interest	90,000	
Gain on Sale of Stocks/Bonds	<u>18,000</u>	
TOTAL ACT 345 REVENUES		\$805,000

BE IT FURTHER RESOLVED, expenditures for the fiscal year commencing July 1, 2009 and ending June 30, 2010, are appropriated on a fund and activity basis as follows:

GENERAL FUND

City Commission	\$ 88,900
Mayor	4,700
City Manager	143,300
Elections	11,500
City Assessor	117,700
City Attorney	198,500
City Clerk	354,800
City Treasurer	450,500
Income Tax	101,000
Information Management	501,700
Public Buildings	102,900
Police	2,117,700
Fire	1,765,700
Public Safety	341,200
Plan Board	2,800
Neighborhood Services	266,600
Public Works	599,700
Sidewalks, Alleys and Storm Sewers	186,500
Parking	100,500
Decorations	60,300
Park Facilities	525,800
Recreation	84,600

Transfers-Out	<u>718,700</u>	
TOTAL GENERAL EXPENDITURES		\$8,845,600

MAJOR STREETS FUND

Public Services	\$ 3,700	
Routine Maintenance	123,600	
Sweeping & Flushing	12,600	
Trees & Shrubs	5,700	
Drainage Structures	33,200	
Grass & Weed Control	800	
Routine Maintenance-Bridges	100	
Traffic Signs-Maintenance	15,000	
Traffic Signals-Maintenance	14,000	
Pavement Markings	19,700	
Winter Maintenance	127,300	
State Trunkline-Traffic Signal Maintenance	6,000	
State Trunkline-Surface Maintenance	33,500	
State Trunkline-Sweeping & Flushing	8,900	
State Trunkline-Trees & Shrubs	800	
State Trunkline-Drainage Structures	10,900	
State Trunkline-Roadside Cleanup	1,000	
State Trunkline-Grass & Weed Control	2,400	
State Trunkline-Traffic Signs	1,500	
State Trunkline-Winter Maintenance	77,600	
Transfers-Out	<u>139,800</u>	
TOTAL MAJOR STREET EXPENDITURES		\$638,100

LOCAL STREETS FUND

Public Services	\$ 2,700	
Street Construction	70,000	
Routine Maintenance	89,600	
Sweeping & Flushing	14,400	
Trees & Shrubs	4,900	
Drainage Structures	36,000	
Grass & Weed Control	2,300	
Traffic Signs-Maintenance	10,600	
Traffic Signals-Maintenance	500	
Pavement Markings	7,000	
Winter Maintenance	115,000	
Transfers-Out	<u>28,100</u>	
TOTAL LOCAL STREET EXPENDITURES		\$381,100

POOL FUND		
Operational	\$124,900	
Transfers-Out	<u>11,600</u>	
TOTAL POOL EXPENDITURES		\$136,500
VIBRANT SMALL CITIES INITIATIVE FUND		
Administrative & Engineering	\$ 188,200	
Project Costs	<u>1,732,000</u>	
TOTAL VIBRANT CITIES EXPENDITURES		\$1,920,200
DOWNTOWN DEVELOPMENT AUTHORITY FUND		
DDA	\$20,200	
Transfers-Out	<u>4,000</u>	
TOTAL DDA EXPENDITURES		\$24,200
<u>DRUG LAW ENFORCEMENT</u>		
CMET	<u>\$296,300</u>	
TOTAL DRUG LAW EXPENDITURES		\$296,300
LIBRARY FUND		
Public Buildings	\$ 38,400	
Community Library	320,900	
Transfers-Out	<u>27,700</u>	
TOTAL LIBRARY EXPENDITURES		\$387,000
AIRPORT FUND		
Operational	\$276,800	
Transfers-Out	<u>19,500</u>	
TOTAL AIRPORT EXPENDITURES		\$296,300
<u>PS BLDG DEBT SERVICE</u>		
Debt Service	<u>\$342,300</u>	
TOTAL PS BLDG DEBT SERVICE EXPENDITURES		\$342,300
<u>WATER DEBT SERVICE</u>		
Debt Service	<u>\$326,200</u>	
TOTAL WATER DEBT SERVICE EXPENDITURES		\$326,200

SEWER DEBT SERVICE FUND

Debt Service	<u>\$375,200</u>	
TOTAL SEWER DEBT SERVICE EXPENDITURES		\$375,200

BLDG IMPROVEMENT FUND

General Government	<u>\$6,000</u>	
TOTAL BLDG IMPR EXPENDITURES		\$6,000

WASTEWATER PLANT REPLACEMENT FUND

Engineering	\$ 500,000	
Upgrade Construction	3,830,000	
Contingencies	<u>150,000</u>	
TOTAL WASTEWATER PL REPL EXPENDITURES		\$4,480,000

DIAL-A-RIDE FUND

Labor	\$251,000	
Administrative & General	51,900	
Materials & Supplies	89,700	
Transfers-Out	<u>22,400</u>	
TOTAL DIAL-A-RIDE EXPENDITURES		\$415,000

SEWAGE DISPOSAL SYSTEM FUND

Production	\$1,004,400	
Transmission	319,200	
Customer Services	4,000	
Industrial Pretreatment	76,500	
Lift Stations	3,000	
Transfers-Out	<u>855,800</u>	
TOTAL SEWAGE DISPOSAL EXPENDITURES		\$2,262,900

WATER SUPPLY SYSTEM FUND

Production	\$723,700	
Transmission	473,700	
Customer Services	4,000	
Transfers-Out	<u>656,500</u>	
TOTAL WATER SUPPLY EXPENDITURES		\$1,857,900

SANITATION FUND

Leaf Pickup & Composting	\$ 52,400	
--------------------------	-----------	--

Garbage Disposal/Composting	883,000	
Transfers-Out	<u>61,800</u>	
TOTAL SANITATION EXPENDITURES		\$997,200
SEWER REPLACEMENT FUND		
Equipment & Project Costs	<u>\$143,000</u>	
TOTAL SEWER REPLACEMENT EXPENDITURES		\$143,000
WATER EXPANSION & REPLACEMENT FUND		
Equipment & Project Costs	<u>\$437,000</u>	
TOTAL WATER EXPAN & REPL EXPENDITURES		\$437,000
DPW FUND		
Administrative & General	\$835,300	
Transfer-Out	<u>10,000</u>	
TOTAL DPW EXPENDITURES		\$845,300
MOTOR POOL FUND		
Administrative & General	\$758,500	
Transfer-Out	<u>55,200</u>	
TOTAL MOTOR POOL EXPENDITURES		\$813,700
SELF INSURANCE FUND		
Claims & Premiums	<u>\$804,400</u>	
TOTAL SELF INSURANCE EXPENDITURES		\$804,400
RETIREE INSURANCE FUND		
Administrative	\$212,200	
TOTAL RETIREE INSURANCE EXPENDITURES		\$212,200
MUSKEGON RIVER SAFETY FUND		
Administrative	<u>\$20,000</u>	
TOTAL RETIREE INSURANCE EXPENDITURES		\$20,000
PLAYSCAPE FUND		
Administrative	<u>\$300</u>	
TOTAL RETIREE INSURANCE EXPENDITURES		\$ 300

RIVERWALK FUND

Phase III	<u>\$443,600</u>	
TOTAL RETIREE INSURANCE EXPENDITURES		\$443,600

ACT 345 RETIREMENT FUND

Administration	<u>\$962,000</u>	
TOTAL ACT 345 RETIREMENT EXPENDITURES		\$962,000

BE IT FURTHER RESOLVED, the City Manager is authorized to amend individual line items within the FY 09-10 City of Big Rapids Budget such that the General Fund and all other fund totals remained unchanged, and

BE IT FURTHER RESOLVED, FUND 701 -- Trust & Agency, FUND 703 -- Tax Collection, FUND 705 -- Income Tax, FUND 731 -- Supplemental Pension, FUND 750 -- Payroll, and FUND 751 -- Housing -- Payroll do not have budgeted revenues or expenditures, are balance sheet accounts, and therefore, do not have fund balances.

BE IT FURTHER RESOLVED, the FY 09-10 anticipated fund balance carry-overs are recognized such that the expenditures appropriated do not exceed the sum of the anticipated revenues plus the carry-overs on a fund-by-fund basis as attached.

BE IT FURTHER RESOLVED, the City Commission levies a tax of 10.2000 mills for the period of July 1, 2009 through June 30, 2010, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. The remainder of the tax is levied for the purpose of defraying the general expense and liability of the City of Big Rapids and is levied pursuant to the Charter of the City of Big Rapids. The maximum authorized levy according to the City Charter is 15.0 mills, and

BE IT FURTHER RESOLVED, the City Commission levies a tax of 2.8073 mills for the period of July 1, 2009 through June 30, 2010, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of supporting the retirement plan for qualified personnel of the Department of Public Safety of the City of Big Rapids pursuant to the provisions of ACT 345 of the Public Acts of 1937, as amended, as approved by a vote on August 7, 1972, and

BE IT FURTHER RESOLVED, the City Commission levies a tax of 2.0676 mills for the period of July 1, 2009 through June 30, 2010, on all real and personal taxable property in the City of Big Rapids, according to the valuation of the same. This tax is levied for the purpose of defraying the cost of paying principal and interest payments and agent fees for the Public Safety Building bond, and

BE IT FURTHER RESOLVED, the City Commission does hereby levy a tax of 2.0000 mills for the period of July 1, 2009 through June 30, 2010 on all real and

personal taxable property in the City of Big Rapids, according to the valuation of the same in a district known as Downtown Development District. This tax is levied for the purpose of defraying the cost of Downtown Development Authority, and

BE IT FURTHER RESOLVED, the City Commission imposes a 1% administration and collection fee on all levies of property taxes pursuant to MCL 211.44.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: May 4, 2009

RESOLUTION NO. 09-44

Commissioner Harper moved, seconded by Commissioner Hogenson, the adoption of the following resolution.

**RESOLUTION DECLARING CHARTER REVISION AND ESTABLISHMENT
OF CHARTER REVISION COMMISSION**

RESOLVED, that the City Commission of the City of Big Rapids hereby declares for a revision of the Charter of the City, as provided and permitted by Public Act No. 279 of the Public Acts of 1909, State of Michigan, as amended; and further be it

RESOLVED, that the question of having a general charter revision shall be submitted to the electors of the City for adoption or rejection at a special election to be held November 3, 2009 and further be it

RESOLVED, that at such election there shall be elected from the City at large a Charter Revision Commission consisting of nine electors of the City who are not officers or employees of the City, the selection of such Charter Revision Commission to be void if the proposition to revise is not adopted. The candidates for such Charter Revision Commission shall be nominated and elected in the manner prescribed by the City Charter for the nomination and election of members of the City Commission; and further be it

RESOLVED, that the City Clerk shall give notice of the last day for registration and of the election in the manner provided by law and said question on the revision of the Charter of the City shall be submitted to the electors in the following form:

“Shall there be a general revision of the Charter of the City of Big Rapids?”

For the Charter revision	YES
For the Charter revision	NO

And further be it

NOW THEREFORE BE IT RESOLVED, that the last day and hour for receiving nomination petitions for candidates for the office of Charter Revision Commission shall be 4:00 p.m., September 15, 2009, the 7th Tuesday before the election. The City Clerk shall make available appropriate nonpartisan petition forms and give due notice of the last day and hour for filing petitions by a publications of notice in a paper of general circulation within the City, not less than 10 days prior to the election.

BE IT FURTHER RESOLVED, that the Charter Revision Commissioners elected at this election shall serve without compensation. Charter Revision Commissioners shall be entitled to incur necessary expenses in connection with the work of the Charter Revision Commission. The place of meeting for said Charter Revision Commission shall be within the City of Big Rapids as set by the Charter Revision Commission in its rules and regulations for its operation.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

The Capital Improvement Plan (CIP) was presented. Commissioners questioned why the budget was adopted before the CIP was adopted. Mark Gifford stated that for a number of years the CIP was done in December and January, which was before anyone knew how much money would be available in the budget. This year the process was delayed until everyone had a better understanding of what money would be available. He was ready with the plan for the last meeting, but the Plan Board minutes were not finished, so he pulled the item. Commissioner Harper believes that the Commission should be able to review the CIP recommendation at least two weeks before the adoption of the budget.

RESOLUTION NO. 09-45

Commissioner Hogenson moved, seconded by Commissioner Harper, the adoption of the following resolution:

RESOLUTION ACCEPTING PLAN BOARD 2009/10 CAPITAL IMPROVEMENTS PROJECT PRIORITIZATION PLAN

WHEREAS, Municipal policy MIS-11 requires the City to develop a Capital Improvement Plan which is updated annually, and

WHEREAS, the City staff is required to provide the City Commission with the CIP (Capital Improvements Project) in advance of the budgetary process, and

WHEREAS, after soliciting input into the CIP, the Plan Board makes an advisory recommendation to the City Commission, and

WHEREAS, at their April 15, 2009 meeting, the Plan Board made an affirmative recommendation as per the attached FY 2009/10 Capital Improvements Project Ranked Listing.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the Year 2009/10 Capital Improvement Project list as an advisory recommendation from the City Plan Board.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

Mr. Sobers explained the purpose for the vacation of the alley in Block 3, Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second addition. By vacating the alley, the two parcels of land will be considered one parcel so the two rental buildings can be combined and current parking will be suitable.

ORDINANCE NO. 606-05-09

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following Ordinance:

**AN ORDINANCE VACATING A PORTION OF ALLEYWAY IN BLOCK 3,
GRAND RAPIDS AND INDIANA RAILROAD COMPANY'S AND
CONTINENTAL IMPROVEMENT COMPANY'S SECOND ADDITION
TO THE CITY OF BIG RAPIDS**

WHEREAS, the City Commission received a recommendation from the City Assessing Office to vacate a portion of an alley located in Block 3 of Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second Addition, and

WHEREAS, the City Commission by Resolution 09-11 directed the Plan Board to solicit public input on this matter and offer a recommendation, and

WHEREAS, the Plan Board conducted a public hearing on the vacation at their March 18, 2009, meeting and after that public hearing considered the alley vacation at a April 1, 2009 meeting, and

WHEREAS, the City Plan Board's recommendation to the City Commission is that first 100 feet of the alley that lies in Block 3, Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second Addition, commonly known as the alley between Hanson Street and Henderson Street, north of Speer Avenue, be vacated with the condition that it cannot be built on and the City is to retain easement for utilities, ingress and egress.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The following described alleyway in the City of Big Rapids, Mecosta County, IS HEREBY VACATED:

The first 100 feet of the alley that lies in Block 3, Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second Addition, commonly known as the alley between Hanson Street and Henderson Street, north of Speer Avenue, be vacated with the condition that it cannot be built on and the City is to retain easement for utilities, ingress and egress.

Section 2. The City Clerk is hereby directed to publish said Ordinance in THE PIONEER, and to record the ordinance with the Mecosta County Register of Deeds.

Section 3. This ordinance shall become effective immediately upon publication.

Yeas: **Anderson**, Brennan, Harper, Hogenson, Warba – **corrected 05/18/09**

Nays: **None**, Anderson

The Mayor declared the Ordinance adopted.

Dated: May 4, 2009

Published: May 8, 2009

Mr. Sobers presented the background for the Asbestos removal bids. The State of Michigan requires in a renovation of this kind, that someone certify that there is not asbestos in the project. It has been determined that there is asbestos in four places of the façade project. Artworks has some tiles on the floors that contain asbestos. In order for the VSCI project to move forward, it is necessary that the four asbestos issues be addressed. In the Artworks case, the asbestos must be removed where there will be renovation.

The funding will come from the VSCI account for Artworks. Currently there are no written contracts between Artworks and DDA, but there are resolutions passed by both bodies. If Artworks defaults on paying this money back to the DDA and the DDA is not capturing the TIF funds, this will be the City's bill. This is the case with the entire streetscape program. There are no General Fund monies in this VSCI project. The monies will come from cell tower rentals, Ice Mountain hauling, and those are the funds that have been committed in support of the VSCI project. These monies are in special reserve accounts and the money is there.

RESOLUTION NO. 09-46

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

RESOLUTION ACCEPTING BIDS FOR ASBESTOS ABATEMENT AT ARTWORKS

WHEREAS, the City has received a VSCI grant in which Artworks will be able to do interior improvements to the building, and

WHEREAS, prior to beginning improvements, it is required to do testing for lead and asbestos, and

WHEREAS, a large amount of asbestos was found which must be removed before the interior work can be done, and

WHEREAS, the City solicited for bids whereby four bids were received with staff recommending the best and lowest bid of Insulation and Environmental Services, Inc., Walker, MI in the amount of \$10,100.00.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Insulation and Environmental Services, Inc. in the amount of \$10,100.00 for asbestos removal be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 244-728-967.104.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

RESOLUTION NO. 09-47

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

**RESOLUTION OF CERTIFICATION OF MATCHING FUNDS, PROPERTY
MAINTENANCE PLAN AND AUTHORIZING AGENT FOR
MDOT ENHANCEMENT GRANT**

WHEREAS, the City of Big Rapids has submitted an application for \$400,000 to the Michigan Department of Transportation Enhancement Program for Streetscape improvements in coordination with the Vibrant Small City Initiative, and

WHEREAS, the City of Big Rapids has established a separate funding process within the General Fund according to Resolution No. 08-118, and

WHEREAS, the City of Big Rapids certifies matching funds for this project are appropriated including a commitment of support as reflected in DDA minutes and a letter from the DDA Director, and

WHEREAS, the City of Big Rapids has established a maintenance plan to cover the design life of the streetscape improvements, and

WHEREAS, City Manager Steve Sobers is authorized to act as the City's agent during project development and to sign the project agreement upon funding award.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission certifies the availability of matching funds, the establishment of a maintenance plan and the appointment of Steve Sobers as the City's authorizing agent.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

RESOLUTION NO. 09-48

Commissioner Harper moved, seconded by Commissioner Hogenson the adopted of the following resolution:

**RESOLUTION AUTHORIZING THE MAYOR TO
SIGN NECESSARY DOCUMENTS FROM
USDA AND MDOT-FAA FOR
ROBEN HOOD AIRPORT HANGAR**

Whereas, the City of Big Rapids intends to construct a Community Hangar to house business aircraft, including jet planes, at the Roben Hood Airport, and

Whereas, the USDA and MDOT (Aeronautics Division) has loan and grant programs to assist with the construction of airport/community facilities, and

Whereas, the City has submitted preliminary documentation for a loan of \$1,470,000 from the USDA and has been invited to submit final documentation for this loan, and

Whereas, the City anticipates MDOT assistance on this project for site work, utility construction and a maintenance/storage facility, (estimated at a cost of \$587,000).

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission is in support of the loan/grant opportunities from MDOT and the USDA for the Community Hangar and hereby authorizes Mayor Mark Warba to sign all necessary and appropriate documents to complete the application process for this public works project.

THE COMMISSION FURTHER RESOLVES, that if loan and grant funded, the City shall complete the architectural requirements and bidding requirements of this

project, and shall report back to the Commission concerning the financial feasibility of this project.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

RESOLUTION NO. 09-49

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

**RESOLUTION TO ADJOURN TO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING UNION
LABOR NEGOTIATIONS MATTERS WITH THE
POLICE SUPERVISORY UNION**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of discussing matters pertaining to the Police Supervisory Union labor negotiations.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 4, 2009

The City Commission adjourned from regular session to executive session at 9:30 p.m. to discuss Police Supervisory Union negotiation matters. They returned to regular session at 9:58 p.m.

UNSCHEDULED BUSINESS

Mr. Sobers stated that Julius Suchy has interviewed for two positions in Wisconsin.

There being no further business to come before the Commission, the meeting was adjourned at 10:03 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
May 18, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 28 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - Mayor Warba added a Resolution Approving the Restated Industrial Pretreatment Agreement with Big Rapids Township and moved items e and f to the top of the agenda under General Business.

APPROVAL OF THE MINUTES.

Commissioner Harper moved, seconded by Commissioner Hogenson that the minutes of the May 4, 2009, meeting be approved with the following revision offered by Commissioner Anderson:

The vote on the ordinance vacating a portion of alleyway in block 3, Grand Rapids and Indiana Railroad Company's and Continental Improvement Company's Second Addition to the City of Big Rapids shall reflect a "No" vote by Commissioner Anderson.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

First National Bank	164.35	Consumers Energy	204.58
Stanley Security	162.40	Compagnari, Dale	30.00
Moore, Violet	25.00	Medler Electric	95.53*
Great Lakes Office	94.60*	Baker & Taylor	379.84*
First National Bank	642.03*	Charter Communication	269.99*
Arnold Sales	49.20	Sherwin Williams	139.01
State Street Hardware	101.91	Smith, Kenneth	2,900.00
Buse, Jill	65.14	Joseph Electric	187.87*
Petty Cash	8.94*	Petty Cash	4.00*
AT&T	178.09*	Baker & Taylor	174.03*
Audio Editions	1,928.42*	Xerox Corporation	91.42*

*Indicates library bill
Yeas: Unanimous
Nays: None

STUDY SESSION ITEMS

1) City Financial Report

City Manager Steve Sobers presented the written City Financial Report as prepared by City Treasurer Julie Tetsworth. The report consisted of interest earnings in all pooled cash accounts.

2) Jaycees Request for Beer Tent

Nick Scheible appeared before the Commission with a request for a beer tent at the Riverdays Festival co-ed softball tournament scheduled for Saturday, September 5. He displayed a slide presentation. The following points were made:

- The event is a fundraiser for the Jaycees, to help make money for the July 4 fireworks, and an event to help promote the Riverdays Festival and tourism.
- The beer tent would only be on Saturday.
- The softball games are scheduled for Saturday, but if there are sufficient teams, there may be some Sunday games.
- The beer tent will be fully controlled, located within the fenced tennis courts.
- The Jaycees will provide security during the entire time the tent is in operation.
- It is hoped that the use of a tent will contain and muffle any noise from the tent area.
- They would like to have the tent until midnight, but the games will be done by 10:00 p.m.
- Commissioner Harper requested that the Park and Recreation Board and Director West provide written recommendations.
- The Jaycees have been provided information regarding the City being named “additional insured” on their insurance coverage.
- The Jaycees must obtain City approval before applying to the Liquor Control Commission for their license.
- Potential roadblocks: The City’s ordinance limiting the time that alcohol can be consumed in City parks on Saturday, liability of having the beer tent in the park, safety and security, and availability of electricity.
- Patrons of the beer tent must stay within the fenced tennis court area.
- The event will be contained to the tent/tennis court area and the Jaycees will pay for the cost of security.
- Other items to be considered are sufficient parking and sufficient insurance coverage.
- Proposed hours of operations are noon to midnight.
- If the hours for the tent are extended to midnight, the City’s ordinance pertaining to use of alcohol in the park until 10:00 p.m. will need to be repealed. If the ordinance is not repealed, the event would need to stop at 10:00 p.m.

- Don Jones asked what the impact on local bars and taverns would be. Mr. Scheible added that it is hoped that the tent event will help to promote other businesses during that weekend.
- In giving the Park and Recreation Board time to review the request, the Commission will revisit the request at its July 6 meeting.
- Chris Curtis, Jaycees President, provided copies of the State of Michigan Liquor License Application, which is required to be completed for the event.

3) Poly Carts

Mr. Sobers presented the information he received from Todd Harlan of Allied Waste regarding their idea of providing poly carts to all customers.

- July is the time for contract renewal.
- Currently, gas prices are lower than they were at the last renewal and Mr. Harlan felt the City was accommodating to them at the time of higher prices.
- Allied Waste is now in a position, due to the lower gas rates, not to raise rates, or to even offer the City some service enhancement if the City was interested.
- One option to consider is being fully serviced by poly carts at no additional cost.

Commissioner Hogenson pointed out that in his neighborhood there are poly carts and dumpsters, but there are many times there is overflow. If residents have the 95-gallon poly cart, how will the overflow be controlled or what penalties will be in place if someone did discard extra trash bags. Mr. Sobers stated that 95 gallons is a lot and for most units that will be enough, but there will be overflow times. The suggestion is to schedule one day a month for overflow trash.

Concern was expressed regarding the largeness of the poly cart and some people cannot handle its size. Smaller ones are an option.

Commissioner Harper stated that there are members of the community who are not interested in poly carts. Utility charges have gone up, and she likes the idea of rather than going with poly carts, telling the taxpayers that there will be reductions in their costs.

Mr. Sobers explained that in going with poly carts and the mechanizing of the process, over the next five to ten years, less people are needed to do the trash collection and a decrease in costs may be seen.

Commissioner Harper would like to see information as to the cost associated with poly carts for she is very leery of this offer not costing residents in the end.

Susan Glatz, BRPOA member, stated that they have some concerns.

- Will the rates continue to fluctuate with the fuel costs – will the rates ever go down when the gas prices go down? She has concerns with fuel allowances.
- She questioned if the dumpsters will still be permitted.
- She has issues with the maintenance of the poly carts. They do not hold up.

Mr. Sobers replied that the City has not participated in fuel allowances. The costs are based on the actual charges for a year's period. Allied Waste is happy to renew this contract on that basis. The price of fuel is a huge part of their expenses. The poly cart issue was just something they threw on the table that might be of some appeal. If there are problems with the poly carts, the residents should call City Hall to report that. This proposal is not replacing dumpsters.

RoseMary Jennings, 606 Bjornson, stated that the elderly people cannot handle the large poly carts. She is not supportive of the proposal. If the overflow items are only picked up once a month, she has no room for storage of these items.

4) Wastewater Treatment Plant Improvement Update

Don Greiner, Director of Public Works, presented and reviewed his written WWTP status report. He presented slides of the Wastewater Treatment Plant construction.

PUBLIC COMMENT

RoseMary Jennings questioned if there was an update on Officer Little's horse, Jesse. Director West reported there is nothing new to report.

The Commission took a five-minute break.

Mr. Sobers presented background information pertaining to the Roben Hood Airport easement. The Big Rapids Township Board met this morning and passed unanimous resolutions pertaining to the easement.

- In the long process of working on the easement, two concerns were addressed, one pertaining to the EDA regarding industrial land and the other regarding the FAA air space easement.
- The appraisal to acquire the easement was \$98,000.
- The City will acquire, and own fee simple, 8.098 acres in the RPZ area (landing area), which will be purchased from the Industrial Park.
- The Township is retaining about 3.38 acres of the same RPZ area over which the City needs an easement. Nothing can be built with any height on this clear zone. The Township's water plant is there, which can continue.
- Over the balance of 61.51 acres in the Industrial Park is a lesser aviation easement on which structures of varying heights can be built. The EDA needed to weigh in so that the Industrial Park can be fully developed in conjunction with the Airport easement.
- In the past, the City had an agreement with the first IDC, that ended up with the Township, under which the City sold land on deferred payments. There is a debt still owed the City on unsold acreage. Part of this payment for the aviation easement is a repeal of that agreement language so that the payment for the easement will pay in full to the City the remaining debt on that property.
- There is also included an extension of water and sewer lines. The township's water and sewer systems will be extended to the community hangar.

- There exists a discussion regarding the trees that will need to be cut or thinned.
- The agreement has resulted in a cash payment of \$59,207.50.
- Additions to the agreement include the City paying the title insurance and surveying the land. This will add between \$3,000 to \$6,000 to the avigation cost.
- This is a satisfactory agreement to both sides with a lot of hard work on both sides.

Mr. Williams further explained the details of the agreement and recommended Commission approval.

Maxine McClelland, stated that the solution arrived at was workable with the EDA. They accepted the agreement with the understanding that the City would help market the industrial park.

Township Trustee Wayne O'Neil believes that the agreement will result in a real asset for the City and Township. He believes that the runway will help in the future growth of the community.

City Commissioners were pleased to see the results of the cooperation between the City and Township. An important aspect is the continued work with the MCDC to develop the industrial park.

Commissioner Harper raised the following:

- In summary of the financial aspect of the agreement: The property was appraised at \$98,800. The City will pay \$59,000 - \$60,000 plus \$3,000 to \$5,000 for the survey and title insurance. There is about \$40,000 that the City is not paying in cash. The City will forgive \$184,000 for the industrial land and pay \$60,000 for airspace that was appraised for \$98,800 in order to achieve the agreement.
- She questioned the water and sewer extensions. The City will fully cover the cost of extensions and the township will then own the lines. It was explained that this is typical of utility extensions.
- Cutting of trees will be the cost of the City.
- She believes the City has done much to facilitate this agreement, particularly the forgiveness of the \$184,000 debt.

Mayor Warba stated that many individuals have spent much time on this complicated issue. The result will be of benefit to the entire community.

RESOLUTION NO. 09-50

Commissioner Brennan moved, supported by Commissioner Hogenson, the adoption of the following resolution.

**RESOLUTION APPROVING THE TERMS OF AN AGREEMENT
WITH BIG RAPIDS TOWNSHIP FOR THE ACQUISITION
OF LAND AND AVIGATION EASEMENTS
ADJACENT TO RUNWAY NO. 9 AT
ROBEN HOOD AIRPORT**

WHEREAS, the City of Big Rapids needed to acquire land and avigation easements to extend Runway No. 9 at Roben Hood Airport, and

WHEREAS, the City of Big Rapids and Big Rapids Township negotiated an agreement by which the land and avigation easements could be obtained,

BE IT RESOLVED that the Agreement for Sale of Land and Avigation Easements with exhibits is approved, and the Mayor and City Clerk are authorized to sign the Agreement, discharge of promissory note, and discharge of mortgage.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: May 18, 2009

Mr. Sobers explained the proposed resolution for the restated industrial pretreatment agreement with Big Rapids Township. It is required for its non-domestic customers to insure that if there is a high strength discharge into the system that those customers doing the discharging are paying their share of that cost. To meet the Federal requirements, any component portion of that system must be monitored. In 2002, both Green Township and Big Rapids Township entered into agreements with the City to use City employees to monitor and calculate what those costs would be and let the participants in the IPP know what their charges will be.

Big Rapids Township has asked that the City look at IPP charges implemented in 2002. They asked if the City would be willing to take over the administration of the program and to assess charges directly to the Township users to which the IPP pertains. The Township passed the document. It is before the Commission at this meeting. There are provisions for the City to administer the IPP program according to the Federal guidelines. The streamlined system may make use of the system cheaper to all who are affected by the program. It shifts to the City the responsibility to administer the program in the township. City staff will be an employee of the Big Rapids Township and will appear at their meetings to give a report. There will be no additional expenses for the City to administer the program and the charges will cover any additional overhead.

Commissioner Harper questioned the portion of the document pertaining to defending the township at the City's sole expense in any rate dispute. Mr. Williams stated that this is added language since the 2002 agreement because of the role change by which the City will be administering the IPP. This is, in fact, something that municipalities do with regard to employees, and it will be our employee implementing the program.

Commissioner Harper recognizes that the City is taking on the role of covering quit a bit in the agreements and hopes that it is remembered how much the City brings to the table.

Mr. Williams will make a correction to a typographical error in paragraph nine of the agreement and fill in the date.

RESOLUTION NO. 09-51

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

**RESOLUTION APPROVING THE RESTATED
INDUSTRIAL PRETREATMENT AGREEMENT
WITH BIG RAPIDS TOWNSHIP**

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) recommends that wastewater treatment plants serving customers in other governmental units work with the communities to implement a single Industrial Pretreatment Program for all dischargers to the Wastewater Treatment Plant, and

WHEREAS, Big Rapids Township at its regular meeting on May 18, 2009, approved the Restated Industrial Pretreatment Agreement to implement the Township's Industrial Pretreatment Program in Big Rapids Township, with the City of Big Rapids administering and directly billing the costs of this program to the participating customers within Big Rapids Township, and

WHEREAS, the agreement sets up an annual meeting between City and Township staff to review the effectiveness of the program and to make necessary adjustments to the fees for future years, and

WHEREAS, this is an excellent example of inter-governmental cooperation that allows Big Rapids Township and the City of Big Rapids to implement and administer the IPP required by the MDEQ at a minimum total expense to the communities.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the Restated Industrial Pretreatment Program Agreement with Big Rapids Township, and authorizes the Mayor and Clerk to sign the agreement.

BE IT FURTHER RESOLVED, that a copy of this Resolution and the signed agreement shall be forwarded to Big Rapids Township.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 18, 2009

RESOLUTION NO. 09-52

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

**RESOLUTION OF NOTICE OF INTENT TO APPLY FOR GRANT APPLICATION
TO MEDC FOR INFRASTRUCTURE CAPACITY ENHANCEMENT
(ICE) FOR PURCHASE OF EMERGENCY GENERATORS
FOR WATER PLANT, WATER BOOSTER
STATION, NOVAK SEWAGE LIFT STATION
AND CITY HALL GRANT**

WHEREAS, the Michigan Economic Development Corporation's (MEDC) Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE) spring 2009 program is designed to assist communities with making necessary improvements to their existing public infrastructure systems by either replacing deteriorating or obsolete systems or by adding needed capacity to existing but burdened systems, and

WHEREAS, through this program, only one project per community is allowed the \$750,000 matching funding, and

WHEREAS, the City will be seeking funds to replace generators that are more than 30 years old at the water plant and the State Street booster pumping station, replace the portable generator at the Novak Lane sewage lift station and install a new natural gas generator at City Hall, and

WHEREAS, the City will be responsible for the engineering costs which can be used as part of the local match that is coming from the \$185,000 in CIP funds approved by the Commission on May 4, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission approve the submission of the Notice of Intent and authorizes the Mayor to act as the Certifying Officer and is authorized to sign necessary documents when they become available.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 18, 2009

RESOLUTION NO. 09-53

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

**RESOLUTION ISSUING PERMIT FOR
FERRIS STATE UNIVERSITY FIREWORKS DISPLAY**

WHEREAS, Ferris State University has requested a fireworks display permit for September 5, 2009, beginning approximately 9:30 p.m. (dusk) after the football game, and

WHEREAS, the fireworks display will be located at the Ferris State University practice football field, located south of the FSU football field, behind student housing.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby issues a permit for fireworks display, contingent on site inspection once the contractor is on site, in accordance with the provisions of Act 358 of 1968, and directs the Department of Public Safety to coordinate this event with Ferris State University Security and,

BE IT FURTHER RESOLVED, that the City Clerk is authorized to sign said permit on behalf of the City Commission.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 18, 2009

RESOLUTION NO. 09-54

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

RESOLUTION ON MAYORAL APPOINTMENTS TO BOARDS AND COMMISSIONS

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

DART LOCAL ADVISORY COUNCIL

Gary Schuberg re-appointed to a full term ending May 2011

LIBRARY BOARD

Jerena Keys re-appointed to a full term ending May 2014

PARK AND RECREATION BOARD

Richard Spedowske re-appointed to a full term ending May 2014

Bryan Ridenour re-appointed to a full term ending May 2014

PLAN BOARD

Sue Bean re-appointed to a full term ending May 2014

Dan Spedowske re-appointed to a full term ending May 2014

ZONING BOARD OF APPEALS

John Vermeer re-appointed to a full term ending May 2012

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: May 18, 2009

ORDINANCE NO. 607-05-09

Commissioner Hogenson moved, supported by Commissioner Harper, the adoption of the following ordinance.

AN ORDINANCE APPROVING AND ADOPTING THE 2009 CODIFICATION OF THE BIG RAPIDS CITY CODE OF ORDINANCES

WHEREAS, the Big Rapids City Charter requires the City Commission to provide for the compilation or codification and publication of the Charter and all City ordinances then in force at least once every ten years, (Charter §7.2), and

WHEREAS, the codification of current City ordinances is helpful to the public and City staff in providing a single publication in which all City ordinances can be arranged, indexed, and made available to all interested persons, and

WHEREAS, the City Commission has authorized and approved the budgetary expenditure necessary for the codification process, and

WHEREAS, the City Clerk has worked with the codifier in assembling, reviewing, and proofreading all of the City's ordinances currently in force, and

WHEREAS, the City Attorney has reviewed and approved the proposed codification,

NOW, THEREFORE, The City of Big Rapids ordains:

Section 1. The 2009 codification prepared by American Legal Publishing Corporation is approved and adopted as the codification of the Big Rapids City Charter and Big Rapids City Code of Ordinances.

Section 2. Copies of the codification shall be kept in the City Clerk's office and made available to the general public for review, inspection, and obtaining copies of the City Charter and Code of Ordinances.

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

Section 4. The ordinance shall become effective upon publication.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the ordinance adopted.
Dated: May 18, 2009
Published: May 27, 2009

UNSCHEDULED BUSINESS.

City Manager Newsletter items:

- Bids for ArtWorks came in high and will be re-bid.
- Mr. Sobers explained the firefighting policy for existing employees. There is a need for firefighters and the policy is a way to utilize existing City employees who wish to assist in fighting fires.
- Commissioner Anderson expressed concern with the closing of Hillcrest School. It will be difficult to entice new homeowners to the City with closed schools.
- Commissioner Harper presented a check for \$66.66 to the DDA as her donation to a portion of a streetscape bench. She encourages other Commissioners to also contribute.
- This Saturday is the Old Jail rummage sale.
- Commissioner Harper referred to a letter received from Billboards by Johnson regarding his lack of opportunity to bid for the signs under the façade program. Mr. Sobers explained that the project was advertised in the local paper. The General Contractor is a local business. Numerous companies did contact the General Contractor regarding the submission of a bid. When Mr. Johnson was asked if he was prepared to pay prevailing wages as is required under this project, he questioned what prevailing wages were.

Mayor Warba suggested that there might be something more that can be done to contact local bidders when bids are advertised. Perhaps there should be some training for them to help them in the bid process.

There being no further business to come before the Commission, the meeting was adjourned at 9:16 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
June 1, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 20 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA - The City Commission added the adjournment to executive session to discuss pending litigation with Spruce Ridge Development.

APPROVAL OF THE MINUTES.

Commissioner Anderson moved, seconded by Commissioner Hogenson that the minutes of the May 18, 2009, meeting be approved with corrections of typographical errors.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Omara Products	448.04	Tri County Portable	397.00
Senior Day	20.00	Walmart Stores	101.64
Ferris State University	1,017.50	Raab's Pool Supply	1,550.83
Elevator Service	146.50*	Hurst Industries	446.49*
Staples	8.98*	AT&T	.66*
Baker & Taylor Books	382.59*	Farm Plan	670.00
Staples	12.99	State Chemical Mfg.	547.56
Tractor Supply	259.78	Harley & Sons	3,720.00
Consumers Energy	577.60	Snider & Associates	126.12
Big Rapids Housing	550.00	Consumers Energy	116.07
Consumers Energy	466.34*	DET Energy	192.93*
Baker & Taylor	393.38*		

*Indicates library bill

Yeas: Unanimous
Nays: None

STUDY SESSION ITEMS

1) City Financial Report

City Treasurer Julie Tetsworth presented the City Financial Report consisting of an overview of the ACT 345 Retirement System.

- She will be scheduling a meeting with the ACT 345 Board.
- The value in the ACT 345 account is down, but not as deeply as some others.

2) VSCI Update

Julie Tetsworth provided the outline summarizing the Vibrant Small Cities Initiative (VSCI).

- The information presented is the same as what was presented at the last City Commission retreat.
- The City's match is \$1,060,000.
- Commissioner Harper questioned if there is yet an agreement with the DDA pertaining to the money that the City would provide upfront. City Attorney Eric Williams stated that the DDA proposed to develop an agreement stating the same terms that are in their resolution, to contribute to the City the amount expended by the City for the VSCI grant, estimated to be \$837,000. Two proposed agreements have been prepared for the DDA, one for the precise amount and one that has an added amount of 1%.
- The desire for an added amount in the payback has been communicated to the DDA.
- Periodic expenditures against this account will be provided to the City Commission.
- Commissioner Brennan questioned if the commitments for the facades by the property owners were with Steve Jones, the contractor, or the City. City Manager Steve Sobers stated that it is with the City and the terms of payment is 100% in advance. Those projects that have started construction have paid.
- It was explained that negative numbers under the Analysis by Program should really be indicated by parentheses because those figures are already included in the corresponding Facades figures.

3) Wastewater Treatment Plant Improvement Update

(a) Violation Updates – Mr. Sobers and Don Greiner, Public Works Director, provided the following regarding the meeting in Lansing with the DEQ representatives.

- UV system concerns - It has not operated up to the expectation level as originally hoped. The plan is to bring a team in from Trojan, providers of the system, to provide specific internal training in July. They will come back again in September

Mr. Greiner added that they are trying to resolve a three-fold issue:

- 1) Is the operation of the plant not what it ought to be?
- 2) Is the UV system not what it ought to be?
- 3) Was the UV system designed to be what it ought to be?

By the September/October meeting, they hope to have addressed the plant operation and the UV system, leaving only the issue if it was not properly designed.

Commissioner Harper stated it is important to review this UV issue. By bringing the same people back in September/October to review the issue, it will allow the City to lay concerns to rest as to whether the City is not doing what it is suppose to be doing, or if the equipment is not working correctly.

Mayor Warba questioned if the UV system will continue to be a part of the operations after the improvements. Mr. Greiner reported it would be. He questioned if the problem was a design problem. Mr. Greiner stated that it is hoped that the review of the system will help determine if the system is or is not working and if the problem is the equipment, a design problem, or operations problem. A complete operational manual for the UV system will be provided for staff to follow. Staff will also be provided an opportunity to attend training by Trojan on the use of the equipment. Commissioner Harper suggested contacting other communities using this equipment to see what experiences they have had with it.

Regarding the Ice Mountain water disposal, the City Manager stated that tests done indicate that their water had a very minimal impact at the plant.

- Update of the Master Plan – The new improvements will address elements that have been talked about for 5 – 6 years. Other elements of the plant are not being addressed now, which everyone was aware of going into the improvements. Under the current improvements, grease and oil removal is being addressed as it enters the plant and solid waste removal is being addressed at the end. The middle process, such as settling, is not included in what is being currently constructed. They do, however, need to be addressed with up-dating and newer equipment. The City has informed the DEQ that it will up-date its Master Plan and come up with a listing of those elements that are yet to be addressed. The concept is that in the 2013 to 2015 period, after some of the debt payments have dropped off, these items can begin to be addressed.

Mr. Greiner stated that \$50,000 has been placed in the 2009-2010 capital improvement program to begin to address some of the additional upgrades.

- Manhole number 204, across from Charter School, about once a year for the last four years has overflowed during a major rain event. Causes for the overflow could be: the line going through this manhole turns, which can slow the water down, it is a shallow manhole, or the pipe sizing is an issue. Staff has been studying this manhole. It is through this line that all of Perry Street sanitary flow originates, so any new construction that adds water to the system, only serves to aggravate this particular situation. This system needs to be looked at, starting with Perry Street.

The WWTP has no computer modeling to assist in determining line capability. Staff is looking at the need to start a computer modeling analysis beginning with this line. This will be a year to year and one-half journey. This manhole needs to be addressed on an immediate basis. The rest of the system can be spread out. This will assist when new businesses come in. The City can proceed with some reasonable certainty and anticipate problems that can be addressed in advance.

This is a two fold issue: (a) examine the system as a whole with a computer model and (b) how the City can specifically address manhole No. 204.

Mr. Greiner added that the City is under a September 1st deadline from the DEQ to provide a response as to how this manhole will be addressed. Prein and Newhof will be providing a cost estimate for the first phase to address this problem.

Mr. Sobers stated that there was a surprise visit from DEQ to look at the construction. They seemed to be pleased with the construction and agreeable with staff's spoken explanation of the three issues. Mr. Greiner added that they are watching how the City is addressing manhole No. 204 because the EPA is looking over their shoulder watching the status of the remedy.

Solution to the manhole problem may be as easy as straightening the line or re-routing some of the water to other lines. The City will look at actions it can take and report to the DEQ.

Regarding grease removal, the new improvements will address the grease at the plant, removing it before it goes through the system. The City may need to communicate to the public the proper way to eliminate grease disposal within the system, perhaps providing this information as a utility bill stuffer. The food

handling establishments are particularly targeted with grease removal information.

(b) Wastewater Treatment Plant Update – Mr. Greiner presented his written update report and presented slides of the construction activities.

PUBLIC COMMENT – None

The City Commission took a five-minute break.

The City Manager provided information on the PILOT (payment in lieu of taxes) requested by Werth Developers for Country Place Apartments.

- The developers are planning a \$2,000,000 upgrade.
- The City's ordinance requires that those requesting a PILOT do something for the community to help other City housing. They are willing to invest \$30,000 into the improvement of a 'Buy Back the Neighborhood' house at 424 Woodward Avenue. It is believed that this investment will make the house marketable and livable.
- There is no loss to the City.
- The request was referred to the Housing Commission. Mr. Mark Sochocki stated that the Housing Commission addressed all of the issues. Werth Developers do a good job of maintaining and operating their development. Mr. Sochocki did check out Werth Developers and they are highly respected in the development community.
- Ms. Sue Glatz does not understand the PILOT regulations and relationship of Werth Developers receiving the PILOT and giving \$30,000 towards the improvement of other City housing. The answer to her question comes from the City ordinance that makes that a condition for consideration of the PILOT program, that there would be the removal of some dilapidated or substandard housing. Mr. Sochocki explained that Werth Developers has tax credits, and the private financing is buying tax credits. It is an IRS program. Tax credits are awarded and they are purchased by equity investors to provide the capital to go into these affordable housing projects.
- City Attorney Eric Williams proposed an addition to the resolution by including "10% payment in lieu of taxes for Country Way Apartments based on 4% PILOT and 6% municipal services fee to be paid annually on April 1st".
- Mr. Werth explained that they are federally funded and regulated by many federal and state agencies. They do get payments for what the difference is between the rent a person pays and the rent that is needed to make the budget balance. The rents can be no higher than the number needed to balance the budget. Because they are getting a tax break does not mean they can keep their rents high. The tax dollars being saved are not going into the developer's pockets.
- With the sale of 424 Woodward, they are looking for a long term property owner.

RESOLUTION NO. 09-55

Commissioner Hogenson moved, supported by Commissioner Harper, the adoption of the following resolution.

**RESOLUTION ACCEPTING PLAN BOARD RECOMMENDATION
REGARDING PAYMENTS IN LIEU OF TAXES (PILOT)
FOR WERTH INVESTMENTS, LLC FOR COUNTRY PLACE APARTMENTS**

WHEREAS, Werth Investments, LLC has requested a payment in lieu of taxes for Country Place Apartments pursuant to MCL 125.1401 et seq., and

WHEREAS, the Plan Board reviewed and discussed the request at their April 15, 2009 and May 20, 2009 meetings, and

WHEREAS, in order to meet the requirement of Section 155.07(f) of the City's ordinance for tax exemption, which requires the housing developer to rehabilitate or remove some dilapidated or substandard housing stock within the City, Werth Investments has agreed to contribute \$30,000 to renovate the property at 424 Woodward (purchased by the City as part of the Buy Back the Neighborhood program and transferred to public housing for renovation), and

WHEREAS, the City Plan Board voted unanimously to recommend its approval.

NOW, THEREFORE, BE IT RESOLVED that the City Commission approve the 10% payment in lieu of taxes for Country Place Apartments, based on 4% PILOT and 6% municipal service fee, to be paid annually on April 1st.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: June 1, 2009

RESOLUTION NO. 09-56

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

**RESOLUTION ACCEPTING PLAN BOARD RECOMMENDATION
FOR A CONDITIONAL USE PERMIT TO WINGS EIGHTEEN INC. AT
1264 PERRY AVENUE FOR A BAR/RESTAURANT**

WHEREAS, the City of Big Rapids received a request for a conditional use permit from Wings Eighteen Inc. to locate a bar/restaurant in the C-1 district at 1264 Perry Avenue, and

WHEREAS, on May 20, 2009, the City Plan Board conducted a public hearing on this request, and

WHEREAS, the Plan Board has determined that the request for a bar/restaurant business does meet all the criteria of conditional use.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission accepts the recommendation of the Plan Board and approves the conditional use permit from Wings Eighteen Inc. to operate a bar/restaurant located at 1264 Perry Avenue.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

RESOLUTION NO. 09-57

**RESOLUTION APPROVING CLASS C LIQUOR LICENSE UNDER
THE CITY'S REDEVELOPMENT PROJECT AREA LIQUOR LICENSES PROVISION
FOR 1264 PERRY AVENUE**

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Monday, June 1, 2009 at 6:30 p.m., the following resolution as offered:

Moved by Commissioner Harper and seconded by Commissioner Hogenson.

That the request from Wings Eighteen, Inc., for a new full year Class C license, issued under MCL 436.1521A(1)(A) to be located within the Redevelopment District Area at 1264 Perry Avenue, Big Rapids, MI 49307, Mecosta County, be considered for approval "Above All Others".

APPROVAL

Yeas: Anderson, Brennan, Harper,
Hogenson, Warba

Nays: None

DISAPPROVAL

Yeas: _____

Nays: _____

It is the consensus of this legislative body that the application be: Recommended for issuance.

State of Michigan)

County of Mecosta)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on Monday, June 1, 2009.

Roberta R. Cline, City Clerk

226 N. Michigan Avenue
Big Rapids, MI 49307

The Mecosta County Medical Center has for years owned the house at 327 Winter and has used it for various things, including a temporary residence for new hospital physicians. Sam Daugherty, Mecosta County Medical Center CEO, explained that the hospital is in need of an office for the Foundation. The change to office should not cause an increase in parking. The Plan Board has approved the request under the regulations of conditional use. The Plan Board asked about signage, but there are no plans to put any type of large lighted sign there. There will probably just be a small sign that says Foundation House. Mr. Daugherty explained that this is not the beginning of the Hospital acquiring any additional property in that block. This property could easily be converted back to a home.

Dave Borth, stated that the Foundation has been successful and now has two part-time employees and they need a place for an office.

Sue Glatz is not opposed to it, but questioned – there is a house in R-1, being put into commercial, what is the sign ordinance for this non-conforming use? If later they want to flip it back to residential they can. Right across the street is a R-P zone, which can not do that.

City Attorney Williams stated that staff has explored the zoning ordinance. The hospital or its offices can be in a R-1 zone, but it needs to go through the conditional use process. There is nothing new or different being done for this site. Hospitals are allowed to have offices. The sign issue will be a different matter when it comes up.

Dixie Nelson expressed concern regarding parking in that area during the day. With the abundance of cars parking in that block, residents in that area find it difficult to have guests during the day. Commissioner Harper suggested that perhaps the hospital could encourage the employees to use the Triangle Park parking lot and the soccer parking lots in River Street Park and leave the streets to the residents.

RESOLUTION NO. 09-58

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ACCEPTING PLAN BOARD RECOMMENDATION FOR A
CONDITIONAL USE PERMIT FOR MECOSTA COUNTY MEDICAL CENTER
AT 327 WINTER AVENUE FOR AN OFFICE**

WHEREAS, the City of Big Rapids received a request for a conditional use permit from Mecosta County Medical Center to locate an office in the R-1 zoning district at 327 Winter Avenue, and

WHEREAS, on May 20, 2009, the City Plan Board conducted a public hearing on this request, and

WHEREAS, the Plan Board has determined that the request for an office does meet all the criteria of conditional use.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission accepts the recommendation of the Plan Board and approves the conditional use permit request for Mecosta County Medical Center to locate an office at 327 Winter Avenue.

Yeas: Anderson, Brennan, Harper, Warba

Nays: None

Abstain: Hogenson - because he would be located to that site.

The Mayor declared the resolution adopted.

Dated: June 1, 2009

RESOLUTION NO. 09-59

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

**RESOLUTION ACCEPTING CONTRACT WITH
MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR ROAD MAINTENANCE AND AUTHORIZING
THE MAYOR AND CLERK TO SIGN**

BE IT RESOLVED, that the Municipal Trunkline Maintenance Contract No. 2009-0255 between the MICHIGAN DEPARTMENT OF TRANSPORTATION and the City of Big Rapids for the period October 1, 2009 to September 30, 2014, is hereby accepted and Donald Greiner is designated as Maintenance Superintendent on sections of State Trunkline Highways as shown on the Municipal Route Section Map and Budget Sheets.

BE IT FURTHER RESOLVED, that Mayor Mark Warba and City Clerk Roberta Cline are authorized to sign the said maintenance contract.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

RESOLUTION NO. 09-60

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

**RESOLUTION AMENDING FISCAL YEAR 2008/2009
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2008/2009 General Appropriations for wastewater fund balance and the wastewater treatment plant renovation.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: June 1, 2009

RESOLUTION NO. 09-61

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

**RESOLUTION FOR EASEMENT TO
CONSUMERS ENERGY FOR
WASTEWATER TREATMENT PLANT**

WHEREAS, when the Wastewater Treatment Plant upgrade was being designed, Consumers Energy informed the design engineers that a new electric service would be required, and

WHEREAS, Consumers Energy requires an easement to access the City's property before beginning the work.

NOW, THEREFORE BE IT RESOLVED, that the City Commission grant to Consumers Energy an easement for electrical power and appurtenances.

BE IT FURTHER RESOLVED, that the City Commission hereby authorizes the Mayor to sign the easement with Consumers Energy.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

RESOLUTION NO. 09-62

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

**RESOLUTION ADOPTING TITLE VI PLAN
FOR THE BIG RAPIDS DIAL-A-RIDE**

WHEREAS, the United State Department of Transportation, Federal Transit Administration (FTA), requires that programs and activities receiving Federal financial assistance adopt a Title VI plan, which prohibits discrimination on the basis of race, color, or national origin, and

WHEREAS, to adhere to these requirements, a Title VI Plan for the City of Big Rapids Dial-A-Ride, which receives Federal financial assistance, has been developed according to the FTA requirements, copy attached.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby adopts the attached required Title VI Plan for the City of Big Rapids Dial-A-Ride system.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

RESOLUTION NO. 09-63

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

**RESOLUTION ON MAYORAL APPOINTMENTS
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

ZONING BOARD OF APPEALS

Richard Hansen appointed to a full term ending May 2011

Sara Cichewicz appointed to a full term as an alternative ending May 2012

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

Mr. Sobers stated staff has discussed the renewal of the sanitations services with Allied Waste. There have been discussions with the BRPOA. The recommendation is to extend service for six months giving time to review services and make recommendations. The Mayor is looking at appointing a Committee to review the Allied Waste contract, including the poly cart issue. Tom Harlin of Allied Waste will be happy meet with a committee.

The Waste Disposal Committee will be appointed at the June 15th City Commission meeting. They will report to the Commission at the November 2nd meeting with their recommendations.

RESOLUTION NO. 09-64

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

**RESOLUTION EXTENDING SANITATION COLLECTION
AND DISPOSAL CONTRACT WITH ALLIED WASTE**

WHEREAS, per Resolution No. 04-70 dated May 2004, the City Commission awarded the contract to collect and dispose of residential and commercial garbage, rubbish, and trash to Allied Waste (Sunset Waste Services) for the period of July 5, 2004 to June 20, 2007.

WHEREAS, the contract allows for three two-year extensions, whereby one of the extensions has occurred for the period July 1, 2007 to June 30, 2009, and

WHEREAS, Allied Waste representatives and staff are recommending at this time a short term extension of six months from July 1, 2009 to December 31, 2009, to allow for the opportunity to discuss and review various aspects of the contract such as poly carts, rates, etc., and

WHEREAS, during this short-term extension period, all conditions of the current contract will remain in effect.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the extension of the contract with Allied Waste for a six-month period of July 1, 2009 to December 31, 2009, under the current conditions of the contract.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: June 1, 2009

ORDINANCE NO. 608-06-09

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

ORDINANCE ADOPTING UP-DATED ZONING MAP

WHEREAS, through the action of the Plan Board over the past years, rezoning has occurred to various properties, and

WHEREAS, it is appropriate at this time that the Zoning Map of the City be updated, and

WHEREAS, the City Plan Board conducted a public hearing and recommends that the Zoning map be up-dated to reflect changes that have been made.

THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The City Commission approves and adopts the updated Zoning Map containing the following updates.

- a. Ordinance Number 595-06-08: 115 W. Grand Traverse Street rezoned from C-3 Commercial District to RR Restricted Residential District.

French's addition – Blk 10, the W 44 ft. of lot 12, exc. The S. 10 ft.

Section 2. Copy of updated zoning map is attached and available for inspection at City Clerk's office.

Section 3: This Ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 1, 2009

Published: June 4, 2009

UNSCHEDULED BUSINESS.

Commissioner Brennan stated that there are an usually large number of un-mowed lawns. She questioned the timetable for getting them mowed. Julius Suchy, Zoning Administrator, explained the timetable regarding the issuing of letters and having the lawns mowed. Once he sends a letter, the property owner has five days to cut the lawn.

If the City needs to get someone to cut it, the mowing is done at the owner's expense along with a 20% administrative fee.

The City Commission will meet on June 8th at 6:30 p.m. at the Public Safety Building with the townships involved in the City's Library. Mr. Sobers stated that materials presented would involve the financial analysis of the Library, a brief summary of the report of the Library Committee, and possibly a Library consultant to explain technical details.

MOTION NO. 09-65

Commissioner Hogenson moved, seconded by Commissioner Harper that the City Commission adjourn to executive session to discuss pending litigation with Spruce Ridge Development.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The motion passed.

Date: June 1, 2009

The City Commission adjourned to executive session at 8:54 p.m. to discuss the pending litigation with Spruce Ridge Developers. They returned to regular session at 9:17 p.m.

Commissioner Harper requested a recommendation regarding the use of e-mail when elected officials are communicating. Mr. Williams stated that there is not a court ruling yet, but it is felt the courts will follow the telephone guidelines. If there is an e-mail exchange between the entire Commission that is effectively asking for a decision on something and collectively the entire Commission responds, it will probably be considered a constructive meeting deliberation. This has not yet been tested. Commissioner Harper would like a policy on this. She also suggested that when the City Manager requests an opinion, responses should be sent only back to the City Manager, not a response to all the recipients.

There being no further business to come before the Commission, the meeting was adjourned at 9:27 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

Special Meeting of the City Commission
Meeting with Townships on Library
June 8, 2009 6:30 p.m.

Mayor Warba called the meeting to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark Warba; City Manager Steve Sobers; City Attorney Eric Williams.

Mayor Warba welcomed the Township Officials in attendance and each introduced themselves - those present:

Pat Wentland	Norwich Township
Ken Knapp	Norwich Township
Maxine McClelland	Big Rapids Township
Bob Baldwin	Green Township
Wayne O'Neil	Big Rapids Township
Kyle Luce	Barton Township
Denise MacFarlane	Green Township
Vivian Smith	Big Rapids Township
Bob Persons	Colfax Township
Gerald Lintemuth	Colfax Township
June Straub	Colfax Township
Sandra Maxwell	Colfax Township
Janet Clark	Green Township
Nancy Stephan	Green Township

There were also 24 persons in the audience.

City Manager Steve Sobers presented the Library Utilization Report for Fiscal Year 2007-2008. The Report summarized the utilization costs associated with the City and each of the townships, showing how income tax collected from each jurisdiction related to the library use by each jurisdiction. The purpose of the report was to show utilization and the funds that come in. It was not a total financial report.

Maxine McClelland believes that the statutory revenue sharing should be a part of the evaluation because the City receives statutory revenue sharing based on the income tax it receives. She believes that the extra money obtained through the township people paying taxes, provides extra money to help pay for the services used by the township residents.

Townships were previously provided with copies of their Library contracts and a summary of the comparison between 3/10 of a mill and penal fines.

The Mayor's Library Committee made the recommendation of establishing a District Library as a way to fund the library.

Mr. Lance Werner, Library Law Specialist, Library of Michigan, presented a PowerPoint that explained the mechanism of a District Library and how it is established. His information included the following:

- Explanation/History of District Library Act
- Major areas of consideration
- How a district library is established – establishment, funding, boundaries
- Representatives on the District Library Board
- Adoption of resolutions to resolve to work with other communities towards establishing a District Library
- Planning Committee
- Agreement between all partners of a District Library, including clauses on dissolving a District Library, if necessary, and the distribution of assets
- District-wide Library Millage – suggested giving more than one time to adopt the millage by vote of the people
- District Library Boards – appointed or elected
- Powers of the District Library Board
- Withdrawal from a Library District
- Pros and Cons of a District Library

Other discussion items:

- The Mayor's Committee's recommendation is to partner with the Big Rapids School District for a District Library. If that is the case, the School Board and City Commission can appoint whomever they wish to the District Library Board. But, the School Board may take recommendations, if they wish, from the other jurisdictions within the district of whom to appoint to the Board.
- A jurisdiction with 4,500 residents can form a District Library.
- Any two jurisdictions can join to form a District Library (City/Township, City/School District).
- Residents get to vote on a District Library millage. The jurisdictions forming a District Library can agree to a certain number of years in which to try to get a millage vote passed.
- If a township chooses not to go into an agreement, but there are residents who would like to use the library, it is up to the Library Board if they wish to allow those residents to have access. The Board has the authority to charge those non-residents for a library card up to what a resident within the District might be paying.
- If a library is a MichiCard participating library, anyone with a card can get service, but libraries are beginning to pull out of the MichiCard program.
- There is a sunset for School Districts being a participating partner in a library district. They can no longer participate in new districts after 2015. Existing districts that have school districts participating will be grandfathered. The reason is because school districts can dissect jurisdictions. Millages within the jurisdiction will affect all residents. District Libraries can form a service agreement with those residents who are not within the District Library area

- If a jurisdiction is a split district for library service, the District Library Board may determine to give the penal fines allocated to the area outside the district to another library serving that jurisdiction. If that jurisdiction were a named jurisdiction of the district library, then the district library would get all the penal fines.
- District Libraries make up the single biggest group of libraries.
- If the district library stayed with the City, the City cannot appoint township residents to its board. The City can only appoint City residents to the Library Board. If the school district is a partner, they can appoint anyone within the school district to sit on the board. Under a different law, if the library stays with only the City, they may choose to appoint representatives from other jurisdictions if the City population is 1,000,000 people.
- One of the library consultants has stated that it will cost about $\frac{3}{4}$ - 1 mill to finance the current library if it were a district library. To finance a new library building, it must go to the vote of the people and the cost of the debt service will be allocated among the participating residents.
- “Other” category of library users in the utilization report consists of: MelCat (state wide lending program), traditional interlibrary loan program, MichiCard which is the statewide card, and Ferris (4 – 5% of monthly circulation). The City has a reciprocal agreement with Ferris so there are no fees paid by Ferris individuals.
- At some point, the building will need to be addressed - whether it is a new building or modifications to the current building.
- The City Commission will address the funding of the Library at their June 29th meeting.
- Much of the planning can be done well in advance of doing the legal paperwork of establishing a district library.
- The townships would like to know in advance if the issue involves a new building or fixing the current library.
- Types of funding revenues for libraries: penal fines, State aid, millages, local appropriations. Other avenues: fundraising by Friends groups (book sales, coffee shops), donations, grant monies (which are limited). A new energy audit is available to help figure out economical financing to make changes to make buildings more energy efficient. Corporate sponsors are a possibility. Ferris donates through a shared collection and a reciprocal borrowing agreement.
- Other library options: Establish a library under the City, Village, Township Library Act, contract for library service, join another legally established library district, or put the burden on the jurisdiction residents to get non-resident cards from a different library.
- A District Library Board consists of seven members if members are elected and five – eight if they are appointed.

PUBLIC COMMENT

Wes Thompson elaborated on the following:

- If the City gives \$186,000 every year, 1 mill, towards the library and with the \$165,000 from penal fines, library fines and state aid, that is \$351,000. This is enough to run the library.
- The big cost of the library is salaries and fringe benefits.
- The City could do a District Library with 4,500 people. They could not stop the township people from using the Library, but they may not allow them from taking out a book.
- The City is one of 22 cities out of 276 that charge an income tax.
- Roughly 80% of the people who use the Library, live outside the City. Eighty percent of the people who filed ½% income tax live outside the City.
- The City has to form a district library to get the \$240,000 off their books.
- Why does the City have to charge an income tax to people who live outside the City to balance their budgets and pay for things? Do so, but use that money for the swimming pool, library, emergencies services, parks and recreation.
- This community can contribute to fix this library.
- The City does not need a Class IV library and pay the high cost of salaries. (Mr. Werner explained that a Library class size is based on population. In order to qualify for state aid, you have to have a certain level designation for your director and staff and you have to be open a certain number of hours).

Rita Conrad, asked for the opportunity let the residents vote on the issue and the chance to say yes or no.

Joan Luce questioned if the funding of the library and funding of a new building were two different things. Mr. Werner replied they can be separated. State Law legally requires at least 3/10 of mill be financed from local funds to qualify for State aid, which can come from penal fines, appropriations. Nothing in the act talks about funding or buildings. The act leaves that up to the District Library Board's agreements. He stated a survey is a nice way to find out what the people want.

With respect to millage, the majority rules. With respect to board representation, the jurisdiction can join and be named in the agreement, or they can work something out with the school board that the school consults with the jurisdictions within its district as to who the jurisdictions want to be on the board.

Dale Hobart suggested that the reason the school district was recommended as a library partner is because most townships are split district. The school district boundaries match almost exactly the area the library currently has contracts with.

The City would like to receive written communication from the townships.

The meeting was adjourned at 9:30 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
June 15, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 29 persons in the audience.

PLEDGE OF ALLEGIANCE. Led by Employee Fund Scholarship recipient Autumn Boerma.

APPROVAL OF THE AGENDA.

APPROVAL OF THE MINUTES.

Commissioner Harper moved, seconded by Commissioner Brennan that the minutes of the June 1, 2009, meeting be approved as presented.

Yeas: Unanimous
Nays: None

Commissioner Harper, seconded by Commissioner Hogenson that the minutes of the June 8, 2009 Special meeting with the Townships be approved as presented and that the minutes be sent to all townships.

Yeas: Unanimous
Nays: None

Mayor Warba stated that he has sent letters to the townships thanking them for their participation in the meeting. He has received a letter from Green Township indicating that they do not wish to participate in a District Library.

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Consumers Energy	194.69	Ferguson Supply Co.	63.92
Pool Service	1,030.00	Big Rapids Cash & Carry	250.85*
Menards	23.10*	Baker & Taylor	406.81*
First National Bank	2,264.73	Lake City Redi Mix	36.00

Lowes	288.81	Medler Electric	63.72
New Horizon Landscape	3,350.00	State Street Hardware	3.99
First National Bank	41.29	State Street Hardware	15.07
AT&T	85.19	Lowes	37.25*
Menards	182.13*	State Street Hardware	15.56*
Petty Cash	48.12*	First National Bank	597.83*
Bat Conservation Org.	50.00*	Performing Artist	130.00*
Charter Communication	269.99*		

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Mark Warba presented Autumn Boerma with a check as the 2009 recipient of the Big Rapids Employees' Fund Scholarship.

STUDY SESSION

City Manager Steve Sobers announced that staff is using a recorder to assist in the minute taking process.

1) City Financial Report

Mr. Sobers presented the City Financial Report prepared by City Treasurer Julie Tetsworth on the Blue Cross/ Blue Shield settlement for the period of January to March 2009. Blue Cross/Blue Shield works with a system of advance payments based on estimates of what services may be used. For the report presented, there was an overpayment of \$51,600. Some of this savings is due to the employees' ~~conscience~~ **conscientious** use of the insurance coverage and the efforts of the employee health committee.

2) VSCI Update

Mr. Sobers stated the Commission will receive alternate reports regarding the Wastewater Treatment Plant Improvement Project and the VSCI project at their study sessions.

Mr. Mark Gifford, Neighborhood Services Director, presented a slide presentation on the VSCI project showing some of the façade work. Revenue and expense summaries were distributed. It was noted that the funding requests are made once a month.

3) Soccer Field Improvements at River Street Park

Mr. Gifford presented a PowerPoint on the 'River Street Park Soccer Fields – An Enhanced Use Proposal' by the Northland United Soccer Club. The Club is proposing to construct soccer fields at River Street Park. They have outgrown the current fields. The current club consists of about 400 kids from the ages of four to nine. The Park and Recreation Board has weighted in and has approved the concept. Mr. Gifford stated that any fencing installed will be permanent along the west side of the property. When the fields are not in use by the Soccer Club, use will be 'first come, first serve'. Commissioner Harper would like more information pertaining to the fencing and irrigation system.

Mr. Gifford stated that the only other location with sufficient area for the number of fields that are required would be Northland Riverside Park. That location, however, does not have the needed restrooms, playgrounds, or concession building.

4) Wastewater Treatment Plant Improvement Update

Mr. Sobers presented Don Greiner's written Wastewater Treatment Plant Status Report. To date, there has been over \$1 million in expenses, which include a lot of digging and ~~lying~~ laying of pipe.

PUBLIC COMMENT

Wayne O'Neil, Big Rapids Township Trustee, asked the City Commission to respond to the question "Is the City looking to annex a part of the township to Big Rapids?"

Mayor Warba replied that there has not been nor is there any discussion of annexation. Any talk of this on the street is a rumor and it is an unfortunate rumor for the township residents if it is offered as a way to promote the recall activity.

Mr. O'Neil stated that what he strives for is better communications between the Township and City. If all the townships and the City got together, there are a lot of things that could get done. Mayor Warba agreed that more progress has been made with cooperation between the entities.

Commissioner Harper stated that she has not heard talk of annexation, but she has heard talk about a 425 agreement. She requested the difference between the two be explained and if there is a future that may include a 425 agreement.

Mr. Sobers explained the difference between a 425 agreement and annexation. With annexation, there is a complete transfer of property and benefits and responsibilities of a geographical area from one political subdivision to another. There has not been and will not be a discussion of annexation.

A 425 agreement is the sharing of the powers, responsibilities, and taxation potentials. There is an ability to create a win-win scenario. There is an opportunity to find some common ground in which either the City or Township may have technical staff people that could help. An example is currently the City maintains Highbanks Park. There could be a 425 agreement that has a sharing of recreational facilities and recreational programs. Another example could be in the area of water and wastewater, where some of the power and authority could be transferred. It does not have to be a transfer of geographical territory. The taxes may or may not follow depending upon the shared networking that takes place. A 425 agreement could include some geographical takeover but it will always include some shared benefit. It would always include a win-win benefit.

Currently a 425 agreement exists with Venlo Drive. Because the Township does not have road plowing services and the City does, and Venlo Drive is right on the jurisdiction line, the entities did an agreement that lets the City maintain the road. Because of this, the City does get the State aid for the road. This only relates to the road and road issues.

The City Commission took a five-minute recess.

RESOLUTION NO. 09-66

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

**RESOLUTION APPROVING PLANS
TO ENHANCE RIVER STREET
PARK SOCCER FIELDS**

WHEREAS, the Northland United Soccer Club offered to improve and enhance soccer fields at River Street Park, and the Park and Recreation Board approved plans proposed by the Northland United Soccer Club.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves and accepts the plans of the Northland United Soccer Club to improve and enhance soccer fields at River Street Park under the oversight and direction of the Park and Recreation Board.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 15, 2009

Mr. Sobers explained the progress regarding the adoption of the International Fire Code (IFC). Numerous discussions pertaining to the Code have occurred with the Big Rapids Property Owners Association (BRPOA), the Good Neighbors Association, and during a

Chamber of Commerce Lunch and Learn of which members of the Home Builders Association attended. The Home Builders representatives brought with them some experts from Lansing that highly recommended the International Fire Code as the code of choice.

Dawn Fuller, 1611 Catherine Street, owner of rentals, stated one problem she has had in the past years, is that different inspectors would seem to enforce different regulations. She would like to see everyone who is doing the inspections know the Fire Code. Fire Marshal Scott Mroz stated that in most cases it would be him doing the inspections, but others would be trained.

Rosemary Jennings, 606 Bjornson Street, stated that she and her husband have no problems with the inspections.

Don Jones, President of the BRPOA, supports the IFC regarding the safety aspect. The ordinance does not address the establishment of a Board of Appeals. City Attorney Eric Williams stated that the Commission would still need to appoint members to the Appeals Board.

Commissioner Harper questioned if when the City adopted the International Property Maintenance Code (IPMC), which references the IFC, had the City already adopted the IFC. Mr. Williams stated that the IFC is a recognized reference of the IPMC and referred to in the IPMC, but until the City Commission adopts the IFC, there is always a question as to whether or not the City would really expect the IFC standards to be applied.

She also questioned what other cities that do not use the code fall under. Mr. Williams stated that he does not know what they are using, but there are several bodies of law or regulatory levels that local government can choose to adopt or pursue. Communities have the option to adopt the regulations that they wish. There are also many State Codes (electrical, plumbing, mechanical) that are enforced by either the County or local building officials.

Under the IFC, it states that R-2 rental apartments will be inspected ~~inspected~~ **required to have fire drills** four times a year. Commissioner Harper questioned if that will be added to the City's inspection process. **Fire Marshall Mroz said he was unaware of the fire drill requirement.** Mr. Williams stated that when the City adopts the Code, the Code becomes the standard, but enforcement is not a forgone conclusion. There may be sections of the IFC that are not actively enforced. Commissioner Harper questioned if this could open the City up to some liability, if this Code is adopted and all requirements are not implemented. Mr. Williams replied it would not subject the City to a legal liability but more a political criticism.

Commissioner Harper stated that several communities she has talked to that have adopted this code do have business inspections. She has heard the City Manager state

that in the next few years, there is the expectation that there would be business inspections; therefore, she is uncomfortable in adopting this Code.

Commissioner Brennan asked if amendments to the Code will be done automatically or will they be adopted as they are developed. Mr. Williams stated that amendments are not automatic and each modification will be considered by the City as they are prepared.

Commissioner Hogenson is comfortable with the Code adoption. It has been studied and discussed with many property owners.

Mayor Warba is confident that the Code has been sufficiently reviewed because of the numerous meetings conducted. The Commission will solicit Interest Indicators from individuals willing to serve on the Board of Appeals.

ORDINANCE NO. 609-06-09

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

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL FIRE CODE

An ordinance of the City of Big Rapids adopting the 2006 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Big Rapids; providing for the issuance of permits and collection of fees therefore.

The City Commission of the City of Big Rapids ordains:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Big Rapids City Clerk of City of Big Rapids, being marked and designated as the International Fire Code, 2006 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Big Rapids in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Big Rapids are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. A true copy of the 2006 International Fire Code, as modified and adopted by the City of Big Rapids, can be inspected or obtained in the office of the City Clerk at Big Rapids City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307, Monday through Friday, 8:00 am – 5:00 pm. A complete copy of the International

Fire Code, as modified and adopted by the City of Big Rapids, is available to the public at the office of the City Clerk in compliance with state law requiring that records of public bodies be made available to the general public.

Section 2. That the following sections are hereby revised:

Section 101.1 Insert: City of Big Rapids

Section 109.3. Insert: OFFENSE, Civil Infraction DOLLAR AMOUNT \$500, NUMBER OF DAYS 0.

Section 111.4. Insert: \$25 \$500

Section 3. That the geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited are depicted in the map marked EXHIBIT 3204.3.1.1 A.

Section 3404.2.9.5.1 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited are depicted in the map marked EXHIBIT 3404.2.9.5.1 B.

Section 3406.2.4.4 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited are depicted in the map marked EXHIBIT 3406.2.4.4 C.

Section 3804.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are depicted in the map marked EXHIBIT 3804.2 D.

Section 4. That Ordinance No. 30-9-64 and Ordinance No. 84-9-70 of the City of Big Rapids are hereby repealed.

Section 5. That the Big Rapids City Clerk is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 20 days from and after the date of its final passage and publication in the Pioneer.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: Harper

The Ordinance was declared adopted.

Dated: June 15, 2009

Published: June 18, 2009

RESOLUTION NO. 09-67

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

**RESOLUTION ACCEPTING MICHIGAN DEPARTMENT
OF TRANSPORTATION SECTION 5311 OPERATING ASSISTANCE
AND AUTHORIZING MAYOR AND CITY CLERK TO SIGN
AGREEMENT NO. 2007-0177/Z4-R1**

WHEREAS, the Big Rapids Dial-A-Ride Transportation (DART) system derives approximately 16% of its operating revenue from the Federal Transit Administration (FTA), which is administered by the Michigan Department of Transportation, and

WHEREAS, under the City of Big Rapids Annual Local Transportation Program Grant Application for the period of October 1, 2008 through September 30, 2009, the City has requested federal funding in the amount of 16% of the City's proposed operating budget (\$67,008.00).

WHEREAS, this project authorization, Agreement No. 2007-0177/Z4-R1, represents a partial payment of \$26,803.00.

NOW, THEREFORE, BE IT RESOLVED, that the City of Big Rapids hereby agrees to enter into the Project Authorization Agreement for FY 2009 Section 5311 Operating Assistance, Agreement No. 2007-0177/Z4-R1, in the amount of \$26,803.00 and authorizes the Mayor and City Clerk to sign the agreement documents.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 15, 2009

Commissioner Harper expressed concern regarding the appointments to the Refuse Collection Committee. Since the appointment of the committee came before the Commission because there was discussion pertaining to poly carts, she believes that an individual who has expressed opposition to the carts should be on the committee. She believes that within a committee, there should be the voice of opposition and would therefore like to see the committee expanded.

Commissioner Anderson believes that the committee members will be able to bring all points to the table. Commissioner Brennan indicated that Don Jones stated that he is actively going to be soliciting citizen comments.

RESOLUTION NO. 09-68

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

**RESOLUTION APPOINTING A REFUSE
COLLECTION COMMITTEE**

WHEREAS, the City's sanitation service agreement was renewed for a 6-month period to allow the City to examine various aspects of the services, and

WHEREAS, Mayor Warba solicited interested persons to serve on a sanitation committee to review the current service and possible revisions to that service which may be of a benefit to the City's residents.

NOW THEREFORE, BE IT RESOLVED that the Mayor hereby appoints the following citizens to the Refuse Collection Committee: Lynn Anderson, Lorraine James, Don Jones, Mark Gifford, and Tim Vogel.

Yeas: Brennan, Hogenson, Warba

Nays: Harper

Abstain: Anderson, because is being appointed to the committee

The Mayor declared the resolution adopted.

Dated: July 15, 2009

Mr. Sobers explained the terms of the agreement between the Downtown Development Authority and the City of Big Rapids regarding VSCI funding for Artworks. The local match is \$827,644 with an added \$10,000 administrative fee. Repayment is over the life of the TIF program of \$5,000 a year for first five years and 80% of the TIF revenue thereafter. The bulk of the payment will be in the later years.

Don Jones, 522 Elm Street, did not realize the amount of money involved and expressed concern regarding the pay back and the length of time necessary to repay the loan. Mr. Sobers explained that the reason the payments started at \$5,000 was that there is no money. DDA has a millage on just the downtown, which rises just short of \$30,000 a year. They will contribute 20% of their property tax back to this VSCI program for five years. The payments will then go up dramatically, and be a rear-loaded payment. As the end of the TIF approaches, they will have sufficient funds to make the payments. When the TIF begins to make revenue, it is estimated to be in the \$2 million range, so, in theory, the funds will be available for repayment. If the economy continues to be poor, the City, County, and DDA will need to get together and decide what the solution to the problem will be.

When the City made the obligation for the VSCI, it obligated \$1 million. The businesses have stepped forward with \$300,000 of that match. Some of the work in the \$827,644 includes street improvements, buying trees, and wayfaring signs. This is more of a City improvement than a DDA project, but the DDA is willing to cover some of these expenses.

Commissioner Hogenson stated that the best way to assure that the TIF money is there is to make the improvements that are being proposed.

Commissioner Harper stated that although the funds are not from the General Fund, they are from funds that could be earning interest for the City. City tax dollars have been diverted from the City Treasury to be used solely by the DDA. She appreciates the offer of the \$10,000 fee by the DDA; however, any bank would charge them more than that. She believes that the DDA should be requested to consider a higher amount than the \$10,000.

Mayor Warba stated that it is his understanding that the City cannot assess the DDA an interest charge or create a loan agreement with them.

At a DDA meeting, Mr. Williams presented the point of view expressed by Commissioner Harper. The DDA did not accept that view. He is worried that what started out as a commitment to participate in the grant program will now become a protest over the fact that the City chose to commit to it. The decision to commit to the VSCI grant was not originally conditioned upon a loan to the DDA. A payment, loan, or interest was never a part of the Commission's discussion regarding the VSCI program, or a condition of the grant. The City made the commitment to invest in the community and the downtown with the hopes that the DDA could help carry the load and recoup some funds.

Commissioner Harper recalls that previously she was told that the DDA could go out and get a loan. She was of the understanding that they were going to find their own way to make themselves whole. It was not until after the VSCI passed that the plan changed to no loans. She looks at this as two entities working together and would like the DDA to compensate the City for what they have had to do.

Mr. Williams stated that this is not the way it is viewed by the DDA. This would be some condition after the fact.

Mr. Sobers stated that the project has changed from five components, when it first started, to four. The State looked favorably at the enhancement of a cultural center, which was a major component of what was proposed. It is Artworks' belief that with the increased facility, they will see a greater income level and be able to pay back their portion of what was being given to them. If that is the case, the \$827,644 amount drops. The DDA has recognized the importance of having that anchor downtown, and stepped up to assist. Due to the circumstances, there is a difference in the discussions today from what was originally discussed. There is an obligation to see the whole thing follow through to get back their investment.

Commissioner Brennan stated that if the City had not passed the TIF, the tax dollars would have been the County's and City's. She questioned what the DDA would do if Artworks started to repay some of the money. Would it be paid to the DDA or the City? Mark Gifford was not sure how their repayment would be handled. Commissioner

Brennan believes that any repayment by Artworks should be to the City. Mr. Sobers believes that it would be put into the DDA account.

RESOLUTION NO. 09-69

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

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN
THE DOWNTOWN DEVELOPMENT AUTHORITY
AND THE CITY OF BIG RAPIDS
REGARDING VSCI FUNDING**

WHEREAS, the City of Big Rapids applied for and received a Vibrant Small Cities Initiative (VSCI) Grant in the amount of one million dollars with an approximate local match of one million dollars, and

WHEREAS, about \$827,644 of the local match will be spent in the downtown district of the City of Big Rapids, and

WHEREAS, the Big Rapids Downtown Development Authority (DDA) supported the decision of the Big Rapids City Commission to obtain the VSCI Grant, and

WHEREAS, per the request of the City Commission, the DDA has formalized a proposed agreement regarding the VSCI grant matching funds.

NOW THEREFORE, BE IT RESOLVED that the City Commission approves the agreement and authorizes Mayor Mark J. Warba to sign.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: Harper

The Mayor declared the resolution adopted.

Dated: July 15, 2009

RESOLUTION NO. 09-70

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

**RESOLUTION AMENDING FISCAL YEAR 2008/2009
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2008/2009 General Appropriations for the pool fund and CMET.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: July 15, 2009

Unscheduled Business

- Nisbett Historic Marker placement is 2:00 p.m. on Friday, June 19th.
- The election timeline for Commission and Charter Revision Commission is available.
- Rotary Club Chicken BBQ tickets are available for fair week.
- Mr. Sobers summarized that he will be going to Lansing regarding the low-interest loan applied for in 2006. Joel Piell has written new State legislation that Representative Darwin Booher has put it as a priority. The legislation is up for Committee hearing on Tuesday, June 16. MML and the Michigan Township Association have both endorsed the legislation. They will also be there to testify, as will Maxine McClelland. Ten businesses have already lined up and are on the waiting list for the enhancement money.
- Mr. Sobers has met with Big Rapids Township for the first time regarding the IPP program.
- Mr. Williams outlined his oral argument regarding Spruce Ridge in Lansing. The presentation was before a three-judge panel, which seemed to understand what the issues were and appreciative of the City's efforts and did not offer criticism of what the Zoning Board of Appeals did. The City should receive a written decision in 30 – 45 days. Mr. Williams encouraged the developer to revisit the City with plans and proposals to do something on the property.
- West Michigan Regional Planning Commission meeting will be hosted at Public Safety on Friday, June 19th at 9:30 a.m.
- Mr. Sobers stated that the staff is working on a Cell Phone policy for City employees.
- Commissioner Anderson announced the Chicken BBQ at The Sawmill for the Library's benefit on Saturday, June 20th at 3:00 p.m. to midnight.
- Mayor Warba has received a memo from Lorraine James regarding a representative on the Employee Health Committee.
- The Mayor is looking for suggested formats for the Manager's performance appraisal.

There being no further business to come before the Commission, the meeting was adjourned at 9:52 p.m.

Mayor Mark J. Warba

* * * * *

Roberta R. Cline, City Clerk

City Commission
June 29, 2009

Mayor Mark Warba called the special meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 38 persons in the audience.

PLEDGE OF ALLEGIANCE.

Mayor Warba opened the special Library meeting by outlining the course of events surrounding the Community Library. Some of those points were:

- In the 1990's there were various service contracts entered into with the surrounding townships.
- The City has received written communications from Green Township, Barton Township, Colfax Township, Big Rapids Township, and Norwich Township that they do not wish to participate in the formation of a district library. Green Township has also communicated that it would continue to use penal fines under the current service contract to help fund the library, but would withdraw if the 3/10 of a mill was applied.
- In 2003, there was a discussion pertaining to the concept of a District Library, with no action taken. It was suggested that the contracts had to be amended or new contracts established to generate sufficient revenue to fund the Library. There have not been new contracts or amendments, nor have the current contracts been enforced.
- January 7, 2008 a Library Committee was appointed and charged with addressing the following three questions:
 1. Is there a need for a Library?
 2. If so, where would it be located?
 3. How would it be funded?

The Library Committee met over the course of a year and made its recommendation in January of 2009.

Mayor Warba asked City Manager Steve Sobers to review the financial spreadsheets that Green Township Supervisor Bob Baldwin had prepared pertaining to the financial information distributed at the June 8th meeting.

Manager Sobers observed that there was certainly benefit in looking at the library issues from another perspective. The primary findings of both Bob Baldwin's review and previous analysis of the City was identical in presenting the evidence that the Library cannot be operated with penal fines and State aid alone. All units of

government fall short on their contributions when only these financial resources are considered. The subsidy from outside sources is, therefore, necessary. At the present, this funding is totally supplied by the City and it is the position of the City that all partners on the library team should have some share in the funding.

In analyzing the township report, Mr. Sobers pointed out three areas for continued discussion and review: (1) The income labeled 'fines, fees, etc', also contains grants and donations, which are not based on township boundaries; (2) the Statutory Revenue Sharing Formula is quite complex, and based on conversations with the MML financial advisor, Anthony Minghnie, results in a 'credit' from the townships of only \$733; and (3) the usage allocation by non-partners (Ferris, MichiCard users, etc) should be shared by all partners, not simply allocated to the City of Big Rapids. Even with these questions, the report illustrates the need for all partners to work together to create a more equitable and stable funding source for the library.

Commissioner Harper explained her reasoning why she believes the Hartzell-Mika report for comparison libraries was skewed. In figuring comparison communities, the report did not use the same difference of 1,600 in selecting communities above and below the City's based of 19,771 service population. **This allows larger libraries to be included in the peer comparison, and skews the data.**

Public Comment

Green Township Supervisor Bob Baldwin believes his township is paying their share towards the Library. In discussions, the stated cost of running the Library has come down since the June 8th meeting and there may be ways for the City and Townships to come up with the necessary money to run the Library without it being such a big burden. The next few years will be tight budgets for all. The Township is willing to work with the City. There is a need to explore everything. His spreadsheet was an exercise to attempt to see at what level the townships were contributing to the Library. Green Township will continue to dedicate penal fines, but not 3/10 of a mill. They do also participate with the Reed City Library.

Luanne Rothstein, Chairperson of the Mayor's Library Committee, stated that if the voters approve a district library, the townships would only continue to give penal fines. It will not affect the townships budgets. She urged the Commission to continue the process and get the matter to the vote of the people, who are the ones who decide if it will be a district library

Wes Thompson, 17625 Nancy Drive, provided the following comments:

- Support of the library. If the City decides to fund it with one mill, that is \$186,000. His review of previous years budgets seem to indicate to him that ½ of the budget is salaries, cleaning and supplies. Half of the support of the library comes from penal fines and half from the City. It appears that the budget shortage is only \$50,000.

- If the Library goes to the vote of people, the City will be asked to put the income tax to the vote of the people asking the out-of-City residents if they are supportive of the ½ percent.
- All should work as a community to fix the library with donating time and services.
- He has not seen anything about cutting things out of the budget. Each year the costs go up. Why is that?
- There may be a review of the income tax and how it is allocated.
- He is supportive of a library, but he does not want a \$5 million library.

Mayor Warba pointed out that Mr. Baldwin's calculations indicate a shortfall of about \$153,000. He asked Mr. Thompson, if that is the shortfall, what are ways, funding sources, to make up the shortfall.

Mr. Thompson suggested looking at the budget and see what needs to be done. Look at salaries and why the City is paid for public works activities. He suggested that the library does not have to belong to certain State institutions or have a director with certain certifications. He would go to United Way and different organizations for contributions and have fundraisers. He cannot understand the increase in the budget each year to run the library. If the City gives one mill, the short fall is \$54,000 and he does not believe the City has to pay all of that.

Mr. Baldwin believes that his review of the figures, including penal fines, state aid, and income tax, if added to a one-mill contribution by the City would cover the cost of the Library.

Diane Scarpelli stated people are elected (referring to the Commission) to make decisions and there are too many things that go on a ballot. She does not believe that this is something people will understand if it were put on a ballot. She urged cutting of the budget. She believes it will work without going to a District Library.

In response to a question from Gladine Nicholas, as to how this gets on the ballot, it was explained that two or more entities form a District Library. The entities involved appoint members to a board according to a formula and that appointed board serves as an authority. They have the obligation of putting it on the ballot within a specific time frame outlined by the Library of Michigan process. The board cannot simply levy an assessment to finance a District Library, but they have the authority to put a millage, up to four mills, to a vote of the people.

Rosemary Jennings, 606 Bjornson, questioned if the City has their participating partner. Mayor Warba explained that the school district has been recommended as a partner. There have been no formal discussions with school board members or agreements with the school at this time to commit them as a partner.

Mr. Mrs. Jennings suggested that if five out of the seven townships have indicated that they do not wish to partner for a district library, perhaps cooperation among everyone is the way to proceed. There have been offers to assist with the parking lot and she

suggested seeking donations for sponsorship to fix/repair a room at the library and to seek grant monies. She is concerned with adding taxes to people. She encourages cooperation.

Virginia Kienitz questioned if the City can form a District Library on its own. Mayor Warba stated that the municipality could form a District Library on its own. She also questioned how the District Library would work if after 2015 a school district cannot be a partner for a District Library. It was explained that any new district formed after that date will not include school districts. Any districts formed with a school district prior to that time may continue.

An audience member questioned if a city can form a district library without the participation of another entity, what is the advantage of a district library. Commissioner Harper offered that as it is now, the City could levy up to one mill on City residents to support the library. If the City formed a district by itself, as a taxing authority, it would be able to levy up to four mills with a vote of the people. The audience member is a resident of the City. She would be concerned if an additional tax is levied at this time due to the economy.

Rita Conrad viewed the District Library process as broadening the base and setting it out to all the people who use it. If the people do not want to pay for it, they can say so at the ballot box. She urged giving the people a chance to vote on it.

Commissioner Brennan stated that her understanding is that if the City partners with the School District and a District Library Board is formed, an agreement is developed. The agreement can contain an established millage clause and that sometime within the next five years this would go to the voters in the form of a millage. If it is declined by a vote of the people, a District Library no longer exists. Just because a District Library is formed in the near future, it does not mean that a millage is imminent. It would depend upon terms of the agreement, which could mean a millage would not be voted upon for a number of years.

Luanne Rothstein stated that the City may wish to donate more to the Library, but they do not have it. This year the Library's budget was cut by 1/3. The District Library has been well publicized over the last year with three meetings pertaining to the District Library concept. She explained the process of forming a District Library and that any vote of the people would not occur before a year or two after the District Library was formed. She stated that grants are wonderful things, but they are used for extras. They cannot be counted on for permanent income, or income that will be coming in every year. The Library cannot be supported as it has been and it is now time to give the voters an opportunity to decide if a new way is possible.

Dale Hobart, 704 Rose Avenue, stated that school districts can take part in forming District Libraries until the 2015 date. Once that arrives, those districts that contain school districts continue, but new district libraries will not be allowed to form in the future with school boards. He offered information as to how the library got to where it

is now. When the Library first entered into services agreements with the townships, the State required that agreements contain 3/10 a mill support from the townships having those agreements. That support can be paid by penal fines, using those fines to make the 3/10 of a mill. When the current township agreements were entered into, all townships were generating more than 3/10 of a mill in penal fines. Over the last ten years, the penal fine monies have decreased. The penal fines are now down below the 3/10 of a mill. The City has chosen to not ask the townships to make up the difference. The City has made up the difference itself, which resulted in the City giving more than one mill. The City is now having problems putting in more money.

Mae Emerson, 606 Bjornson Street, questioned if a District Library is formed, does the City have control over the money, and how it would be spent. The reply was that the District Library Board would make the determination as to expenditures. She questioned why a District Library would be formed if it were not to get more millage. Mayor Warba replied that operations, types of services offered and funding are all a part of it.

Earl Spalo, Home Township Supervisor, stated that reason for less penal fines is that the judges have been allowed to take more of those funds. His township is also against a district library for the following reasons: (1) being a small township; (2) if it goes to a vote, being a small township, the City vote would override their vote, meaning his township really has no vote; (3) their usage is small; (4) 1/3 of the penal fines go to White Cloud library services; and (5) he has never seen a district library that took five years to go for a vote of the people. His township cannot afford the 3/10 of a mill. The agreement was if the penal fines fell below the 3/10 mills, they would not have to add to the penal fines to make the 3/10 of a mill. If this is the City's issue, they will withdraw their penal fines and give them to White Cloud and have their citizens get MichiCards and still use the Big Rapids Library.

Mayor Warba referred to the 1993 contract still in existence, which does state that the township will pay the difference between penal fines and the 3/10 of a mill. This has not been enforced since 1998. This is similar to all of the township contracts.

Maxine McClelland, Big Rapids Township Supervisor, stated that when those contracts were renewed several years ago, everyone was assured that there would never be a need to make the difference up because penal fines were healthy. The contracts were amended to read that if the penal fines fall below the 3/10 of a mill, the City would notify the townships so that they could make the decision within 60 days to opt out. The first the townships knew about shortages was this past spring. It is very concerning to the townships.

Mayor Warba stated that the Big Rapids Township contract does read differently than Home Township in that it provides that it can be terminated by the Library if the township failed to provide sufficient money. Both contracts contain a provision that either party can terminate by giving six months notice. The 1993 contracts no longer

work as they did then. The legislature made changes in the penal fines and how they are to be distributed.

In looking at the budget figures, Mr. Thompson questioned how the library budget was cut by 1/3. City Treasurer Julie Tetsworth clarified that the Library expenditure budget is \$387,000. **The budget was not cut 1/3, but** the contribution from the City to the Library was lowered, revenues were reduced, and the library is now using its fund balance.

The City Commission took an 8-minute recess.

The discussion was opened to the City Commission.

Commissioner Anderson expressed the position of going with the Big Rapids School District and a District Library is not a good thing. The Superintendent of the school district has expressed that he wants to close all the neighborhood schools. In his mind it is in the best interest of the school, but it is not in the best interest of the City of Big Rapids. By joining with the school district, her forecast is that the district library will be conducted with only the school district's best interest in mind and not the best interest of the City.

Commissioner Brennan recognized this as a complicated issue. She referred to an article in the Pioneer regarding a Montcalm Library that stopped lending books this past spring. The County was facing a money shortfall so they closed the library and are renting the building for \$1 to Wayne State University, who is remodeling the building for classroom purposes. She called the Montcalm Library, now known as the Montcalm Reference Center. As a County library they could not go to a District Library. When they closed the library, not every patron had access to another library, so one of the townships ended up with 130,000 books, cds and dvds from the library. It will be a volunteer library out of the township hall. She believes there is a lesson – if something is not done, our community could lose its library. She appreciates the ideas and conversation surrounding this issue. A district library is working for many communities. She does not believe that people should be afraid of additional millage. There are several good ideas that have been presented on how to utilize the current facility. She believes if any millage proposal is too high, it will not pass. The Lakeview District Library is operating using penal fines and ½ mill. She would like to give the district library concept a chance, giving people an opportunity to pull together. She does like the alternative source of funding such as grants because they are not a stable, consistent source of funding.

Commissioner Harper offered the following comments:

- Until a district library millage vote is taken, the library still needs to be funded.
- She addressed public comments: the first step to form a District Library is for the City Commission to vote on considering a District Library. Referring to the comment that this is such an important issue, it must come before the voters,

- No one likes the option of closing the Library.
- The Library Committee looked at options, coming back with a recommendation of a District Library. This will mean a tax increase.
- Six out of seven townships expressed that they do not support a District Library.
- District boundaries divide townships. A particular township may vote the district down but they will have to be a part of it if the majority of the people in the public school district approve it.
- The school board is facing huge financial difficulties. It is not an option to the City to form its own district because why would the City want to raise taxes to fund the library when it can already levy one mill for the library.
- Many libraries are functioning well under funding mechanisms other than district libraries.
- Three townships have indicated they want to continue working with the City. This is a great opportunity. Townships should be an active part of the Library process.
- Mr. Baldwin's analysis provided a 4.9% income tax formula. The City gets \$1,300,000 in income tax. This is a fair and equitable way to fund the library. Why can't the City allocate more of the income tax to the Library? She believes this would be fair and equitable.
- Additional income monies can be allocated to the Library. The City provided General Fund monies to the swimming pool at \$90,000, the DART system at \$80,000 and the Airport at \$105,000.
- The Library budget and all other budgets should be reviewed. Sources of revenues are down and it is time to start tightening the belt.
- Other methods of revenues should be looked at, such as sponsorships with businesses, review of non-resident fees, donations for particular rooms, increased use of volunteers, and budget cuts.
- Many of the comments and concerns of people deal with the building. Mr. Wensloff and Mr. Schriver presented a detailed plan that addressed every safety concern raised. The upgrade to the facility was only a cost of \$360,000.

Commissioner Brennan corrected that the Lakeview millage as ½ mill for operations and ½ for construction.

Commissioner Hogenson supports the District Library.

- It is the legal method to have access to the kind of funding necessary to fund the library that looks into the future instead of the past.
- He would not vote for the millage for a \$6 million building.
- To do nothing is not going to improve that situation.
- The mechanisms available are there because people want them to be there and because of due process and legislative process. The Commission can say yes to a huge sewage treatment project without going to the voters. However, there are very limited means of financing the library and almost all of them involve going to the voters or just levying millage.

- There is an obligation of making the library as good as it can be. Discussion has indicated that it is not as good as it could be if the proper resources were devoted to it.
- How do we move ahead without breaking the bank? The way is to find out what everybody involved in this thinks by offering it to the voters.

Mayor Warba's comments:

- The Library has had a good past.
- Anything acted upon by the Commission will not be met with agreement by all because there are a lot of options, passion, and emotion surrounding the community library.
- It is the consensus of both township and city residents that we need a library.
- Where should the library be? He was very impressed with the presentation plans submitted by Mr. Wensloff and Mr. Schriver. For modest improvements of \$362,000 for Phase I and \$675,000 for Phase II, which includes an expansion, this is an option to look at for the current site of the library. He would recommend that this plan be given serious consideration. Local talents of students and other could be solicited.
- The library comes down to funding. The current library contracts are not being enforced, they have not worked. The consensus is that the townships are not going to dedicate 3/10 of a mill. They will contribute the penal fines, but what was good back in 1993 or 1998 are not working. This is not a call to enforce or to make due what is overdue. A contingent plan is for the City to seriously consider committing the City's contributions to the equivalent of one mill. The City needs to look at trimming the budget (salary cuts, hours of operations, programs).
- There needs to be an increase in the use of volunteers at the library. People want to come and donate their time and talent to libraries.
- The current library would need to look at capital campaigns, grants, fundraising, and improvements.
- The library should be reviewed as part of the Charter Revision process.
- All of the above he considers as part of a Plan B.

Plan A

- The only viable method of funding the library that makes it sustainable, not depending on year-to-year contracts, is to consider a District Library concept.
- A meeting with the School District representatives to see if they have an interest in a district library will take time and education.
- The next steps include the adoption of resolutions establishing the District Library, planning committees formed, district library agreement approved and entered into and submitted to the State.
- This will let the majority of the people vote as to if they want to fund it through a millage.
- A millage up to four mills can be levied, but if serious consideration is given to the plans presented by Mr. Wensloff and Mr. Schriver, it will not take anywhere near that amount.

- The citizens of Big Rapids pay a disproportionate amount of taxes, in part due to being the county seat, home of Ferris State University, schools, parks, and churches, all of which we want, but are tax exempt.
- He cautioned against dedicating income tax to a specific line item.
- If it does not work, there is a Plan B to be considered, which may result in some changes in the library.
- As penal fines have declined, and service agreements have not worked, the City has been asked to make up the differences. Other funding sources need to be looked at so that it does not become more of a burden for the City if there is to be a library.
- Now is the time to do this and make a decision.

Commissioner Harper questioned if the District Library Board would be the board that would address the location of the library and if the current location with the consideration of the Wensloff/Schrivier plan would be written into the agreement. The City was not sure that an agreement could be that specific.

Mayor Warba elaborated that it would be his plan to approach the school with the recommendation that the current location be seriously looked at, as well as the Wensloff/Schrivier plan. He would also encourage the community involvement and volunteer efforts.

Mr. Sobers stated that the location can be specifically written into the agreement.

Commissioner Harper believes that the community is at the Option B currently.

MOTION NO. 09-71

Commissioner Hogenson moved, supported by Commissioner Brennan that the City Commission approaches the Big Rapids School Board to explore the formation of a District Library.

Yeas: Brennan, Hogenson, Warba

Nays: Anderson, Harper

The motion passed.

Dated: June 29, 2009

Mr. Sobers and Mr. Williams will proceed to make contact with the school representatives and any others who will be part of the discussion. They were requested to report back to the Commission on July 6th as to what has been initiated as the procedure to move forward after initial contact with the School Board.

Commissioner Harper requested that the Commission and public be kept well informed as this process progresses.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 9:25 p.m.

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
July 6, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 29 persons in the audience.

PLEDGE OF ALLEGIANCE. Led by Boy Scout Troup #114. The Troup was there as part of achieving their Citizenship Award badge.

APPROVAL OF THE AGENDA – The City Commission added a resolution on Mayoral Appointments to Board and Commissions as item 11 (f).

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the June 15, 2009 approved with corrections.

Yeas: Unanimous
Nays: None

Commissioner Harper seconded by Commissioner Hogenson that the minutes of the June 29, 2009 Special meeting approved with corrections.

Yeas: Unanimous
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Farm Plan Corp.	97.50	All About Play	180.80
First National Bank Omaha	165.50	Halsen products	104.65
State St. Hardware, INC.	8.19	New Horizon Land.	111.60
Consumers Energy	178.47	Tri-Turf	81.59
Medler Electric, INC.	15.82	Tri County Portable	397.00
Walmart Stores	34.05	Different By Design	252.00
Aquatic Source	3,405.59	FSU	86.00
Concession Equip/Supplies	245.00	Staples	136.91*

Ferguson Supply Co.	567.65	A T & T	20.11*
Lowe's	167.03	Harper's Magazine	31.00*
First National Bank Omaha	676.43	Outdoor Life	21.97*
Great Lakes Office Products	178.85	Real Simple	23.94*
Medler Electric	6.97	This Old House	4.99*
State St Hardware, INC	11.46	Courtney Palmer	22.00*
Medler Electric	354.69*	Baker & Taylor	87.01*
Elevator Service INC	146.50*	Audio Editions	8.00*
Consumers Energy	736.92*	Recorded Books	94.04*
Hurst Industries	281.04*	Kelley Entertain.	650.00*
Demco, INC	68.41*	Xerox Corp.	91.42*
Staples	102.63*	Staples	33.88*
First National Bank	552.16*	Farm Plan Corp.	136.79
Baker & Taylor Entertain	217.35*	Golden West Ind.	171.00
Baker & Taylor Books	24.41*	MI Choride Sales	1465.38
Everett, Terese M	15.95*	Midwest Safety	39.83
Leslies Poolmart	147.24	Joseph Electric	624.08
Pool Service	4265.98	Consumers Energy	651.19
A T & T	1.53	DTE Energy	38.65*
Consumers Energy	1271.93	A T & T	0.91*
DTE Energy	5911.02	Baker & Taylor	313.84*

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY – None.

STUDY SESSION

1) City Financial Report

Mr. Sobers presented the City Financial Report prepared by City Treasurer Julie Tetsworth on the Income Tax Residency and the Audit Engagement Letter. The Income Tax Residency report was generated over concern about City businesses moving out of the City. Mr. Sobers stated that there was concern regarding relative growth potential between the City of Big Rapids and the Big Rapids Township. Twenty years ago the census of Big Rapids was in the 14,000 range and now is in the 11,000 range. Township's census shows an increase. Curious as to what difference it made if any because of the various programs the City and the Township share. There are no correlations to be made from the results of the report.

Commissioner Harper stated that she did a trend analysis taking the net amount and taking the average of 2003 to 2005 using 2005 as the mid point and again taking the average of 2005 and 2007 with the result being that the township only has about a one

point difference where the City has about a nine point difference loss. Commission Harper would like to see the City continue to utilize these numbers and watch where they go to see if there are any dramatic shifts.

The Audit Engagement Letter is standard procedure for audits. Ms. Tetsworth has verified their quote for their services for the 08-09 audit and it is accurate. Along with the letter is a questionnaire for the Mayor, Commissioners and Department Heads to fill out and return to the auditor. Questionnaires are due by August 1, 2009.

2) Wastewater Treatment Plant Improvement Update

Mr. Greiner commented that he and Mr. Gifford will be alternating their updates for the VSCI and the Wastewater Treatment Plant at future Commission meetings. Don Greiner presented his updated report on the Wastewater Treatment Plant. Staff received a follow-up call from MDEQ regarding the status of the ultraviolet disinfection review. The call was a follow-up to Violation Notice VN-003849 that requires the City to prepare an evaluation of the UV system. A meeting with Piedmont Technical Services is not expected until late July, so MDEQ will prepare a draft Administrative Consent Agreement for the City's review.

Prein and Newhof continues to be busy reviewing shop drawings for the various pieces of equipment that must be ordered as part of the project.

There was a Sanitary Sewer Overflow at the Wastewater Treatment Plant on June 23rd. For unknown reasons, an influent gate closed in the UV building, which caused sewage to back up in the line between the clarifiers and the UV building, which overflowed a manhole onto the ground. All MDEQ required notifications were made within several hours of the incident.

Mr. Greiner talked about the "Source Water Protection Award" that the City received from the American Water Works Association. Big Rapids was the only medium size community in North America that was given the National Source Water Protection Award. This is a very high honor. Mr. Greiner took a moment to thank the committee who helped make this happen.

Mr. Greiner gave a PowerPoint slide presentation.

There will be a tour of the Wastewater Treatment Plant on August 3, 2009 at 5:00 p.m. A bus will pickup members of the Commission, Big Rapids and Green Township at City Hall.

3) Township Maintenance Agreement

Mr. Sobers discussed the Township Maintenance Agreement between the City of Big Rapids and Big Rapids Township. The two have been working on the maintenance issues in the sanitary distribution system. The City is currently the backup for the Big

Rapids Township. The Township is currently discussing on whether to employ the City or continue on with an individual maintaining the distribution system. They should be making their decision sometime this month. Two reasons that it is on tonight's study session is:

1. If the Township wants the City to continue to be their backup it would be helpful to know some of the details of what they do with their eleven lift systems. It is the City's plan to have a City lead employee that would be working with the township for the rest of this month, a couple of hours a day to learn the record keeping of the lift stations and how they operate in the township.

2. If the Township employs the City to maintain their sanitary distribution system than there will be a need for a full-time lift system/laborer position. The City would expect to hire a laborer position. They would not need to be certified, the City has plenty of certified operators at the plant to over see the laborer.

Commissioner Harper stated that #18 of the agreement states that this will be for one year with potential of renewal. Commissioner Harper questioned if it was wise to hire a new person not knowing if this will be a long term contract or would it be better to work with our existing staff. Mr. Sobers commented that anyone the City hires would know that in advance of employment. The City could also look at a temporary agency. Mr. Sobers is concerned about being a person short going into the winter months when you need people for snow removal.

Mayor Warba suggested that Mr. Williams prepare the paperwork for the Township to sign in case they opt to employ the City for administering their water and sewer utilities services. The Township has expressed concern about not having any down time with Brad's departure.

4) 2010 Census Complete Count Committee

The City advertised in the paper for interested citizens to come and apply to be on the Census Complete Count Committee. To date we have not gotten a significant response. There is concern on the City's part of proper counting of the Ferris students, public housing and the elderly. With the Commission's permission the City would like to start the committee.

Dan Burcham from Ferris has expressed an interest in participating. Staff will "empower" Dan to pick 2-3 students with a similar interest to be appointed to the committee. Other Committee members from City staff would include Mark Gifford, Roger Schneidt, Roberta Cline and Steve Sobers. Mr. Sobers is looking for 12-15 people to be on this committee with possibly a few being senior citizens, members of the BRPOA, public housing and volunteers from the committee. Regular meeting times will be set up and additional people will be added as they become available.

Commissioner Harper asked what exactly the committee is going to do and how many meetings. Mr. Sobers replied that the committee would meet once a month until two or three months right before the census. The committee is more of a publicity and communication wing especially when it relates to the targeted audiences. They may suggest pamphlets, letters, posters, plaques etc. on campus or other areas that may be over looked. Their job will be to let people know how important the census really is. They will not be doing anything with the actual census counting.

Commissioner Hogenson volunteered to be the Commission representative to the Census Complete Count Committee.

Mr. Sobers would like a resolution appointing partial members to be an agenda item for the July 20, 2009 Commission meeting.

PUBLIC COMMENT - None

Mayor Warba asked City Attorney Eric Williams if the grant documents needed his review and approval before being signed. Mr. Williams reviews all contracts that need the Mayor's signature and stamps and signs the documents. Mr. Williams believes that he did review these documents but will confirm before the Mayor signs them.

RESOLUTION NO. 09-72

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution.

**RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) FOR PUBLIC SAFETY
AND AUTHORIZING THE MAYOR TO SIGN**

WHEREAS, on February 17, 2009, President Obama signed into law the landmark American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), and

WHEREAS, on April 6, 2009, the City Commission passed resolution 09-38, Notice of Intent to Apply for the Edward Byrne Memorial Justice Assistance Grant, and

WHEREAS, the City has been awarded the grant through the Office of Justice Programs at the Department of Justice for \$14,768 to be used for a Hand Held Thermal Imager and a Ballistic Shield.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Big Rapids accepts the grant and appoints Mayor Mark Warba as Official Representative with authority to sign the Grant Documents.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 6, 2009

Fire Fighter Jeffery Hoyt wrote a grant request and submitted the grant to AAA of Michigan for consideration for a set of new "Jaws of Life" for the Big Rapids Department of Public Safety. The Department of Public Safety was awarded the grant and a check from AAA of Michigan for \$15,800 to purchase a new set of jaws. The check from AAA of Michigan may not cover the cost of the jaws and the City may need to subsidize this purchase to some small degree from the general fund.

The department has an older model, which back in the 1990's the power unit had to be rebuilt. The old jaws will not cut through the newer cars that are made today. The old jaws weigh approximately 75 lb. where the new ones only weigh 30-35 lbs. The City will be going out for bids for this purchase.

Mayor Warba noted that in the letter from AAA of Michigan they state that they would like to hold a media announcement and "Jaws" demonstration at a future date. The Mayor encourages the Department Public Safety to follow-up on that and acknowledge the significant contribution by AAA of Michigan.

RESOLUTION NO. 09-73

Commissioner Hogenson moved, supported by Commissioner Harper, the adoption of the following resolution.

**RESOLUTION ACCEPTING AAA OF MICHIGAN GRANT
FOR "JAWS OF LIFE" FOR
DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, AAA of Michigan has a competitive grant program that provides "Jaws of Life" to statewide fire departments, and

WHEREAS, the Department of Public Safety applied for the "Jaws of Life" grant and has been awarded the grant, and

WHEREAS, AAA of Michigan has sent a check for \$15,800 for the purchase of a new set of "Jaws of Life".

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the grant from AAA of Michigan in the amount of \$15,800 for a new set of "Jaws of Life".

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 6, 2009

Eric Williams discussed both the Ordinance and Resolution regarding Country Place apartments. After the Commission discussed this matter previously, concerns came to light.

1. The name of the entity that was in the resolution was not the correct name. The actual recipient was the newly formed name of JPS Country Place Limited Dividend Housing Association Limited Partnership and that name would be eligible for tax credit financing through Michigan State Housing Development Authority (MSHDA). Needed to change the name in order for the applicant to receive financing through MSHDA.

2. MSHDA has particular requirements for this kind of financing. The municipal has to have certain ordinance provisions in its ordinance. Prepared an ordinance amendment that incorporates the definitional changes required by MSHDA. They are non-controversial and don't effect anything. The reason the City puts in all the definitions in the tax exempt PILOT ordinance is so that financing can be obtained through MSHDA and can be approved. There is a July 8th, deadline with MSHDA so there was an urgency to get this ordinance amendment and resolution to the Commission.

The next resolution is for Country Place apartments and Country Place Senior Citizen apartments. On resolution number 09-55 that was approved on July 1, 2009 there were a few corrections that needed to be made.

1. The name needed to be changed to JPS Country Place Limited Dividend Housing Association Limited Partnership who is the entity receiving the financing.
2. The tax exemption was not plainly stated.
3. Acknowledge the status of the applicant in the form that MSHDA requires.
4. Direct statement of exemption is actually Country Place Apartments and Country Place Senior Apartments after rehabilitation in the City's ordinance, MSHDA wanted it in the resolution as well.
5. MSHDA wanted the City of Big Rapids to acknowledge that there have been findings about economical feasibility.
6. Recitation of the exemption and annual service charge.
7. When the PILOT would be paid.
8. Contribution Agreement to contribute the \$30,000 to the City of Big Rapids to fulfill the rehabilitation requirement of the local ordinance. This was not a MSHDA requirement.
9. Municipal Services Agreement, which recites another payment that is made in conjunction with the PILOT.

Commissioner Brennan questioned if the annual service charge was the same as the municipal service fee. Mr. Williams stated that the City is to get a total of 10%, 4% from the PILOT or annual service fee and 6% from the municipal services fee.

Mayor Warba commented that the MSHDA attorney has reviewed and approved both the ordinance and resolution and if these both are passed tonight then some of the problems that brought it back for discussion seem to be addressed both at the City level and the State level. Mr. Williams received an unequivocal approval from MSHDA.

ORDINANCE NO. 610-07-09

Commissioner Hogenson moved, seconded by Commissioner Harper, the adoption of the following ordinance:

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTION 155.02 OF THE BIG RAPIDS CITY CODE BY AMENDING THE DEFINITIONS OF MORTGAGE LOAN AND SPONSOR AND BY ADDING SECTION 155.11 ON THE CONTRACTUAL EFFECT OF A RESOLUTION GRANTING TAX EXEMPT STATUS.

WHEREAS, the Michigan State Housing Development Authority (MSHDA) requested that the City amend its ordinance on tax exemptions and payments in lieu of taxes to conform with MSHDA standards,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title 15, Chapter 155, Section 155.02 of the Big Rapids City Code is amended to read as follows, and Section 155.11 is added to Chapter 155.

§ 155.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

ANNUAL SHELTER RENT. The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

AUTHORITY. The Michigan State Housing Development Authority.

CONTRACT RENTS. As defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended.

ELDERLY. A single person who is 55 years of age or older or a household in which at least one member is 55 years of age or older.

HOUSING DEVELOPMENT. A development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines

improve the quality of the development as it relates to housing for persons of low income.

MORTGAGE LOAN. A loan that is federally aided (as defined in the Act) or made or to be made by the Authority for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, secured by a mortgage on the housing project.

QUALIFIED HOUSING DEVELOPMENT. A housing development with characteristics specified in this chapter which the City Commission may find exist and qualify the Housing Development for tax exempt status.

SPONSOR. Any person(s) or entities that receive or assume a Mortgage Loan.

UTILITIES. Fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

§155.11. RESOLUTION; CONTRACTUAL EFFECT. A Resolution of the City Commission granting tax exempt status, as provided in this Ordinance, shall be adopted for each Housing Development qualified under the terms and provisions of this Ordinance. Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the Contract, to provide tax exemption and accept payments in lieu of taxes as previously described will be effectuated by enactment of such a Resolution by the City Commission.

Section 2. The City Clerk shall publish this ordinance in the Pioneer.

Section 3. This ordinance shall be effective upon publication.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Ordinance adopted.

Dated: July 6, 2009

Published: July 8, 2009

RESOLUTION NO. 09-74

Commissioner Harper moved, supported by Commissioner Hogenson, the adoption of the following resolution.

A RESOLUTION ACCEPTING THE PLAN BOARD RECOMMENDATION AND APPROVING A TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES (PILOT) FOR JPS COUNTRY PLACE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, COUNTRY PLACE APARTMENTS, AND COUNTRY PLACE SENIOR CITIZEN APARTMENTS.

WHEREAS, JPS Country Place Limited Dividend Housing Association Limited Partnership, 458 West Baldwin, Alpena, MI 49707, "Sponsor/Owner" requested a tax exemption and payment in lieu of taxes for Country Place Apartments and Country Place Senior Citizen Apartments pursuant to MCL 125.1401 et seq., and Chapter 155 of Title 15 of the Big Rapids City Code, and

WHEREAS, the Plan Board reviewed and discussed the request at their April 15, 2009 and May 20, 2009 meetings and recommended granting of the tax exemption and acceptance of a payment in lieu of taxes as allowed by law, and

WHEREAS, on June 1, 2009, the Big Rapids City Commission approved the granting of a PILOT for Country Place Apartments in RESOLUTION No. 09-55, but without sufficient details of the property affected and the correct name of the Sponsor/Owner for purposes of obtaining financing from or through the Michigan State Housing Development Authority (MSHDA), and

WHEREAS, in order to meet the requirement of Section 155.07(f) of the City's ordinance for tax exemption, which requires the housing developer to rehabilitate or remove some dilapidated or substandard housing stock within the City, JPS Country Place Limited Dividend Housing Association Limited Partnership agreed to contribute \$30,000 to renovate the real property at 424 Woodward (purchased by the City as part of the Buy Back the Neighborhood program and transferred to the Big Rapids Housing Commission for renovation), and

WHEREAS, it has been determined that all requirements of the Act and the ordinance have been met and fulfilled,

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves and grants the tax exemption for Country Place Apartments and Country Place Senior Citizen Apartments, and

The City of Big Rapids acknowledges that *JPS Country Place Limited Dividend Housing Association, a Michigan Limited Partnership* (the "Sponsor") has offered subject to receipt of a Low Income Housing Tax Credit Reservation from the Michigan State Housing Development Authority, to rehabilitate, own and operate a housing development identified as *Country Place Apartments, 815, 825, 835 Country Way, Big Rapids, MI 49307, tax id: 54-17-11-200-013, and Country Place Senior Citizen Apartments, 830 Country Way, Big Rapids, MI 49307, tax id: 54-17-11-200-024*, (the "Housing Development") on certain property *located at 815, 825, 830, 835 Country Way in the City of Big Rapids* to serve persons of low and moderate income and that the Sponsor has offered to pay the City of Big Rapids on account of this housing development an annual service charge for public services in lieu of all taxes.

It is determined that the class of Housing Development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be that portion of a development which is for low and moderate income persons and which is financed or assisted pursuant to the Act. It is further determined that

Country Place Apartments and Country Place Senior Citizen Apartments are of this class.

The Housing Development identified as *Country Place Apartments and Country Place Senior Citizen Apartments* and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of rehabilitation. The City of Big Rapids, acknowledging that the Sponsor, Rural Development and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Resolution and the qualification of the Housing Development for exemption from all property taxes and a Payment In Lieu Of Taxes (PILOT) as established in this Resolution, and in consideration of the Sponsor's offer, subject to receipt of a Low Income Housing Credit Reservation from the Authority or a Mortgage Loan from Rural Development, to rehabilitate, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the Annual Shelter Rents actually collected less Utilities.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City of Big Rapids except that the annual payment shall be paid on or before April 1st of each year.

The Sponsor/Owner shall contribute \$30,000 to the City of Big Rapids for the rehabilitation and renovation of real property at 424 Woodward in satisfaction of §155.07(F) of the Big Rapids City Code, according to the terms of the Contribution Agreement, which the Mayor and Clerk are authorized to sign.

The Municipal Services Agreement is approved by which the Sponsor/Owner shall pay a municipal service fee of one and one half (1.5) times the amount of the PILOT payment, payable on the same date as the PILOT, and the Mayor and Clerk are authorized to sign the Municipal Services Agreement.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: July 6, 2009

Mr. Sobers stated that the Jaycees presented their proposal to the Park and Recreation Board on having a beer tent set up during their softball tournament in Hemlock Park at Riverdays Festival on September 5, 2009 during the 2009 Labor Day weekend.

The Park and Recreation Board recommends allowing the Jaycees to have a beer tent at the Riverdays Festival during the softball tournament at Hemlock Park provided they have it from 1:00 p.m. to 10:00 p.m. which is already allowed by the ordinance and come to the Park and Recreation Board one more time prior to the event with a more detailed written plan on clean-up and management (i.e. security, damages, music) that the Board approves of.

Nick Scheible spoke on behalf of the Jaycees and looks forward to working with the City and community to put this event on and believes that it could help the Riverdays weekend and enhance their funding, which goes back into the community.

Ms. Rebecca Duddles stated as a scout leader she tries to teach the scouts to be free of substances and questions about bringing beer into a family style park. She is concerned as to what kind of message are we sending to our young children when we say that its OK to have alcoholic beverages at this time but not at another time in the park.

Mayor Warba commented that the City adopted an ordinance in 1992 allowing alcohol to be consumed in some but not in all parks with the hours being regulated. The Jaycees are requesting a beer tent in Hemlock Park which is one of the parks that alcohol is allowed to be consumed within the same hours that is already allowed by ordinance.

Commissioner Anderson commented that from a business standpoint there are seven businesses that hold liquor licenses in a 2-3-block area. She believes that this is a huge infringement on the people who have gone out of their way to acquire liquor licenses. Commissioner Anderson does not believe that the park is accessible. It is difficult to get out of the park.

Commissioner Brennan clarified that there would be no alcohol allowed out of the beer tent, no alcohol brought into the beer tent and that this was only going to be a one-day event. Mr. Scheible stated yes to all three questions.

The resolution was amended adding "Saturday September 5, 2009" at the end of the first paragraph.

Mayor Warba commented that the Park and Recreation Board has final approval with certain contingents such as cleanup management, security, damages and music. Mayor Warba stated what the Park and Recreation Board says goes. There will be no appeal to the City Commission.

RESOLUTION NO. 09-75

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

RESOLUTION ACCEPTING PARK AND RECREATION BOARD RECOMMENDATION PERTAINING TO THE JAYCEES REQUEST FOR A BEER TENT AT THE RIVERDAYS CO-ED SOFTBALL TOURNAMENT

WHEREAS, the Big Rapids Jaycees has proposed to the Park and Recreation Board requesting a beer tent during their softball tournament in Hemlock Park at the Riverdays Festival on Labor Day weekend, Saturday September 5, 2009, and

WHEREAS, on June 11, 2009 the Park and Recreation Board met and approved a beer tent for e Softball Tournament during Riverdays festival, and

WHEREAS, this approval is contingent upon the beer tent concluding at 10:00 p.m. and Jaycees representative again attending a Park and Recreation board meeting with a detailed written plan on cleanup and management (security, damages, music) for board approval.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the Jaycees beer tent for the softball tournament during the Riverdays festival along with the contingencies set forth by the Park and Recreation board.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 6, 2009

The manhole opposite the Crossroads Charter Academy has overflowed at least once a year. The MDEQ notified the City that successive overflows of untreated sewage from manhole #204 must be addressed. The MDEQ has instructed the City to conduct a study of the service area tributary to the manhole and submit it to the MDEQ no later than September 1, 2009.

Mayor Warba asked why this study has not been done before now. Mr. Greiner stated that on the waterside computer modeling was required fifteen years ago. When submitting to MDEQ they ask if it is in compliance with your model. On the wastewater side that question is never asked. When the Masterplan was done back in 2001 the City should have looked at modeling the collection system in anticipation of the impact that might have on the plan itself.

Big Rapids and Green Township was part of all of the discussions of the problems of the manhole and are aware of the problems that the City continues to have. They are notified when the city has overflows and are aware of the City's need to do a branch analysis. Mayor Warba suggested contacting both Big Rapids and Green Township on the out come of the resolution.

RESOLUTION NO. 09-76

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

RESOLUTION ACCEPTING CONTRACT WITH PREIN AND NEWHOF FOR ENGINEERING SERVICES FOR WASTEWATER COLLECTION SYSTEM STUDY

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) notified the City that successive overflows of untreated sewage from manhole #204 must be addressed, and,

WHEREAS, MDEQ has instructed the City to conduct a study of the service area tributary to the manhole to ensure that the sanitary sewer has sufficient capacity to transport all flows to the Wastewater Treatment Plant without discharging raw sewage to the waters of the State or on the ground, and

WHEREAS, City staff is satisfied with Prein and Newhof's performance and recommends that the contract for engineering services related to the wastewater collection system study be offered to Prein and Newhof, and

WHEREAS, the cost of the wastewater collection system study is not to exceed \$26,000.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the contract with Prein and Newhof for engineering services related to the wastewater collection system study.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the cost be expensed to Account No. 590-561-802.000.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 6, 2009

RESOLUTION NO. 09-77

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

RESOLUTION AMENDING FISCAL YEAR 2009/10 GENERAL APPROPRIATIONS

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2009/2010 General Appropriations for 50% of Don Greiner and Heidi Horan's salaries to be split between Sewage Disposal System Fund and Water System Fund.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2009/2010 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: July 6, 2009

RESOLUTION NO. 09-78

Commissioner Brennan moved, seconded by Commissioner Harper, the adoption of the following:

RESOLUTION ON MAYORAL APPOINTMENTS TO BOARDS AND COMMISSIONS

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

DART LOCAL ADVISORY COUNCIL

Lillian Serrano appointed to a full term ending May 2011

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted

Dated: July 6, 2009

Unscheduled Business

- Commissioner Brennan questioned when Julius Suchy, Zoning Administrator would be replaced. Staff hopes to have someone in place by August.
- Commissioner Hogenson commented on the high quality of the downtown benches contracted by Hamtec.
- Commissioner Harper questioned how the soccer field was being funded. Mr. Gifford stated that the Soccer Club is funding the whole thing.
- Commissioner Harper commented for future Commission discussions regarding the District Library on who was going to pay for attorneys who will have to draft documents.
- Commission received a letter from Judge Grant expressing her gratitude for the use of the Commission Chambers to conduct Court Proceedings.
- Commission was given a memo from the City attorney regarding a life jacket ordinance for children and will be discussed at the July 20, 2009 meeting.
- August 11, 2009 there will be a School Board meeting which Mayor Warba, Mr. Sobers, and others will be attending to present to the school board information regarding a District Library.
- August has five Mondays. Looking at the 10th, 24th or the 31st as possible retreat dates. Will set retreat date at the July 20th Commission meeting.

- Retreat topics will include legal services contract, tax abatement criteria, and any other topic that Commissioners want to propose.
- Refuse Committee has a meeting July 7, 2009 at 3:00 p.m. at City Hall.
- MML Conference will be held in September in Kalamazoo. Anyone interested in attending needs to let Roberta know by August 25, 2009.

There being no further business to come before the Commission, the meeting was adjourned at 8:35 p.m.

* * * * *

Mayor Mark J. Warba

Tamyra K. Gillis, Deputy Clerk

City Commission
July 20, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 12 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Harper moved, seconded by Commissioner Anderson that the minutes of the July 6, 2009 approved as presented.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Hogenson moved, seconded by Commissioner Harper that the Park and Recreation and Library bills be approved.

Consumers Energy	15.96	Michigan, State of	80.00
Raab's Pool Supply	767.64	Doug's Heating & Cooling	150.00
Medler Electric	7.04	Delta Labs	285.59
Golden West	154.32	Omara Products	334.22
Staples Business	67.76	American Red Cross	115.00
Doug's Heating	168.00	AT&T	119.11
Staples	33.88*	Library Store	44.95*
Staples	4.65*	AT&T	187.59*
MI Library Consortium	125.00*	Audio Editions	28.00*
Belliveau, Steve	520.00*	Xerox Corp.	141.43*
Charter Communications	269.99*		

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

1) City Financial Report

City Treasurer Julie Tetsworth presented a report explaining the difference between the General Fund and the other funds of the City. Her summary provided a breakdown of the City's funds, their category, and how the funds receive revenue. Even though it is desired that the special revenue funds stand alone, that does not always happen and there are times the General Fund does contribute in an attempt to help balance their budgets.

Commissioner Harper questioned if the Enterprise/Proprietary Funds (Water, Wastewater, Sanitation, Dial-A-Ride) charges for services should match the actual charges that are incurred through those funds. Ms. Tetsworth explained that there are administrative charges included as well. Mr. Sobers added that under State regulations water and wastewater do not operate for profit. The equipment associated with the operations, however, can be depreciated and that amount can be put in a fund that can be used to replace equipment.

Commissioner Harper requested an updated organizational chart.

2) VSCI Update

Budget and financial sheets, which included expenditure and revenue information for the VSCI program, were provided.

Mark Gifford, Neighborhood Services Director, presented slides on this summer's façade project progress. The slides included Roger's Jeweler's, Papa John's Pizza, Bernie's Donut, Old Pioneer Store, Big Rapids Furniture, Martz and Shapley Pharmacy, Artworks, Quinn's Music, Binney's Car Quest, and Big Rapids Foot and Ankle Clinic.

Mr. Gifford explained the items that will be covered under a change order and explained that all changes are paid entirely by the property owners involved. The additional expenses for the Artworks job, which is a different situation than the others, will be deducted from interior work planned. The total amount spent on Artworks will not increase. The Commission will need to pass on project change orders since the work is connected with the grant, even though the costs are being paid by the property owners. At a later date it will come to the City Commission for action.

Bids for the Wayfinding Signs are due on July 24 and for the Artworks interior improvements on July 27. Final design of the streetscape project is underway.

Commissioner Harper referred to the Revenue Detail Report and questioned the \$60,000 from the General Fund. Ms. Tetsworth stated that the match does come from the General Fund. VSCI monies are coming from a variety of funds and not just the General Fund. Commissioner Harper also questioned, under account 699.202, the

\$100,000 contribution from the Major Street Fund. Ms. Tetsworth explained this is a revenue report; the monies have not been expended, but have been moved into the account. The Streetscape project will begin next spring, at which time funds will begin to be spent.

Mayor Warba questioned what happens if there is a fund balance in an account (he referenced the Engineering – Façade Improvements Account). Ms. Tetsworth explained that it is rolled over into the next fiscal year budget. At the end of the project, there should not be much of a VSCI fund balance. Mr. Gifford added that due to additional engineering services for the review of some architectural and unexpected problems, there may be a need for additional monies for the façade project, but talks will take place as to how these additional charges will be paid.

3) School Board Meeting August 11, 2009

City Manager Sobers reviewed the proposed agenda of information to be presented at the August 11th meeting with the School Board regarding the District Library. This will be discussion only, seeking the School Board's interest in participation in a district library. If there is interest, they will be asked to consider designating members for a subcommittee from the School Board, along with the City Commission, and perhaps townships or others who may be interested in being part of the district and deliberations.

Mr. Sobers explained that the proposal includes the City hiring a library lawyer. Commissioner Harper questioned why the School Board would not be expected to share in the library lawyer's expense. She recalls that Mr. Werner, Michigan Library Lawyer, stated the cost could be several thousands of dollars in lawyer fees. If the School Board is being asked to partner with the City, she would expect that they would also be asked to share in the expenses. Mr. Sobers stated that in his discussions, the figure was about \$5,000. He will research lawyer cost figures with Mr. Werner and report back at the August 3rd meeting. Commissioner Hogenson agreed with getting an accurate figure, but he would not like some reasonable legal expense getting in the way of progress.

Commissioner Harper referred to the handout previously provided by Mr. Werner regarding the indication that local appropriations are used until a district wide millage is approved. She requested information as to what those local appropriations would be and whether or not those would be shared until a district millage is adopted.

4) Master Plan

Mr. Dave Bee, Director of Regional Planning Commission, briefly explained the purpose of the Regional Planning Commission. Part of their responsibilities is to work on Master Plans and Recreational Plans.

His purpose at this meeting was to present the Master Plan and obtain approval for distribution of the Master Plan to the County and neighboring townships. They will have

a 63-day review period where they can comment on the plan. This meeting also allows the City Commission an opportunity to express by resolution if they wish to have the final approval of the plan.

There were twenty-seven meetings regarding the Master Plan with the Plan Board working committee. Part of the process included the interviewing of 36 individuals, two workshops, which included about 70 people, and 13 different focus groups. The Ferris State University Market Research class did a community survey.

The Master Plan resulted in seven topics: Population, housing, transportation, downtown, cooperation and coordination, public facility and services, and economic development. He outlined the various sections of the Master Plan.

Mr. Bee distributed the Region 8 Notes newsletter, which included an outline of steps in adopting a Master Plan, and a proposed schedule for adoption of the Big Rapids Master Plan.

PUBLIC COMMENT

Judy Irvin, President of the Historical Society, thanked those who attended the Museum open house.

Green Township Supervisor Bob Baldwin requested a round table discussion meeting with the City, Green Township, and Big Rapids Township regarding the User Charge Study. He presented the following dates for an evening meeting that the townships would be available - August 6, 10, 11, 12, 13, 18, 19, or 20. The City Attorney suggested that to follow the Charter language, the meeting should be held in the City. Commissioners will notify the City Manager or the City Clerk regarding their availability for the suggested dates.

Maxine McClelland, Big Rapids Township Supervisor, stated that her township did execute the wastewater service agreement between her township and the City. Big Rapids Township is ready to proceed as soon as the City Commission adopts it at their August 3 meeting.

Mayor Warba reminded those interested, there is a tour of the Wastewater Treatment Plant scheduled for August 3 at 5:00 p.m.

City Manager Sobers was excused from the meeting at 7:40 p.m.

RESOLUTION NO. 09-79

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

RESOLUTION APPOINTING A 2010 CENSUS COMPLETE COUNT COMMITTEE

WHEREAS, the Bureau of Census is encouraging all cities to establish a committee as a citizen input/monitor for publicity and assistance in the Census, and

WHEREAS, Mayor Warba solicited interested persons to serve on the 2010 Census Complete Count Committee.

NOW THEREFORE, BE IT RESOLVED that the Mayor hereby appoints the following citizens to the 2010 Census Complete Count Committee: Dan Burcham, Roberta Cline, Mark Gifford, Claire Gould, Tom Hogenson, Ian Nagy, Roger Schneidt, Steve Sobers and others as they become available.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 20, 2009

Dawn Fuller, Transportation Director, explained the resolution of intent to apply for financial assistance from the State for Dial-A-Ride. She stated that in the past DART has not had use of the hangar area, nor did they have to pay rent. The 2009/2010 budget did not include \$18,000 to cover the rent and, therefore, the previous budget submitted to the State must be amended to receive the \$18,000. Ms. Tetsworth explained the budget adjustment that would also need to be adopted.

Commissioner Harper questioned whom the City is paying rent to and if the City is the owner of the building. Ms. Fuller explained that it is the City's building and the rent is going to the City in the airport fund. Because the DART operation is using the building, which is not an aeronautic use, the FAA says that rent must be paid for use of the hangar. **City staff was uncertain about the ownership of the hangar or who would receive the rent payments. Commissioner Harper asked if we had a lease agreement for the hangar. Mr. Williams said that he was asked to draft a lease agreement, but had no knowledge of the proposed agreement to date.** Mr. Williams will be drafting a lease agreement.

Commissioner Harper referred to the previous structural concerns of the building and questioned who would be paying for the repair to the large hangar doors. Mr. Gifford explained that it was unsafe for the storage of aircraft, but not for the use as office and storage of the DART vehicles. Ms. Fuller stated that the ~~structure doors~~ **structural concerns related to the doors** and how they need to be opened for aircraft differ from how they are opened for the buses. They are not unsafe for vehicle storage.

Commissioner Harper questioned if the FAA has some overseeing capacity over who can be in there, should the City be talking about a long-term use of the building. **City**

staff was uncertain of the long term plans for the facility and any FAA concerns. Ms. Fuller explained that if the resolution was not passed at this meeting, the City would not get the appropriations from the State for two years. There is an opportunity for the vehicles to be stored in the older hangar building, and the opportunity to obtain some State and Federal funding to do that with if she applies by August 1st. **Mr. Williams indicated the importance of prompt funding for DART. Commissioner Harper agreed that the funding is a priority because of the timing, but requested more complete information regarding this lease agreement and long-term plans.**

Clarification and information was requested **by the Mayor** from ~~Mr. Sobers~~ for the next City Commission meeting.

RESOLUTION NO. 09-80

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

RESOLUTION AMENDING INTENT TO APPLY FOR FINANCIAL ASSISTANCE FROM STATE OF MICHIGAN FISCAL YEAR 2010 UNDER ACT NO. 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED - DIAL-A-RIDE

WHEREAS, pursuant to Act No. 51 of the Public Acts of 1951 (Act 51), As Amended, it is necessary for the City of Big Rapids' Dial-A-Ride Public Transportation System, established under Act 94, to provide a local transportation program for the state fiscal year of 2009 (October 1, 2009 through September 30, 2010) and, therefore, apply for state financial assistance under provisions of Act 51, and

WHEREAS, this Intent is an amendment to Resolution Number 09-06, and

WHEREAS, it is necessary for the City of Big Rapids, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or Department for its administration of Act 51, and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year, and

WHEREAS, the performance indicators for this agency have been reviewed and approved by the City of Big Rapids.

NOW, THEREFORE, BE IT RESOLVED that the City of Big Rapids does hereby make its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

BE IT FURTHER RESOLVED, that the following budget adjustments be made:

<u>Revenue</u>	<u>Original</u>	<u>Adjustment</u>	<u>Amended</u>
588-000-529.000 Fed. Grant	\$ 64,992	\$ 2,880	\$ 67,872
588-000-540.000 State Grant	\$ 144,688	\$ 6,411	\$ 151,100

588-000-395.000 Fund Bal. \$ 8,709

The remaining amount of \$8,709 will be expensed from Fund Balance/Retained Earnings.

Expense

588-539.944.000 Rent	\$ 0	<u>\$ 18,000</u>	<u>\$ 18,000</u>
----------------------	------	------------------	------------------

BE IT FURTHER RESOLVED, that Stephen Sobers is hereby appointed as the Transportation/Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for the state fiscal year of 2010 (October 1, 2009 through September 30, 2010).

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: July 20, 2009

RESOLUTION NO. 09-81

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

**RESOLUTION AMENDING FISCAL YEAR 2009/10
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Adjustments to the FY 2009/2010 General Appropriations for rent for Dial-A-Ride.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2009/2010 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Date: July 20, 2009

RESOLUTION NO. 09-82

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

**RESOLUTION APPROVING BARTON TOWNSHIP
FIRE PROTECTION CONTRACT RENEWAL**

WHEREAS, the current fire protection contract with Barton Township expires on July 31, 2009, and

WHEREAS, Barton Township wishes to renew the contract with the City of Big Rapids.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the attached fire protection contract with Barton Township for a period of August 1, 2009 through July 31, 2012.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 20, 2009

RESOLUTION NO. 09-83

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

**A RESOLUTION RESERVING THE RIGHT OF THE CITY
COMMISSION TO APPROVE OR REJECT THE MASTER
PLAN OF THE CITY OF BIG RAPIDS, AND AUTHORIZING
DISTRIBUTION OF THE PROPOSED 2009 MASTER
PLAN.**

WHEREAS, Act 33, Public Acts of Michigan 2008, provides for a municipal Planning Commission to make and adopt a Master Plan for the physical development of a municipality, and

WHEREAS, the aforementioned P. A. 33 of 2008, requires a municipal Planning Commission to review the adopted master plan to determine if the plan should be updated or replaced, and

WHEREAS, the Big Rapids Plan Board and City Commission determined that the Master Plan needed to be updated, and the City retained West Michigan Regional Planning Commission to complete the plan, and

WHEREAS, West Michigan Regional Planning Commission began working with the Plan Board in January 2008, to prepare the 2009 City of Big Rapids Master Plan, and

WHEREAS, great effort has been taken to gather input from the community through community meetings, surveys and focus groups, and

WHEREAS, the City of Big Rapids must notify all municipalities contiguous to the municipality and the County Planning commission, and

WHEREAS, the City Commission must approve the distribution of the plan before proceeding and must elect to be an approving body.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission reserves the right to approve or reject the Master Plan for the City of Big Rapids, and hereby authorizes distribution of the draft 2009 Master Plan to contiguous municipalities.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: July 20, 2009

Unscheduled Business

Commissioner Harper:

- The new International Fire Code adopted by the City Commission calls for automated sprinkler systems in all new construction. Several states that have adopted the IFC will be repealing that section of the Code. Habitat for Humanity has also gone to the State suggesting that they do not include that section. There is a time period through July 22nd that people may contact the State regarding the IFC and make their view known. Commissioner Harper encouraged folks with interest to do so. She quoted that 99.45% of all fires are adequately prevented with just working smoke alarms.
- A regular attendant at the Farmers Market is concerned that the outdoor bathrooms are not providing hand soap or toilet paper. It was stated that the items are provided, but often times they disappear. She would like to have the supplies in the bathroom checked.
- Regarding the City Attorney's memo on the river use and lifejackets, an individual has informed Commissioner Harper that it will probably be unlikely to get people to not use the Muskegon River. This individual has noticed that there needs to be a trash receptacle near the swimming area behind the Middle School. People are not taking their trash to the receptacle up the slope by the Riverwalk.

August 24 is the City Commission Retreat. Agenda items to date: legal service contract and property tax abatement.

Next study session - Life jackets on the Muskegon River.

Mayor Warba thanked City staff for painting the fire hydrants.

There being no further business to come before the Commission, the meeting was adjourned at 8:22 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
August 3, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None.

There were 23 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the July 20, 2009 approved as revised.

Commissioner Harper questioned whom the City is paying rent to and if the City is the owner of the building. Ms. Fuller explained that it is the City's building and the rent is going to the City in the airport fund. Because the DART operation is using the building, which is not an aeronautic use, the FAA says that rent must be paid for use of the hangar. ***City staff was uncertain about the ownership of the hangar or who would receive the rent payments. Commissioner Harper asked if we had a lease agreement for the hangar. Mr. Williams said that he was asked to draft a lease agreement, but had no knowledge of the proposed agreement to date.*** Mr. Williams will be drafting a lease agreement.

Commissioner Harper referred to the previous structural concerns of the building and questioned who would be paying for the repair to the large hangar doors. Mr. Gifford explained that it was unsafe for the storage of aircraft, but not for the use as office and storage of the DART vehicles. Ms. Fuller stated that the ~~structure doors~~ ***structural concerns related to the doors*** and how they need to be opened for aircraft differ from how they are opened for the buses. They are not unsafe for vehicle storage.

Commissioner Harper questioned if the FAA has some overseeing capacity over who can be in there, should the City be talking about a long-term use of the building. ***City staff was uncertain of the long term plans for the facility and any FAA concerns.*** Ms. Fuller explained that if

the resolution was not passed at this meeting, the City would not get the appropriations from the State for two years. There is an opportunity for the vehicles to be stored in the older hangar building, and the opportunity to obtain some State and Federal funding to do that with if she applies by August 1st. **Mr. Williams indicated the importance of prompt funding for DART. Commissioner Harper agreed that the funding is a priority because of the timing, but requested more complete information regarding this lease agreement and long-term plans.**

Clarification and information was requested **by the Mayor** from ~~Mr. Sebers~~ for the next City Commission meeting.

Yeas: Unanimous
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Barco Products	1,760.20	Harley & Sons	275.00
Consumers Energy	72.93	DTE Energy	3,344.67
Elevator Service	146.50*	Demco, Inc.	629.51*
Raco Industries	908.67*	AT&T	1.74*
Business Week	50.00*	Consumer Reports	24.00*
Cricket Magazine	33.95*	Gourmet	15.00*
Kids Discover	19.95*	Seventeen	14.97*
Time	72.20*	Wall Street Journal	398.48*
Baker & Taylor	2,281.28*	Consumers Energy	545.81
National Arbor Day	25.00	Katke Golf Course	60.00
Univar USA	3,392.04	Consumers Energy	1,832.47
Demco, Inc.	302.56*	Rorabaugh, Gaylynn	45.45*
Baker & Taylor	219.16*	Center point Large Print	431.00*
Arnold Sales	-124.01*	Consumers Energy	792.50*

*Indicates library bill

Yeas: Unanimous
Nays: None

SPECIAL ORDERS OF THE DAY

The Government Finance Officers Association of the United States and Canada, Award of Financial Reporting Achievement, was presented by Mayor Warba to Jean Schneidt, Assistant City Treasurer, and Carla Staffen, Administrative Assistant/Treasurer's Office (who could not be in attendance).

STUDY SESSION

1) City Financial Report - Communication dated July 27, 2009

City Treasurer Julie Tetsworth presented the Financial Report pertaining to Personal Property Tax Statements. Taxpayers who have personal property are required to file a yearly Personal Property Tax Statement. Currently about 17% have not filed. Those who do not file a form, receive an estimation of value from the assessor. These people seem to be the same businesses year after year. The assessor will estimate their value using like businesses.

The number of businesses that file varies year to year. One possibility for the change is the economy. There was a large variation in year 2005, which the City Treasurer will research and see if there is a reason.

For those who do not pay, the Treasurer's Office will work out a payment plan with the business. If the business still refuses to pay, the City Treasurer is authorized to lock down the business. There are very few of these.

Commissioner Brennan suggested that the assessor or staff member should visit the businesses that are not filing, particularly if they are new, and ask them if they understand the form and process.

2) Wastewater Treatment Plant Update – Communication dated July 31, 2009

Public Works Director Don Greiner presented the WWTP Status Report. Additional information provided:

- Gravity thickener is in the process of being filled.
- The blower room electrical system is in the process of being switched over.
- The new generator will be tested in the next week or so.
- The storage building and expansion of the administrative building is at the point of drywall.

Regarding Enforcement Issues: There has been a manhole that has overflowed again due to root problems. A contractor has been brought in to clean the roots and sediment out of the line, hoping to resolve the most immediate problem. The DEQ has been notified of the City's commitment to continue to address the issue and consider recommendations for resolution of the problem.

City staff will be meeting with DEQ on August 18th to discuss the Administrative Consent Order resulting from the DEQ Notice of Non-compliance issued last spring.

The WWTP improvements contractor will be having his Phase II meeting with his sub-contractors. August 1st is the beginning of the second phase.

Commissioner Harper questioned why the City waived the requirement that the gravity thickener equipment be tested and in service by August 1st. Mr. Greiner explained that it was delayed because the consultant for the UV system was going to be at the plant at that time and the plant staff could not do both things.

3) Discussion of Life Jacket Ordinance- Communication dated July 3, 2009

City Attorney Eric D. Williams stated that he was asked some time ago to investigate and prepare an opinion on the validity of a local ordinance that might be adopted which would regulate children playing in and around the Muskegon River within the City limits, requiring them to wear a life jacket. The two components of the analysis were: (1) would the ordinance be valid or legally sound because of State preemption issues and (2) whether or not it would be enforceable. His opinion on both accounts were no.

There may, however, be a way to narrow the scope by requiring life jackets be worn while using the water at a City Park. Mr. Williams believes that might survive legal challenge, but he does not believe the benefit from a narrowly drafted ordinance would offset the challenges of it still being found invalid. There is also very little likelihood of it being enforceable. Having ordinances on the books that cannot be enforced draws criticism.

His recommendation if asked to draft such an ordinance would be not to do it. (1) The field has been preempted by the State (2) or if it could be written to avoid the preemption challenge, the enforceability of it would be so fraught with problems that it would not give the benefit that would be intended. In contacting officials in Grand Rapids regarding them looking at requiring life jackets by those using the river and/or fishing, there was some unofficial communications from the State to the City of "don't do it", because it is the State that is in the business of regulating life jacket usage. This is probably more of an education effort instructing people to use life jackets than the development of a law. This will probably be more of a benefit than a law that says you have to wear a jacket.

Commissioner Hogenson added that there are always a number of dangerous things that cannot be prevented. Commissioner Harper stated the City has taken a proactive approach by providing education, rings and call alarms, trying to get the public schools to provide the safety tapes and safety information and encouraging lessons at the pool, which is probably the best and most important thing the City can do.

Commissioner Brennan suggested that a statement be made to the River Safety Committee informing them that this was investigated thoroughly and thanking them for the idea. The City will continue to work towards safety on the river, but this is not one way the City can do it. Mr. Williams will inform the River Safety Committee.

4) Copper Pointe Development Presentation - Packet dated July 27, 2009

Neighborhood Services Director Mark Gifford provided the Commission with a background summary of the Copper Pointe project. The project obtained a variance from the ZBA and the City Plan Board considered a PURD development giving some reduction in lot sizes and set backs. The City Commission accepted the PURD proposal. The subdivision was created with the installation of roadway, curbing, etc and a house was constructed. The house that was built did not meet the ideas that were set forth during the approval process, thus resulting in a denial for an occupancy permit.

Mr. Buzz Holtvluwer, representing the Copper Pointe Development, explained that a previous participant in the development, who proceeded with the construction, is no longer with the company. He apologized for the type of construction of the existing house and stated that the company would like to correct the error, creating an acceptable project. The current house will be a cost affordable house to live in and he believes they can turn it into a nice home.

They propose an upgrade to the existing house. Within the packet presented were house plans for consideration. Mr. Holtvluwer suggested that the market price range for homes proposed will be around \$149,000 or less, nice looking fronts and constructed properly. The homes will be raised ranch with a half basement and others would be priced with a basement. The twelve lots range from 45 – 50 feet. The plans include attached garages.

Mr. Gifford explained that beside the esthetics of the home, the following did not meet the approved recommendations: lack of garage, which later was constructed behind the house; inspection raised some concerns; it was not what was presented in terms of floor plan, design, layout, size; it did not meet what was originally proposed. Mr. Sobers added that Copper Pointe's development was approved with smaller lot size variances with the understanding and condition that each and every house that was built would be approved. Originally, the developer's representative presented house plans to be built, costing ranging \$350,000 to \$500,000. That is what was proposed, but that is not what ended up being built, nor was the specific plan ever presented to or reviewed by the City Plan Board.

Mr. Gifford stated that any proposed development plans, other than those already submitted, would need to go back to the City Plan Board for review. Since this proposal is new and different from the original plans, the City Commission can direct this back to the City Plan Board. Mr. Williams added there would be nothing wrong in sending the plan review portion of the project back to the City Plan Board, if it is only the plans that are different. Mr. Holtvluwer stated that there is nothing new in the project other than the plans and the new front to the existing house.

Mr. Williams stated that an additional formality that would need to be completed this time, which was not done last time, is the agreement between the City and developer.

The developers will not be able to get a building permit until they get their plans approved and a zoning clearance is completed.

Commissioner Harper commented that with trying to retrofit the existing structure with the area, a show of good faith by the developer would be to mow the lawn.

Mr. Williams suggested that if there are basements to be included with the new houses, the floor plans should better depict that.

Mayor Warba stated that what was originally promised was not delivered. It has not been a positive experience. What was delivered was not as appealing as presented. He believes it is a subject that would warrant some public participation at the Plan Board and Commission level.

MOTION NO. 09-84

Commissioner Hogenson moved, seconded by Commissioner Brennan that the Copper Pointe Development be referred back to the City Plan Board for review.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The motion passed.

Dated: August 3, 2009

5) Follow-up on Status of DART and Airport Usage and District Library Financial Questions

DART – (Communication dated July 21, 2009) - Mr. Sobers explained that the old hangar at the airport has some problems with the overhead door. The consulting engineer recommended that due to this reason, the building not be used as an aircraft hangar. DART has used the building for a number of years as an office. Getting the busses housed indoors will help the City with the maintenance of the busses. There is an internal battle at MDOT between the aviation folks and the buss folks; they have had the City do a market study as to what sort of rent that building could get. The result of that study was about \$18,000.

The FAA is looking at a short-term lease and the transportation section of MDOT wants a 20-year long-term lease. Three years ago, MDOT granted the City a \$125,000 grant to find a spot for DART. Different buildings and sites were looked at. For the transportation division to invest that amount of money, they want a long-term lease. If DART stays at the airport, the City will lose the \$125,000 grant. The aviation folks want to make sure that if there is an aviation use that can generate the revenues and make sense, an aviation use would supersede a secondary use. Therefore, with a short-term lease, they could accommodate someone who would step forward with an aviation use, offering more than \$18,000.

Currently the ~~renal~~-rental amount is estimated at \$18,000. If renovations are needed to take place, the rental amount will be raised. Any money the City invests in renovating the building will go into an increased rental agreement, which will pay the airport back. The City will lose \$125,000 in grant monies but would potentially gain additional rent that would resolve the long-term, short-term calendar issue. The City has written to the FAA asking to make this building a transportation hub as opposed to an airport hangar. The lease still needs to be drafted and sent to both FAA and MDOT for approval.

Commissioner Harper requested that when this gets to the point of renovation, etc., the Commission be fully appraised as to what that means and how it will work. Her reservations are, when working with the Federal government there are very clear regulations about what can and cannot be done, and she is very leery of stretching the legitimacy of anything the City does in order to make federal qualifications for grants. She would like further information regarding the long-term goal of this building, the strategy, what other options are there, and if the City has followed all regulations required.

Library – (Communication dated July 31, 2009) – Reporting on the cost of library lawyer legal services, information obtained from other libraries indicated costs ran from \$3,000 to \$20,000, with the majority stating between \$5,000 and \$10,000 is what can be expected. To continue supporting the Library until such time as the voters approve a millage, would be the same expense and budget as what the City has been contributing to the Library. There is no change anticipated in the annual budget of the library and there would be an additional \$5,000 to \$10,000 expected for legal services.

Commissioner Harper questioned how the City would function if the townships should withdraw their penal fines. Mr. Sobers stated that if the townships and City do not give their penal fines to a library, those fines just accumulate. He believes all care about a library and that no entity would say that they are not going to support a library at all and leave the monies at the State rather than make a library program available to the community.

Commissioner Harper stated that MCL 397.183 addresses the financing of a library district. This section seems to indicate that if the partnering entities, the school board and the City, experience a short fall in the covered cost, either prior to or after the formation of the district, where a millage passed is unable to collect the required amount of revenue, those two governmental entities need to come up with the difference of the shortfall. She warrants this takes looking into.

Mayor Warba stated because past contracts have not been followed and the possibility that township will shift their penal fines, makes it prudent to address funding issues surrounding the library and avoid contracts that are not adhered to.

PUBLIC COMMENT - None

RESOLUTION NO. 09-85

Commissioner Hogenson moved, seconded by Commissioner Harper, the adoption of the following resolution.

A RESOLUTION APPROVING A WATER AND SEWER OPERATION AND MAINTENANCE AGREEMENT AND AUTHORIZING THE MAYOR AND CLERK TO SIGN

WHEREAS, the City of Big Rapids and the Charter Township of Big Rapids desire to enter into a Water and Sewer Operation and Maintenance Agreement, and

WHEREAS, the terms of the Water and Sewer Operation and Maintenance Agreement were discussed and negotiated by City and Township officials, and

WHEREAS, the terms of the Agreement will allow and encourage increased levels of cooperation between the City of Big Rapids and Big Rapids Charter Township, and

WHEREAS, Big Rapids Charter Township already approved the Water and Sewer Operation and Maintenance Agreement at its meeting on July 20, 2009,

NOW, THEREFORE, BE IT RESOLVED that the City Commission approves the Water and Sewer Operation and Maintenance Agreement with Big Rapids Charter Township, and authorizes the Mayor and City Clerk to sign the Agreement, a copy of which is attached to this Resolution.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 3, 2009

RESOLUTION NO. 09-86

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

RESOLUTION EXTENDING BIOSOLIDS MANAGEMENT SERVICES WITH BIOTECH AGRONOMICS, INC

WHEREAS, the City Commission authorized a Biosolid Management Service contract with BioTech Agronomics Inc. for a three-year period of July 1, 2006 through June 30, 2009, and

WHEREAS, the provisions of the contract allowed for an option to renew the agreement for two, one-year periods.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes an extension of the contract with BioTech Agronomics Inc. for a period from July 1, 2009 through June 30, 2010.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 3, 2009

Airport Manager Mike Lafferty updated the Commission on Airport activities:

- Corporate air jet usage is down.
- Jet fuel is down 23%.
- Gasoline sales are down 19%, however, this is good compared to some airports that are down 80%.
- Aeromed and the flight school are the two large single customers of the airport.
- The courtesy car use is down, which indicates air travel is down.
- The USDA loan will assist with more growth and business. The additional hangar will generate a couple new full-time jobs for Big Rapids.
- There are eight part-time employees at the airport.
- Air Fest generated the same numbers as in 2008, which was a record year. Seventy-two planes flew in. There were show cars and motorcycles. Plans are underway for next year. To aid in the event Mr. Lafferty is seeking 501c status for the event.

Mr. Sobers stated the entire hangar project cost consists of \$1,470,000 USDA monies, \$320,000 from FAA funds and \$10,000 local funds. There may be some additional FAA dollars generated for the construction of the hangar, which may reduce the loan amount.

RESOLUTION NO. 09-87

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

RESOLUTION AUTHORIZING MAYOR TO SIGN FOR RECEIPT OF USDA LOAN FOR ROBEN HOOD AIRPORT COMMUNITY HANGAR

WHEREAS, the City applied a United States Department of Agriculture Rural Development loan for the construction of the Roben Hood Airport Community Hangar, and

WHEREAS, the loan has been approved in an amount not to exceed \$1,470,000, and

WHEREAS, the City must sign the necessary documents to receive and implement the loan.

NOW, THEREFORE BE IT RESOLVED, that the City Commission authorizes the Mayor to sign any and all forms and documents necessary for implementation and receipt of the USDA Roben Hood Airport Community Hangar Loan.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 3, 2009

Mr. Sobers provided background information regarding the Wayfinding bids. The City has a 3% incentive for local bidders. Steve Jones Construction was the runner-up bidder for the contract, which is in excess of \$300,000. The 3% brings the local bidder within \$2,000 of the apparent low bidder. Both these bidders were higher than the budgeted amount. In conversations with the low bidder, revision items have been identified to get the bid within the targeted amount. Mr. Jones suggested that perhaps there could be conversations with his company regarding revisions so that he may come within the budgeted and incentive amount.

Mr. Williams stated that in order to negotiate with a bidder, the City has to accept the bid first. The alternatives are to re-bid the project and give everyone an opportunity for revisions or award the bid to the lowest and best bidder and then negotiate with that bidder for revisions.

RESOLUTION NO. 09-88

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

RESOLUTION ACCEPTING BIDS FOR VSCI WAYFINDING SYSTEM

WHEREAS bids were solicited for the Vibrant Small Cities Initiative (VSCI) Wayfinding System, whereby five bids were received, and

WHEREAS, the tabulation of the bid components resulted in a low bid from Rivertown Contractors, Inc, Grandville, MI, in the amount of \$129,425, and

WHEREAS, in order to stay within the project budget of \$127,678, the City will provide cooperative traffic control for the project, thereby reducing the bid amount, which also allows for the consideration of Bid Alternates.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Rivertown Contractors, Inc., be accepted, not to exceed a total of \$127,678.

BE IT FURTHER RESOLVED, that the Mayor be authorized to sign the Project Contract after it is approved by the City Attorney, which shall include a copy of this resolution.

BE IT FURTHER RESOLVED, that the cost be expensed to account no. 244-728-967.103.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: August 3, 2009

RESOLUTION NO. 09-89

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

**RESOLUTION ACCEPTING BIDS FOR
VSCI CULTURAL CENTER IMPROVEMENTS**

WHEREAS bids were solicited for the Vibrant Small Cities Initiative (VSCI) Cultural Center Improvement Project, whereby five bids were received, and

WHEREAS, the tabulation of the bid components resulted in a low bid from Orion Construction, in the amount of \$382,000, and

WHEREAS, in order to stay within the project budget of \$380,000, the City will consider adopting of one or all of the Bid Alternates offered by Orion Construction and recommended by R2Design in their recommendation to the City.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Orion Construction, be accepted, not to exceed a total of \$380,000.

BE IT FURTHER RESOLVED, that this Resolution be made part of the Project Contract and after the City Attorney's approval, the Mayor be authorized to sign the Project Contract.

BE IT FURTHER RESOLVED, that the project cost be expensed to account no. 244-728-967.104.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: August 3, 2009

City Clerk Roberta Cline provided background regarding the grant application submitted to the State Election Bureau for two handicapped parking spaces at the Library. In order to make the Library, which is a polling place, totally handicapped accessible for the purpose of voting, the parking spaces are a necessity. Roger Schneidt, Deputy Public Works Director, explained the proposed parking lot and access walkway construction and that this is the only area at the library that is suitable for the spaces.

Commissioners Anderson and Harper questioned the possibility of extending the size of the parking area in order to include other parking spaces. Mr. Schneidt explained that to enlarge the lot beyond the two proposed handicapped spaces is something that could be considered in the future, but the extension would be costly and cannot be included in this grant. Commissioner Harper would like some information brought back to the Commission showing how an extension to the two spaces for potential long term parking solution may be achieved.

The Library building will need to be used as a voting polling place until November 2014. Commissioner Hogenson stated that the building would need to be used for six years as a polling place, but not necessarily as its current use. If the actual bids come up higher than the grant amount, there are two options: move the voting place, rejecting the grant and returning the money or come up with the extra money needed.

RESOLUTION NO. 09-90

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

RESOLUTION ACCEPTING GRANT FOR HANDICAPPED PARKING SPACES AT LIBRARY AND AUTHORIZING THE MAYOR TO SIGN

WHEREAS, the State of Michigan Election Bureau has grant monies under its Help America Vote Act, Section 261, Financial Assistance, to assist jurisdictions in making improvements to their voting precinct locations so that polling places are handicapped assessable, and

WHEREAS, the Election Bureau invited the City to submit an application for its polling precinct located at the Community Library, and

WHEREAS, an application was submitted for the construction of two handicapped parking spaces and an access walk in an amount of \$21,930, whereby the State Election Bureau has awarded funding.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to sign the grant agreement for the Polling Place Accessibility Improvement Program Grant from the State Election Bureau in the amount of \$21,930.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: August 3, 2009

RESOLUTION NO. 09-91

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

RESOLUTION ADOPTING THE SCHEDULE OF CITY FEES

WHEREAS, the City has established fees for various services offered to the Big Rapids citizens, and

WHEREAS, changes in technology and services periodically require up-dating of the Schedule of City Fees to accurately reflect costs, and

WHEREAS, staff recommends that the current schedule be adopted with the provision of a formal five-year Commission review, but authorizing staff to make necessary changes in the fee structure as technology or circumstances change between the five-year Commission review, and

WHEREAS, staff shall provide the City Commission with a copy of the Schedule of Fees each January if there have been changes to the Schedule.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adopt the attached Schedule of City Fees for the next five-year period.

BE IT FURTHER RESOLVED, that the staff will make needed revisions to the Schedule of City Fees when required and that the City Commission will be provided a revised fee schedule January of each year.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 3, 2009

Unscheduled Business

- The City Clerk will e-mail a format for the City Manager's performance appraisal, requesting that the Commissioners return it within about two weeks.
- Commissioner Harper presented a City of Cadillac organizational chart, and departmental chart, suggesting that the City review its format. An organizational chart is based on the City Charter and format shall follow the Charter.
- The City Commission will have a retreat on August 24, 2009.

- MML convention is September 22-25, 2009. The City Clerk will check to see if one-day registration fees are available.

There being no further business to come before the Commission, the meeting was adjourned at 9:41 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

Special Meeting of the City Commission
Meeting with Big Rapids Township and Green Township
August 6, 2009 6:00 p.m.

Mayor Warba called the meeting to order at 6:00 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark Warba; City Manager Steve Sobers; City Attorney Eric Williams.

Mayor Warba welcomed the Township Officials in attendance and each introduced themselves - those present:

Maxine McClelland	Big Rapids Township
Bob Baldwin	Green Township
James White	Attorney
Jim Peek	Green Township
Wayne O'Neil	Big Rapids Township
Gary Todd	Green Township
Dave Hamelund	Big Rapids Township
Nancy Stephan	Green Township
Denise MacFarlane	Green Township
Barb Waldron	Green Township
Janet Clark	Green Township

City staff also present: Roberta Cline, City Clerk; Don Greiner, Public Works Director; Gaylynn Rorabaugh, Library Director; Julie Tetsworth, City Treasurer; and Gail Dolbee, Public Works Administrative Assistant.

There were also five persons in the audience.

Pledge of Allegiance.

The purpose of the meeting was for a roundtable discussion pertaining to the proposed 2009/2010 User Charge Study.

City documents distributed for review were: The Big Rapids Sewer User Charge System (Revised May 5, 1995), the City of Big Rapids Wastewater User Charge System (2009-2010) and a proposed agreement for the 2009-2010 User Charge Study.

City Manager Steve Sobers commented that the philosophy that guided the User Study analysis was threefold:

1. To adjust rates to conform and comply with Contract Documents signed by the parties involved
2. To adjust rates to conform to real world experience
3. To make the documents understandable and supportable by financial and Wastewater Treatment Plant documentation.

The City wanted the study to be understandable and documented so that figures within the study can be referenced to the City budget or depreciation schedules, etc.

In that effort, in 2006, the City Manager initiated meetings with Jim White, attorney for the townships, to review the contracts. Fifteen points were discussed that were geared to assist in these philosophical areas. After nearly a year of discussions, the townships decided that it was 'not in their best interest to continue these discussions', hired a financial consultant (Stauder and Barch) and started an independent analysis of the User Charge Study. There was no user charge study that resulted from this.

As a result, for this 2009-10 study, the City again began the task of writing a new study to reflect the philosophical constraints. What the City found was that the 1995 Study (the first of the recent era, completed by Gosling-Scubak Associates), was conflicting in its presentation of data and the methodology. Mr. Sobers cited four very significant areas that this conflict was evident.

1. The contract language calls for the entire report to be based on budgeted numbers, however, the entire report has always been based on audited numbers, including the 1995 report. The 2007-2008 and the 2009-2010 are the only two user studies that have been based on the City budget as required in the Contracts.

2. Depreciation accounting has always been a challenge. The original document follows traditional fiscal guidelines of depreciating equipment for no more than a 20-year period. However, it does not follow the same guidelines in limiting equipment depreciation to items that have at least \$5,000 cost and are expected to last at least five years. Over time, the user studies have even depreciated equipment for 30 and even 40 years. The original user studies contained their own list of equipment maintained by the plant operators. The finance department actually keeps the official depreciation list, which was not the same as the operators' list. As it was, the last entry in the 2004 report for equipment was 1999, so the last five years of equipment were not even listed.

The 2009-2010 User Study is the only document that coordinates the lists and references the Item Numbers of each depreciable piece of equipment and can be documented and supported. This document also is the first to list the depreciation methodology as part of the report and to have a master chart of depreciation expense. The approach used conforms to that recommended by Jim White.

3. Entire budget issues. The Contract between the City and Townships calls for the administrative percentage to be a formula that compares the wastewater budget as a percentage of the 'entire City budget'. Despite a call for use of the entire City budget, many funds were omitted including: Swimming Pool, Library, DDA, CMET, Airport, and Building Improvement. Adding up the entire City's total budget comes to \$28,699,100.

The original study in 1995 included only eight funds, which were the General Fund, Major Street, Local Street, Sewer, Water, Sanitation, DART and Motor Pool. If these funds today were taken as the 'entire budget', the City's entire budget would be

\$16,163,500 and the administrative percentage to be used in the User Study would be 14%, an increase to the townships. Normally the administrative percentage hovers around the 10% level.

The 2007-08 and the 2009-2010 User Charge report are the only two that calculate the wastewater budget against the 'entire City budget'. This presents an additional problem in the 2009-2010 User Charge report because the \$4.4 million construction budget currently underway at the plant elevate the percentage to 25% for this year (and likely also next year). It was recommended that since the present construction is not a normal activity, the agencies agree to continue with the 10% administrative cost proration. The 2009-2010 User Charge Study is the only document to honor this suggestion.

4. 'Offices of' issue. The 1995 User Charge report calls for the 'salaries of the offices of the City Manager, Treasurer, Attorney, and DPW Director' to be applied as appropriate for administrative cost. Considerable debate has been raised concerning whether or not only these four posts should be counted, or if the 'offices of' implied that staff of these individuals (who do much of the work), are also included. A discussion also has been engaged concerning whether or not the fringe benefits of these persons are part of the User Charge analysis.

The 1995 User Charge included the 'offices of' as all personnel in the four City program areas and their benefit packages. All subsequent reports followed this same format, despite some of the confusing language. In fact, some of the report also included additional personnel that the City hired (Engineer, Information Technology), which were outside the language in the Contract, but certainly a contributor to the wastewater program.

The 2009-2010 User Charge Study is the only document that did include all the 'offices of' personnel, but excluded the fringe benefits. This was done as a result of some advance discussions and negotiations with the townships.

It was emphasized by Mr. Sobers that the only document that was true to the contract language between the City and Townships was the 2009-2010 User Charge Report. All other and previous documents were flawed because the language and the financial numbers were not consistent with one another. There is no option, he explained, to go back to the 1995 template. The only option is move forward to some agreement or negotiated settlement on the proper methodology to go forward.

Mr. Sobers stated that he has 18 pages of Mr. White's critique of the current study, of which the City has accepted and implemented all but two things: the discussion of the 'offices of', whether it is four or nine people, and are fringe benefits a part of what should be analyzed.

Mr. Sobers presented a written summary of steps to be addressed to complete the 2009-2010 User Charge study for this year. Of the five steps presented, number 3 was

removed from the list. He would like to move forward and honor the contracts and put in the numbers that make sense.

It was his recommendation that the City and Townships consider the conflict resolution in the contract and appoint leading citizens to a three-person panel that can help guide the discussions. It was also his suggestion that the present User Charge Report be adopted and implemented as the best representation of the correct methodology of the Contracts and 1995 User Charge report, which has been calculated.

Bob Baldwin presented a power point presentation (City of Big Rapids Waste Water User Charge System – Purchased Capacity Agreements between the City and the Charter Townships of Green and Big Rapids – Highlights of Rate Methodology discussion between Governmental Units – August 6, 2009), which included a historical review of the relationships which lead to the creation of the joint ownership and use of wastewater facilities in Big Rapids.

Mr. Jim White presented a summary of the rates proposed by the series of five drafts of the user charge report since 2007/2008. He confirmed several discussions with the City Manager over the last couple of years, but he believes that the change in methodology would cause an increase in rates to the Townships. The townships, two years ago, wanted to stay with the 1995 methodology.

Mr. White explained that some of the issues the townships have with the current report are:

- Data that the township feels to be inconsistent
- Methodology used
- Budget figures verses audit figures
- Administrative salaries – this has been a hot button
- Some unresolved issues regarding the WWTP expansion

Continuing with the slide presentation, Mr. White spoke to the issue of the \$0.30, \$0.60 and \$0.90 rise in rates starting in 05-06 and it was the township's belief that the \$0.90 would drop once the construction bond was sold. Mr. Sobers explained that the debt services payment will not begin until next year. Mr. Sobers stated that at the Green Township meeting, the City agreed to take that charge off.

Other areas (outlined on the presentation) that Mr. White referred to as conflicting data were:

- Fiscal budget figures verses the audited figures
- Handling of 'transfers out' in the budget
- Double accounting in the Wastewater Fund itself, and again in the Debt Service and the Sewer Replacement account due to the process of transferring in and transferring out
- Handling of the Depreciation/Replacement account – there were new tables and data in the current report

- Accounting methods – requesting a summary done with common accounts with all line items in one place
- Administrative costs analysis for positions considered in the User Charge Study
- Inclusion of the Bjornson Street sewer main construction
- Inconsistent references
- Ice Mountain exceptional income

Each of these items were discussed during the meeting with resolution for some, and additional data needed for others. The Township presented points that they believe would correct these issues:

- In order to complete the 2009 User Charge report, the 1995 methodology should be used.
- Only audited fiscal numbers should be used even though the figures are two years old.
- Master meters shall be utilized whenever possible.
- City Collection system should be upgraded to reduce I&I issues at City cost.
- Sewer budget should reside under a Sewer Enterprise Fund.
- Sewer debt is an expense item of the Sewer Budget.
- Sewer replacement is a saving account of the Sewer Fund.
- Any wastewater services extended outside the contracted municipalities shall be accounted for under ‘billable flows’.
- Administration cost shall be limited to the percentage of Sewer Budget Account in relationship to City Expense Budget consistent with the 1995 methodology.
- Encourage the City to work on a draft report at least 45 days prior of date due – to get it out by April 1. City staff recommended that it be adopted in October if audited figures are desired to be used.
- Each municipality shall review and provide input of the yearly data.
- Preliminary review by governing boards and commission prior to adoption of the User Charge System Report.
- Approval of Sewer User Charge System report by all municipalities not later than the June Meeting.

At the end of these presentations, it was agreed that there were really three areas of specific review:

- (1) Use of budget verses audited numbers
- (2) Handling of administrative costs
- (3) Following the 1995 methodology.

Mr. Williams and Mr. White were charged with the drafting of some compromise language, which could be adopted to allow for progress for this year with the anticipation that full resolution of these issues would take additional meetings by a subcommittee of the three jurisdictions over the next year. The completion of this 2009-2010 User Charge Report, however, was close and with some adjustments could be a working document for at least the next year.

There being no further business to come before the Commission, the meeting was adjourned at 9:01 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
August 17, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: Commissioner Terry Harper, who was excused.

Mayor Mark Warba asked that Mark Gifford's family be in everyone's thoughts as they deal with the death of Mark's brother-in-law.

There were 20 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Brennan that the minutes of the regular August 3, 2009 be approved as presented.

Yeas: Unanimous
Nays: None

Commissioner Hogenson moved, seconded by Commissioner Brennan that the minutes of the special August 6, 2009 be approved as presented.

Yeas: Unanimous
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Hogenson moved, seconded by Commissioner Anderson that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry	43.96	Delta Labs	318.43
State Street Hardware	34.47	Tractor Supply	259.02
Schuberg & Sons Electric	200.00	Michigan Recreation	250.00
Consumers Energy	182.23	Big Rapids Cash & Carry	92.80
Michigan, State of	90.00	State Street Hardware	7.68
First National Bank	869.87*	Baker & Taylor	393.26*
Charter Communications	269.99*	The Gate Entertainment	175.00
Great Lakes Office	380.86	AT&T	114.21

Great Lakes Office	80.80*	Staples	995.04*
AT&T	186.71*	Gifford, Megan	23.00*
Woolen, Catherine S.	15.99*	Great Lakes Office	20.64*

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

1) City Financial Report

Julie Tetsworth, City Treasurer, presented the financial report pertaining to existing tax abatements awarded by the City of Big Rapids. The spreadsheet outlined the number of current employees and the number of existing and new employees stated in each applications. The numbers indicate that the businesses have all met, and in some cases, exceeded their commitment.

2) VSCI Update

City Manager Sobers stated that things are going very well with the work downtown. The comments from the merchants involved with Steve Jones Construction indicate they are very happy with the work and the way things are going.

The Martz and Shapley building has not been started yet, but other than that building, most of the 'surprises' are over.

3) USER CHARGE STUDY UPDATE

Mr. Sobers stated that at the conclusion of the August 6th meeting with the townships, it was left that the two attorneys, Mr. White and Mr. Williams, would work on some common ground on which they could resolve the User Charger System Study for this year and start into the review of next year's study discussion. He presented the letter from Jim White asking for additional information on: (1) reconciliation of the administrative cost for the 1995 report, (2) back up schedules for all equipment depreciation and replacement and (3) accounting of revenues collect by the City for all customers of the \$0.30, \$0.60 and \$0.90 rates imposed for the wastewater treatment plant improvements (they wanted an accounting of the expense side). Information for items 1 and 2 has been provided and the information for item 3 will be sent to Mr. White this week.

Mr. Sobers presented his notes dated August 17, 2009, listing items he would like to see in the resolution:

1. Budget verses the audit. For this one year, he hopes that the townships would agree to using the budget figures. To use the audit figures would mean a reworking of the report and at least another 60 – 90 days to complete. The rates would be similar, but all the numbers in the report would change. In order to convert to audit figures, information from the auditor's would be needed. There would be a fair amount of work to do to coordinate those numbers and make it work. The most recent audit numbers that could be used are 2007-08. The budget figures are more current.
2. Acknowledge usability of transfer in/out data. There are requirements that a city put all of its wastewater expenditures into one account, then transfer funds out of that account into a bond account, and pay the coupons out of that. There is an accounting of the income and debt in the regular account and a secondary accounting as there is a requirement to put it into another account. It needs to be acknowledged that is the case and that the transfers are a special case that need to be followed.
3. Acknowledge use of 10% administrative costs on nine positions.
4. Statement that the City is not going to charge the \$0.30, \$0.60 and \$0.90 in this next year. The townships and City do not set their rates by the User Charge Study. What the User Charge Study sets is only the charge that the City charges each of the townships. Then the townships themselves set their own rate for what they are going to charge their customers. If we drop our rates to the townships, that does not necessarily mean the townships will drop their rates to their customers.
5. Agreement that the depreciation as handled on page 4 of the proposed User Charge Study is handled correctly using the 20 years and \$5,000.
6. Agreement of a one year accommodation for this study and that there will be additional meetings in this next year to try to get the data so that it is better understood.

Additional note is that the Bjornson Street extension should be deleted from the process.

PUBLIC COMMENT

RoseMary Jennings, 606 Bjornson Street, expressed concerns regarding her dealings with the City Assessor. Her complaints were:

1. A nasty letter received a year ago.
2. Other rude letters from the Assessor.
3. Responses to request for information with "I don't know".
4. Never received a Board of Review letter like they should have.
5. Paula tried to obtain figures, but was locked out of the system.
6. The Assessor then printed a statement with the figure in it. A week later, Paula was again locked out of it.
7. In replying to a question, he was not truthful.
8. A couple of rentals had been double taxed.

9. A home that she asked about in the 1970s' and was told could not come off, was on there.
10. The results is that her home has to be on the \$3 tax and cannot be taxed as real property.

She has a call into Lansing, and at this point she believes there is a very simple answer. As a result of this situation, they have resided in the City since 1964 and are no longer considered primary residents. She said it hurts, finding out that they do not have a primary residence.

She also stated that they have not expanded their park because the City told them they could not and about five years ago, someone within City Hall stated that they could have expanded and the City could not have stopped them.

She requested that the City watch this and do not allow anyone else to go through these troubles.

Mayor Warba asked for the administrative approach of dealing with the communications from the Assessor.

Mr. Sobers stated that some of the communications in this situation probably left some things to be desirable. The Assessor has been asked not to send out any letters that the City Treasurer or City Manager have not reviewed. Staff has spent a lot of time reviewing the technical side of what has been sent and from an assessing and legal point of view, has not found things that were technically said that were wrong. It is the method of how it was presented is what is difficult. Staff has tried to address both sides of the issue in terms of oversight.

City Attorney Williams state that the key part is the particular home in which Mr. and Mrs. Jennings reside. It was placed on the Ad Valorem Real Property Tax Rolls. There was also the \$3 a month mobile home tax. Therefore, it was taxed both ways for several years. In regard to the land value, there was the principle resident exemption (homestead exemption) applied to that parcel and a contiguous parcel. The issue came up if the home in which she lives should be properly classified as one to receive the homestead exemption. The contracted assessor looked at it and says it does not qualify for the exemption so it should not have been on the real property roll. The City has found nothing to change that. Mrs. Jennings believes it was properly placed there, that the City set it up that way. She would rather have her home stay on the real property tax roll and be taxed accordingly. Having the principle resident designation taken away, she felt that she no longer had a principle resident in the City. The research done indicates that the mobile home, within the mobile home park, cannot be placed on the real property rolls.

Ms. Tetsworth stated that the Board of Review agreed with the Assessor's action and recommendation.

Mr. Williams stated Mrs. Jennings has asked the City to go back and do some calculations, but for a considerable number of years for which the City needs to do those calculations are not readily available.

Mrs. Jennings stated that at the Board of Review, Mr. Turner stated that there is still one area that he has not looked at. Her issue is not the money factor, but what she is upset with is that there are two homes, which the City chose to put on the rolls, and she will get penalized. The double taxation on the two rental units bothers her. She wants to know when they went on the rolls. She believes it could go back as far as 1985. Her objective is 'not let this happen to anyone else'. She feels that her primary residence is gone.

Mr. Williams stated that the City still needs to run the numbers to see if she has paid too much tax or not. Staff has volunteered to do that, but the task is not so easily completed. Mrs. Jennings has proceeded correctly by going to staff. Some of the results are not what she wants to hear. If it looks like something was done in error, that is unfortunate, but it does not warrant continuing to do something in error. If it needs to be corrected, it needs to be corrected. They will continue to look at this.

RESOLUTION NO. 09-92

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

RESOLUTION AUTHORIZING PREIN AND NEWHOF TO COMPLETE THE WATER RELIABILITY STUDY

WHEREAS, the City of Big Rapids is required by Michigan's Safe Drinking Water Act (399 PA 1976, as amended) to perform a Reliability Study every five years for the Big Rapids water system, and

WHEREAS, it is time for the City to schedule the Study, and

WHEREAS, Prein & Newhof has submitted a proposal in the amount of \$12,500, and

WHEREAS, the 2008/09 budget included \$10,000 for the Study.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accept staff's recommendation and authorizes Prein & Newhof to development a Reliability Study at a cost not to exceed \$12,500.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to add this expenditure to the carry forward request the Commission will receive at the audited close of the 2008/09 fiscal year.

BE IT FURTHER RESOLVED, that the cost of the Study be expensed to Account No. 591-561-967.006.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

Mr. Sobers introduced the resolution to purchase a used dehumidifier. He stated that the City does not have a policy regarding the purchase of used equipment over \$7,500. If the City has to advertise it for bids, often times the used equipment may be purchased by someone else by time the City completes its bidding process. In order to purchase used equipment over \$7,500 the purchasing policy must be suspended. Staff will develop a policy to accommodate the purchase of used equipment for adoption by the first of next year.

RESOLUTION NO. 09-93

Commissioner Brennan moved, seconded by Commissioner Hogenson the adoption of the following.

**RESOLUTION AUTHORIZING PURCHASING AND
INSTALLING A USED DEHUMIDIFIER
FOR THE WATER TREATMENT PLANT**

WHEREAS, water that is created when cool water moving through pipes located in a warm room results in condensation, and

WHEREAS, the condensation leads to water dripping from pipes and fittings which in turn leads to the formation of rust and corrosion, and

WHEREAS, staff requests that the proposal of Advanced Reactive Drying for a used, but fully warranted packaged desiccant dehumidification unit in the amount of \$14,950 be accepted, and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission suspend the purchasing policy and approve staff's recommendations for the purchase of a used dehumidifier from Advanced Reactive Drying in the amount of \$14,950.

BE IT FURTHER RESOLVED, that the funds be transferred from the plant replacement fund balance to the following account:

Dehumidifier:	599-560-977.000	\$14,950
---------------	-----------------	----------

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

PUBLIC HEARING

Mayor Warba opened the public hearing on the proposed grant application to the Michigan Economic Development Corporation (MEDC) for funding under the Infrastructure Capacity Enhancement (ICE) grant, Community Development Block Grant program (CDBG) at 7:30 p.m.

Mr. Sobers explained that a grant application has been submitted for Community Development Block Grant funds for the replacement of old and aging equipment:

- A large generator at the Water Plant, which is over 30 years old that supplies backup power for the entire water plant.
- An old generator, in excess of 30 years old, at the pumping station at the Water Tower on State Street.
- The lift station on Novak Lane does not have a generator. The City uses a portable generator when it is needed. This generator is also in excess of 30 years old.
- The back up battery supply at City Hall.

All the equipment fits the criteria that was asked to be addressed when replacing the old generators. The City has received notification from the CDBG that they have approved the pre-application, and now the City is invited to submit a full and formal application and that the funds have been pre-selected for this project. It is necessary to have a public hearing when there is an expenditure of CDBG funds. This allows the public to speak to the project.

The following statement was read into the record:

The Michigan Economic Development Corporation requires all applicants for funds under the Community Development Block Grant program to adhere to public participation provisions set for in Title 1 of the Housing and Community Development Act of 1974. A public hearing is required to inform the community of the City's intent to apply for grant money and to address any comments or questions they may have concerning the project.

The City of Big Rapids owns and operates its own water pumping, purification and distribution system as well as waste water systems for the health, safety and welfare of its community members and to protect the environment. These systems are backed up by a series of generators throughout town to power instrumentation and pumping in the event of a power outage. A few of these generators are in serious need of replacement due to their age and consequent questionable reliability.

Currently, the generators at the Water Treatment Plant and the State Street Booster Pumping Station are more than 30 years old. The Novak Lane sewage lift station is served by a portable generator which is also more than 30 years

old. The Department of Environmental Quality (DEQ) mandates that these systems are backed up by reliable stand-by power.

The computer server hub at the City Hall is backed up by 2 Uninterruptible Power Supply Systems (UPS) which are batteries that aid the server hub in the event of short power interruptions or to shut everything down safely in a long outage. The UPS only lasts for 15 minutes—after this time the whole system goes down including service to water, waste water and safety services. Enhancement of the UPS with a permanent natural gas generator will greatly enhance the reliability of the server which enables our police and fire to protect and serve the community without interruption and for monitoring/control of the water distribution system.

The City of Big Rapids is seeking funds from the Michigan Economic Development Corporation's Infrastructure Capacity Enhancement Grant under the Community Development Block Grant Program in the amount of \$346,500, to enhance/replace City of Big Rapids back up generators at the Water Plant, State Street Booster Station, Novak Land Sewage Lift Station, and the City Hall. The total project cost is estimated to be \$517,000, of which, the City will match the proposed CDBG funds with 33% or \$170,600. The City's match amount will come from the Water Replacement Fund (599-560-967.900) which has a budget of \$180,000 for FY09/10.

There were no persons in the audience who spoke in favor of the project or grant application. There were no persons in the audience who spoke in opposition of the project or grant application.

The Mayor closed the public hearing at 7:40 p.m.

RESOLUTION NO. 09-94

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

**RESOLUTION AUTHORIZING GRANT APPLICATION TO THE MICHIGAN
ECONOMIC DEVELOPMENT CORPORATION'S INFRASTRUCTURE
CAPACITY ENHANCEMENT GRANT PROGRAM UNDER
COMMUNITY DEVELOPMENT BLOCK GRANT
FOR GENERATOR ENHANCEMENT/REPLACEMENT PROJECT**

WHEREAS, the City of Big Rapids is seeking funding in the amount of \$346,500 to enhance/replace generators at the Water Treatment Plant, State Street Booster Station, Novak Lane Sewage Lift Station and the City Hall Computer Hub, and

WHEREAS, the proposed project is consistent with the Comprehensive Community Development Plan, and

WHEREAS, the City will contribute \$170,600 to the project from the City's Water Expansion/Replacement Account made available in the FY 2009/2010 budget, Account No. 599-560-967.900, and

WHEREAS, according to the Michigan Department of Commerce, the City of Big Rapids is 63.9% low and moderate income individuals, as such, the proposed project will benefit low and moderate income persons, and

WHEREAS, the City of Big Rapids does not anticipate displacing any person or business, but if necessary, will follow the guidelines set forth by the United States Department of Housing and Urban Development for Tenant Assistance, Relocation and Real Property Acquisition, and

WHEREAS, local funds and any other funds to be invested in the project have not yet been expended and will not be expended prior to a formal grant award, completion of the environmental review procedures and a formal, written authorization to incur costs from MEDC Program Administration.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission authorizes the submission of a generator enhancement/replacement grant application to the MEDC.

BE IT FURTHER RESOLVED, that Steve Sobers, Big Rapids City Manager, is hereby authorized to sign the application forms and act as Certifying Officer.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

RESOLUTION NO. 09-95

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

RESOLUTION ACCEPTING PROPOSAL FROM PREIN AND NEWHOF FOR ENGINEERING SERVICES FOR THE CITY'S GENERATORS

WHEREAS, the City sought funds to replace generators at the water treatment plant, the State Street water booster station, Novak Lane sewage lift station and City Hall from the Michigan Economic Development Corporation's (MEDC) Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE), and

WHEREAS, the City is responsible for the engineering costs, which can be used as part of the local match, and

WHEREAS, Prein and Newhof is approved by Resolution No. 05-08 and 09-39 to provide engineering services for water and wastewater activities, whereby, staff recommends Prein & Newhof for engineering services for the City's generators project, and

WHEREAS, Prein & Newhof will be responsible for development of bidding documents, bidding, bid review and recommendation, shop drawing review and construction oversight, and

WHEREAS, the cost of the engineering services in the amount of \$58,130, and

WHEREAS, there were no funds included in the engineering budget but funds were authorized within the Water Department's Expansion/Replacement budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts Prein and Newhof for engineering services for the City's generators.

BE IT FURTHER RESOLVED, that the City Commission authorize the City Treasurer to establish the following new accounts and to make the following budget transfers:

<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
599-560-967.900	599-560-802.903	\$42,660.00	Engineering Design
599-560-967.900	599-560-802.904	\$15,470.00	Engineering Const. Oversight
N/A	599-000-529.001	\$346,500.00	Receive Grant Funds

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

Regarding tax abatements for businesses, Mr. Don Jones, 522 Elm Street, questioned what happens when a business with a tax exemption leaves town and does not stay in business in Big Rapids for the duration of the tax abatement. He questioned if there are any penalties. Mr. Sobers stated that it depends on the kind of contracts they sign when the City Commission approves the applications.

RESOLUTION NO. 09-96

Commissioner Hogenson moved, seconded by Commissioner Brennan the adoption of the following.

RESOLUTION TO REVOKE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2002-335 FOR AMERICAN BUILDING COMPONENTS IN THE NAME OF CITY OF BIG RAPIDS

WHEREAS, Industrial Development Distract No. 4 was amended by Resolution No. 95-72, dated May 15, 1995, and

WHEREAS, the City of Big Rapids, on October 7, 2002 approved Industrial Facilities Exemption Certificate now identified as IFT No. 2002-335 for American Building Components for \$614,814.34 for personal property for 12 years, expiring December 30, 2014, and authorizing the Mayor and City Clerk to sign the City Industrial Facilities Exemption Certificate IFT Agreement as required under P.A. 198 of 1974 as amended, and

WHEREAS, American Building Components were routinely delinquent on payments and ceased reporting any assets eligible for exemption for the year 2007 and is no longer in operation in the City, and

WHEREAS, the Assessor on October 16, 2008 reviewed this matter and recommends to the Commission to revoke the Industrial Facilities Exemption Certificate No. 2002-335 for American Building Components.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission revokes Industrial Facilities Exemption Certificate No. 2002-335 for American Building Components, and

BE IT FURTHER RESOLVED, that the City Commission requests the Michigan State Tax Commission to revoke Industrial Facilities Exemption Certificate No. 2002-335 for American Building Components.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

I hereby certify that the foregoing Resolution was adopted by the City Commission for the City of Big Rapids, Michigan at a regular session held on the 17th day of August, 2009.

Roberta R. Cline
City Clerk

RESOLUTION NO. 09-97

**RESOLUTION APPROVING REQUEST FROM BLUE COW, LLC
FOR NEW BREW PUB LICENSE TO BE HELD IN
CONJUNCTION WITH EXISTING 2009 CLASS C LIQUOR LICENSE**

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Monday, August 17, 2009 at 6:30 p.m., the following resolution was offered:

Moved by Commissioner Brennan and seconded by Commissioner Anderson.

That the request from Blue Cow, LLC for a new brew pub license to be held in conjunction with existing 2009 Class C licensed business with dance permit, located at 119 N. Michigan, Big Rapids, MI 49307, Mecosta County, be considered for approval.

APPROVAL

DISAPPROVAL

Yeas: Anderson, Brennan
Hogenson and Warba

Yeas: _____

Nays: 0

Nays: _____

Absent: Harper

Absent: _____

It is the consensus of this legislative body that the application be: Recommended for issuance.

State of Michigan)

County of Mecosta)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on August 17, 2009.
(Township Board, City or village Council) (Regular or Special) (Date)

(Signed) _____
(Township, City or Village Clerk)

226 N. Michigan, Big Rapids, MI 49307
(Mailing Address of Township, City or Village)

RESOLUTION NO. 09-98

**RESOLUTION APPROVING REQUEST FROM WINGS EIGHTEEN
TO ADD A NEW DANCE-ENTERTAINMENT PERMIT IN
CONJUNCTION WITH EXISTING 2009 CLASS C LIQUOR LICENSE**

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Monday, August 17, 2009 at 6:30 p.m., the following resolution was offered:

Moved by Commissioner Anderson and seconded by Commissioner Hogenson.

That the request from Wings Eighteen, Inc.

New Dance-Entertainment permit in conjunction

In Addition to prior approval already granted as per attached copy of resolution adopted on June 1, 2009

be considered for approval.

APPROVAL

DISAPPROVAL

Yeas: Anderson, Brennan
Hogenson and Warba

Yeas: _____

Nays: 0

Nays: _____

Absent: Harper

Absent: _____

It is the consensus of this legislative body that the application be: Recommended for issuance.

State of Michigan)

County of Mecosta)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on August 17, 2009.
(Township Board, City or village Council) (Regular or Special)
(Date)

(Signed) _____
(Township, City or Village Clerk)

226 N. Michigan, Big Rapids, MI 49307
(Mailing Address of Township, City or Village)

RESOLUTION NO. 09-99

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

**RESOLUTION ON MAYORAL APPOINTMENTS
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

DOWNTOWN DEVELOPMENT AUTHORITY

Mark Sochocki re-appointed to a full term ending August 2013
Bob Patterson re-appointed to a full term ending August 2013
Jeff Mossel appointed to an unexpired term ending August 2010

PLAN BOARD

Tim Vogel appointed to an unexpired term ending May 2012

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: August 17, 2009

Unscheduled Business

- City Commission Retreat is scheduled for Monday, August 24, 2009 – 6:30 p.m. at City Hall. Items for consideration should be submitted to the Clerk by Wednesday, August 19, 2009. Items for consideration are Tax Abatement, Legal Service, Ethics Code and E-mail communications.
- City Commission and Charter Revision Commission petitions due September 15, 2009.
- The Mayor and staff attended the first meeting with the Big Rapids Township regarding the wastewater operations agreement.
- The Mayor, City Manager, City Attorney, Public Works Director, Wastewater Treatment Superintendent will be going to Lansing on Tuesday, August 18, 2009, to meet with the DEQ regarding the wastewater enforcement notice and Administrative Consent Notice. Staff has a booklet of materials prepared to present in response to the notice.
- The City Manager’s performance appraisal forms are due August 24, 2009.
- The Mayor thanked Rich and RoseMary Jennings for their contribution to the swimming pool that helps children learn how to swim.

There being no further business to come before the Commission, the meeting was adjourned at 8:23 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
September 8, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 47 persons in the audience.

PLEDGE OF ALLEGIANCE. Mayor Warba requested that Public Safety Director Frank West and Ferris State University Public Safety Director Marty Bledsoe lead the Pledge of Allegiance.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Brennan that the minutes of the regular meeting of August 17, 2009 be approved as presented.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: None

Abstain: Harper, who was excused from the last meeting.

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Anderson moved, seconded by Commissioner Harper that the Park and Recreation and Library bills be approved.

Farm Plan	215.30	Sherwin Williams	106.30
Tri County	557.00	Lowes	36.73
Elevator Service	146.50*	Baker & Taylor	3,121.77*
Recorded Books	317.91*	Reith-Riley Const.	75.00
Consumers	679.03	Walmart	10.42
AT&T	1.03*	Big Rapids Printing	62.42
Consumers	1813.03	Consumers	799.87*
Ferguson Supply	9.24	Medler Electric	175.28
Omara Products	221.35	State Chemical MFG	229.48
Tractor Supply Co.	65.97	Consumers	230.91
Tri County	627.00	Big Rapids Printing	250.94
United Glass Co.	192.21	DTE Energy	4,357.83

DTE Energy	40.00*	Bookpage Inc.	270.00*
Baker & Taylor	1,678.12*	Xerox Corp.	91.42*
Charter Comm.	269.99*		

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY.

Mayor Warba acknowledged City Clerk Roberta Cline for the article about her in the Fusion Edition.

Mayor Warba read the following Proclamation:

**PROCLAMATION DECLARING CONSTITUTION WEEK
September 17 – 23, 2009**

WHEREAS, Public Law 915 establishes September 17 as Constitution Day and September 17 – 23 as Constitution Week, and

WHEREAS, September 17, 2009 marks the two hundred twenty-second anniversary of the drafting of the Constitution of the United States of America by the constitutional convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

NOW, THEREFORE I, Mark J. Warba, by virtue of the authority vested in me as Mayor of the City of Big Rapids, Michigan do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this twenty-fourth day of August of the year of our Lord two thousand and nine.

Presentation of Public Safety Awards.

Big Rapids Public Safety Director West and Ferris State University Director Bledsoe presented the following awards:

Citizens Award – Heroic actions during lightening strike
FSU employees, Steve Stratton, Geri Johnson, Richelle Boerma
and Gene Lawler.

Meritorious Service – Heroic actions during lightening strike
FSU Officers Bill Saunders, Tim Jacobs
Firefighter Michael Logan – Big Rapids Township
Firefighters Kyle Luce, Sean Wethington – City of Big Rapids
Tom Hagon and Gene Lawler– Recognized by the Ferris Public
Safety

Director West presented the following awards:

Citizens Award – Food donations - McDonalds of Big Rapids
The award was accepted by Alicia Brown

Citizens Award – Supplied location and services for extrication exercise
Jason Rehkopf – Big Rapids Towing

Outstanding Service – Grant writing – Police/Fire equipment and extrication
equipment
Officer Liz West, Firefighter Jeffrey Hoyt – City of Big Rapids

STUDY SESSION

City Financial Report – dated September 7, 2009

City Treasurer Julie Tetsworth presented the year-end summary of the Ice Mountain monies and the 30/60/90 monies (sewer capital expansion monies) that are being collected for the wastewater project. Account 590 is the capital expansion fund, which shows a collection of \$1,340,575. Construction of the wastewater plant project is being paid for out of a Construction Fund and soon the money will be moved from Account no. 598 into the construction account.

Commissioner Harper questioned how the Ice Mountain monies are calculated. The report includes an amount of \$40,193 for 2008/2009. When she looked at the 2008/2009 budget, what was listed for Ice Mountain is \$101,000, which is a projected figure. In the evening's packet is a 2008/2009 budget adjustment item, listing that Ice Mountain monies came in at \$60,000 with an increase of \$13,000 for a total of \$73,000.

Ms. Tetsworth explained that the \$40,193 is the un-audited amount. Included later in the package for Commission action is a year-end adjustment, which will then be the actual amount. The \$73,000 figure will appear in the audit.

The \$1,340,575 will be used to offset the Wastewater Treatment Plant Improvement loan.

The Mayor requested that this report be sent to the Big Rapids and Green Townships. Staff stated that has already been done.

Wastewater Treatment Plant Update – dated September 3, 2009

Don Greiner, Director of Public Works, presented the Wastewater Treatment Plant update. He reviewed his written report and presented slides of the project.

In response to a question pertaining to standing water in the parking lot, Mr. Greiner stated that one of the things the contractor is required to do is cover the drains to prohibit sediment from going into the drains. Mr. Bruce Everitt, Wastewater Treatment Plant Superintendent, stated that there is no longer standing water.

Media Committee Recommendation of Meeting Locations

Commissioner Harper presented the report titled Media Committee Recommendation on Meetings at Alternate Sites. The committee supports a policy of up to two meetings per year at a different location other than City Hall. The locations should be within the City and indoors where there is technical capability and necessary meeting equipment.

The Mayor suggested that the Charter Revision process could possibly look at the retreats and the opportunity they may provide for being held out-of-doors.

Public Comment

Rose Mary Jennings, 606 Bjornson, stated that she appreciates recognition of the public safety personnel and the Mayor inviting others to lead the Pledge of Allegiance.

ORDINANCE NO. 611-09-09

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

**ORDINANCE AMENDING ARTICLE 4 SECTION 4.1:24 2(C)
BUILDING EXTERIORS TO READ
GARDENS (GENERAL) FOOTCANDLES .5**

WHEREAS, Neighborhood Services has been made aware of an error in section 4.1:24 2(c) Building Exteriors.

THE CITY OF BIG RAPIDS ORDAINS:

1. Article 4 Section 4.1:24 2(c) Building Exteriors is amended to read Gardens (General) Footcandles .5.
2. This ordinance shall become effective 20 days after publication.
3. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: September 8, 2009

Published: September 11, 2009

ORDINANCE NO. 612-09-09

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

AN ORDINANCE AMENDING ARTICLE 2 SECTIONS 2.2:20, 2.2:57, ARTICLE 3, SECTIONS 3.3:2, 3.4:2(6), 3.10:2(10), 3.11:2(6), ARTICLE 5, SECTIONS 5.2:1, 5.3:3, ARTICLE 6, SECTIONS 6.9:1, 6.9:2, 6.9:3(1), 6.9:3(2), ARTICLE 8, SECTIONS 8.2, 8.3:2, 8.3:3, 8.3:4(1), 8.3:4(2), 8.5:2, 8.6, 8.6:3, 8.8, 8.8:3, 8.8:7, 8.8:8, 8.11, ARTICLE 9, SECTIONS 9.1, 9.2, 9.3, 9.3:3, 9.4:3(24), 9.4:4, 9.5:1, 9.5:2, 9.5:4, 9.5:5, 9.6, 9.7:1, 9.7:2, 9.8, 9.9:1, 9.10, 9.11:3, 9.12, 9.12:2, ARTICLE 10, SECTIONS 10.3:1, 10.3:2, 10.3:4, 10.3:5, 10.3:6, 10.3:8, 10.4, 10.5, 10.6, ARTICLE 11, SECTIONS 11.1:6, 11.1:7(1), 11.1:7(2), 11.1:7(4), 11.1:7(5), 11.1:9(4), 11.1:19(2)(b)(iii), 11.1:19(4)(e), 11.1:19A(1)(e), 11.1:19A(3)(d), 11.1:19A(3)(h), 11.1:19A(4), 11.1:19A(4)(a), 11.1:19A(4)(b), 11.1:19(4)(c), 11.1:19A(4)(g), 11.1:19A(4)(h), 11.1:19A(5), 11.1:19A(6), 11.1:22, ARTICLE 12, SECTIONS 12.3(1)(c)(ii), 12.3:2(1)(c)(iii), 12.3:2(2)(c)(ii), 12.3:2(2)(c)(iii), 12.3:2(d), 12.3:2(2)(d)(i), 12.3:2(2)(d)(ii), 12.3:2(2)(d)(iii), 12.3:2(2)(e)(i), ARTICLE 13, SECTIONS 13.4, 13.8, ARTICLE 14, SECTIONS 14.0, 14.1, 14.1:1, 14.1:2, 14.1:3, 14.1:4, 14.1:5, 14.1:6, 14.2:1, 14.2:2(2), 14.2:3(1), 14.2:3(2), 14.2:3(3), 14.2:4 AND 14.2:5 TO CHANGE REFERENCES TO "PLAN BOARD" TO "PLANNING COMMISSION".

WHEREAS, the Michigan Legislature adopted the amended Planning Enabling Act in 33 PA 2008, MCL 125.3801 *et seq*, with an effective date of September 1, 2008, and

WHEREAS, MCL 125.3801 states that the planning commission of a local unit of government shall be officially called "the planning commission", even if a charter,

ordinance, or resolution uses a different name such as "plan board" or "planning board", and

WHEREAS, City Staff recommended updating the zoning ordinance to change references of Plan Board to Planning Commission, to be consistent with MCL 125.3801,

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2 Sections 2.2:20 and 2.2:57 of the Big Rapids Zoning Ordinance are amended to read as follows:

2.2:20. Conditional Use — A conditional use is a use permitted in any given zone when such use is specified in Article 11 and only after review of an application for such use by the ~~Plan Board~~ **Planning Commission** to assure that all specified conditions are met, and approved by the City Commission.

2.2:57. ~~Plan Board~~ **Planning Commission** — A board appointed by the City Commission to assist in the administration of this Ordinance. Duties of the ~~Plan Board~~ **Planning Commission** include development and administration of this Ordinance, consideration of amendment of this Article 3 District Regulations Ordinance text or map or for a conditional use permit request, and review of site plans.

Section 2. Article 3, Sections 3.3:2, 3.4:2(6), 3.10:2(10) and 3.11:2(6) are amended to read as follows:

3.3:2 Principal Uses and Structures:

One single-family dwelling per lot or one professional office building per lot. The following combinations are also permitted:

Family

Supplemental Occupant:

One (1) supplemental occupant shall be permitted in single-family dwellings permitted in the R-P Zoning District subject to the conditions of Section 11.1:17.

Churches; public, private and parochial schools; public libraries, and museums, subject to the conditions of Section 11.1:55.

Fire stations and water towers when located at least fifty (50) feet from all property lines.

Public Utility Buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations subject to the approval Article 3 District Regulations of the ~~Plan Board~~ **Planning Commission** as being not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.

Bed & Breakfast Inns for the keeping of overnight guests for a limited duration and providing breakfast meals for those guests subject to the conditions of Section 11.4.

Office buildings for occupancy by professional offices, office building for occupancy by financial, insurance, bookkeeping, real estate firms, medical office; and offices of civic, religious and charitable organizations, subject to the conditions of Section 11:16.

Licensed Adult Foster Care Family Home.

Licensed Family Day Care

3.4:2(6). Public Utility Buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations subject to the approval of the ~~Plan Board~~ **Planning Commission** as being not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.

3.10:2(10). Any other business uses, provided uses are not objectionable by reason of emission of odors, soot, dust, noise, gas fumes or vibrations, or it is not otherwise obnoxious or offensive and when authorized by the ~~Plan Board~~ **Planning Commission**, but specifically excluding those uses permitted in the C-3 District and the Industrial District except those already listed in this Article.

3.11:2(6). Any other business uses, provided such uses are not objectionable by reason of emission of odors, soot, dust, noise, gas fumes or vibrations, or are not otherwise obnoxious or offensive and when authorized by the ~~Plan Board~~ **Planning Commission**, but specifically excluding those uses permitted in the Industrial District except those already listed in this Article.

Section 3. Article 5, Sections 5.2:1 and 5.3:3 are amended to read as follows:

5.2:1 TABLE OF PARKING SPACE REQUIREMENTS	
<i>USE</i>	<i>PARKING SPACES REQUIRED</i>
Adult Entertainment Establishments	One (1) parking space per 200 square feet of net floor area, but not less than three (3) parking spaces.

Adult Foster Care homes	One (1) space per employee on the largest working shift plus one (1) space per every two (2) group home residents.
Airport	One (1) space per five (5) aircraft tie down or storage spaces plus one (1) space per employee, plus one (1) space per four (4) seats in waiting areas.
Animal Services and Enterprises	One (1) parking space per each 200 sq. ft. of floor area but not less than three (3) parking spaces.
Automobile Sales	One (1) parking space per each 500 sq. ft. of floor area but not less than three (3) parking spaces.
Automobile Service Garages	One (1) parking space for each employee plus two (2) spaces for each service bay.
Automotive Service Station	One (1) parking space for each employee plus two (2) spaces for each service bay.
Banks with Drive-in Windows	One (1) space per each 200 square feet of area within the main building but not less than three (3) parking spaces, plus five (5) stacking spaces per service window or ten (10) stacking spaces for service windows serving two (2) stations.
Barber and Beauty Shops	Three (3) parking spaces for the first chair or booth and two (2) for each additional chair or booth.
Bed and Breakfast Inns	Two(2) spaces per permanent resident family plus one (1) space per guest room.
Boarding House	One (1) space per bedroom.
Bowling Alleys	Seven (7) parking spaces for each alley.
Cemeteries	One (1) space per employee on the largest working shift.
Day Care Homes	Three (3) spaces for every five (5) beds except for uses exclusively serving children under the age of 16, in which case one (1) space for every three (3) beds shall be required.
Churches or Places for Public Assembly	One (1) parking space for each three (3) seats.
Dance Hall, Roller Rink, Assembly Hall, without fixed seats	One (1) space per 200 sq. ft. of floor area plus one (1) per employee
Dry Cleaner	One (1) space per 200 square feet of floor area plus one (1) space per employee, but not less than three (3) parking spaces.
Dwellings	Single Family: Two (2) spaces Single Dwelling Unit: One (1) space per unit + One (1) space per bedroom Duplex: One (1) space per unit + One (1) space per bedroom Multiple Family: Two (2) spaces per unit + 1 space per

	bedroom
Emergency Services	One (1) space per each employee on the largest shift plus two (2) spaces.
Fire Stations	One (1) space per each person on a normal shift.
Funeral Homes and Mortuaries	One (1) parking space per twenty-five (25) sq. ft. of floor area of assembly rooms.
Furniture Sales, Retail	One (1) parking space for each five hundred (500) sq. ft. of floor space, but not less than three (3) parking spaces.
Gasoline Service Stations	One (1) parking space for each employee on the largest shift plus one (1) for each service bay, but not less than three (3) parking spaces.
Golf Courses (non-miniature)	One (1) space per employee on the largest working shift plus three (3) spaces per hole, plus spaces required for other accessory uses.
Greenhouses	One (1) space per 400 square feet of sales area.
Home Occupations	Established by the Plan Board Planning Commission and adequate to serve the home occupation as well as the residence.
Hospitals Medical Clinics, Doctors Offices and Institutions for Human Care	One (1) parking space for each hospital bed plus one and one-half (1.5) spaces per emergency room examination table, plus one (1) space for each medical staff member, plus one (1) space per other employees on the largest shift.
Laundromats	One (1) parking space for every two (2) washing machines or 200 sq. ft. of gross floor area, whichever is greater.
Libraries, Museums, Art Galleries and similar uses.	One (1) space per 300 feet of gross floor area.
Municipal, County, State and Federal Administration Buildings	One (1) space per 200 feet of gross floor area, but not less than three (3) parking spaces.
Manufacturing and Industrial Uses	One (1) parking space for every employee on the largest shift.
Military Reserve, National Guard Centers	One (1) parking space per 100 square feet of gross floor area.
Miniature golf course	One (1) space per tee plus one (1) additional space for the facility.
Motels, Hotels, Motor Courts, and other similar businesses or institutions providing overnight accommodations	One (1) parking spaces for each sleeping room plus one (1) parking space for bus or semi-trailer parking for each ten (10) rooms. Additional off-street parking spaces shall be required for such other uses as restaurants, bars, assembly halls and other accessory uses in accordance with the regulations of this Section

	for such uses.
Motor Vehicle Related Sales and Service Operations	One (1) space per 500 square feet of gross floor area, but not less than three (3) parking spaces.
Nursing Care Homes	1 space per bed.
Office, Clerical, and Research Services, including banks, business and professional offices designed to serve customers on the premises	One (1) parking space for each 200 sq. ft. of floor area, but in no case less than three (3) spaces. For professional offices in Residential districts, on-street parking may be used to satisfy up to 50% of the parking requirements for an office, but not for any residential rental unit in combination with an office.
Office Clerical, and Research Services, designed not to serve customers on the premises	One (1) parking space for each 400 sq. ft. of floor area, but not less than three (3) parking spaces.
Personal Service Establishments	One (1) parking space per 200 square feet of net floor area, but not less than three (3) parking spaces.
Post Office	One (1) parking space for each 200 sq. ft. of gross floor area, but not less than three (3) parking spaces.
Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations and Gas Regulator stations	One (1) space per employee on the maximum shift plus one (1) space per stored vehicle.
Radio and Television Stations	One (1) space per employee.
Registered Student Organization Dwelling	One (1) parking space per occupant plus one (1) space per three hundred (300) sq. ft. of common meeting area, with a minimum of five (5) spaces for common meeting area.
Recreation, Amusement and Entertainment facilities such as squash courts and tennis courts	One (1) parking space per three (3) persons that facility was designed to accommodate.
Recreation, Amusement and Entertainment facilities such as skating rinks, pool halls and indoor athletic and exercise facilities	One (1) parking space per 200 square feet of gross floor area.
Recreation, Amusement and Entertainment facilities such as skate board parks, pools, water slides and similar uses	One (1) space per three (3) persons based on maximum capacity of site.
Restaurants, Taverns, Bars and Cocktail Lounges and	One (1) parking space for each two (2) seats provided for patron use or one (1) for every 50 square feet of

similar eating establishments	customer waiting and eating areas, and one (1) for each employee on the largest shift, plus five (5) stacking spaces per drive-thru window. In addition, one (1) space for each 100 square feet of dance floor and entertainment area.
Rooming House	Two (2) parking spaces per room.
Retail Sales and Rental of Goods, Merchandise and Equipment	One (1) parking space per 200 square feet of net floor area, but not less than three (3) parking spaces.
Self-Serve Food Market or Supermarket	One (1) space per employee on the largest working shift plus one (1) parking space per 200 square feet of net floor area.
Schools – Colleges	One (1) parking space per 150 square feet of floor area.
Schools – Elementary and middle schools	Two (2) parking spaces per classroom.
Schools – High Schools	Five (5) parking spaces per classroom.
Schools – Trade or vocational	One (1) space per student based on the design capacity of the building.
Self Service Storage Facility	One (1) space per ten (10) storage units plus one (1) space per employee.
Theaters	One (1) parking space for each four (4) seats.
Transportation Terminal	One (1) parking space per 200 square feet of gross floor area.
Video rental establishments	One space per 75 square feet of net floor area.
Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Sales	Two (2) parking spaces for each employee and one (1) parking space per 400 square feet of gross floor area, but not less than three (3) parking spaces.

(Section 5.2 was amended by Ord. #557-10-05 on October 17, 2005.)

5.3:3. Application for parking area or driveway construction. A land use permit shall be required to establish or change any parking area or driveway, unless such construction is part of a larger project requiring a building permit. The applicant shall submit a site plan to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking area or driveway. Any curb cuts, entrances, exits, drainage and design shall have the written approval of the Director of Public Works, or his designate. Except for single-family dwellings, the plan shall be submitted to the ~~Plan Board~~ **Planning Commission** for review and approval based on the procedures established for site plan review. Plans that establish or change eight (8) parking spots or less shall also be required to go through site plan review, but shall be exempt from the requirement to have the seal of a professional engineer, architect or surveyor on the plan.

Section 4. Article 6, Sections 6.9:1, 06.9:2, 6.9:3(1), and 6.9:3(2) are amended to read as follows:

6.9:1 Requirements

Notwithstanding any other provision of this Ordinance, the ~~Plan-Board~~ **Planning Commission** shall be authorized to approve a Coordinated Signage Program for unified development that contains any one of the following:

- (1) More than three (3) acres in size;
- (2) More than one building;
- (3) More than one parcel or private street.

6.9:2. Administration

Applications for the Coordinated Signage Program shall be submitted to the ~~Plan-Board~~ **Planning Commission** for approval.

6.9:3. Procedures

- (1) An application shall be submitted to the ~~Plan-Board~~ **Planning Commission** that shall include the following:
 - a) Statement of justification for approval of the Coordinated Signage Program;
 - b) Description/depiction of the sign program, including all of the following:
 - (i) Number
 - (ii) Location
 - (iii) Size
 - (iv) Height
 - (v) Color
 - (vi) Material
 - (vii) Illumination
 - (viii) Preliminary site plan
 - (ix) Information to be displayed
 - (x) Compliance with design requirements.
- (2) The ~~Plan-Board~~ **Planning Commission** shall approve, disapprove, or approve with modifications any proposed Coordinated Signage Program application.

Section 5. Article 8, Sections 8.2, 8.3:2, 8.3:3, 8.3:4(1), 8.3:4(2), 8.5:2, 8.6, 8.6:3, 8.8, 8.8:3, 8.8:7, 8.8:8, and 8.11 of the Big Rapids Zoning Ordinance are amended to read as follows:

SECTION 8.2 APPLICATION

The requirements set forth in this article shall apply to all uses for which site plan review is required under Section 9.2. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this Article.

The ~~Plan Board~~ **Planning Commission** may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. In addition, when space limitations or prevailing development patterns in the surrounding neighborhoods, justify exceptions to these requirements the ~~Plan Board~~ **Planning Commission** may make a determination that an exception be granted.

The following are minimum landscape standards and nothing will preclude the developer and City from agreeing to more stringent standards. If applicable this determination will be made during site plan review.

8.2:1 Landscape Plan Required

A separate detailed landscape plan shall be required to be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:

- (1) Minimum scale of one (1) inch to fifty (50) feet.
- (2) Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
- (3) Existing and proposed contours on-site and 100 feet beyond the site at intervals not to exceed two (2) feet.
- (4) Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- (5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.

- (6) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
- (7) Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
- (8) Identification of tree protection method for trees proposed to be preserved.
- (9) Identification of existing trees over 2 1/2" caliper proposed to be removed.
- (10) Identification of grass and other ground cover and method of planting.
- (11) Clearly reference on plan total number of proposed parking spaces and number of required parking lot trees.
- (12) For principal structure landscape requirements clearly shade/hatch the principal structure floor area of the building footprint regulated for landscape requirement, label linear footage of the building front and/or sides that are subject to landscape requirements (see Section 8.9 Landscape Standards for Principal Structures).
- (13) Site plan review for pre-existing sites shall clearly identify the proposed building and/or parking expansion and label the net percent site increase and calculated landscape requirement. Clearly identify proposed building entrances and curb cuts.
- (14) Identify areas established for storage of plowed snow during winter months to ensure that plants are not damaged by storage of snow on them.

8.3:2. A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. Walls shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the ~~Plan—Board~~ **Planning**

Commission. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in item 8.3:4 following. Buffers utilizing a combination of plant materials, berming and walls will be encouraged.

LEVEL OF SUBJECT SITE	LEVEL OF ADJACENT SITE			
	LEVEL 1*	LEVEL 2	LEVEL 3	LEVEL 4
LEVEL 2	B or a 4 foot high wall/berm	B or a 4 foot high wall/berm	A or a 5 foot high wall/berm	A or 8 foot high wall/berm
LEVEL 3	A or 6 foot high wall/berm	A or a 5 foot high wall/berm	None	B
LEVEL 4	A or 8 foot high wall/berm	A or 8 foot high wall/berm	B	None

A = One (1) Deciduous canopy tree and, continuous visually solid hedge (during leaf period) at least 4' ht. at maturity, or one (1) evergreen tree and continuous visually solid hedge (during leaf period) at least 4' ht. At maturity, per thirty (30) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

B = One (1) Deciduous canopy tree and visually solid hedge (during leaf period) of at least 4' ht. at maturity , or one (1) evergreen tree and visually solid hedge (during leaf period) at least 4' ht. at maturity, per forty (40) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the ~~Plan Board~~ **Planning Commission** may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

** A berm will be considered when a minimum 21 ft. wide buffer strip is available for a 3 foot height berm. A berm at least three (3) feet high is permitted as part of a buffering requirement (Example: a three (3) foot fence on top of a three (3) foot berm is equivalent to a six (6) foot

fence or wall). A four (4) foot high berm may be substituted for a four (4) foot high fence or wall. See Section 8.3:5 for Berm Standards.

Home occupations approved by special use permit within the residential districts may require additional buffering, screening or landscape requirements. Requirements may be directed along the property line or within the site to ensure a harmonious effect with adjacent properties, within the residential area and to minimize the impact of a more intense use or activity.

8.3:3 Parking and Storage

Sideyard buffer screen: Parking lot screens will be designed with a hedge, wall, berm, fence or combination thereof forming a continuous screen at least fifty-two (52) inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot. The arrangement of shrubs in clusters is encouraged.

Greenbelt screen: All off-street parking areas shall be screened from view with a landscaped area with continuous planting with a minimum four (4) foot height at maturity along the perimeter of those sides which are visible from a public street or approved private street. Shrubs shall be planted with adequate clearance from sidewalks so that they do not grow over or into the sidewalks as they mature. In addition, greenbelts shall follow landscape requirements in Section 8.6 (Greenbelts). The ~~Plan Board~~ **Planning Commission**, at their discretion, may approve alternative landscape planting or a solid wall in lieu of a landscape berm.

All loading and unloading areas that are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than 6 feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

All storage areas (including areas for storage of refuse) which are visible from residential districts or public thoroughfares, shall be screened on all sides by a fence or wall no less than 6 feet in height. The fence or wall shall not allow light to penetrate through it.

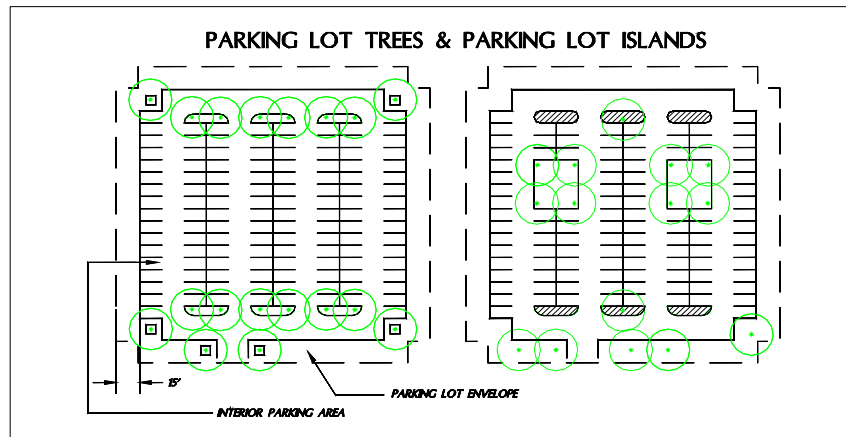
8.3:4(1). Walls shall be located either on a lot line, if adjoining property owners agree, or the wall shall be located six inches from the property line finished side facing outward, or placed no more than twelve (12) inches from the lot line or at a location at the discretion of the ~~Plan Board~~ **Planning Commission** to suit creative landscaping plan design, or property/utility conditions.

8.3:4(2). Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, unless specifically approved by the ~~Plan Board~~ **Planning Commission**.

8.5:2. Tree location:

All of the required parking lot trees shall be placed within the parking lot envelope when space is available. The parking lot envelope is the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. A minimum of two-thirds (2/3) of the required trees shall be placed within the interior of the parking area. The ~~Plan Board~~ **Planning Commission** may waive this requirement if space is not available. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within lot (See diagram below for examples).

All parking lot tree calculations and interior parking lot tree requirements shall be rounded up.



SECTION 8.6 GREEN BELTS REQUIRED ALONG THE PUBLIC RIGHT OF WAY

A green belt shall be planted adjacent to the right of way, within private property, of any public street or approved private street. The green belt plantings shall be planted within the required front yard or side yard setback of the principal structure. The ~~Plan Board~~ **Planning Commission** may allow such planting to be placed anywhere within the front yard if there is no front yard parking. Greenbelt requirements do not overlap with Buffer Zone requirements. The green belt shall meet the following standards:

8.6:1 The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

8.6:2 The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.

8.6:3 The ~~Plan Board~~ **Planning Commission** may approve substitution of evergreen trees for up to fifty percent (50%) of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.

8.6:4 Greenbelt trees should be regularly spaced and consistent with the existing character of the City.

8.6:5 Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty (20) foot site distance triangle shall not be more than thirty (30) inches in height.

8.6:6 Greenbelt requirements for parking lots along the public right-of-way are described in Section 8.3:3. and shall be landscaped per the requirements in this section.

SECTION 8.8 EXISTING TREE PRESERVATION INCENTIVES

The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at ~~Plan Board~~ **Planning Commission** approval, toward the required trees for green belts, buffer zones and within parking lots.

8.8:1 All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.

8.8:2 Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the drip line of the tree or trees to be preserved.

8.8:3. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the ~~Plan Board~~ **Planning Commission**. The ~~Plan Board~~ **Planning Commission** pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the ordinance.

To obtain credit consideration the preserved trees shall be of a high quality and at least two (2") inches caliper.

8.8:4 Credit Consideration for preserved trees shall be:

Preserved Tree Caliper*(inches)	Number of Trees to be Credited
12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

8.8:5 To protect and encourage the continued health and vitality of the preserved trees, the ground within the drip line of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree drip line is prohibited.

8.8:6 If preserved trees die within three (3) years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within thirty (30) days of written notice from the city or within an extended time period as specified in said notice.

8.8:7. The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits. However, the ~~Plan Board~~ **Planning Commission** during site plan review, may determine that existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

8.8:8. For a period of (3) years following a site plan approval, special permission by the ~~Plan Board~~ **Planning Commission** will be required for the removal of trees proposed to be preserved on the site plan. The ~~Plan Board~~ **Planning Commission** may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

SECTION 8.11 COMPLIANCE FOR PRE-EXISTING SITES

In any case where site plan review is required and the existing building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or the use is being changed to a more intense use, as determined by the ~~Plan Board~~ **Planning Commission**, the site shall be brought into full compliance with the

landscape standards herein. In situations where the increase in the existing building and/or parking area is less than twenty-five percent (25%) over the original site plan, the requirement of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. (example; a building or parking area increase of ten percent (10%) requires a forty percent (40%) compliance with the landscape standards). If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond fifty percent (50%) of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

Section 6. Article 9 Sections 9.1, 9.2, 9.3. 9.3:3, 9.4:3(24), 9.4:4, 9.5:1, 9.5:2, 9.5:4, 9.5:5, 9.6, 9.7:1, 9.7:2, 9.8, 9.9:1, 9.10, 9.11:3, 9.12 and 9.12:2 are amended to read as follows:

SECTION 9.1 PURPOSE

The intent of this section is to provide for construction and cooperation between the land owner and the ~~City Plan Board~~ **Planning Commission** in order that the owner may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

SECTION 9.2 SCOPE

Except as set forth below, the Zoning Administrator shall not issue a zoning permit for construction of any building, structures or uses until a Site Plan, submitted in accordance with the City Zoning Ordinance, shall have been reviewed and approved by the ~~City Plan Board~~ **Planning Commission**.

The following buildings, structures or uses shall be exempt from the Site Plan Review procedure.

- 9.2:1 Single or two-family homes and their accessory structures under separate ownership or an individual and separate lot for each home except condominium and site condominium projects.
- 9.2:2 Non-residential accessory structures under 1,000 square feet in size.
- 9.2:3 Expansion of existing structures under 1,000 square feet in size.
- 9.2:4 Changes in use not involving changes in the structure, provided no other improvements under the provisions of this ordinance, including but not limited to additional parking and landscaping, are required.

SECTION 9.3 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the City ~~Plan Board~~ **Planning Commission** prior to submission of a complete site plan. The purpose of such procedure is to allow discussion between an owner and the ~~Plan Board~~ **Planning Commission** to better inform the owner of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

9.3:1 The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.

9.3:2 A legal description of the property.

9.3:3. Sketch drawings showing tentative site and development plans.

The City ~~Plan Board~~ **Planning Commission** shall not be bound by a tentative approval given at this time.

9.4:3(24). Such other information as may be determined to be necessary by the City ~~Plan Board~~ **Planning Commission** because of any peculiar features of the proposed development.

9.4:4. The ~~Plan Board~~ **Planning Commission** may require a digital copy of the site plan to be submitted by the applicant.

9.5:1. The complete site plan application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled ~~Plan Board~~ **Planning Commission** meeting.

9.5:2. The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the ~~Plan Board~~ **Planning Commission**; one (1) copy to the Building Inspector, one (1) copy to the Department of Public Safety and one (1) copy to the Department of Public Services.

9.5:4. The ~~Plan Board~~ **Planning Commission** shall consider the submitted site plan at a public hearing. Notice for the public hearing shall be prepared and shall include the date, time, place and reason for the public hearing. Notice for the public hearing shall be provided as follows:

- (1) One (1) notice shall be published in a newspaper in general circulation in the city, not less than five (5) days nor more

than fifteen (15) days before the meeting at which the application will be considered.

- (2) One (1) written notice shall be sent by mail to all persons to whom real property is being assessed within three hundred feet (300') of the boundary of the property in question, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.

9.5:5. Following the hearing, the ~~Plan Board~~ **Planning Commission** shall have the authority to approve the site plan, disapprove the site plan, or approve the site plan with conditions, in accordance with the purposes of the site plan review provisions of the City Zoning Ordinance and the criteria contained therein. Any required conditions shall be stated in writing, together with the reasons for such conditions, and delivered to the applicant. The ~~Plan Board~~ **Planning Commission** may either approve the plans contingent upon the required conditions, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the ~~Plan Board~~ **Planning Commission** shall be made by said Board within 100 days of receipt of the application by the Neighborhood Services Department.

SECTION 9.6 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, approving with conditions, or disapproving the same, the ~~Plan Board~~ **Planning Commission** shall be governed by the following standards:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular movement.

With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.

- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings.

The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.

9.6:4 That any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways.

All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.

Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

9.7:1. The ~~Plan Board~~ **Planning Commission** may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain

Commission, County Health Department and the Department of Environmental Quality. They may do so when such conditions:

- (1) Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Would protect the natural environment and conserve natural resources and energy.
- (3) Would ensure compatibility with adjacent uses of land, and
- (4) Would promote the use of land in a socially and economically desirable manner.

9.7:2. In determining appropriate conditions, the ~~Plan Board~~ **Planning Commission** shall ensure that there is a reasonable connection between the condition imposed and the impact it is mitigating.

SECTION 9.8 APPEALS

An individual with a vested interest in a ~~Plan Board~~ **Planning Commission** decision related to a site plan may appeal the ~~Plan Board~~ **Planning Commission** decision to the Zoning Board of Appeals.

9.9:1. Revocation of Site Plan Approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the ~~Plan Board~~ **Planning Commission**. If construction and development does not conform with such approved plan, the approval of the Site Plan shall be revoked by the building and zoning inspector of the City by written notice of such revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of such approval, all construction activities shall cease upon the site until such time as the violation has been corrected or the ~~Plan Board~~ **Planning Commission** has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the City Zoning Ordinance.

SECTION 9.10 AMENDMENT TO SITE PLAN

A proposed amendment, modification or alteration to a previously approved site plan may be submitted to the ~~Plan Board~~ **Planning**

Commission for review in the same manner as the original application was submitted and reviewed.

9.11:3. The applicant may apply to the ~~Plan Board~~ **Planning Commission** for an extension of up to 18 months. The applicant must demonstrate that suitable progress has been made on the project. If an extension is granted, the project must be completed by the end of the extension period.

SECTION 9.12 PERFORMANCE BOND

The ~~Plan Board~~ **Planning Commission** shall have the right and authority to require the developer to file with the City Neighborhood Services Department at the time of application for a building permit a performance bond in such amounts as may be determined by the ~~Plan Board~~ **Planning Commission** to insure the development of the site in accordance with the approved site plan, conditioned upon such property construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which covers the estimated total cost of construction and site development.

9.12:1 Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.

9.12:2 Where the ~~Plan Board~~ **Planning Commission** requires a performance guarantee, said performance guarantee shall be deposited with the City Treasurer prior to the issuance of a Zoning Permit. The City of Big Rapids shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.

9.12:3 An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

9.12:4 In the event the performance guarantee deposited is a cash deposit or certified check, the City of Big Rapids shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required

improvements are completed as confirmed by the Zoning Administrator.

9.12:5 Upon the satisfactory completion of the Improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

9.12:6 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Big Rapids to ensure completion of an improvement associated with the proposed project prior to the City's conditional approval, the applicant shall not be required to deposit with the City of Big Rapids a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City of Big Rapids regarding the performance guarantee.

Section 7. Article 10, Sections 10.3:1, 10.3:2, 10.3:4, 10.3:5, 10.3:6, 10.3:8, 10.4, 10.5 and 10.6 are amended to read as follows:

10.3:1. The complete Conditional Use Permit application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled ~~Plan Board~~ **Planning Commission** meeting.

10.3:2. The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the ~~Plan Board~~ **Planning Commission**, one (1) copy to the Building Inspector, one (1)

copy to the Department of Public Safety and one (1) copy to the Department of Public Services.

10.3:4 The ~~Plan-Board~~ **Planning Commission** shall consider the submitted Conditional Use Permit application at a public hearing. Notice for the public hearing shall be prepared and shall include the date, time, place and reason for the public hearing. Notice for the public hearing shall be provided as follows:

- (1) One (1) notice shall be published in a newspaper in general circulation in the city, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.
- (2) One (1) written notice shall be sent by mail to all persons to whom real property is being assessed and the residents of all structures within three hundred feet (300') of the boundary of the property in question, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.

10.3:5. Following the hearing, the ~~Plan-Board~~ **Planning Commission** shall recommend approval or denial of the site plan and conditional use permit application to the City Commission. In making their recommendation, the ~~Plan-Board~~ **Planning Commission** shall Article 10 Conditional Use Permits identify how the application does or does not meet the requirements for approval of site plans in Section 9.6 and for Conditional Uses in Section 10.3:8. Any proposed conditions shall be included in the recommendation, together with the reasons for such conditions.

10.3:6 Following receipt of the ~~Plan-Boards~~ **Planning Commission's** Recommendation, the City Commission shall review the request for approval of the Conditional Use Permit and the Site Plan. The City Commission shall do one of the following:

- (1) Approve the Conditional Use Permit and Site Plan.
- (2) Approve the Conditional Use Permit and Site Plan with conditions.
- (3) Deny the Conditional Use Permit and/or the Site Plan.
- (4) Table the application for additional information or to conduct it's own public hearing.

10.3:8 Standards. No conditional use shall be recommended by the ~~Plan Board~~ **Planning Commission** unless such Board shall find:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11 and to any additional conditions or procedures as specified in Section 10.4.

SECTION 10.4 CONDITIONS AND GUARANTEES

Prior to the granting of any Conditional use, the ~~Plan Board~~ **Planning Commission** may recommend, and the City Commission shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Conditional use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Section. In all cases in which Conditional uses are granted the City Commission shall require such evidence and guarantees as it may deem necessary to ensure compliance with the conditions stipulated in connection therewith are being and will be complied with.

SECTION 10.5 EFFECT OF DENIAL OF A CONDITIONAL USE

No application for a conditional use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change or conditions found to be valid by the ~~Plan Board~~ **Planning Commission** and the City Commission.

SECTION 10.6 REVOCATION OF CONDITIONAL USE PERMIT

In any case where a Conditional use has not been established within one (1) year after the date of granting such use, or when the use is abandoned for twelve consecutive months authorization of that use shall automatically be null and void without further action by the ~~Plan Board~~ **Planning Commission** or the City Commission.

Section 8. Article 11, Sections 11.1:6, 11.1:7(1), 11.1:7(2), 11.1:7(4), 11.1:7(5), 11.1:9(4), 11.1:19(2)(b)(iii), 11.1:19(4)(e), 11.1:19A(1)(e), 11.1:19A(3)(d), 11.1:19(3)(h), 11.1:19A(4), 11.1:19A(4)(a), 11.1:19A(4)(b), 11.1:19A(4)(c), 11.1:19A(4)(g), 11.1:19A(4)(h), 11.1:19A(5), 11.1:19A(6), and 11.1:22 are amended to read as follows:

11.1:6. Communication antennae affixed to existing structures shall be permitted in the C-1, C-2, C-3 and I districts, subject to the following conditions:

To minimize the negative aesthetic impacts associated with ground based communication towers, the placement of communication antennas on preexisting structures such as water towers, church steeples, and commercial and industrial buildings, shall be encouraged by the City ~~Plan Board~~ **Planning Commission**. Antennas located on structures do not have to meet the more stringent height and distance requirements associated with ground based towers, provided the applicant can demonstrate the following:

- (1) Materials used to shield the antenna and associated electrical equipment shall be aesthetically compatible with the surrounding structures and area in terms of color and texture.
- (2) The appearance and character of the structure will not be significantly altered with the addition of the antenna and related equipment.
- (3) The height of the existing structure will not be significantly increased with the addition of the antenna.

- (4) The antenna and any associated structures and guy wires shall be inaccessible to the general public.

11.1:7(1). The tower is located no closer to any Residential District than the height of the tower. This requirement can be modified by the ~~Plan Board~~ **Planning Commission** if it can be demonstrated by the applicant that the tower is collapsible in design.

11.1:7(2). The tower is located no closer to any structure not associated with the operation of the tower than the height of the tower. This requirement can be modified by the ~~Plan Board~~ **Planning Commission** if it can be demonstrated by the applicant that the tower is collapsible in design.

11.1:7(4). The tower, any accessory structures and any guy wires which are fixed to the ground shall be completely enclosed by appropriate fencing as determined by the ~~Plan Board~~ **Planning Commission**.

11.1:7(5). In order to maximize the efficiency of the telecommunications services, while also minimizing the impact of such facilities on the City, co-location, or the provision of more than one (1) facility in a single location shall be encouraged by the ~~Plan Board~~ **Planning Commission**. The applicant shall provide the ~~Plan Board~~ **Planning Commission** with information regarding the feasibility of co-location at proposed sites. Further the Applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:

- a) Respond to any requests for information from another potential shared use applicant;
- b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically possible, and
- c) Make no more than a reasonable charge for a shared use lease.

(The Primary Election of August 6, 2002, removed Section 11.1:8 pertaining to Group Day Care in R-1 Districts from the Zoning Ordinance.)

11.1:9(4). In making any decision the ~~Plan Board~~ **Planning Commission** shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of adjoining property owners and the community at large.

11.1:19(2)(b)(iii). The only nonresidential uses permitted within a Planned Unit Development are:

- Bakery and dairy products, retail sales only
- Barber and beauty shops
- Books, stationery and newspapers
- Drug stores
- Groceries, food stuffs and meat markets
- Laundromat
- Shoe repair
- Tailoring and dressmaking
- Schools, public or private
- Churches
- Public parks, forest preserves, and recreational areas
- Golf Courses
- Real estate office only in conjunction with a new Planned Unit Development, limited to selling or renting of units in such development and
- Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- Other similar uses as approved by the ~~Plan Board~~ **Planning Commission**.

11.1:19(4)(e). Screening. A screen may be required by the City Commission or ~~Plan Board~~ **Planning Commission** along the perimeter of the development if it is deemed necessary by these bodies to protect the values of adjoining property under separate ownership. The screening shall be consistent with the Landscaping Standards contained herein.

11.1:19A(1)(e). Approval. Approval by the City Commission of a conceptual site plan and Conditional Use Permit, and approved by the ~~Plan Board~~ **Planning Commission** of a detailed site plan for all planned unit residential developments is required.

11.1:19A(3)(d). Screening. A screen may be required by the City Commission or ~~Plan Board~~ **Planning Commission** along the perimeter of the development if it is deemed necessary by these bodies to protect the values of adjoining property under separate ownership. The screening shall be consistent with the Landscaping standards contained herein.

11.1:19A(3)(h). The ~~Plan Board~~ **Planning Commission**. The ~~Plan Board~~ **Planning Commission** is hereby designated the right and authority to authorize variations from the foregoing provisions which will not be incompatible with the purposes of the PURD or the foregoing criteria and will not be obstructive to view, light, or air, or hazardous or otherwise a nuisance or annoyance to adjacent developments, highway motorists or the general public. The purpose of this delegation of authority is to

provide for some flexibility in the regulations and for new aesthetically pleasing concepts which in all cases would comply with the purpose and intent of the PURD to permit a harmonious intermix of land aesthetically attractive to both the occupants thereof and the general public.

11.1:19A(4). Application Procedure and Approval Process. Whenever any PURD is proposed, the developer shall apply for and secure approval of a Conditional Use Permit. The review and approval process shall be in accordance with procedures outlined in Article 10, with the following exceptions: 1) Both the ~~Plan Board~~ **Planning Commission** and the City Commission shall hold public hearings on the request before the City Commission makes a final decision (in order to comply with Section 4b (5) of the City-Village Zoning Act) and 2) The conceptual site plan shall take the place of the site plan that is normally required to be submitted with a Conditional Use Permit application per Section 10.2:2 of this ordinance.

a) Application for Conceptual Site Plan and Conditional Use Permit Approval. So that the City and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a conceptual site plan and Conditional Use Permit to the ~~Plan Board~~ **Planning Commission** and City Commission. The conceptual site plan shall be drawn to approximate scale and shall clearly show the following information:

- Boundaries of property;
- Location and height of all buildings;
- Interior roadway system including curb & gutter, street lights, parking facilities, sidewalks, and existing right-of ways;
- The interior open space system;
- The overall stormwater drainage system;
- Principle ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;
- Delineation of the various residential and/or non-residential areas, including size, number, location, and number of housing units;
- Construction phases if applicable;
- General statements as to how common open space is to be owned and maintained.

b) The ~~Plan Board~~ **Planning Commission** shall hold a public hearing on the PURD conceptual site plan and CUP application and then forward their recommendations to the City Commission. The City Commission shall then hold a public hearing to approve or deny the PURD conceptual site plan and CUP application. Both public hearings shall be in accordance with the provisions of Section 10.3:4 of this Ordinance.

c) The ~~Plan-Board~~ **Planning Commission** and City Commission shall review the Conditional Use Permit application using the standards contained in the Conditional Use Permit article and the following additional standards.

1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement;

2) Relationship of the various uses to one another;

3) The adequacy of usable open space for playground and recreation.

4) Compliance with all regulations of the City Zoning Ordinance.

5) Compatibility of adjoining uses on and off the site and preservation thereof.

d) Following the Public Hearing. The City Commission shall, within thirty (30) days, approve or disapprove the conceptual site plan and Conditional Use Permit or make conditions thereto and so notify the applicant of its decision.

e) Approval of Conceptual Site Plan. Approval of conceptual site plan and Conditional Use Permit shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan. Conceptual site plan approval shall expire within one year.

f) Request of Changes in Conceptual Site Plan. If it becomes apparent that certain elements of the conceptual site plan, as it has been approved by the City Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire conceptual site plan and Conditional Use Permit, as amended.

g) Application for Detailed Site Plan Approval. After receiving approval of a conceptual site plan and Conditional Use Permit from the City Commission, the applicant shall prepare their detailed site plan, and submit it to the ~~Plan-Board~~ **Planning Commission**. The ~~Plan-Board~~ **Planning Commission** shall review the detailed site plan following the procedures outlined in the Site Plan Review Article of this Ordinance.

h) Required Standards for Approval. The ~~Plan Board~~ **Planning Commission** shall render its approval or disapproval and notify the applicant and the Zoning Administrator. The detailed site plan shall meet the requirements contained in the Site Plan Review article of this ordinance and the following additional criteria.

1) Location, arrangement, appearance and sufficiency of off-street parking:

2) Location, arrangement, size and entrances of building, walkways and lighting;

3) Adequacy of water supply, storm water and sanitary waste disposal facilities.

4) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands;

5) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.

i) Revocation. In any case where construction on the development has not commenced within one year from the date of approval, of the detailed site plan, the conditional use permit shall be null and void.

11.1:19A(5). Effect of Approval. After a Conditional Use Permit and detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the ~~Plan Board~~ **Planning Commission** after proceedings conducted as in the original application. This limitation shall apply to successive owners.

11.1:19A(6). Bond Requirement. The ~~Plan Board~~ **Planning Commission** may require a performance bond as authorized in Section 9.12 of this ordinance to ensure any improvement that was a condition of CUP or site plan approval. (Ord. 517-7-03, passed 7/21/03).

11.1:22. Public Utility Buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations are permitted when the ~~Plan Board~~ **Planning Commission** determines that the proposed use is not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.

Section 9. Article 12, Sections 12.3:2(1)(c)(ii), 12.3:2(1)(c)(iii), 12.3:2(2)(c)(ii), 12.3:2(2)(c)(iii), 12.3:2(d), 12.3:2(d)(i), 12.3:2(2)(d)(ii), 12.3:2(2)(d)(iii), 12.3:2(2)(e)(i), are amended to read as follows:

12.3:2(1)(c)(ii). Upon receipt, the City Clerk or designee shall submit copies of the sketch plan to members of the City ~~Plan Board~~ **Planning Commission** and shall make one (1) copy available to each of applicable departments or offices, who shall review the sketch plan and provide written comments to the ~~Plan Board~~ **Planning Commission** at least one (1) week prior to the meeting where the sketch plan will be reviewed.

12.3:2(1)(c)(iii). The ~~Plan Board~~ **Planning Commission** shall review the sketch plan and the comments from City staff and shall provide comments on the project back to the developer within 45 days of the filing of the complete sketch plan with the City Clerk.

12.3:2(2)(c)(ii). Upon receipt, the City Clerk or designee shall submit copies of the preliminary condominium subdivision plan to members of the City ~~Plan Board~~ **Planning Commission** and shall make one (1) copy available to each of applicable departments or offices, who shall review the condominium subdivision plan and provide written comments to the ~~Plan Board~~ **Planning Commission** at least one (1) week prior to the meeting where the preliminary condominium subdivision plan will be considered.

12.3:2(2)(c)(iii). The ~~Plan Board~~ **Planning Commission** shall consider the preliminary condominium subdivision plan at the first meeting of the ~~Board~~ **Commission** held at least 15 days after the filing of the complete preliminary condominium subdivision plan with the City Clerk.

12.3:2(2)(d). ~~Plan Board~~ **Planning Commission** Review of the Preliminary Condominium Subdivision Plan.

- (i) Prior to making a recommendation on the preliminary condominium subdivision plan, the ~~Plan Board~~ **Planning Commission** shall hold a public hearing. Notice of the hearing shall contain the date, time and place of the hearing, and shall be sent by mail, at least 10 days prior to the hearing date, to the developer and owners of land within 300 feet of the proposed site condominium project.
- (ii) The preliminary condominium subdivision plan and all required accompanying data shall be reviewed, in accordance with sound engineering practices, by the ~~Plan Board~~ **Planning Commission** for the purpose of determining its compliance with the Condominium Act, the specifications of this Article and the City's Zoning Ordinance,

the City's Land Use Plan, the City's Development Design Standards and other applicable City ordinances.

- (iii) The ~~Plan Board~~ **Planning Commission** shall submit to the City Commission a written recommendation concerning the preliminary condominium subdivision plan within 60 days of the filing of the complete preliminary condominium subdivision plan with the City Clerk. The ~~Plan Board~~ **Planning Commission** shall either:
 - a. Recommend approval of the preliminary condominium subdivision plan;
 - or,
 - b. Set forth reasons for not recommending approval of the preliminary condominium subdivision plan and the requirements for approval.

12.3:2(2)(e)(i). The City Commission, prior to making a determination, shall consider all pertinent information, including not only the preliminary condominium subdivision plan and accompanying data submitted by the developer, but also the written comments of City staff and the recommendation of the City ~~Plan Board~~ **Planning Commission**.

Section 10. Article 13, Sections 13.4 and 13.8 are amended to read as follows:

SECTION 13.4 ADMINISTRATIVE REVIEW

The ZBA shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by an administrative official or body, such as the Zoning Administrator or ~~Plan Board~~ **Planning Commission** in the enforcement of the provisions of this Ordinance. Decisions made by the City Commission regarding Conditional Use Permits shall be appealed to Circuit Court.

SECTION 13.8 RECURRING VARIANCE REQUESTS

Recurring variance requests may be forwarded by the ZBA to the ~~Plan Board~~ **Planning Commission** or City Commission for consideration of a text or map amendment.

Section 11. Article 14, Sections 14.0, 14.1, 14.1:1, 14.1:2, 14.1:3, 14.1:4, 14.1:5, 14.1:6, 14.2:1, 14.22(2), 14.2:3(1), 14.2:3(2), 14.2:3(3), 14.2:4, and 14.2:5 are amended to read as follows:

SECTION 14.0 PURPOSE

It is the purpose of this Article to establish the operational and procedural circumstances under which the ~~Plan Board~~ **Planning Commission** operates.

SECTION 14.1 CITY ~~PLAN BOARD~~ PLANNING COMMISSION.

14.1:1. Appointment and Establishment. The City ~~Plan Board~~ **Planning Commission** is hereby designated the ~~Plan Board~~ **Planning Commission** as specified in Section 3, Act 285, Public Acts of Michigan 1931, as amended, and in Section 4, Act 207, Public Acts of Michigan 1921, and shall perform the duties of said ~~Plan Board~~ **Planning Commission** as provided in these Acts together with such other powers and duties as are given to such ~~Plan Board~~ **Planning Commission** by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such ~~Plan Board~~ **Planning Commission**.

14.1:2. Powers and Duties. The ~~Plan Board~~ **Planning Commission** is hereby authorized to:

- (1) Develop and administer this Ordinance.
- (2) Consider all matters pertaining to the amendment of this Ordinance text or map or for a Conditional Use Permit request.
- (3) Review those site plans authorized under Section 9.2 of this Ordinance.

14.1:3. Authority to Approve Uses. Whenever in this Ordinance the lawful exercise or existence of a use requires the approval of the ~~Plan Board~~ **Planning Commission**, such ~~Plan Board~~ **Planning Commission** is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon where required, to make a determination, to either grant or refuse the approval and to do all things reasonably necessary to the making of such investigation and determination, subject to the provisions of this Ordinance.

14.1:4. Rules of Procedure. The ~~Plan Board~~ **Planning Commission** is hereby authorized to adopt Rules of Procedure consistent with the statutes of Michigan and the provisions of this Ordinance.

14.1:5. Surveys and Plans. Where the ~~Plan Board~~ **Planning Commission** is empowered to approve certain uses of premises under the provisions of this Ordinance, or in cases where the ~~Plan Board~~

Planning Commission is required to make an investigation, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said ~~Plan Board~~ **Planning Commission** for the proper consideration of the matter in accordance with the provisions of this Ordinance.

14.1:6. Standards. In making any recommendations or approval authorized by the provisions of the Ordinance, the ~~Plan Board~~ **Planning Commission** shall consider:

- (1) Whether or not there has been a compliance with the provisions of this Ordinance.
- (2) Whether or not there is proper yard space, parking facilities, loading space, percentage of lot coverage, green belts, size of buildings, lot area and other conditions required by this Ordinance.
- (3) Whether or not the use involved is in accord with the spirit and purposes of this Ordinance.
- (4) Whether or not the use involved would constitute a public or private nuisance.
- (5) Whether or not the use involved would disturb or interfere with the natural or planned development of the surrounding neighborhood.
- (6) Whether or not the use involved would affect the natural or planned drainage system so as to deleteriously affect the surrounding neighborhood.

14.2:1. In accordance with the provisions of Act 207 of the Public Acts of 1921, as amended, the City Commission may from time to time amend, or change by Ordinance, the number, shape or area of districts established on the Zoning Map or the regulations set forth in the Ordinance; but no such amendment or change shall become effective unless the Ordinance proposing such amendment or change shall first be submitted to the ~~Plan Board~~ **Planning Commission** for approval, disapproval or suggestions and said ~~Plan Board~~ **Planning Commission** shall have been allowed a reasonable time, not less than sixty (60) days, for consideration and report.

14.2:2(2). Map Amendment. Any person with a possessory or ownership interest in property in the City of Big Rapids desiring a change in the Zoning Ordinance map shall make application for a zoning change to said property to the City Commission. A petition shall be submitted which shall

describe the property involved, the zone change desired and the reason for such change. A map amendment may also be initiated by the ~~Plan Board~~ **Planning Commission** or the City Commission.

14.2:3(1). The City Commission shall refer all applications for a change in the Zoning Ordinance text or map, to the ~~Plan Board~~ **Planning Commission**. Before submitting its recommendations and report to the City Commission, the ~~Plan Board~~ **Planning Commission** shall conduct a public hearing on the proposed amendment or change after posting notice of hearing at least fifteen (15) days prior to the date of hearing, by publication in an official paper or a paper of general circulation in the Municipality and by United States Mail to each public utility company and railroad company owning or operating any public utility or railroad within the district or zones affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. A hearing shall be granted a person interested at the time and place specified on the notice. In case of a proposed Zoning Map change, all property owners within three hundred (300) feet of the boundaries of the property proposed to be changed shall be likewise notified. An affidavit of mailing shall be maintained.

14.2:3(2). When requesting the rezoning of one parcel or multiple contiguous parcels, the applicant shall post one written notice on the land proposed to be rezoned at least 15 days prior to the public hearing. When requesting the rezoning of one to five noncontiguous parcels, the applicant shall post one written notice on each parcel proposed to be rezoned at least 15 days prior to the public hearing. The written notice shall be posted on a temporary freestanding sign within 5 feet of the property line fronting on a road or street, or in any other visible location approved by the zoning administrator, including within the public right of way. The written notice shall be at eye level, and shall face and be parallel to the road or street. The written notice shall be printed in a text size which can reasonably be expected to be read by pedestrians standing at the edge of the right of way. The written notice shall be protected from the elements by a clear and colorless covering. The sign shall be removed by the applicant within 10 days following the ~~Plan Board~~ **Planning Commission** public hearing. The applicant will not be required to apply for a sign permit in order to post this written notice. On all other rezoning proposals, the applicant shall post written notice with a map of the area(s) proposed to be rezoned in three public places within the City of Big Rapids at locations approved by the zoning administrator at least 15 days prior to the public hearing.

14.2:3(3). All public notices (including publication in the newspaper, letter and the notice posted on the property to be rezoned) shall state the time and place of hearing, the proposed amendment, in case of a proposed map change. The omission of the name of any owner or occupant of

property who may, in the opinion of the ~~Plan Board~~ **Planning Commission**, be affected by such amendment or change shall not invalidate any ordinance passed hereunder; it being the intention of this Section to provide reasonable notice to the persons substantially interested in the proposed change that an Ordinance is pending before the City Commission, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance.

14.2:4. Standards for Zoning Amendment Review

The ~~Plan Board~~ **Planning Commission** and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.

14.2:5. The ~~Plan Board~~ **Planning Commission** shall prepare a report, which shall include a summary of the comments made at the public hearing as well as their recommendations on the amendment request. After receiving recommendations and report from the ~~Plan Board~~ **Planning Commission**, the City Commission may deny the request, enact an amendment to the Zoning Ordinance, or hold additional public hearings. However, upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a 2/3 vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least twenty (20) percent of the area of land included in the proposed change.

(2) The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.

(3) Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

Section 12. The City Clerk is directed to publish this ordinance in the Pioneer.

Section 13. This ordinance is effective upon publication.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: September 8, 2009

Published: September 14, 2009

RESOLUTION NO. 09-100

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

RESOLUTION APPROVING DIAL-A-RIDE DEPARTMENT OF TRANSPORTATION CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROGRAM

WHEREAS, in order for the City of Big Rapids Dial-A-Ride to continue to receive Federal Funds under the 5311 contract, the City must abide by an Alcohol and Drug Policy in accordance with the Federal Transit Administration (FTA), Michigan Department of Transportation (MDOT) and the National Diagnostic Institute (NDI), and

WHEREAS, the Dial-A-Ride Alcohol and Drug Policy required revisions, which have been completed and approved by the Michigan Department of Transportation and the City Attorney, and

WHEREAS, the revised policy dated September 2009, is hereby attached.

NOW, THEREFORE BE IT RESOLVED, that the City Commission hereby approves the Department of Transportation Controlled Substances and Alcohol Testing Program (FTA) Big Rapids Dial-A-Ride Transit System Policy.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The resolution was declared adopted.

Dated: September 8, 2009

Commissioner Harper suggested that the first paragraph under the Return to Work section of the Department of Transportation Controlled Substances and Alcohol Testing Program (FTA) for Big Rapids Dial-A-Ride Transit System Policy was somewhat confusing. Dial-A-Ride Director Dawn Fuller explained the background of the section. The City Attorney stated that much of the language is required and has a specific meaning. This policy has been pre-approved by the Michigan Department of Transportation. Mr. Williams believes that any revision of the section should be a part of the on-going review of the policy and the policy should not be held up at this time. There will be an opportunity at a later date to clarify the section.

Commissioner Brennan questioned if there is a policy of drivers not using cell phones while they are driving. Ms. Fuller replied that the drivers are required to sign the receipt of such a policy.

RESOLUTION NO. 09-101

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

RESOLUTION AUTHORIZING DART CONTRACT NO. 2007-0177/Z5 FOR PROCUREMENT OF FIVE VEHICLES FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION

WHEREAS, the City Commission adopted Resolution No. 08-06, dated January 7, 2008, which authorized the intent to apply for financial assistance from the Michigan Department of Transportation under ACT 51, for replacement DART buses, and

WHEREAS, as a result of monies available under the American Recovery and Reinvestment Act (ARRA), the State, on the City's behalf, filed an application under these funds for the purchase of the vehicles, and

WHEREAS, the City has been informed that the DART Transit system was granted \$658,892 for the purchase of five vehicles under the FY 2009 Section 5311 Capital ARRA non-urbanized area formula, and

WHEREAS, the benefit of receiving the busses under ARRA is that there is no direct cost to the City to acquire these vehicles.

NOW, THEREFORE, BE IT RESOLVED that the City hereby accepts Contract #2007-0177/Z5 with the Michigan Department of Transportation for the purchase of five DART vehicles and authorizes the Mayor and City Clerk to sign said Contract.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-102

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

RESOLUTION ACCEPTING BID FOR FIRE EXTRICATION EQUIPMENT – JAWS OF LIFE

WHEREAS, the Department of Public Safety applied for A “Jaws of Life” grant and the grant was accepted by Resolution No. 09-73 , and

WHEREAS, AAA of Michigan sent a check for \$15,800 for the purchase of a new set of “Jaws of Life”, and

WHEREAS, the City solicited bids for the purchase of a fire extrication tool – “Jaws of Life” for the Department of Public Safety, and

WHEREAS, five bids were received with staff recommending that the bid of Genesis, be accepted in the amount of \$ 17,900 for a new set of “Jaws of Life”, and

WHEREAS, the additional \$2,100 will come from operational supplies line item pending sale of the old “Jaws of Life”, and

WHEREAS, this request requires the following transfer:

<u>Account</u>	<u>Current</u>	<u>Change</u>	<u>Amended</u>
101-004-590.336	\$0	+\$15,800	\$15,800
101-336-977.100	\$0	+\$17,900	\$17,900

NOW, THEREFORE, BE IT RESOLVED, that the bid of Genesis in the amount of \$17,900 for the purchase of a fire extrication tool – “Jaws of Life” be accepted.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-103

Commissioner Harper moved, seconded by Commissioner Hogenson the adoption of the following.

**RESOLUTION AUTHORIZING PURCHASING
A USED GARBAGE TRUCK
FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works uses a garbage truck for fall leaf pickup, and

WHEREAS, the current 1990 GMC garbage truck is beyond repair, and

WHEREAS, staff reviewed the options of acquiring a used truck and hereby requests that the proposal from John Switzer for a used 1996 Mack tandem with a 25 yard box in the amount of \$23,500 be accepted.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission suspend the purchasing policy and approve staff's recommendations for the purchase of a used 1996 Mack tandem with a 25 yard box from John Switzer in the amount of \$23,500.

BE IT FURTHER RESOLVED, that the cost be expensed from Account No. 661-444-981.091.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-104

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

**RESOLUTION ACCEPTING BID FOR TWO NEW 2010
PICKUP TRUCKS FOUR-WHEEL DRIVE FOR THE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the City solicited bids for the purchase of two new pickup trucks, four-wheel drive for the Department of Public Works, and

WHEREAS, four bids were received with staff recommending that the bid of Red Holman, Pontiac GMC be accepted in the amount of \$ 43,350 for two 2010 pickup trucks, four-wheel drive, and

WHEREAS, the City will trade a 2005 Chevrolet Impala in the amount of \$2,100.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Red Holman, Pontiac GMC in the amount of \$45,450 (includes 5 yr./100,000 warranty amount of \$1,615) for two new pickup trucks, four-wheel drive with a trade of a 2005 Chevrolet Impala in the amount of \$2,100 for a net amount of \$43,350 be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.092 and 661-444-981.096.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-105

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

**RESOLUTION ACCEPTING BID FOR AN CHEVROLET 2010 EQUINOX
CROSSOVER ALL-WHEEL DRIVE FOR THE
DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City solicited bids for the purchase of an Chevrolet 2010 Equinox Crossover, all-wheel drive for the Department of Public Safety, and

WHEREAS, three bids were received with staff recommending that the bid of Gary Trimarco Automotive, be accepted in the amount of \$22,311.85 for an Chevrolet 2010 Equinox Crossover, all-wheel drive, and

WHEREAS, the City will trade a 2000 GMC Jimmy, in the amount of \$1,800.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Gary Trimarco Automotive in the amount of \$24,111.85 (includes 5 yr./100,000 mile warranty amount of \$1,495) for an Chevrolet 2010 Equinox Crossover, all-wheel drive with a trade of a 2000 GMC Jimmy in the amount of \$1,800 for a net amount of \$22,311.85 be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.097.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-106

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

**RESOLUTION ACCEPTING BID FOR TWO 2010 CHEVROLET IMPALA
POLICE CARS FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City solicited bids for the purchase of two 2010 police cars for the Department of Public Safety, and

WHEREAS, three bids were received with staff recommending that the bid of Berger Chevrolet, Grand Rapids, be accepted in the amount of \$ 40,530 for two 2010 Chevrolet Impala police cars, and

WHEREAS, the City will trade a 2005 Chevrolet Impala in the amount of 2,500 and a 2006 Chevrolet Impala, in the amount of \$3,000.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Berger Chevrolet in the amount of \$ 46,030 (includes 5 yr./100,000 warranty amount of \$6,520) for two 2010 Chevrolet Impala police cars with two trade-ins, a 2005 Chevrolet Impala in the amount of 2,500 and a 2006 Chevrolet Impala, in the amount of \$3,000 for a net amount of \$40,530 be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 661-444-981.095.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-107

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

**RESOLUTION AUTHORIZING CHANGE ORDERS FOR
FAÇADE IMPROVEMENTS**

WHEREAS, on March 16, 2009 the City Commission adopted Resolution No. 09-29, which accepted the bid for the VSCI Downtown Façade Program, and

WHEREAS, Steve Jones Construction was awarded the bid to implement the construction of the City of Big Rapids Façade program in conjunction with the downtown property owners, and

WHEREAS, change orders have been submitted by Steve Jones for work done, which was requested by the business owners, as part of the façade project, and

WHEREAS, all these additional costs are paid entirely by the property owners.

NOW THEREFORE, BE IT RESOLVED that the City Commission accept the attached change orders.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: September 8, 2009

RESOLUTION NO. 09-108

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

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS
PERTAINING TO MICHIGAN DEPARTMENT
OF TRANSPORTATION ACT 51 STREET
FINANCIAL REPORT**

WHEREAS, the City received notification from the Michigan Department of Transportation that a review of the City's 2008 Audited Financial Statements resulted in a finding that administrative expenditures (Local Streets) of \$59,833 are in excess of the 10 percent of the current year's Michigan Transportation Fund returns, and

WHEREAS, this finding, as it pertains to the MDOT Act 51 Street Financial Report, requires a transfer from the General Fund to the Local Street Fund in the amount of \$44,200.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following transfer of funds for Fiscal Year 2008/09:

<u>Account</u>	<u>Original Budget</u>	<u>Adjustment</u>	<u>Amended Budget</u>
Expenditure			
101-966-999.203	0	\$44,200	\$44,200
Revenue			
203-931-699.101	0	\$44,200	\$44,200

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: September 8, 2009

RESOLUTION NO. 09-109

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

**RESOLUTION AMENDING FISCAL YEAR 2009/2010
GENERAL APPROPRIATIONS – CMET TRANSFER**

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following transfer of funds for Fiscal Year 2009/10

<u>Account</u>	<u>Budget</u>	<u>Adjustment</u>	<u>Budget</u>
101-301-977.000	\$0	+\$20,000	\$20,000
101-007-662.000	\$200	+\$20,000	\$20,000

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: September 8, 2009

RESOLUTION NO. 09-110

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

**RESOLUTION AMENDING FISCAL YEAR 2008/2009
YEAR END GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2008/2009 General Appropriations on May 5, 2008 per Resolution No. 08-39 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached Budget Year End Adjustments to the FY 2008/2009 General Appropriations.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: September 8, 2009

Commissioner Harper requested that once the updated Ice Mountain figure is established through the audit budget adjustment process, the up-dated information be provided to the townships. She also stated it was a pleasure to see the increased amount of penal fines. Ms. Tetsworth stated that these funds, as they pertain to the Library's budget, have already been spent. There is the budget, which is the plan, and then there is the actual dollar amount. The budget did not reflect these additional funds.

Commissioner Harper requested that staff assures that the User Charge System report be updated as actual figures relating to the Wastewater Treatment Plant are modified.

Unscheduled Business

- Commissioner Harper distributed an article from the Wall Street Journal regarding Tax Abatements.
- An e-mail was received by Commissioner Harper from an individual about someone taking pictures of homes in her area. The individual was concerned with the picture taking and questioned if these pictures would be accessible on the internet through the assessing software program. The individual wondered if there was also an opportunity to opt out of the assessing program. Commissioner Harper suggested that something be put into the water bill informing residents of the updating process of assessing records through the picture taking activity.

Mr. Williams stated that the assessing function has not changed over the years. Most of the review is verification of the structure and a review of if things have changed any over time. Most communities have this information available through the internet. It is public information.

RESOLUTION NO. 09-111

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

**RESOLUTION ADJOURNING TO EXECUTIVE SESSION
FOR THE PURPOSE OF A PRESENTATION OF
WRITTEN ATTORNEY LEGAL OPINION ON
ADMINISTRATIVE CONSENT ORDER**

BE IT RESOLVED, that the City Commission adjourn to executive session for the purpose of a presentation of written attorney legal opinion on Administrative Consent Order.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 8, 2009

The City Commission adjourned to Executive Session for the purpose of a presentation of written attorney legal opinion on administrative consent order at 8:48 p.m. They returned to regular session at 9:30 p.m.

There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
September 21, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 21 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the regular meeting of September 8, 2009 be approved with a typographical correction.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Vredeveld Haefner	234.00	Arnold Sales	103.92*
Vredeveld Haefner	183.00*	New York Times	405.60*
Baker & Taylor	786.44*	Canton Public Library	39.90*
Southfield Public Library	65.00*	Audio Editions	1,011.33*
Xerox Corp.	91.42*	Farm Plan	59.45
First National Bank	72.93	Great Lakes Office	275.70
Sherwin Williams	59.00	Staples	33.88
State Street Hardware	91.54	Petty Cash	1.99
Rush, Lori	18.00	Willey, Meredith	17.55
Farm Plan	209.25	First National Bank	439.99
Lowe's	516.65	AT&T	95.88
Binney Auto Parts	4.72	Napa Auto	51.96
State Street Hardware	9.54	Arnold Sales	47.54*
Great Lakes Office	45.95*	Staples	33.88*

Staples	32.20*	AT&T	185.14*
First National Bank	107.23*	Petty Cash	44.73*

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

1) VSCI Update Report– dated September 18, 2009

Mark Gifford, Neighborhood Services Director, presented slides of the façade project and the following:

- The façade project is about ¾ done.
- Bernie’s Donuts is almost closed out. The installation of the drive-thru window is separate from the VSCI project.
- Big Rapids Furniture has some electrical work still pending. Others in the plaza are happy.
- Owners of the Wright building are happy with the progress on their building.
- Old Pioneer Store – new glass and a new awning has been installed on the front of the building. In the back there is a new sign.
- Binney Auto Parts building has been power washed. The mortar people will be here next week to deal with the repair of the bricks where the glass panels were taken off. The estimated cost for the brick columns will run \$6,000 to \$9,000.
- Roger’s Jewelers and Papa John’s are essentially done.
- Quinn’s repair was basically masonry work and is not necessarily visible.
- Big Rapids Foot and Ankle has not yet started.
- Artworks – The custom made awning support has been installed, which will also support the sign. The two story window will be installed in the middle of October. The back sign has been installed. Completion date is probably in November. Mr. Gifford showed pictures of the elevator shaft construction and interior work. It will take about 15 weeks to complete the elevator. Artworks’ main floor gallery will be open for the holidays.
- November 15th is the goal date for completion.

Roger Schneidt, Deputy Director of Public Works, presented an up-date on the Wayfinding project.

- The pre-construction meeting was held.
- The locations for the signs have been staked.
- Directional signs will have a clear coat to preserve the signs.
- At the pre-construction meeting, there was a bulletin put together with 16 items, the majority of them were deductions. One example was the discovery that an existing pole that could be used, which eliminated the purchase of a new one. Another was the change from a concrete sign base to a break away type pole. Once all items are identified, a change order will be prepared.

- Even with the proposed changes, the cost will stay within the budget for the project.

2) Business License Ordinance Revision Review – dated September 14, 2009

Staff presented proposed revisions to the Business License section of the Code of Ordinances. Most of the changes have been recommended because of either change in State Laws, recommendations by the DBA, or because the provisions no longer fit today's business needs. There is still the Pawnbroker section to be presented.

Commissioner Anderson questioned why the explosive and ammunition licensing would be eliminated. Director Frank West stated there are federal laws that would apply.

Commissioner Harper questioned the necessity to continue to retain Myotherapy Establishments in the ordinance. Staff stated that they eliminated a lot pertaining to this section. There is State law that applies and during review, there was discussion among staff as to whether they wanted to be in this regulatory arena.

Mr. Williams provided history that in the past, there was a law enforcement side to the myotherapy business and it was often thought that this could be a front for some illegal activities. Many cities across the State jumped to establish regulatory regulations in an attempt to prohibit these businesses from being used for other activities. It appears, that now, this is no longer a regulatory or enforcement issue. Staff's view was that they did not feel that they could completely delete the section, but felt they should up-date it and bring it to the Commission for their review and determination. Staff would be willing to offer a staff position if the Commission desires.

Mr. Sobers stated that many of the licenses preceded the City's Income Tax. Once, a business is paying income tax and registering their business in that venue, to request a business to pay again in the form of a license becomes a double fee. The licenses that are being suggested to remain are somewhat geared to public safety.

Commissioner Harper would like staff to take another look at the myotherapy section. It is covered by State law, so why would the City want to get involved. To keep that section means that the City will also have to get involved in inspections and enforcement, and if we are not going to be charging any fees for the business, she is recommending that the proposed provisions be deleted. Commissioner Brennan agreed with the recommendation to delete the City regulations for Myotherapy/massage establishments.

Commissioner Brennan questioned if the State regulates tattoo parlors. The City Attorney will research if there are sufficient State regulations pertaining to tattoo parlors, or if that is a business the City may want to regulate.

Staff will begin to bring the recommendations back to the Commission in Ordinance form at the October 19th City Commission meeting.

PUBLIC COMMENT – None

RESOLUTION NO. 09-112

Commissioner Brennan moved, supported by Commissioner Harper, the adoption of the following:

**RESOLUTION DIRECTING CITY ASSESSOR TO PREPARE
AMENDED SPECIAL ASSESSMENT ROLL NO. 09-512
FOR 2008/2009 SIDEWALK PROGRAM
AND SETTING OF PUBLIC HEARING**

WHEREAS, the City Commission approved the 2008/2009 Sidewalk Improvement Project Special Assessment Roll No. 09-512 on March 16, 2009, and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby directs the City Assessor or his/her designate to prepare an Amended Special Assessment Roll No. 09-512 to reflect actual square footages and unit costs, and

BE IT FURTHER RESOLVED, that the City Commission hereby sets a public hearing on Monday, October 5, 2009, at 7:30 p.m. in the Commission Meeting Room of City Hall to consider any objections to said amended roll, and

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 21, 2009

Mr. Sobers explained the proposed changes to the Non-Bargaining Personnel Policy and Procedural Manual. One revision establishes the definition of retirement for both the Defined Benefit and Defined Contribution employees. This definition is important to determine certain “pay-out” benefits that are paid only when an employee retires. The second revision is to establish “de minimus” benefits for employees that would allow the City to expend small amounts of money for certain types of employee recognitions, funeral flowers, etc.

RESOLUTION NO. 09-113

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

**RESOLUTION AUTHORIZING AMENDMENTS TO THE
NON-BARGAINING EMPLOYEES
PERSONNEL POLICY AND PROCEDURE MANUAL**

WHEREAS, the Big Rapids City Commission adopted a Personnel Policy and Procedure Manual for Non-Bargaining Employees by Resolution 93-74, and

WHEREAS, periodically, the need arises to make revisions to these existing policies and procedures, and

WHEREAS, the following amendments dated September 14, 2009 (see attached) to the Non-Bargaining Personnel Policy and Procedure Manual are recommended.

1. Section 71.30 - Clarification of the definition of retirement.
2. Section 32.50 - Establish de minimus benefit.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves the amendments to the Personnel Policy and Procedures Manual as per the attached summary and that the City Manager be directed to revise the current Manual to reflect these changes.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 21, 2009

The Commission discussed the bids received for the construction of two handicapped parking spaces at the Library under the grant received from the Bureau of Elections.

Commissioner Anderson stated she understands the purpose of the grant, but is apprehensive about approving the parking spaces because she does not want the construction of these spaces to stand in the way of any additional parking in the future. Her concerns have nothing to do with the dollar value or the awarding of the bid.

Roger Schneidt stated that the main objective here was to provide required handicapped parking spaces to adhere to the requirements of providing a handicapped accessible voting place. He explained the layout of the current area in which the parking spaces would be constructed. There will be no tree removal. To do any increase to the size of the parking area during this project would require additional

finances outside of the grant. To connect it with the grant project would require the payment of prevailing wage rates.

The Mayor questioned if this parking area would interfere with any future construction of a parking lot. Roger explained that if the lot size were to be enlarged, different things happen with the requirements for storm water, and costs increase greatly. A future expansion will require a redesign of the area.

Commissioner Harper questioned why the City might not want to put a plan in place that would figure in a long-term potential parking lot, which would address the parking problems at the Library. Mr. Schneidt stated that the reason prohibiting it at this time is funding, because to look at a much larger lot is very expensive. He also suggested that in looking at a larger parking lot, the ideal place for the lot would be off of Michigan Avenue and not the alley, because of the grade of the lot.

Commissioner Harper believes that Mr. Wensloff and Mr. Schriver may have had a cost effective program for the construction of a parking lot. She suggested that perhaps the City should go back and look at this again.

Mr. Sobers stated that the purpose of the proposed resolution is to keep the Library as a voting place. To provide a larger parking lot will involve underground utilities, storm water work, a large engineering bill, and construction costs. It is probably possible to continue the parking down the alley to pick up about 15 parking spots. The question is, does the City want to just strip pave along the alley to add additional parking or develop a comprehensive, expensive parking lot before it is known if there is to be an extension put on the Library and what direction it is going. The purpose of this bid is to keep the Library as a polling place. There is not currently the money to do a full-scale parking lot design and development, nor is there knowledge at this time as to what additions may or may not be needed and added to the Library, which could change the whole topography of that lot. Until there is a master plan for the Library as a whole, it is questionable as to which way the City would go with any expansions and development of the lot.

The City Clerk stated that without the proposed parking spaces improvement, she would be required to redesign the voting precincts and look for another voting location.

Commissioner Harper inquired if Mr. Schneidt could, with the existing design of the handicapped parking spaces, leave the spaces intact and add fifteen more parking spaces to it without a problem. Mr. Schneidt replied he could do that. She suggested that such a design be put on a high priority list.

Commissioner Brennan stated that she would be opposed to expanding the parking lot at this time until the City knows what is happening with the District Library concept.

RESOLUTION NO. 09-114

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

**RESOLUTION ACCEPTING BIDS FOR CONSTRUCTION OF
HANDICAPPED PARKING SPACES AND ACCESS WALKWAY
AT COMMUNITY LIBRARY POLLING PLACE**

WHEREAS, the City applied for a grant through the Michigan State Bureau of Elections for the construction of a two space handicapped parking lot and an access walkway from the parking spaces to the sidewalk at the Community Library, 428 S. Michigan Avenue, and

WHEREAS, the City was successful in receiving a grant in the amount of \$21,930 to make the improvements at the Community Library, making it handicapped accessible for voters of the polling place, and

WHEREAS, bids for the work were solicited, and three bids were received, with Fred Myers Excavating, being the lowest and best bid in the amount of \$24,514.80, and

WHEREAS, it is recommended that the City Commission accept the low bid, and if necessary, authorize any additional cost over the \$21,930 to be charged to Account No 101-442-801.000, Sidewalks-Alleys-Storm Sewers.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accept the bid of Fred Myers Excavating in the amount of \$24,514.80 for the construction of a two space handicapped parking lot and access walkway at the Community Library under the grant awarded by the State of Michigan, Bureau of Elections.

BE IT FURTHER RESOLVED, that the any excess costs over the grant amount be charged to Account No. 101-442-801.000, Sidewalks-Alleys-Storm Sewer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 21, 2009

RESOLUTION NO. 09-115

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

**RESOLUTION ON MAYORAL APPOINTMENTS
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

PROPERTY MAINTENANCE APPEALS BOARD

Ralph Manting reappointed to a full term ending October 2012

Donald McDonald reappointed to a full term ending October 2012

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: September 21, 2009

Unscheduled Business

Mr. Sobers stated that a call from Rep. Darwin Booher's office indicates that the City will probably lose some of its statutory State aid, between \$100,000 and \$120,000. One of the cost cutting ideas from staff is to look at paperless agendas. This would require a purchase of electronic notebooks. Their cost is about \$250 each.

Commissioner Harper questioned the current repair work being done at the Library. Library Director Rorabaugh stated that the drain going around the roof of the lobby froze during one winter and caused major damage. There was a lot of water saturation. There was leakage from the roof that caused the sheet metal and beams to rust and corrode. City staff has made some repairs.

The DEQ has accepted the Administrative Consent Order in the amount of \$97,000. It will be presented at the next meeting.

Wolverine World Wide will be doing a product line addition, which will result in an expansion and job growth.

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
October 5, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 24 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Hogenson, seconded by Commissioner Harper that the minutes of the regular meeting of September 21, 2009 be approved.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Anderson moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Walmart	18.28	Consumers Energy	751.48
AT&T	.69	Consumers Energy	262.77
Elevator Service	146.50*	Consumers Energy	847.14*
DTE Energy	23.05*	Menards	89.95*
Demco	141.10*	AT&T	2.79*
Baker & Taylor	1,177.81*	Library Sparks	59.95*
Audio Editions	404.16*	Recorded Books	173.12*
Schuberg & Sons	50.00	Consumers Energy	159.67
Tri County Portable	439.97	Rush, Lori	148.00
Willey, Meredith	103.35	DTE Energy	440.82
Ferguson Supply	3.25*	Michigan, State of	130.00*
Creative Woodworks	29.97*	Health	20.00*
Library Journal	157.99*	Martha Stewart Living	24.00*
Michigan Sportsman	16.97*	NADA Appraisal Guides	90.00*
National Geographic	34.00*	People	116.07*

Ranger Rick	19.95*	Science News	52.00*
Sports Illustrated	89.04*	Traditional Home	24.00*
Traverse Subscription	27.95*		

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY

Mayor Warba presented the following communication and congratulated City Clerk Roberta Cline for achieving the Master Municipal Clerk designation through the International Institute of Municipal Clerks.

September 29, 2009

Attention: City Manager/Mayor

To Whom It May Concern:

Roberta R. Cline, City Clerk/Human Resources Manager of the City of Big Rapids, has earned the designation of MMC, which is awarded by the International Institute of Municipal Clerks, Inc.

IIMC grants the MMC designation only to those municipal clerks who complete demanding education requirements; and who have a record of significant contributions to their local government, their community and state.

The International Institute of Municipal Clerks, founded in 1947, has 10,300 members throughout the United States, Canada and 15 other countries, and the mission of this global non-profit corporation is to enhance the education opportunities and professional development of its diverse membership.

In light of the speed and drastic nature of change these days, lifelong learning is not only desirable, it is necessary for all in local government to keep pace with growing demands and changing needs of the citizens we serve. Your town can take immense pride in Roberta's educational accomplishments and achievement of this milestone.

On behalf of the IIMC Board of Directors, I am honored to endorse the conferring of MMC to Roberta R. Cline, City Clerk/Human Resources Manager of the City of Big Rapids. We share your pride in this achievement and we applaud your support of the role Roberta plays in your town.

Sincerely,

Mary Lynne Stratta, MMC
IIMC President

MS:em

STUDY SESSION

1) Wastewater Treatment Plant Up-Date Report – Dated October 1, 2009

Public Works Director Don Greiner presented the WWTP Improvement Status Report. Future reports will include a project payment table. He presented current construction activity slides.

2) User Charge Report Update – Dated October 1, 2009

City Manager Steve Sobers presented the results of the communication between the City Attorney Eric Williams and Township Attorney Jim White regarding the User Charge Report (information included in packet).

- After the City/Township User Charge System meeting, the attorneys were to look at three items: (1) Administrative expenses (Jim White's communication resolves that issue), (2) Budget verses audit statistics (the communication reflects that for this year the budget numbers will be used) and (3) Using the 1995 methodology (there may still be some questions there). From the City's prospective, the 1995 methodology is followed.
- He referred to exhibits 6 and 7 of the handout packet for explanation of the six issues for which there are proposed changes. Exhibit 6 is a proposed letter to Mr. White, not yet sent until after this discussion with the Commission.
 1. Mr. White recommended that the 30/60/90 cents be discontinued back to April 1, 2009. To retroactive everything to April 1 would result in an increase, not a decrease to the Townships. It would be difficult to do because City customers would have to be treated the same. The City's recommendation is a revision in rates 45 days after adoption of the proposed joint resolution.
 2. An acknowledgement that Ice Mountain did not pay the \$0.30/60/90 plant upgrade rate. This was an oversight on the City's part. It was the City's intention to apply the rates to Ice Mountain, using that money from all the customers to reduce the amount of money to be borrowed for the current upgrade. Ice Mountain was billed manually, outside of the computer program, and was overlooked. Ice Mountain was charged \$10 per 1,000 gallons; their sewer rate was in the \$3.53 range. The City has estimated that there is a little over \$23,000 that should have been, and will now be, transferred to the Wastewater Construction Fund through a budget adjustment.

3. The \$100,000 cost for extension of sewer on Bjornson Street will be removed as an expense of the City Sewer System for calculations of the User Charge System. Mr. White requested that the \$25,000 for the paving of a path over the City sewer transmission line also be removed. It is the City Manager's belief that the \$25,000 is justified and should remain because the sewer truck line is in the path of Riverwalk III. There is value in having the trail developed to make the access for wastewater maintenance and cleaning equipment easier.
4. Mr. White did not think that the Townships needed to share in the Administrative Consent Order fines that are being accessed by the DEQ. Mr. Sobers stated that during the last two years, as the City has worked to get the SRF funding, the Townships have actively supported the City. The City has worked with the Townships and they have been hand-in-hand with the City working towards the SRF funding. Both the City and Townships knew there were potential advantages and disadvantages in waiting for the funding. The advantages are that over \$1,000,000 was saved in interest expense. The project was bid at a time that was very conducive to good bids and the contract was \$1,000,000 under the Engineer's estimate. There is a collaborative savings of about \$2.7 million. At the same time, there were 41 violations that occurred over the last two years and three of the violations occurred at manhole number 204. The downside of waiting is additional violations. There is a \$2.7 million advantage and a \$100,000 disadvantage. All sides should share in the negative and positive sides because there has been strong communication with all sides.
5. Adjusting Bjornson sewer line out. The City is agreeable, and this will be done.
6. Adjustment of interest expense that was budgeted for 2009. There is an estimated amount of \$199,000 of anticipated interest expense to be accrued and returned this year as a result of borrowing the SRF funds. Progressing forward, the money has not been drawn down as quickly as what was thought, therefore, the City will not be spending the \$199,000 in interest. There is an updated SRF chart that shows a \$40,000+ interest expense to be incurred this year. Therefore, the overall expenses will be reduced.

Staff recommends accepting three of the above points offered by Mr. White. The other three staff feels there is good and sufficient reason not to accept. As a result, if there is Commission agreement, the City Attorney's response and a revised resolution adopting the User Charge System will be sent to Mr. White and the Townships for their review and placed on the October 19th agenda.

Commissioner Harper stated that there had been agreement by all that the \$0.30/60/90 was reasonable to offset the amount of money that was needed to be borrowed. She appreciates the Township's stance, but also the City staff's analysis of keeping it in place until the User Charge System is adopted. She is pleased that the \$0.30/60/90 will

be applied to Ice Mountain. She is opposed to the \$25,000 of Riverwalk III paving over the sewer line. She believes there is no reason to pave over the line and is not opposed to deleting it. She questioned if Ice Mountain had any affect on the violation fines.

Bruce Everitt, Wastewater Treatment Plant Operator, stated that there has not been a violation since November and they have not accepted Ice Mountain wastewater since January. In his opinion, looking at the history, the bulk of the problems are related to the acceptance of Ice Mountain waste. Commissioner Harper feels it is important to look at this and take some of the monies received from Ice Mountain and apply to the \$102,000 DEQ fine.

Mr. Sobers stated that the question is if whether or not the \$102,000 violation fee should be a part of the User Charger analysis. If it is, it should be spread across the users of the system. Mr. Williams explained that the fine is an operational expense and can be spread across the users. Commissioner Harper asked if the City could go to Ice Mountain and retroactively access them a fine based on data the City may have. Mr. Williams stated there might not be the facts to prove they are at fault. The underlining question posed by Mr. White is not that someone else should be fined; the question is whether the cost of the fine could be included in the User Charge calculation at all. Mr. White coupled it with the suggestion that the City pay the fine out of the Ice Mountain account. Mr. Williams stated this particular issue is an example of what happens when you use budgeted figures to build the User Charge System and then you find out that the budget numbers do not hold and adjustments are made. The fine was not in the budget, so it will have to be added to the User Charge System as an added expense.

Commissioner Harper stated that if it is not out of the reasonable practice to pass fines onto the customers, she feels that is settled. To avoid future confusion regarding existing risks, she suggested a written communication, which the Townships could sign off on acknowledging that they are part of the process.

User Charge discussion will continue under Unscheduled Business.

PUBLIC COMMENT

Linda Howard, Remus, MI, addressed the City Commission stating that she will be running for the 102 House of Representative seat that will be vacated by Rep. Booher. She has been a Mecosta County Commissioner for five years, and explained that she is familiar with many of the topics the City is dealing with.

Jim Nystrom addressed the City Commission stating that he will be running for a City Commission seat. Some of his issues of interest are transparency in government, budgeting, and road safety.

PUBLIC HEARINGS

Mayor Warba opened the public hearing on amended Special Assessment Roll No. 09-519 for the 2008/2009 Sidewalk Improvement Project at 7:30 p.m.

Mr. Sobers stated that there were 72 parcels involved in the replacement of sidewalk. The project included two years of proposed improvements. The property owner's costs were lower than what was originally estimated, except on the parcels where the property owners requested that additional work be done. In every case, staff met with the property owners and they seemed happy with what was done. In the beginning, Mr. Stan Jungck appeared before the Commission with some questions and concerns. Staff met with him and his concerns were addressed.

There were no persons in the audience who spoke in favor or opposition.

The Mayor closed the public hearing at 7:34 p.m.

Mayor Warba opened the public hearing on the Haworth, Inc., application for an Industrial Facilities Exemption Certificate for machinery and equipment at 7:34 p.m.

Mr. Sobers provided background to the Industrial Facilities Exemption Certificate. About 1 ½ years ago representatives of the community went to the Holland Haworth plant thanking their executives for their commitment to Big Rapids. Shortly after that Bill Mrdeza, Mecosta County Economic Director, received a call from Haworth regarding a potential expansion to their Big Rapids wood plant. They are moving some of their operations that were in Calvary Canada to Michigan, which will result in about 112 new jobs and a \$15 - \$16 million investment in Big Rapids. They applied for a Mega Grant from the State of Michigan, which is a huge tax incentive offered by the State. One of the terms and conditions of getting that Mega Grant is the opportunity for the local jurisdictions to participate with the State in saying a "tax thank you" for the new jobs and investment. The Mega Grant and local tax abatement must go together.

Mr. Sobers reviewed the proposed tax abatement criteria being discussed by the Commission and how it might relate to this project. Going through the proposed tax abatement scoring, the Haworth project would comply with the proposed criteria not yet adopted by the City Commission.

Haworth's move to Big Rapids will be done in two phases. The first is the installation of equipment. The next phase is the greater investment and will include the 112 new jobs.

Bill Mrdeza stated that the total number of jobs that Haworth has created by moving their facility back to Michigan is upward of 600, of which 112 of those are anticipated in Big Rapids.

Paul Griffith, Michigan Works Director, provided background into Haworth establishment in Big Rapids. Haworth has been a great job producer.

Chris Holenbeck, Haworth Human Resource Director, thanked the community for their continual support. Haworth is proud of its accomplishments and thankful for the opportunity to grow within the community. The current investment is a smaller investment, as a precursor, to a larger investment that will come.

Mr. Sobers and Mr. Bruce Everitt, commended Haworth for their progress in zero waste policy, recycling processes and modification of production processes to meet required discharge standards.

Mayor Warba opened the hearing to comments in support of the tax abatement.

Dan Rothstein, 839 Osburn Circle, spoke in support of the abatement. Realizing that it is difficult times for industry, this is an opportunity for the City to benefit from a large investment and creation of jobs.

No one spoke in opposition to the tax abatement.

The Mayor closed the public hearing at 7:56 p.m.

RESOLUTION NO. 09-116

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

RESOLUTION ADOPTING AMENDED SPECIAL ASSESSMENT ROLL NO. 09-512 FOR 2008/2009 SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the City Commission approved Special Assessment Roll No. 09-512 on March 16, 2009, and

WHEREAS, the actual costs of the completed project were different than the estimated costs and the actual footages installed were different for some of the parcels than the original estimates, and

WHEREAS, on September 21, 2009, the City Commission directed the City Assessor or his/her designate to prepare an amended Special Assessment Roll No. 09-512 to reflect actual unit costs and actual square footages, and

WHEREAS, the Big Rapids City Commission held a public hearing on October 5, 2009, to consider any objections to said amended roll, at which time the amended special assessments were confirmed.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves said amended Special Assessment Roll No. 09-512, to be spread over a three (3) year term payable in three (3) annual installments with interest at five percent (5%) per annum due each February 1st, beginning February 1, 2010, and directs the City

Assessor to deposit said amended roll 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, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 5, 2009

The City Commission considered the Haworth Tax Abatement request. Commissioner Harper questioned if the agreement presented was a claw back agreement. City Attorney Williams stated that the agreement is not a claw back agreement, but an agreement required by the Department of Treasury. Mayor Warba stated that the document is more of an understanding that the City has the "right to reduce", not that it is being required.

The application for this equipment is for six years, as per the discussion with the State Mega Grant Board. This application for the equipment will create 0 jobs. The additional application, yet to come, will be for 50% for 12 years on the real property and will create 112 jobs.

Mayor Warba explained that the Mega Board's agreement to grant tax credits were contingent upon the local governments granting tax abatements.

RESOLUTION NO. 09-117

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

RESOLUTION AUTHORIZING AGREEMENT WITH HAWORTH, INC. FOR TAX ABATEMENT APPLICATION

WHEREAS, Act 334, P.A. 1993, amended Act 198, P.A. 1974, requiring a written agreement be executed between the operator of a facility seeking an Industrial Facilities Exemption Certificate and the local Governing body.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the Mayor and City Clerk to sign the agreement with Haworth, Inc. pertaining to their Industrial Facilities Exemption Certificate.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 5, 2009

RESOLUTION NO. 09-118

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

**RESOLUTION APPROVING APPLICATION
OF HAWORTH, INC.
FOR AN INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE FOR MACHINERY AND EQUIPMENT –
1919 MASON INDUSTRIAL DRIVE**

WHEREAS, pursuant to P.A. 198 of 1974, as amended, M.C.L. 207.551 et seq., after a duly noticed public hearing held on May 15, 1995, the City Commission by resolution, established Amended Industrial Development District No. 4; and

WHEREAS, Haworth, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to machinery and equipment to be acquired and installed at their facility within Amended Industrial Development District No. 4; and

WHEREAS, before acting on said application, the City of Big Rapids held a public hearing on October 5, 2009, in the City Commission meeting area of City Hall at 7:30 p.m., and the applicant, the City Treasurer and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of the machinery and equipment had not begun earlier than six (6) months before the filing of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the this first step of acquisition of the machinery and equipment is calculated to retain 0 jobs and add 0 new jobs in the City of Big Rapids; and

WHEREAS, the aggregate state equalized value of real and personal property exempt from ad valorem taxes within the City of Big Rapids, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of the state equalized value of the unit, plus the state equalized value of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Big Rapids, Michigan, that:

1. The City Commission finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the

operation of the City of Big Rapids, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Big Rapids.

2. The application of Haworth, Inc. for an Industrial Facilities Exemption Certificate with respect to machinery and equipment to be acquired and installed on the following described parcel of real property situated within Big Rapids Amended Industrial Development District No. 4, to-wit:

Legal Description

A parcel of land described as Clarks Subdivision, Lots 3, 4, 5, 6, & 7 except the W 20 feet of Lot 7, commonly known as: 1919 Mason Industrial Drive, Big Rapids, Michigan, Parcel Number 17-12-169-003,

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion ending.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 5, 2009

RESOLUTION NO. 09-119

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

**RESOLUTION AUTHORIZING GRANT APPLICATION
TO THE RURAL TRANSIT ASSISTANCE PROGRAM (RTAP)
FOR DIAL-A-RIDE EMPLOYEE TRAINING**

WHEREAS, Michigan Department of Transportation (MDOT) through the MPTA/Michigan Public Transit Association has available to rural transits systems funding for training, and

WHEREAS, the City of Big Rapids is seeking the available funding from the Rural Transit Assistance program (RTAP) to cover capital training aids, for example, training Dial-A-Ride staff in first aid, CPR, Wheelchair training and to attend the Annual Michigan Public Transportation Conference, and

WHEREAS, the attached contract between the Big Rapids Dial-A-Ride Transit and MPTA/Michigan Public Transit Association will outline the purpose of the program, available funding, accounting and recordkeeping.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby authorizes the Mayor to sign the third party contract for funding from RTAP.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 5, 2009

City Manager Sobers reviewed the Roben Hood Airport Fixed Base Operator's agreement. Colt Aviation has been active in a number of things occurring at the airport: A new hanger has been built, the July 4th activities are well received, the addition of Jet-A fuel, and there is a potential of a jet being permanently located at the airport. This is the last of the two year extensions. In 2011, the agreement will need to be put out for bid. Because of the success at the airport, there will be a reduction in the City's subsidy from \$72,500 to \$70,000 for the next two years. As the courtesy cars at the airport become unusable, the City will rotate one of their older vehicles to the airport, titling it in the name of Colt Aviation. When that car is replaced, it will come back to the City. This is zero cost to the City, but a usable car will be at the airport for use by the pilots.

Mr. Lafferty reported that the business at the airport has grown in terms of the flight school and airplane rental. The City's subsidy can be reduced due to that. Mr. Sobers stated that this contract allows the City to save tax dollars on one hand, but if the airport does something that profits, the profit is split. There have been three months this year that the airport has operated at a profit to the City.

Commissioner Harper would like to see more supportive information on the profits generated. In reviewing the agreement, she pointed out that Colt Aviation gets the first \$15,000 of profits and after that the profits are shared. She also stated that the advisory committee has not been meeting quarterly. She would like to see that there are meetings on a regular basis.

Mr. Sobers explained that a subcommittee has been working on general rules of operations. The committee is almost done and about to make a report, so perhaps some of the lack of a meeting was for the need to have an item for heavy discussion. They have also been in an interim period with the USDA grant. Until that gets further along, there is no need for an advisory meeting.

Commissioner Harper feels that there is enough activity going on at the airport, she would like to make sure that the advisory committee is meeting on a regular basis. She also questions the agreement section that requires Colt to have at least two events at the airport. Mr. Lafferty stated that this year Colt Aviation has paid for four of the events. The Flying Club has, however, always sponsored the July 4th event.

Commissioner Harper stated that she would like to see the \$70,000 contract renegotiated before she voted for renewal of the agreement.

RESOLUTION NO. 09-120

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

**RESOLUTION EXTENDING AGREEMENT FOR
ROBEN HOOD AIRPORT FIXED BASE OPERATOR
WITH COLT AVIATION, INC.**

WHEREAS, per Resolution No. 04-166, dated November 1, 2004, the City Commission awarded the agreement for Fixed Base Operator (FBO) and Manager for the Roben Hood Airport to Colt Aviation, Inc., and

WHEREAS, the agreement allows for two two-year extensions, and

WHEREAS, the City has been satisfied with the progressive management of the airport and recommends extending the FBO services agreement, as revised, with Colt Aviation, Inc. for the allowed final two-year extension.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby authorizes the extension of the agreement with Colt Aviation, Inc., for a two-year period of November 1, 2009 to October 31, 2011.

Yeas: Anderson, Brennan, Hogenson, Warba
Nays: Harper
The Mayor declared the resolution adopted.
Dated: October 5, 2009

RESOLUTION NO. 09-121

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

**RESOLUTION AMENDING FISCAL YEAR 2009/2010
GENERAL APPROPRIATIONS – 2008/09 CARRY FORWARDS**

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, there are a number of items from 2008/09 that need to be carried forward into this fiscal year 2009/10.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the attached budget adjustments to carry forward to the 2009/10 budget.

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2009/10 City of Big Rapids Budget accordingly.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: October 5, 2009

RESOLUTION NO. 09-122

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

RESOLUTION UPDATING THE RECORDS MANAGEMENT HANDBOOK, GUIDELINES AND APPROVED RETENTION AND DISPOSAL SCHEDULE FOR CITIES AND VILLAGES

WHEREAS, the City adopted the State approved General Retention and Disposal Schedule #8 for Cities and Villages with Resolution No. 85-130 on April 1, 1985, and

WHEREAS, the State has adopted new schedules that revise and/or create new retention regulations pertaining to: City and Village Clerks (Schedules #24), Election Records (Schedule #23), Local Government Human Resources (Schedule #26), Michigan Public Libraries (Schedule # 17), Local Fire and Ambulance Departments (Schedules #18), and Local Law Enforcement Agencies (Schedule #11).

NOW, THEREFORE, BE IT RESOLVED that the City Commission update its Records Management Handbook, Guidelines and Approved Retention and Disposal Schedule for Cities and Villages to include the above six State revisions.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 5, 2009

Unscheduled Business

Continuation of User Charge Study discussion – Mr. Sobers reviewed the September 24, 2009 letter (Exhibit 2) provided by Mr. White (the following are items not addressed at the 6:30 Study Session time).

- A single resolution will be adopted by both the Townships and the City.
- A single resolution would be adopted by the Townships once the City is in agreement with the terms of the resolution.
- Mr. Williams has two accounts from which he does work. Both portions, the hourly rate and the retainer, should apply to the User Charge Analysis.

- Additional accounting items which Mr. White requested background.
 - Bjornson Street extension – removed.
 - Riverwalk Paving – Mr. Sobers believes it should be left in.
 - Auditors expense of \$3,100. The total cost of the auditor’s fees is divided among all the different funds. This is the single audit cost share for Wastewater.
 - Line item for \$5,700 for insurance deductibles is budgeted to cover the deductibles for any insurance claims. This is appropriate to leave in.
 - The \$60,000 for future planning study is to cover the planning costs for additional items that will need to be done at the WWTP. The current construction does not include everything that will need to be done. This planning money will allow the City to plan for the future improvements that will be needed at the plant to keep the plant current.
 - \$45,000 for the vactor and TV viewing is important for the upkeep and maintenance of the sewer lines. It helps to identify breaks and blockages. The \$35,000 for equipment rental, more particularly, the motor pool rental, is established for the replacement of motor pool equipment.
- When the project was started, there was an estimate that the amount to be borrowed would be \$7,965,000. As the project progressed, that amount was reduced to \$6,450,000. Mr. White is asking for the documents of what we did and when we did it and what our expectations are in the borrowing.

Commissioner Anderson would like to see the conversations regarding the parking lot area between the Salvation Army, Old Jail, County, etc. proceed.

Commissioner Harper:

- Received a phone call regarding poor condition of South Michigan Avenue. It is a part of Streetscape, but she would like to see the DPW crew fill the holes before winter.
- She would hope that something comes back to the Commission as far as the potential to adding parking spaces at the Library before winter comes.
- The City will do a presentation to the School Board regarding the Library. The Library lawyer will be coming and she would like to know who will be paying for the lawyer. Mr. Sobers stated that the City would be paying the bill out of the City Attorney’s legal expense account.
- She received a letter from the Carvers relative to a garbage concern and she would like an update at some time. She thought the issue had been resolved, but apparently, there is an on-going problem. Mayor Warba stated that part of the delay deals with his waiting to see what the Refuse Committee recommends.
- She commended the City staff for withdrawing the purchase of a new vehicle for the Water Department. There will be re-shifting of vehicles to accommodate the Water Plant truck.

Mayor Warba:

- Low Interest Loan legislation has been signed by the Governor. Shortly, there should be USDA approval to draw down funds. The City Manager stated that they have a number of people waiting.
- Thanked the City Commission for their consideration of the Haworth Tax Exemption application.
- On October 17th there will be a memorial for Jesse, the Police horse. He suggested that perhaps the department should look for a replacement, since Jesse was so well received by the community. Mr. Sobers stated that Officer Little is training another horse, but in the interim, there is some consideration of a drug dog.

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
October 19, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 32 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – No changes

APPROVAL OF THE MINUTES.

Commissioner Anderson, seconded by Commissioner Hogenson that the minutes of the regular meeting of October 5, 2009 be approved.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Joyce Staffen	177.50	Demco, Inc.	218.09*
First National Bank	577.72*	Michigan Library Assoc.	340.00*
Baker & Taylor	231.37*	Mid-MI Library League	75.00*
Audio Editions	32.00*	Recorded Books	19.85*
Cheryl Gould	75.00*	Charter Communications	269.99*
Arnolds Sales	78.94*	B&B Professional Roofing	327.04*
Menards	29.99*	Rieth-Riley Construction	886.80

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

- 1) **INTRODUCTION** of Mark Sweepenheiser, Zoning Administrator
- 2) **VSCI UPDATE** – Dated October 1, 2009

Mark Gifford presented slides of the Artworks renovations. Unexpected construction items were:

- The lack for a header in a basement doorway.
- Upstairs and basement ductwork.
- Upgrading the restroom piping.

It is hopeful that all surprises have now been discovered.

Mr. Gifford reviewed the budget for the Artworks Interior work.

Original bid from Orion Bid -	\$382,000
Commission construction budget -	\$380,000
Interior Overruns -	\$4,500
Exterior Overrun -	\$1,000
Optional Deductive Alternatives:	
Deductive Alternate #1 – Ceiling tile clips -	\$2,000
Deductive Alternate #2 – Painting -	\$9,000
(This breakdown is \$3,000 savings, \$3,000 materials and \$3,000 cost to paint, and includes the painting to be done by volunteers, but the project is not conducive to that. The painting is so extensive, it is not possible for volunteers to do.)	
Total Overrun if painting is not undertaken -	\$5,500

DDA will be approached about taking on the ArtWorks additional costs. The owner of Binney Auto Parts addressed the front brickwork by choosing to replace the brick at an additional cost to him. He has chosen his color scheme, and the frames and glass windows have been installed. It is hopeful that the façade project will be done by the next up-date.

- 3) **REFUSE COMMITTEE REPORT** –Dated October 14, 2009

Mark Gifford presented the report and stated the refuse committee met several times and came up with a series of recommendations outlined in the report.

Don Jones stated that these are general recommendations because the committee did not take a vote. He does not agree with: (1) The 3 feet setback for screening, because there are screening areas that exist that are only setback 6". (2) Mandating a change to poly carts. He would like to see the poly carts offered at a reduced rate, whereby, there

will be a savings to the residents. (3) He feels that a Code change regarding the screening is a little heavy handed. He would like to see screening in both residential and commercial areas because screening improves the aesthetics of a community.

Commissioner Harper questioned the committee's recommendation of not making the poly carts mandatory, but also aggressively encouraging their use. She felt this was a conflict.

Mr. Gifford stated it was understood that there are areas where poly carts will not work and people would not be expected to have them. Don Jones explained, and Todd Harland, Allied/Republic Waste, confirmed that if the City went totally poly carts, a different truck would be acquired to handle the automation. There are certain areas, such as some alleys, where there is not sufficient room to allow for the use of poly carts.

No cost estimates for the pads or screening are currently available.

Mr. Harland explained the original thought on poly carts and costs Fuel costs had come down. Because the City had granted cost increases based on rising fuel costs over the past few years, Allied/Republic was willing to give back some of the new savings to the City. During these discussions, automation was discussed, which is where the industry is headed, as an opportunity for the City. Therefore, in lieu of the 3% savings, Allied/Republic thought that purchasing carts and automating would be an opportunity. As a result of the committee discussion, it appears that perhaps automation is not an opportunity in the City at the present time. Therefore, there will need to be some negotiations regarding the contract. Commissioner Harper confirmed with Mr. Harland that the discussion for a 3% cost savings may still be a feasible opportunity in the discussions.

Mr. Jones stated that the committee did talk about the 3%, but when it was divided out, it was a very low amount. It was the committee's thought if that could be put into the poly carts and help improve the look of the City, that would be a better use of the 3%.

Lorraine James, committee member, stated that the reason the committee did not want to make poly carts mandatory is that there would be the loss of the free clean up service. The first poly cart would be relatively inexpensive, but the charge for a second one would be much greater, and residents would not be able to put out the extras items for pickup. The committee did not want to lose that service.

Mayor Warba questioned why the screening of downtown dumpsters should not be pursued. Mr. Gifford explained that in residential areas, if you do not want to screen, you could go to poly carts. In the downtown area, there are businesses that cannot fit their refuse into poly carts. Screening has been talked about and is something that is hoped to be pursued. Many of the downtown dumpsters sit on public land, so it does need to be a coordinated program and perhaps something funded through the DDA, which does not have the funds to do so at this time.

By the end of December, a proposal for the next refuse contract rates will be presented to the City Commission, which reflects the general guidelines of the committee's report. The recommendations pertaining to setbacks and screening for residential dumpsters will be referred to the City Planning Commission for recommendation. Mayor Warba would like the Planning Commission to also consider the screening of dumpsters in the downtown area.

4) **TAX ABATEMENT CRITERIA** – October 15, 2009.

City Manager Sobers hopes that with the Tax Abatement report prepared by Commissioner Harper and City Attorney Williams and the recommendations of the Mecosta County Development Corporation and the Chamber, some key elements will be provided to staff so that legislation can be developed for adoption at the next meeting.

Mr. Sobers explained the five points outlined in his October 15, 2009, position paper.

- 1) There should be a core negotiating team and they should be furnished clear direction and authority as to how they will negotiate.
- 2) There should be a follow-up annual tour of the businesses.
- 3) If there is a claw back provision it should be something that is self enforcing. The logical option is to reduce the percentage of the abatement granted if a company does not want a claw back provision. If a company moves or fails to fulfill their obligations for the abatement, the likelihood of collection is minimal without legal action, which would be most costly.
- 4) The City should be extremely sensitive to small industry. The addition of several small industries to the community can provide a significant number of jobs.
- 5) It should be as simple and straight forward as it can be.

Bill Mrdeza, MCDC, reviewed the MCDC response dated October 9, 2009, providing recommendations that include:

- 1) Rather than establishing a 'policy' statement, it should be termed 'guidelines'.
- 2) There should be a preamble, which would be a statement of welcoming; encouraging a business to locate, grow and prosper here.
- 3) The document should not be a blanket document, when there are two types of tax abatements, one focused on real property and the other on personal property. The guideline statement should recognize that difference.
- 4) They support and encourage a negotiating team to meet with the company coming to terms of what they are trying to do and then making recommendations back to the City.
- 5) They support the annual site visits.

The MCDC disagrees with two issues of the proposed policy:

- 1) The concept of a long drawn-out point system that assigns values to such things as jobs and investment, which is over analytical and may cause some

businesses to think twice about making an investment here. The guidelines should be, if a business is eligible for tax abatement, the City automatically considers a 12-year 50% abatement for real property and if it is a personal property type of investment, it should be a 6 year at 100% abatement.

- 2) The claw back provision as it is written. This tends to be something that many businesses are afraid to commit to in times of uncertainty, particularly if it is tied to performance standards where a business is asked in the onset what their investment will be and how many people they are going to employ, when it is really their best guess. They cannot see the future.

Mr. Paul Griffith, Michigan Works, believes that the City needs to be aware of what its message is. There are a lot of communities that will take businesses with open arms.

Commissioner Harper believes that all businesses have responsibilities. Some smaller businesses do not get afforded the same level of potential money through a tax abatement. She believes the guidelines are saying 'yes' to business, 'please follow our formula'. Tax abatements are a loss of revenue and with the loss of revenue comes the responsibility that the industry makes sure that bringing employees to the community does in fact occur. She referred that Mr. Hamelund has stated that small businesses don't really care about tax abatement, what they care about is that the proper infrastructures – streets, sewers, whatever else they need – is in place. Without the tax revenue coming in, the City may not be able to put the proper infrastructures in place, or keep up with the repair of the existing infrastructure. She appreciates that the MCDC executive board took the time to look at this and appreciates their comments, but she is still supportive of a claw back that has some teeth in making sure that a business is shown that they must be responsible with their approach. She believes there should be a guideline that ensures what the businesses are promising is in fact real, not just something on paper.

Commissioner Hogenson disagreed stating that the main issue is competition. There are other industrial areas surrounding Big Rapids that would be happy to welcome industries. If someone wants to make an investment in the community, that should not be put aside for something like a claw back provision. It seems senseless to expect a company, if it is going out of business, to be able to make a claw back payment. It makes more sense to consider the proposal of dealing with it up front. If the project meets the State guidelines, there should not be much more needed. The best place for attention is to be competitive.

Commissioner Brennan thanked the MCDC for the report and their expertise, stating she likes the welcoming statement, an annual on-site visit, separating the two types of abatements (personal and real), the negotiating team up front, and an annual report back to the City Commission. She questioned the need for the wage scale of new jobs as part of the criteria. She does not agree with changing the word policy to guidelines. She believes policy sets a more professional tone. She agreed with the MCDC in establishing a balanced process that can be easily negotiated, yet provides for accountability. She is afraid of establishing too many hoops to jump through and

obstacles to run around that would cause the loss of business. She believes the Commission must be careful in making it too difficult.

Commissioner Anderson stated that due to the change in the world the last couple of years, it is all about competition. The City as a small town cannot survive without jobs and it must give business an opportunity to make money so that the City can continue to be.

Mayor Warba requested that for the November 2nd meeting, the City Manager prepare three resolutions:

- 1) The Harper/Williams tax abatement proposal.
- 2) MCDC proposal, including their referenced claw back and criteria on pages 3 and 4 of their recommendation.
- 3) Tax Abatement Policy of the City of Big Rapids that includes the following:
 - (a) Preamble as recommended by the MCDC.
 - (b) A negotiating team as recommended by the MCDC and City Manager.
 - (c) No claw back provision.
 - (d) An annual site visit as recommended by MCDC and the City Manager.
 - (e) Annual report to follow the site visit as recommended by the MCDC.
 - (f) A 50% abatement for 12 years on real property.
 - (g) A 100% abatement for 6 years on personal property.
 - (h) A provision that the tax abatement would be automatic if the State Mega Tax Credits are contingent upon the granting of tax abatements.

PUBLIC COMMENT

Mr. Ed Burch, 901 N. State Street, addressed the Commission regarding tax abatements, encouraging the City to continue its policy of being open to and supporting business. Most businesses that are looking to locate in a City look at the newspaper. If they see a lot of arguments between Commissioners and others about various things, they shy away from those communities. There are some things that the City can do that need to be done and there are some things where the City should tread lightly. Developing a lot of rules for business should be treated lightly. Do not develop a lot of rules and regulations so that the City has to hire another employee to keep track of it all. Keep it simple. Let the business come to Big Rapids. If a lot of regulations are put in place, there is a lot of township land that can be developed; that is where the business will go.

Because so much of the industry is on the East side of the City, Mr. Burch, urges the consideration of a third bridge to help the transportation problem of getting business to the East side of the river. The only method of transportation into and out of the City is by truck.

Dan Rothstein, 839 Osburn Circle, stated that he read the MCDC report. In the sales industry, people are taught to keep it simple. Abatement is not a four letter word. The community has hard working people. Cities have been given the tax abatement tool.

There is currently a highly competitive job market. He urged the City to have something in line that is as simple as possible and as forcible as possible. The annual review is a good idea – it allows the City to sit down with the business and say that it is appreciated that they are here.

Jim Nystrom, 530 Winter Avenue, urged the City Commission to vote no on all three resolutions. He feels it is wrong to give the maximum abatement right off the bat, as suggested by the MCDC. What would make a company come to Big Rapids is the quality of life and the University. Acting like other communities, Big Rapids will no longer be Big Rapids. He agrees with getting rid of the claw back, because they will not be effective. He does not agree with giving a negotiating team the authority to grant the maximum abatement. There has been no real studies, other than from industry interest groups, as to the affects of abatements on a city.

Bruce Everitt, WWTP Superintendent, stated a lot of information is inconclusive or indicate that unfair tax breaks are not affective in accomplishing their objectives. They are not as affective as lowering tax rates. He supports the tax breaks for Haworth. The indiscriminate use of tax abatements seems to have some negatives.

Rose Mary Jennings, 606 Bjornson St., complimented the memorial service for Officer Jesse held Saturday October 17, 2009.

The City Commission took an 8 minute break.

Discussion regarding the Administrative Consent Order was opened by a background presentation by Mr. Sobers. The ACO civil fines have been reduced from \$169,000 to \$97,500. Dates in the ACO have been revised to be 45 days behind the construction time table at the WWTP. There are provisions in the ACO, that if additional time considerations are necessary as a result of a delay, etc., the City can appeal to the DEQ, as a result if something should happen.

Mr. Michael Smith, 212 Rose Avenue, questioned where the money to pay the fines are coming from and how it will affect the taxpayers/customers. Mr. Sobers replied that there would be no rate increase due to the fine, because there is a fund balance from which the fine will be paid.

Mr. Smith also questioned when the violations occurred, why were they not reported in the Pioneer. Mayor Warba stated that not all violations require publication in the Pioneer and perhaps a review the of the DEQ enforcement notice and ACO could provide clarification of the violations and what is or is not required to be reported to the paper.

Mr. Greiner added that current regulations require that DEQ be notified within certain timeframes. Depending on the type of violation, it is either reported as part of the monthly report submitted, or by telephone. The problems at the WWTP were due to

partial treatment. If it is a winter event, there is no body contact in the river. Until a few years ago, there was no winter discharge limitation.

Commissioner Harper referred to Sections 4.3 and 4.4, page 7 of ACO, which pertain to disapproval of submittals and the DEQ disapproving of work plan, proposals, etc, and the opportunity for the City to have 30 days to respond. She questioned if these types of events were built into the extension. Mr. Greiner responded that it is his understanding that if the City requests an extension, the City needs to document the reason, have justification for it, and the DEQ has an opportunity to respond. These sections lay out a procedure so that if there is an unforeseen problem there is a mechanism in place to address it that all parties are aware of and required to follow.

Mr. Greiner also explained that for Phase I of the project, there are two completion dates: August 1 for the first part and January 1, 2010 for the overall completion of Phase I. The contractor believes they may be one week short of meeting the second portion. That is what prompted the DEQ's inclusion of a 45-day extension. The January, July, and November 2010 dates are all moved back 45 days. Only the City's compliance dates are amended, not the contractors. If the contractor is behind schedule, there may be sufficient reason for their delays and the City may or may not elect to impose the daily penalties on the contractor.

Mr. Everitt questioned how the violations would be avoided in the future. Mayor Warba hopes that most of the problems will be resolved from the multi-million dollar improvements at the WWTP.

Mr. Sobers added staff would do monitoring of the operations. The improvements to the plant will help, but that is not the ultimate solution, because continual improvement at the plant will be necessary. There will be continual review of the plant and there will be a report coming to the Commission asking for monies to investigate all the remaining components of the plant not addressed in the current improvements, identifying what the next improvement phase is.

RESOLUTION NO. 09-123

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE CONSENT ORDER (ACO)

WHEREAS, the State of Michigan, Department of Environmental Quality, has determined that the City of Big Rapids, through its wastewater treatment plant, has incurred violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and MCL 324.3101 et seq., (Part 31) and Part 41, Sewerage Systems of the NREPA, NCL 324.4101 et seq. (Part 41), and

WHEREAS, an Administrative Consent Order (ACO) for compliance has been prepared for the City Manager's signature

NOW, THEREFORE, BE IT RESOLVED that the City Commission accept the State of Michigan, Department of Environmental Quality, Administrative Consent Order (ACO) and hereby authorizes the City Manager to sign said ACO.

BE IT FURTHER RESOLVED that the City Commission authorizes the payment of the investigation and enforcement costs of \$5,370 and civil fine of \$97,500 and that the following fund transfer be made from Wastewater Fund Balance to:

	<u>Original</u>	<u>Adjustment</u>	<u>Amended</u>
590-560-801.200 ACO Administrative Fine	0	+\$102,900	\$102,900

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: October 19, 2009

User Charge System

Mr. Sobers believes that all involved are in agreement to get the User Charge Report resolved. To continue to delay the User Charge Report will start causing more problems in the future. The expectation is that when the User Charge Report is adopted the pre-treatment rate for the Townships will go from 49 cents per 1,000 gallons down to 30 cents. The 30/60/90 cents has not been addressed because there has not been an adopted User Charge to replace it. There are portions of the User Charge Report that need to happen because the delays are causing and compounding problems.

He summarized the three items that the Township and City Attorneys were directed to address at the conclusion of the last joint meeting. Those items have been resolved as follows:

- (1) Administrative cost factor – there is agreement to ‘use of the offices of’ the five administrative posts with a 10% overall fee. Not the 25% that would have been called for in the mathematics.
- (2) Budget verses audit – the budget figures are being used.
- (3) Use of 1995 methodology – This has been resolved.

Through discussions, the three items grew into six as outlined in the position paper, plus one more. Those being:

- (1) Removal of the Bjornson Street project from the User Charge Report has been done.
- (2) Reduction of the budgeted \$199,000 interest expense to \$50,000. This is agreeable due to the delay in financing, which caused the reduction in the interest expense.
- (3) Ice Mountain did not pay the 30/60/90 cents, which was an oversight of the City, and who is agreeable that monies from Ice Mountain should be applied. The amount due from Ice Mountain will be calculated and that amount of money will be moved from the reserve account into the WWTP account.
- (4) There was a Township request to reverse the 90 cents back to April 1st. That will be a difficult process for the City to calculate 2,000 accounts, which will result in a few cents for the customer. It would be easier to put that into the account and continue to buy down the cost of the construction. That item is still out for the Commission to decide what direction they wish to go.
- (5) Improvements of \$25,000 over the sewer trunk line, which is part of the funding for Riverwalk III. Every time there is a need to go down to the truck line, a large amount of money is spent doing mowing and clearing of brush and trees to get to the line. If Riverwalk III improvement is there, it will provide a paved route for the equipment. To leave out the \$25,000 from the User Charge Study does not make a penny's difference. If the Commission decides it should be in or left out of the study does not make a difference.
- (6) Inclusion of the \$116,000 ACO fines. The City Manager strongly objects to the position that there is any individual who has been derelict and caused the City to be charged the fine. There is aging equipment and abnormal fluctuation in the flow because of Ferris. It is unfair to blame Ice Mountain. There were violations due to equipment error during times there was no dumping by Ice Mountain. He suggested that charge be spread across the users of the system.
- (7) Mr. White requested an additional item, that on an annual basis, the City attaches the budget document, audit document, and depreciation list as exhibits and the User categories (residential, industrial, commercial).

In summary, the original three issues raised have been resolved and the additional six items, except for when the rates will be implemented, have all been worked through. The current rates are about \$1.00 per 1,000 less than what they would be if the User Charge System had been adopted on an annual basis.

Mr. Bob Baldwin, Green Township Supervisor, presented a summary sheet pertaining to the above items and referred to a letter from Mr. Jim White dated October 19, 2009. The Townships insist that the 30/60/90 charge should stop on April 1st. There is belief that the \$25,000 for Riverwalk III does not fit the OMR. The Townships are not in agreement of paying the ACO fine from the current sewer budget, but as a compromise

propose a one-third contribution with the rest of the amount being paid from the Ice Mountain Reserve Account.

Mr. Baldwin provided bills of City residents, questioning how between the four bills, there were four different rates.

Jim Peek, Green Township Trustee, stated that the report has been difficult, but questioned why the report has been modified seven times. The Townships are requesting that the study be completed with documents that are accurate and that can be understood. He requested that the resolution be tabled until the attorneys can work out the last couple of issues. Green Township wants to pay its fair share.

The Mayor offered to hold the resolution until the November 2nd meeting, recognizing it has been a horrendous project. He directed Mr. Williams to communicate with Mr. White to resolve the remaining points.

Mr. Williams inquired what the reason was for the Townships requesting that the 90 cents collected between April 1st and now be returned, when it can be applied to the construction cost to pay down the construction costs. Mr. Baldwin replied that they are requesting it be repaid because the contract (resolutions) stated that it would stop at the sale of bonds.

Mr. Williams also questioned if there was to be a joint resolution to be adopted by the three jurisdictions. Big Rapids and Green Township supervisors indicated that was still the goal.

The User Charge Rate resolution will be revisited at the next City Commission meeting.

Mr. Sobers presented background regarding the exchange of land between the Salvation Army and Old Jail and the easement for two parking spaces. The garage of the Old Jail encroaches on the Salvation Army property by about two feet. A parking agreement is being worked on and will be addressed at a later date.

Brian Ridenour, Old Jail representative, stated he has contacted the parties involved in the parking agreement pertaining to a meeting to discuss the parking arrangement.

RESOLUTION NO. 09-124

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

RESOLUTION AUTHORIZING THE EXCHANGE OF LAND BETWEEN THE SALVATION ARMY AND OLD JAIL

WHEREAS, it has been discovered that the garage of the old Jail, which is owned by the City of Big Rapids, is actually located a few feet on the property of the Salvation Army (formerly owned by the Immanuel Lutheran Church), and

WHEREAS, in purchasing this property from the Lutheran Church, the Salvation Army is desirous of 'cleaning up' all encroachments on this property, and

WHEREAS, the City of Big Rapids and the Salvation Army have come to an agreement on the transfer of land and an easement agreement that is satisfactory to all parties concerned.

NOW THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby accepts this land transfer and easement agreement and authorizes the Mayor and City Clerk to sign the easement.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 19, 2009

Mr. Sobers presented the proposed agreement for the hiring of a City Assessor, which includes the sharing of the Assessor's time and cost with Greenville and Clare. Since the City's personnel's cost were lower than the other two communities, it was preferred that the City of Big Rapids be the lead employer.

RESOLUTION NO. 09-125

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

RESOLUTION HIRING A CITY ASSESSOR

WHEREAS, State law requires that municipalities provide assessor functions and services within their political boundaries, and

WHEREAS, it is now a requirement for cities to have employee assessors rather than retain assessing services on a contracted basis, and

WHEREAS, State law allows two or more municipalities to join together in an agreement to provide joint administration of any of the functions or powers which they may be required to perform, and

WHEREAS, the cities of Big Rapids, Greenville and Clare have negotiated an Interlocal Agreement for Providing Assessor Services, whereby one person can be hired and appointed an employee City Assessor in Big Rapids, Greenville and Clare, with shared costs and work time.

NOW, THEREFORE BE IT RESOLVED, that the City Commission authorize the Mayor and City Clerk to sign the attached Interlocal Agreement for Providing Assessor Services within the Cities of Big Rapids, Greenville and Clare.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: October 19, 2009

The City Manager reviewed the written background regarding the City Attorney's contract beginning January, 2010 and the analysis of the Attorney's pay. The contract includes a wage freeze for his hourly rate for prosecution and special services for the next three years. The only increase will be the same percentage the non-bargaining employees receive. A longevity payment will be included for \$1,300.

Commissioner Harper believes that if the City looks at other options available, the City would see greater cost savings.

Commissioner Hogenson, Brennan and Mayor Warba expressed appreciation for the job performed by Mr. Williams.

RESOLUTION NO. 09-126

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

RESOLUTION ACCEPTING CITY ATTORNEY CONTRACT FOR 2010 - 2013

WHEREAS, the City Attorney's employment contract is reviewed and renewed each year regarding basic services, compensation and quarterly overhead expenses.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves and enters into the attached employment agreement with Eric D. Williams to serve as the City Attorney for the City of Big Rapids for a period of January 1, 2010 to December 31, 2012.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: Harper

The Mayor declared the resolution adopted.

Dated: October 19, 2009

At 10:00 p.m., the City Commission agreed to take up the thermal imaging resolution before adjourning.

RESOLUTION NO. 09-127

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

**RESOLUTION ACCEPTING BIDS FOR A THERMAL IMAGER CAMERA
FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City of Big Rapids applied for and received a grant from the American Recovery and Reinvestment Act of 2009 in the amount of \$14,768 to purchase a Thermal Imager, and

WHEREAS, the City solicited bids for the purchase of a Thermal Imaging Camera for the Department of Public Safety, and

WHEREAS, two bids were received with staff recommending the bid of Douglas Safety Systems LLC in the amount of \$10,500.00

NOW, THEREFORE, BE IT RESOLVED, that the bid of Douglas Safety Systems LLC in the amount of \$10,500.00 be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from Account Number 101-301-980.009.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: October 19, 2009

Unscheduled Business - none

There being no further business to come before the Commission, the meeting was adjourned at 10:07 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
November 2, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 37 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – Addition of Caregiver’s Proclamation and Resolution Waiving Property Tax Penalty.

APPROVAL OF THE MINUTES.

Commissioner Hogenson, seconded by Commissioner Harper that the minutes of the regular meeting of October 19, 2009 be approved with corrections.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Hogenson that the Park and Recreation and Library bills be approved.

Lowes	148.45	State Street Hardware	84.22
Lori Rush	96.00	Meredith Willey	114.70
AT&T	73.67	Lowes	-44.88
Big Rapids Cash & Carry	3.84*	State Street Hardware	629.04*
Great Lakes Books	80.80*	Quill Corporation	49.00*
AT&T	179.97*	Grand Rapids Press	180.00*
Baker & Taylor	1,323.82*	Farm Plan	272.00
Golden West Industrial	131.96	Medler Electric	33.97
Sherwin Williams	36.13	Spartan Distributors	170.36
Consumers Energy	76.49	Prein & Newhof	916.00
Wal-Mart Stores	2.44	Vredevelde Haefner	350.00
Arnold Sales	20.05*	Staples	44.80*
Elevator Service	146.50*	Hurst Industries	328.00*
Menards	35.33*	Sherwin Williams	280.53*

Staples	64.98*	Vredeveld Haefner	331.00*
Proquest	574.77*	Baker & Taylor	17.44*
Charter Comm.	269.99*	Audio Editions	32.33*
Xerox Corporation	129.89*	Ferguson Supply	23.25
Consumers Energy	830.20	National Arbor Day	15.00
Pickle Ball, Inc.	370.45	Lori Rush	80.00
Meredith Willey	85.10	Consumers Energy	79.80
DTE	35.62	Consumers Energy	562.62*
DTE	182.49*	AT&T	1.84*
Baker & Taylor	235.88*		

*Indicates library bill

Yeas: Unanimous

Nays: None

SPECIAL ORDERS OF THE DAY

PROCLAMATION OF RECOGNITION

WHEREAS, during this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a City, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among City's most important natural resources.

WHEREAS, the need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver.

WHEREAS, family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW THEREFORE, I Mark J. Warba, Mayor do hereby proclaim November 2009 as

NATIONAL FAMILY CAREGIVERS MONTH

in the City of Big Rapids.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of November, in the year of 2009.

Mayor Mark J. Warba

STUDY SESSION

1) Wastewater Treatment Plant Update. – Dated October 30, 2009

Don Greiner, Director of Public Works, presented the Wastewater Treatment Plant Improvement Status Report. Slides of the improvement progress were shown.

Commissioner Harper questioned if the contractor was within the construction schedule. Mr. Greiner stated that construction was within 1 – 2 weeks of where it should be relative to November 1st.

2) Skateboard Park Committee Report – Dated October 27, 2009

Jill Buse, Recreation Director, stated she has been working with a committee of community members and Ferris State University students. After holding a public meeting, the location of River Street Park was identified as the recommended Skateboard Park site. She explained the results of a survey conducted of the surrounding neighborhood – 41% responded to the survey of which 61% were supportive of the skateboard park and location and 38% either did not like the location or did not like the idea of a skateboard park and the remaining were unsure or wanted to hear more about it.

Ms. Buse's purpose of appearing before the Commission was to get a commitment by the City Commission on allowing for the use of this location of River Street Park for the Skateboard Park so that fundraising and grant proposals can be undertaken. She presented a site layout map. She stated that anything that could be constructed on the proposed 150' by 220' area would be a fairly large skateboard park. The design has not yet been determined. The skateboard park manufacturers will help with that process. The thought at this time is that some of it will be concrete and some will be modular sections. The modular sections can be moved periodically to create a new design.

Commissioner Brennan questioned the status of area parking. Ms. Buse stated that parking would continue to be an issue in the area. With the proposed Riverwalk development and the sidewalks, many users of the skateboard park will be able to skate right to the park. She stated that it is desirable to have the park in an area where it is visible and where there will be people passing by. Even with parking being an issue, this is still the best location for many other reasons considered.

Commissioner Harper questioned if the public meeting was at a Park and Recreation Board meeting, to which Ms. Buse replied it was not. She stated that the meeting was highly publicized and held at the Holiday Inn.

Commissioner Harper questioned if a Skateboard Park was included in the five-year Park and Recreation Master Plan and if a specific location was identified. Ms. Buse replied it was included in the plan, but a specific location was not identified.

Commissioner Harper would like the Park and Recreation Board to review the proposal and location and make a recommendation to the Commission. The recommendation should be in the form of meeting minutes, including the Board's discussion and concerns. Ms. Buse stated it has been before the Park and Recreation Board and the October minutes direct the Skateboard Committee to come to the Commission and take the step to seek approval on the location.

Commissioner Hogenson attended the meeting at which the park was first discussed, which was very well attended. He believes that at some point a commitment needs to be indicated by the Commission so that fundraising and grant writing can begin. He was present during a lot of the discussion pertaining to sites and he believes that this site makes sense.

Mayor Warba stated that it would be appropriate for the Commission to receive a more formal report from the Park and Recreation Board before the Commission acts on making a commitment.

Commissioner Brennan would like Public Safety's input due to the location's lack of parking.

City Manager Sobers stated that the Planning Commission should also do a review and make a recommendation.

3) Safe Ride DVD Presentation

The City Commission watched the Safe Ride DVD.

PUBLIC COMMENT

Tammy Gillis, 528 Pere Marquette Street, stated she is not in opposition to the Skateboard Park, but she has concerns regarding two mulberry trees that are in the proposed Skateboard Park location. They are very beautiful, well established and fruit bearing and she would not like to see them removed.

Bruce Everitt, Wastewater Treatment Plant Superintendent, addressed the City Commission regarding information presented at the last meeting as to what he believed was an insinuation that there was an attempt to deceive the Commission or that he does not know his profession. He stated he has 40 years experience in 80 municipal

plants, has a Michigan class A certificate, and has performed his duties faithfully and diligently. He has submitted an analysis of what he believes to be facts pertaining to the operation of the wastewater treatment plant.

Maurice Langworthy, Jr. introduced himself as a candidate for the 102 District.

Mayor Warba presented the following proclamation to Judy Irvin and Ruth York.

PROCLAMATION OF RECOGNITION

WHEREAS, the US Armed Forces have relied on the skill and courage of women for two centuries, and

WHEREAS, women have served the country in all capacities both during war and peace times, and

WHEREAS, women veterans have provided their knowledge and leadership to our country by serving in all branches of the Armed Services.

NOW THEREFORE, I Mark J. Warba, Mayor proclaim the week of November 2nd through November 7th, 2009, as

WOMEN VETERANS RECOGNITION WEEK

in the City of Big Rapids and ask all citizens of Big Rapids to observe the week of November 2nd with your thoughts and prayers to all women who have served from our community.

Adopted this 2nd day of November, 2009

Mayor Mark J. Warba

User Charge

City Attorney Eric Williams introduced a joint resolution and ordinance pertaining to the User Charge Study, which addressed the last three items of concern. Those items being: the spreading of \$38,000 in ACO fines and costs instead of \$100,000, removing the \$25,000 budgeted for Riverwalk from the study and repealing the \$0.30/\$0.60/\$0.90 rates, effective November 2, 2009.

Mr. Williams referred to a letter received by the City from Mr. Jim White, township attorney, which contained many items. Two of the items were addressed in the joint resolution before the Commission – the removal of the \$25,000 for paving a portion of the Riverwalk Trail and the statement that ‘the User Charge System Report for 2009-2010 as modified and described is approved and adopted’. Mr. Williams received general approval of the joint resolution from Mr. White and the townships, subject to Mr. White’s recent comments. Several other areas of concern contained in the letter are

not addressed in the resolution and will require additional attention of the City and Townships.

One of the issues that remain open includes an agreement as to the effective date of the \$0.30/\$0.60/\$0.90 repeal. Mr. Williams suggested that the charge be repealed at this meeting, effective November 2, 2009, since waiting does not make the situation better. Any discussion of backing up the date of that repeal can continue.

Mr. White, on behalf of Green Township, presented the following

- The township continues to request that the \$0.30/\$0.60/\$0.90 repeal be effective April 1st.
- The townships have requested solid information and accounting on the revenues from the \$0.30/\$0.60/\$0.90 to see that the monies were applied to reduce the amount of the bond debt incurred. The townships are looking for a comfort level that the money will actually be applied to the wastewater treatment plant project and not some other project. This is important because the \$0.30/\$0.60/\$0.90 was implemented in 2005 to generate cash to use as a down payment and to pay expenses incurred until the bonding debt was put into place and reduce the amount of the bond issue. The township requested a summary of the wastewater treatment plant costs and what the sources of funds on hand to reduce that cost are.
- Based on information provided to the township, they feel they are not getting good and accurate information as to what the project is costing. The township does not have a level of confidence as to how the \$0.30/\$0.60/\$0.90 monies are being applied, so why continue to pay it for the wastewater treatment plant project.

Mayor Warba observed that at times, it seems the methodology is adhered to when it works to a certain advantage, but the methodology is not adhered to when it is not advantageous. The methodology is probably not the best and is in need of revision. He questioned Mr. Williams if the \$0.30/\$0.60/\$0.90 was to come off the month that the bonding indebtedness occurred. Mr. Williams responded yes.

Mr. White's letter offered a suggestion of how to deal with the \$0.30/\$0.60/\$0.90 pertaining to Green Township. Mr. Williams stated he has seen the suggestion, but does not understand how it may work. It will need to be reviewed by the City Treasurer and/or City Manager.

Bob Baldwin, Green Township Supervisor, explained their suggestion of taking the \$0.30/\$0.60/\$0.90 back to April 1 and adjusting the debt interest that should have been collected from April 1st, bringing everything forward to October 1.

Mr. White explained that the township is a wholesale customer, receiving one bill from the City. It does not impact individual customers. The township would make an adjustment eliminating the \$0.90 and adding back the \$0.12 for debt service for interest on the new bond issue, both effective April 1, 2009.

Mr. Baldwin added that for the Green Township and City process, Green Township is proposing to take the \$0.90 from April 1st up to October 1 and stop at October 1. It will be considered completed at that point. It is also proposed to go back to April 1 to collect the debt (\$0.12) that should have been collected. What are adopted for User Rates at this meeting will be the rates paid at that point.

Mr. White explained that at the joint meeting of the Townships and City in August, there were three key issues identified to be resolved, those being (1) the allocation of administrative expenses, (2) the repeal of the \$0.30/\$0.60/\$0.90 and (3) the use of budget verses audit numbers. The only unresolved part of those issues is the date of the repeal of the \$0.30/\$0.60/\$0.90. The township is comfortable that all the three issues, except the effective date, have been addressed in the resolution.

It is Mr. White's belief that the User Charge System Report presented still has inconsistencies and incorrect data. His letter goes into detail of what he believes the report deficiencies are. If the deficiencies of the latest report are identified, the Commission could consider approving the report subject to correction of the identified deficiencies. This would provide a format for consideration of the report. It was his belief that the resolution for this evening would be to approve the methodology, coming back at a later date with a corrected User Charge System Report. Since the resolution approves the report, it forces him to comment on what the Township perceives to be deficiencies, which affects the dollar amounts of the rates.

Mr. Baldwin has determined the rates to be \$3.80, which includes the debt charge. The City has arrived at a \$3.91 rate. Mr. Baldwin has reviewed the report and determined the items that he believes to be deficient or misplaced. One area of example is that in the City Administrative budget there is a replacement fund and depreciation included in the User Report. You can have one, but not both according to CFR Title 40. The 1995 agreement advised having a replacement fund. He suggested this method, which would include reviewing the collection revenues to see if it is keeping up with equipment costs of the twenty-year or less equipment.

It was identified that Mr. Baldwin and Mr. Sobers were the individuals to review the report and work with the mathematics.

Mr. Baldwin proposed coming to agreement for this one-year charge, with a review of the report by the end of December or January. This would allow for the use of the audit, which is being finalized now, for use in setting the next year rates.

The rates for User Charge for Green Township were discussed. Mr. Sobers stated that at this point, since the 1995 methodology is not really being followed, an agreement of an amount would work. All sides are committing to meet and work out the methodology for the next User Charge Study.

In discussion of the rates, it was agreed that the User Charge rates for Green Township for the remainder of this year would be \$3.85/1,000 gallons.

Mr. Baldwin presented the proposal offered by Green Township as payment for sanitary sewer service from April 1 to September 30, 2009, which included the rescission of the \$0.90 and addition of \$0.12 debt service charge effective April 1, 2009. That total offered was \$6,192.99. Green Township gave the City a check in that amount.

Mr. Sobers explained that the theory of the calculation was a logical thing to do and will work as it relates to the two townships. The question he would present to the Commission is what they would feel it does politically to the citizens of Big Rapids. If there is a retro to the Townships, is there an obligation to do a \$0.90 retro to all of the Big Rapids citizen's individual accounts back to April 1st, which would result in 2000 accounts for six months to calculate and refund. This is a catastrophically expensive and difficult thing to do. The City Commission can determine that the intent is to reduce the debt load that these City citizens would be paying. If the money were refunded now, they would simply be charged the same amount more into the future.

Commissioner Harper suggested that the City do what the Township is proposing. In reply, it was stated that it would be a difficult task, take a large number of man-hours, and have to be done by hand. A big problem would be the rental units where the tenants no longer reside.

Rose Mary Jennings stated that in fairness of the residents, they deserve the same consideration.

Sue Glatz stated that the City has all the landlord information in order to obtain the forwarding addresses.

Commissioner Harper stated the City cannot legally charge a rate for services that are not being provided. The agreement stated that the City would stop on April 1st.

Mr. Williams explained that every dollar that is retroactively given back will be put into the rates to be imposed when the total bond amount and debt amount is calculated some time in 2010 or 2011. It is a dollar for dollar plus interest charge that goes back on the rates. His suggestion has been to repeal it now, rather than worry about the date of the repeal, how far back to go and what credit to be given.

It was explained that by stopping the \$0.90 now, it would give the City residents a credit towards the debt for the payments that been paid. It will have to be paid later with the bonded money if it is not paid now.

Mr. Williams explained that the Commission would repeal the \$0.90 now and take up the matter at a later date as to whether or not there should be a credit to the ratepayers. The retro does not have to be solved at this meeting. The important thing is to stop the \$0.90 payment so that the issue does not get bigger.

The resolution before the City Commission was revised to include language pertaining to the approach used by Green Township, as well as a statement that a similar approach would be used if Big Rapids Township requested. The \$3.85 is intended not to include the IPP rate.

RESOLUTION NO. 09- 128

Commissioner Harper moved, seconded by Hogenson, the adoption of the following resolution.

RESOLUTION RE: USER CHARGE SYSTEM REPORT FOR 2009-2010

WHEREAS, the City of Big Rapids (the "City") is party to separate Amended Wastewater Treatment Agreements, each dated as of May 1, 1995 (together, the "Amended Treatment Agreements") with the Charter Township of Green and the Charter Township of Big Rapids (together, the "Townships"); and

WHEREAS, Paragraph 14 of each of the Amended Treatment Agreements states in part that "[t]he Township shall pay the City for the Township's share of the costs of operation, maintenance and replacement of the City System based upon actual metered sewer flow in accordance with the methodology set forth in the User Charge System (UCS). It is understood and agreed that the User Charge System will be reviewed annually by the City by May 15 of each year and any rate adjustments shall be computed in accordance with the methodology set forth in the User Charge System;" and

WHEREAS, the methodology for the User Charge System is attached to each of the Amended Treatment Agreements as Exhibit A (the "Contractual UCS Methodology"); and

WHEREAS, there is ambiguity in the methodology as to how the User Charge System Report should be prepared by the City; and

WHEREAS, based on joint discussions, the City and the Townships desire to agree on the manner in which the Amended Treatment Agreements and the Contractual UCS Methodology shall be interpreted and given effect for the 2009-2010 User Charge System Report, without formally amending or waiving any term of the Amended Treatment Agreements or the UCS methodology to allow the City and the Townships to accept and approve the 2009-2010 User Charge System Report and enact such sewer rate adjustments as may be necessary; and

WHEREAS, the City and Townships anticipate that the approach outlined in this Resolution will serve as a template for amending the Amended Treatment Agreements and/or the methodology for the User Charge System Reports to be prepared for 2010-2011 and subsequent years so that the analysis of costs and rates can be completed, reviewed, and implemented each year in a timely and expeditious manner; and

WHEREAS, it is the understanding of the City and each of the Townships that all three municipalities will adopt this resolution.

NOW THEREFORE, BE IT RESOLVED that:

- the sewer rate implemented successively at \$0.30 per 1,000 gallons, \$0.60 per 1,000 gallons and \$0.90 per 1,000 gallons (the "Plant Upgrade Rate") to pay down the cost of the wastewater treatment plant renovations (the "Treatment Plant Upgrade Project") shall be repealed effective November 2, 2009;
- all revenues collected by the City and attributable to the Plant Upgrade Rate for wastewater service shall be applied in aggregate amount to pay costs of the Treatment Plant Upgrade Project; and

BE IT FURTHER RESOLVED, that the City hereby accepts as payment in full the sum of \$6,192.99 from Green Township for sanitary sewer services rendered to Green Township from April 1, 2009 through September 30, 2009, which reflects a rescission of the \$.90 per 1,000 gallons Plant Upgrade Rate for Green Township customers effective April 1, 2009 and, in addition, the enactment of the additional \$.12 per 1,000 gallons Debt Service Charge effective April 1, 2009 attributable to the anticipated interest expense on the City's Series 2009 bond issue and further, City billings to Green Township for sanitary sewer services after September 30, 2009 shall reflect such rate adjustments; and

BE IT FURTHER RESOLVED, that a similar approach, if requested by Big Rapids Township, shall be acceptable to the City; and

BE IT FURTHER RESOLVED that the Plant Upgrade Rate in effect from time to time in the City shall be applied to the total volume of wastewater contributed to the City wastewater treatment plant by Ice Mountain pursuant to agreement and the amount so determined as attributable to the Plant Upgrade Rate shall be paid from the City Reserve Account for Ice Mountain Processed Water (Account No. 101-000-383.007) and applied together with other revenues attributable to the Plant Upgrade Rate to pay costs of the Treatment Plant Upgrade Project; and

BE IT FURTHER RESOLVED that the portion of City Administrative Costs allocated to the City Sewer System for purposes of the 2009-2010 User Charge System shall be based on the base salaries only and without fringe benefits of the offices of the City Manager (City Manager only), City Attorney (City Attorney only), City Treasurer, (City Treasurer plus two full time employees, (Deputy Treasurer, and Assistant City Treasurer), in the City Treasurer's Office plus 50% of two full time employees (clerks) in the City Treasurer's Office) and Public Services Director (the Utilities Superintendent) and two full time employees (Street Superintendent, Administrative Assistant) in the Department of Public Works) and, that for purposes of allocating such City Administrative Costs to the City Sewer System in the 2009-2010 User Charge System

Report, the sewer budget shall be assumed to be ten percent (10%) of the entire City budget (rather than the calculated percentage of twenty five (25%) percent); and

BE IT FURTHER RESOLVED that the City 2009-2010 budget figures shall be used to prepare the 2009/2010 User Charge System Report, rather than the City audit figures, and the City shall attach as appendices to the 2009-2010 User Charge System Report for purposes of comparison and verification the following:

- The City's Budget for the Wastewater System (and all related funds) for the 2007-2008 and 2008-2009 City F/Ys);
- The City's Audit for the 2007-2008 City F/Y; and
- The City's Audit for the 2008-2009 City F/Y or, if not available, the City's final unaudited financial reports for the 2008-2009 City F/Y; and
- Depreciation and Replacement Schedules supporting all depreciation and replacement entries and information set forth in the 2009-2010 User Charge System Report, and for the two preceding City F/Ys.

; and

BE IT FURTHER RESOLVED that the line items in the City's 2009/2010 Budget in the amount of \$100,000 for extending sewer on Bjornson Avenue, and the \$25,000 for paving a portion of the Riverwalk Trail, also known as Trunkline Access, shall be excluded as an expense of the City Sewer System and shall not be taken into account in the 2009/2010 User Charge System Report.

BE IT FURTHER RESOLVED that the method of allocating depreciation expense on Pages 2-3 of the July 1, 2009 draft of the 2009-2010 User Charge System Report shall be maintained and followed; and

BE IT FURTHER RESOLVED that the transfers out of funds utilized in Table 4b of the July 1, 2009 draft of the 2009-2010 User Charge System Report are recognized and allowed this year, with the understanding that the City and the Townships will further evaluate the necessity and propriety of including those transfers in the User Charge System Reports for 2010-2011 and future years; and

BE IT FURTHER RESOLVED that the City shall add or restore tables to the 2009-2010 User Charge System Report, substantially similar to Tables 2a, 2b and 2c of the Contractual UCS Methodology, showing the total number of residential and nonresidential wastewater customers in the City and the Townships.

BE IT FURTHER RESOLVED that the entry in Table 20 of the July 1, 2009 draft of the 2009-2010 User Charge System Report for interest on the 2009 Bonds shall be

revised to more accurately reflect the actually projected interest expense payable on the 2009 Bonds during the City's 2009-2010 fiscal year.

BE IT FURTHER RESOLVED that all fines payable to the Michigan Department of Environmental Quality ("MDEQ") pursuant to the proposed Administrative Consent Order currently under discussion with the MDEQ shall be paid by the City and \$34,280.00 shall be added as an expense of the City Sewer System for purposes of the 2009-2010 User Charge System Report.

BE IT FURTHER RESOLVED that it is the intent of the City Commission, Big Rapids Township Board, and Green Township Board that (A) this resolution constitute the agreement on how the Amended Treatment Agreement and the Contractual UCS Methodology shall be interpreted and applied to the 2009/2010 User Charge System Report and (B) the parties shall negotiate in good faith to adopt appropriate amendments to the Amended Treatment Agreements and/or the Contractual UCS Methodology for purposes of the User Charge System Reports to be prepared for 2010/2011 and subsequent years.

BE IT FURTHER RESOLVED that the Big Rapids City Commission, Big Rapids Township Board, and Green Township Board, shall continue to meet over the next year, as full boards or through representatives on a committee, to discuss further clarification of the Amended Treatment Agreements and the Contractual UCS Methodology, so the process of cost allocation and rate setting can be completed, reviewed, approved and implemented each year in a timely and expeditious manner;

BE IT FURTHER RESOLVED that the User Charge System Report for 2009-2010 as modified and described herein is hereby approved and adopted, and the rate to be charged Green Township and Big Rapids Township shall be \$3.85 per 1,000 gallons, exclusive of IPP charges.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba
Nays: None
The Mayor declared the resolution adopted.
Date: November 2, 2009

ORDINANCE NO. 613-11-09

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

**ORDINANCE REPEALING TITLE V, SECTION 54.12(F) THAT IMPOSED
A CHARGE OF \$0.30-\$0.60-\$0.90 PER 1000 GALLONS FOR
THE PURPOSE OF PAYING STRUCTURAL AND CAPITAL
COSTS OF THE UPGRADE OF THE
WASTEWATER TREATMENT PLANT**

WHEREAS, the sewer rates were amended in January, 2005, to raise funds with which to pay down the capital costs of the upgrade of the wastewater treatment plant, and

WHEREAS, the rate structure provided for charges of \$0.30- \$0.60- \$0.90 per 1000 gallons, and

WHEREAS, the \$0.30- \$0.60- \$0.90 rates were intended to continue until the month of the bonding for the plant debt, and were to terminate the month after the bonding, with new rates to be adopted to raise the funds needed to pay the principle and interest on the new bonds, and

WHEREAS, the amount of the bond funds necessary to pay for the wastewater treatment plant upgrade are not yet known with certainty, but are estimated to be \$6,500,000 and

WHEREAS, the new rates necessary to raise the funds needed to pay the principle and interest on the new bonds cannot be calculated and imposed with certainty at this time, NOW, THEREFORE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title V, Section 54.12(F) which set the sewer charges of \$0.30- \$0.60- \$0.90 is repealed as of November 2, 2009.

Section 2. This Ordinance shall be effective November 2, 2009.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: November 2, 2009

Published: November 5, 2009

The City Commission reviewed three options of Tax Abatement criteria that were previously presented to the Commission and discussed.

Commissioner Anderson suggested a change in the criteria to include the addition of a neutral type person to the negotiating team, such as a member of the Planning Commission. That change was made in the resolution.

RESOLUTION NO. 09-129

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

RESOLUTION ADOPTING TAX ABATEMENT POLICY

WHEREAS, the City of Big Rapids wishes to attract Industry to provide jobs and economic development in the community, and

WHEREAS, the City is willing to consider tax abatements to assist Industry in making its decisions to locate and expand within the City, and

WHEREAS, in an effort to establish reasonable measures to assist the City Commission in making its decision to extend an offer of tax abatement to a prospective industry, the City of Big Rapids has established the City of Big Rapids Tax Abatement Policy Option A.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adopt the attached City of Big Rapids Tax Abatement Policy, Option A.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: Harper

The Mayor declared the resolution adopted.

Dated: November 2, 2009

ORDINANCE NO. 614-11-09

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

AN ORDINANCE REPEALING CHAPTERS 113, 115, 116, 117, 119 AND 121 OF TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS CODE OF ORDINANCES

WHEREAS, the City Commission reviewed its Code of Ordinances pertaining to the Chapters dealing with Business Licenses and fees, and

WHEREAS, the City Commission believes it is practical to revise Title XI, Business Regulations, eliminating Chapters that no longer make sense to regulate.

THE CITY OF BIG RAPIDS ORDAINS

Section 1. The following Chapters of Title XI, Business Regulations, are repealed:

Chapter 113	Junk Dealers
Chapter 115	Auctioneers
Chapter 116	Mechanical Amusement Devices
Chapter 117	Pool Rooms and Bowling Lanes
Chapter 119	Public Dances, Theaters and Skating Rinks
Chapter 121	Myotherapy Establishments

Section 2. The repeal of these chapters shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 5, 2009

ORDINANCE NO. 615-11-09

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 119 OF TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS CODE OF ORDINANCES

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 119 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 119, Circuses, Carnivals, Shows and Exhibitions, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 119: CIRCUSES, CARNIVALS, SHOWS, AND EXHIBITIONS

§ 119.01 SHOW LICENSE.

No person shall advertise, sponsor, organize, conduct, or operate a circus, carnival, menagerie, exhibition, or show without first obtaining a license from the City Clerk's Office and paying the required fee.

§ 119.02 CIRCUS, CARNIVAL, EXHIBITION DEFINED

As used in this chapter, "circus, carnival, menagerie or exhibition" means any amusement enterprise which is operated other than in a permanent building or structure, wherein, as part of the amusement attractions, Ferris wheels, merry-go-rounds, or other similar or like mechanically operated devices are used, or where sideshows, concessions, games of skill or chance, animal exhibits or other similar or like amusements or entertainment features are provided.

§ 119.03 ANIMAL SHOWS AND EXHIBITIONS.

(a) No person shall conduct any dog or pony show or menagerie, without first obtaining a license therefore. Such license shall be known as an "Animal Show License." No person shall conduct any panorama, exhibition of statuary or painting, or any other exhibition, not otherwise licensed under this chapter, and for which an admission fee is charged, without first obtaining a license, therefore to be known as an "Exhibition License."

(b) The provisions of this section shall not be applicable to any fair held under the direct management and supervision of any recognized agricultural association or society, nonprofit association or corporation, at which are exhibited agricultural or industrial products, principally.

§119.04 INVESTIGATION

(a) The City Clerk shall forward a copy of the application to the Director of Public Safety.

(b) The Director of Public Safety 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 Director of Public Safety 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 Fire Marshall shall inspect the location to determine whether the proposed location is free from fire hazards and either approve or disapprove the application.

§119.05 RIGHT OF ENTRY

The operator or person in charge of any circuses, carnivals, shows, and exhibitions shall, at all times, open each and every portion of their operations for inspection by the Police Division, Fire Division or any other City department engaged in the enforcement of this chapter or in the carrying on of any inspection for such purpose.

§119.06 ORDER TO CEASE OPERATIONS

The Director of Public Safety shall close down the operation of any circus, carnival, menagerie, exhibition, or show upon the revocation of the license to operate or in the event of a serious mishap pending inspection by the appropriate agency.

§119.07 INSURANCE OR BOND

A person shall not operate a circus or carnival unless the owner or operator shall have obtained security against the owner's or operator's liability for injuries suffered by persons attending the carnival or riding amusement rides by one of the following methods:

(a) By obtaining a policy of insurance in an amount not less than \$1,000,000 insuring the owner or operator against liability for injuries suffered by persons attending the carnival or an amusement ride;

(b) By obtaining a bond in an amount not less than \$1,000,000 with the aggregate amount of the surety and the bond not exceeding the face amount of the bond;

(c) The liability limits of subsections (a) and (b) of this section may be reduced to \$50,000 if there is only one amusement ride, which is designed primarily for use by small children.

§119.08 HOURS OF OPERATIONS

No person shall hold or operate circuses, carnivals, shows, menagerie, or exhibitions between the hours of 11:00 p.m. and 8:00 a.m.

§119.09 BOND REQUIRED AND FORFEITURE OF BOND

No license shall be issued until a cash bond is posted in an amount established in Section 110.18, to ensure that the licensee will comply with all of the laws of the state and the ordinances of the City in connection with the operation of the activity, and that the licensee shall cease operation on or before the expiration of the license and shall remove all equipment, paraphernalia, debris, advertisements and litter which are attributable to the activity or its concessionaries. The bond posted by an applicant under this article shall be forfeited if the applicant has not restored to its prior condition the area as affected by the activity for which the bond was posted, including the site, roads and road rights-of-way and surrounding areas, both public and private, three days from the conclusion of the licensed activity or from expiration of the license, whichever comes first.

§119.10 FEES

When an application is made for a license required under the terms of this chapter, a fee shall be paid in an amount established under Chapter 110, Section 110.18 of the Code of Ordinances.

Section 3. This ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 6, 2009

ORDINANCE NO. 616-11-09

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 111 OF TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS CODE OF ORDINANCES

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 111 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 111, Peddlers and Transient Merchants, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 111: PEDDLERS AND TRANSIENT MERCHANTS

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. Any person who goes about from place to place, selling or offering for sale, goods, wares, merchandise and all kinds of property, traveling on foot or in vehicles, and selling from house to house without prior specific invitation or appointment from the resident, or by crying his wares from the street. Such term shall include “hawker”, “solicitor” and “huckster.”

TRANSIENT MERCHANT. Any person engaged temporarily in the retail sale of goods, wares or merchandise, in any place in this City and who, for the purpose of conducting such business, occupies or uses any lot, building, truck, trailer, stall, room, tent, canopy or structure of any kind.

Such term shall include: "itinerant merchants," "itinerant vendors" and persons engaged in selling goods, wares or merchandise at retail in this City and who are not on the tax rolls of this City; and any person who commences a business of selling goods, wares and merchandise at retail within the City after the first day of January in any year and who is not assessed on the tax roll for that year and who occupies or uses the licensed premises for a period of less than 180 days shall be deemed a "transient merchant" within the meaning of this chapter.

§ 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 Director of Public Safety.

§ 111.03 FEES REQUIRED.

An application for a license under this chapter shall be accompanied by a fee as set forth in Chapter 110, Section 110.18.

Persons under the age of 16 years of age, where all proceeds are retained by the person, shall be exempt from the license fee. No adult or business shall hire or subcontract such persons in an attempt to evade the provisions of this Chapter.

§ 111.04 VETERAN'S EXEMPTION.

Every honorably discharged member of the Coast Guard, soldier, sailor or Marine of the military or naval service of the United States, who is a resident of this state and a veteran of any war in which the United States of America has been or is a participant, shall have the right to hawk, vend or peddle his own goods, wares and merchandise within this City, by procuring a license for that purpose as herein prescribed. Application for such license shall be made to the City Clerk in the form and manner prescribed in this chapter and upon presentation to the City Clerk of a certificate of honorable discharge from the Coast Guard, Army, Navy, or Marine Corps of the United States, which certificate shall show that the applicant is a veteran of any war in which the United States has been or shall be a participant, a veteran's license shall be issued by the Clerk to the applicant without cost. Such license shall be personal to the licensee and any assignment or transfer thereof shall be void.

§ 111.05 CLOSING OUT SALES.

No transient merchant shall advertise, represent or hold out to the public any sale as being the sale of a bankrupt's stock, creditor's, administrator's, executor's sale or closing out sale; or sale of merchandise damaged by fire, water or otherwise unless at the time of making application for a license as herein required, he states under oath all the facts relative to the sale he proposes to conduct, including the name and addresses of the persons from whom the merchandise to be sold was purchased and a full description of all of the goods, wares and merchandise to be sold. The Clerk shall thereupon issue the license for the type of sale specified in the application.

§ 111.06 LICENSE REQUIREMENTS FOR EMPLOYEES, AGENTS, CONSIGNEES OR UNINCORPORATED FIRMS OR ASSOCIATIONS.

A transient merchant license may be issued to a person carrying on the business of peddler or transient merchant in the City through employees. Such employees shall carry a duplicate license issued to the person. If the business of peddler or transient merchant is carried on through agents who are not employees, but consignees or by an unincorporated firm or association, each person so conducting the business of peddler or transient merchant shall be required to have a separate license.

§ 111.07 HOURS IN RESIDENTIAL AREAS.

No person shall engage in selling door-to-door in residential areas prior to 9:00 a.m. or after 8:30 p.m., or sunset, whichever is earlier, on any weekday or Saturday, or at any time on Sunday, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas.

§ 111.08 EXEMPT ACTIVITIES.

Persons engaged in the following described activities are exempt from the duty of applying for license under this section:

- (a) The sale of goods, wares or merchandise, or solicitations on behalf and solely for the benefit of any recognized charitable or religious purpose.
- (b) Commercial travelers employed by wholesale houses, who take or seek to take the orders from merchants for goods, wares or merchandise and other personal property for the purpose of resale by the merchant.

- (c) Persons selling or delivering tangible personal property or services through or for a permanent business located within the City.
- (d) Persons selling at events for which a blanket license has been obtained.
- (e) Persons selling or distributing newspapers.
- (f) Persons who sell, at their permanent residence in the City, works of art or crafts made or created by such person or a member of such person's immediate family.
- (g) Persons selling tangible personal property at a garage, basement or yard sale held at one of the person's premises, if permitted under the terms of the Zoning Code.
- (h) Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved.
- (i) A person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at another permanent business located within the City.
- (j) A persons soliciting orders by sample, brochures or sales catalogue (cosmetics, kitchen ware, jewelry, etc.) for future delivery, or making sales on residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

Section 3. This ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 6, 2009

ORDINANCE NO. 617-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 114 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 114 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 114, Taxicabs, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 114: TAXICABS

§ 114.01 BUSINESS LICENSE REQUIRED.

No person, persons, or company shall engage in the business of operating or causing to be operated, directly or indirectly, any taxicab upon streets, alleys, or public ways in the City of Big Rapids without first procuring a taxicab business license. No license shall be issued unless the Director of Public Safety shall indicate approval in writing upon the face of the application.

§ 114.02 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Clerk in the form and manner required by the Clerk and in accordance with the provisions of this Code. The license term shall be as specified in § 110.04, and the fees therefore shall be as provided in § 110.18.

A person, persons, or company applying for a taxicab business license 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.

§ 114.03 TAXICAB REGISTRATION.

(a) No taxicab shall be operated within the City without the issuance of a registration certificate through the City Clerk's office.

- (b) Prior to issuing the registration certificate, the following information shall be obtained on a taxicab registration application:
- (1) The vehicle description owned or leased by the licensed the taxicab company.
 - (2) Proof of insurance for the vehicle as specified in § 114.04 of this chapter.
 - (3) Proof of inspection of the vehicles by a licensed motor mechanic approved by the City's Department of Public Safety as provided in § 114.19 of this chapter.
 - (4) Authorization to issue a registration certificate from the City's Department of Public Safety.

§ 114.04 MAINTENANCE AND INSPECTION OF VEHICLES.

(a) Prior to registration being issued for the use and operation of any vehicle as a taxicab, the vehicle shall be thoroughly examined and inspected, at the expense of the taxicab company, by a licensed mechanic who is approved by the City Department of Public Safety. The mechanic shall certify that the vehicle can be safely operated, that it is equipped with all required safety devices, and that it is in a clean and sanitary condition. Approval shall be certified to the City Clerk on a form provided by the Clerk for that purpose.

(b) Each vehicle licensed under this chapter shall be reinspected by a licensed mechanic, at the expense of the taxicab company, each year prior to reissuance of its registration. However, the Director of Public Safety may require that it be inspected semiannually due to a vehicle's age and/or condition.

(c) In the event that the City receives a complaint regarding the condition of a taxicab, the licensee shall be notified of the nature of the complaint and may be required to present the taxicab at the Department of Public Safety for re-inspection or have the taxicab re-inspected and recertified by a licensed mechanic approved by the Department of Public Safety. Failure to comply within 24 hours of the notice shall result in suspension of the taxicab's registration.

§ 114.05 INSURANCE.

(a) Before any taxicab is registered and a license issued, the applicant shall furnish to the City Clerk one or more policies of insurance, insuring the vehicle for taxicab use, prepaid for at least the period of the license,

issued by a responsible insurance company providing indemnity for the insured in the amounts specified in § 110.18 and agreeing to pay, within the limits of said amounts on behalf of the insured, all sums which the insured shall become obligated to pay by reason of liability imposed upon the insured by law, for damages because of bodily injury, including death, at any time resulting there from or for damages to property, or both, sustained by any person other than the employees of the insured and caused by accident and arising out of the ownership, maintenance, or use of said licensed taxicab.

(b) The minimum amount of said insurance coverage as to any one licensed taxicab shall be:

(1) Personal injury protection; bodily injury: \$100,000 per person and \$300,000 per occurrence.

(2) Property damage of \$100,000 per occurrence.

§ 114.06 CANCELLATION OF INSURANCE.

Every such insurance policy or bond shall contain a clause obligating the insurer to give the City Clerk at least ten (10) days written notice before the cancellation, expiration, lapse, or other termination of the insurance.

§ 114.07 LICENSE AND REGISTRATION TRANSFERS.

A taxicab company license may not be transferred. When the ownership of any taxicab shall change, by operation of law or otherwise, the taxicab registration pertaining to such taxicab shall become void. A taxicab company that ceases using a registered taxicab shall notify the City Clerk, and its registration shall be withdrawn. Any transfer, or attempt to transfer, a taxicab company license or taxicab registration to any person shall automatically revoke the license or registration.

§ 114.08 REVOCATION OF REGISTRATION.

Upon receiving information that any of the requirements for registrations of a taxicab are no longer met, the City Clerk shall notify the taxi company by registered mail, and the registration shall be revoked. Operation of taxicab after the registration has been revoked shall be a violation of this chapter.

§ 114.09 RATE SCHEDULE.

A schedule of rates and charges shall be on file in the office of the City Clerk, open to public inspection. The schedule of rates shall be

conspicuously posted in each taxicab and illuminated at night so as to be readily visible to any passenger.

§ 114.10 COMPLIANCE WITH LAWS, ORDINANCES.

Each taxicab licensed under this article shall be operated in accordance with the laws of this state and this Code, and with due regard for the safety, comfort and convenience of passengers and for the safety of the general public. No taxicab shall be operated at a rate of speed greater than that established by state law or City law. A violation of this section may result in the suspension or revocation of the taxicab license.

§ 114.11 REPORT OF ACCIDENTS.

All accidents arising from or in connection with the operation of taxicabs, which result in death of or injury to any person or in damage to any property, shall be reported within 20 hours from the time of occurrence to the Director of Public Safety.

§ 114.12 TAXICAB DRIVER'S PERMIT.

No person shall drive a taxicab unless a taxicab driver's permit is first procured. No permit shall be granted except upon approval of the Director of Public Safety. The application for a driver's permit shall be accompanied by two photographs of the applicant in the form and manner prescribed by the Director of Public Safety. The Director of Public Safety shall cause the applicant's fingerprints to be taken, unless the same are on file, and the fingerprints shall be placed in the non-criminal identification files of the Department of Public Safety. Any person applying for a taxicab driver's license 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. The fees for the driver's permit shall be as specified in § 110.18.

§ 114.13 DRIVER PERMITS; DISPLAY.

The permit issued to a taxicab driver shall be conspicuously displayed on the inside of the taxicab and illuminated at night so as to be readily visible to any passenger.

§ 114.14 DRIVER PERMIT TRANSFER.

No person having a taxicab driver permit shall allow any other person to use or attempt to use such permit for any purpose. No person shall use or have in his/her possession while operating a taxicab in the City any taxicab driver permit which has been issued to any other person.

§ 114.15 LOST ARTICLES.

Every driver of a taxicab shall search the interior of such taxicab at the termination of each trip for any article, which may have been left in the taxicab by a passenger. Any article found therein shall immediately be returned to the passenger owning it, if the owner be known; otherwise, it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty. The owner of the taxicab shall make a report of the finding of such article within twenty-four (24) hours thereafter to the Director of Public Safety.

§ 114.16 CRUISING PROHIBITED.

No driver shall cruise in search of passengers at any time, and whenever a taxicab is not engaged by a customer, the driver shall proceed at once by the most direct route to the garage where the taxicab is housed or the taxicab stand customarily occupied by the taxicab.

§ 114.17 CONSUMPTION OF ALCOHOL OR USE OF IMPAIRING SUBSTANCES OR DRUGS WHILE ON DUTY

A taxicab driver shall not drink any intoxicating beverage or use any illegal substances or drugs while on duty, nor shall he/she operate a taxicab with a blood alcohol content of 0.01% or more by weight of alcohol or while impaired by use of legal or illegal substances or drugs.

§ 114 .18 PASSENGERS; CONVEYANCE REQUIRED, EXCEPTION.

A driver or owner of a taxicab shall not refuse or neglect to convey any orderly person or persons upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passengers shall be received therein except with the express consent of the first passenger. No person other than passengers for hire, except employees or members of the immediate family of any person licensed hereunder to engage in business of operating a taxicab, shall be transported therein.

§ 114.19 RULES AND REGULATIONS.

(a) The Director of Public Safety is hereby empowered, subject to approval by the City Commission, to make such rules and regulations regarding the dress and conduct of drivers, the maintenance and marking of taxicabs, the location and maintenance of taxicab stands, as may be necessary in the interest of providing safe and orderly service to passengers, and no person shall fail to comply with any such rule or regulation. The Director of Public Safety may require periodic reports to be

submitted by drivers in order to assist in the enforcement of such rules and regulations or the provisions of this chapter.

(b) The Director of Public Safety shall from time to time designate portions of the streets of the City to be used as taxicab stands.

§ 114.120 NUMBER OF LICENSES.

The City Commission may limit the number of taxicab licenses that may be issued in accordance with the population and need of the City.

Section 3. This ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 6, 2009

Commissioner Brennan requested that the drivers be trained and knowledgeable in the use of handicapped equipment. City Attorney Williams stated that this is something that can be included in a future amendment. City Clerk Cline stated that it might appropriately be placed in the rules and regulations for taxicab drivers.

ORDINANCE NO. 618-11-09

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

**AN ORDINANCE ADOPTING CHAPTER 113 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 113, Going-Out-Of-Business Sales, of the Big Rapids Code of Ordinances is adopted to read as follows:

CHAPTER 113 GOING-OUT-OF-BUSINESS SALES

§ 113.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Going-out-of business sale means any sale, whether described by such name or by any other name such as, but not limited to, "closing out sale", "liquidation sale", "lost-our-lease sale", "forced to vacate sale", held in such a manner as to indicate a belief that upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted.

Goods means all goods, wares, merchandise and other personal property, excepting, choses in action and money.

Person includes a person, firm, corporation, partnership, association or two or more persons having a joint or common interest.

Removal sale means any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted, and thereafter will be moved to and occupy another location.

§ 113.02 EXEMPTIONS FROM CHAPTER PROVISIONS.

(a) This chapter shall not apply to any sales by a person regularly engaged in insurance or salvage sale of goods, or the sale of goods which have been damaged by fire, smoke, water or otherwise, who acquired the goods for the account of others as a result of fire or other casualty.

(b) The provisions of this article shall not apply to sheriffs, constables, or other public or court officers, or to any other person acting under the license, direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties.

§ 113.03 LICENSE REQUIRED

Pursuant to the provisions of Act No. 39 of the Public Acts of Michigan of 1961 (MCL 442.211 et seq.), as amended, a license issued by the City Clerk shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the following kinds:

- (1) Going-out-of-business sale.
- (2) Removal-of-business sale.
- (3) Sale of goods damaged by fire, smoke or otherwise.

§ 113.04 APPLICATION REQUIREMENTS.

A person desiring to conduct a sale regulated by this chapter shall make a written application to the City Clerk setting forth and containing the following information:

- (a) Any applicant for a license under this chapter shall file an application in writing and under oath with the City Clerk setting out the following facts and information regarding such a proposed sale:
 - (1) The name and address of the applicant for the license, who must be the owner of the goods to be sold, and in addition, if the applicant is a partnership, corporation, firm or association, the name and the position of the individual filing such application;
 - (2) The name and style in which such sale is to be conducted, and the address where the sale is to be conducted;
 - (3) The dates and period of time during which the sale is to be conducted;
 - (4) The name and address of the person who will be in charge and responsible for the conduct of the sale;
 - (5) A full explanation with regard to the condition or necessity, which is the occasion for the sale, including a statement of the descriptive name of the sale and the reasons why the name is truthfully descriptive of the sale. Going-out-of-business applications shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of the damage;
 - (6) A full, detailed, and complete inventory of the goods that are to be sold, which inventory shall:

- a. Itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it;
 - b. List separately any goods, which were purchased during a sixty-day period immediately prior to the date of making application for the license;
 - c. Show the cost price of each item in the inventory together with the name and address of the seller of the items to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost;
 - d. In no case exceed two hundred (200) per cent of the total value of merchandise upon which personal property tax was paid by the applicant or his predecessor as evidence by a copy of the last personal property tax receipt issued;
 - e. A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.
- (b) Any person making a false statement in the application provided for in this section shall be in violation of this chapter.

§ 113.05 ISSUANCE OF LICENSE.

- (1) A license shall be issued hereunder on the following terms:
- (a) A license to conduct a sale issued pursuant to this article shall not be issued or valid for a period of more than 30 days from the start of the sale, and the sale may be conducted only during the period set forth in the license.

The license may be renewed not more than twice for a period not to exceed 30 days for each renewal upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed pursuant to this article, by purchase, acquisition or consignment or otherwise. The application for renewal of the license shall be

made not more than 13 days prior to the time of the expiration of the license and shall contain a new inventory of goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. A fee of \$50.00 shall accompany an application for the license and for the renewal of a license.

- (b) The license shall authorize only the one type of sale described in the application at the location named therein.
 - (c) The license shall authorize only the sale of goods and merchandise described in the inventory attached to the application; no person shall order any goods for the purpose of selling and disposing of the same under any sale authorized by this chapter. Any unusual purchase or additions to the stock within 60 days prior to the filing of the application hereunder shall be presumptive evidence that the purchases and additions were in contemplation of the sale authorized by this chapter.
 - (d) Any license herein provided for shall not be assignable or transferable.
- (2) No license under this chapter shall be issued to any person:
- (a) To conduct a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within 6 months prior to the time of making application for such a license.
 - (b) To conduct a sale, other than sale of goods damaged by fire, smoke, or otherwise on the same premises within one year from the conclusion of a prior sale of the nature covered by this act.
- (3) Subdivisions 2(a) and (b) above shall not apply to any person who acquired right or title in goods as an heir, devisee or legatee or pursuant to a court order of a court of competent jurisdiction.
- (4) No license under this chapter shall be issued unless all personal property taxes due or which will become due by the time of the sale from the business seeking the license have been paid or until

arrangements satisfactory to the city treasurer have been made for payment of said taxes from the proceeds of the sale.

§113.06 LICENSE FEE.

Any applicant for a license under this chapter shall submit to the City Clerk with his application a license fee, as prescribed in Chapter 110, Section 110.18.

§113.07 DISPLAY OF LICENSE.

A copy of the application for a license to conduct a sale under this chapter, including the inventory filed herewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold, so that the public may be informed of the facts relating to the goods before purchasing same, but the copy need not show the purchase price of the goods. The duplicate copy of a license shall be attached to the front door of the premises where the sale is conducted in such a manner that it be clearly visible from the street.

§113.08 ADVERTISEMENT

Any advertisement or announcement published in connection with any sale outlined under this chapter shall conspicuously show on its face the number of license issued by the City Clerk and the date of its expiration.

Section 2. The Ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 6, 2009

ORDINANCE NO. 619-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 110 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 110 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 110, Business and Trade Licenses, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 110: BUSINESS AND TRADE LICENSES

§ 110.01 BUSINESS LICENSES REQUIRED.

No person shall, directly or indirectly, operate, conduct, maintain or manage any business or premises for which any license or permit is required by any provision of this chapter or code without first procuring a license or permit from the City in the manner prescribed in this chapter.

§ 110.02 STATE LICENSE NOT EXEMPTION.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of procuring a license or permit from the City if such license is required by this code.

§ 110.03 APPLICATION FOR LICENSE.

Each person required to procure a license from the City shall make application for the license to the City Clerk in the form and manner prescribed by the City Clerk and shall state under oath the facts required for, or applicable to, the granting of the license, including the following:

- (a) The full names, business addresses and residence addresses of all owners, proprietors, officers, managers and local employees of applicant's business or the names and addresses of each officer if the applicant is a corporation.
- (b) The place or places in the City where it is proposed to maintain applicant's business, and the length of time during which it is proposed the business will be conducted.
- (c) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale by the applicant in the City.
- (d) The nature and kind of business which the applicant proposes to conduct and the manner of operating it.

(e) A list of all assumed, trade or firm names under which the applicant intends to do business.

(f) The nature and character of advertising done or proposed to be done in order to attract customers.

(g) Whether or not the applicant or person conducting or managing applicant's business has been convicted of a crime, misdemeanor or the violation of any provision of this code or other ordinance of the City, and if so, full particulars of each conviction or violation.

§ 110.04 LICENSE YEAR.

The license year shall terminate on December 31 at 12:00 midnight next after the issuance of the license. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the expiration date shall be indicated on the face of the license.

§ 110.05 STATE LICENSE LAWS; COMPLIANCE PREREQUISITE.

No license or permit required by this chapter or code shall be issued to any person who is required to have a license or permit from the state until such person shall submit evidence of the state license or permit and proof that all fees for it have been paid.

§ 110.06 COMPLIANCE WITH CODE.

No license shall be granted to any applicant therefore until the applicant has complied with all of the provisions of this chapter and code pertaining to the business for which application is made, nor shall any license be granted where the approval of any officer of the City is required prior to the issuance thereof until such approval is made.

§ 110.07 PAYMENT OF FEES.

No license shall be issued until the fees set forth in § 110.18 shall be paid by the applicant to the City Clerk.

§ 110.08 EXEMPTION.

No license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to said exemption and the reason therefore.

§ 110.09 REFUSAL TO ISSUE LICENSE; REVOCATION, CAUSES.

Licenses requested under this chapter may be refused by the City Clerk or City Manager and licenses issued may be suspended or revoked by the City Clerk or City Manager at any time, for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the operation of a business.
- (c) Any violation of this code.
- (d) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.
- (e) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this code.

§ 110.10 NOTICE OF SUSPENSION OR REVOCATION.

Written notice of suspension or revocation stating the cause or causes therefore shall be delivered to the licensee personally or mailed to the address stated in the application for license.

§ 110.11 HEARING BY CITY COMMISSION.

- (a) Any person whose license is revoked or suspended or any person whose request for a license is refused shall have the right to a hearing before the City Commission provided a written request therefore is filed with the City Clerk within ten days following the delivery or mailing of notice of revocation or suspension or within ten days following such refusal.
- (b) The City Commission may reverse any refusal to issue a license or any suspension or revocation of a license, and the City Commission may grant or reinstate any license. No person shall operate any business when the license or permit has been suspended, revoked, or canceled.

§ 110.12 RENEWAL OF LICENSE.

Unless otherwise provided herein, an application for renewal of a license shall be considered in the same manner as an original application.

§ 110.13 CARRYING LICENSE; DISPLAY; REQUIREMENTS.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter or code upon his person at all times when engaged in the operation, conduct or maintenance of any business for which the license was granted; except that where such business is operated, conducted or maintained at a fixed place or establishment, said license shall be displayed at all times in some conspicuous place in his place of business; and he shall produce the same for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

§ 110.14 EXPIRED OR DUPLICATE LICENSE; DISPLAY.

No person shall display any expired, suspended, or revoked license or any license for which a duplicate has been issued.

§ 110.15 LICENSES NONTRANSFERABLE.

No license or permit issued under the provisions of this code shall be transferable, unless specifically so provided herein.

§ 110.16 PROVISIONS COMPLEMENTARY AND SUPPLEMENTAL.

The general provisions of this chapter, together with other relevant provisions of any other chapter of this code, or the general provisions hereafter authorized, or required by state law, and any and all thereof relative to licenses, permits, businesses, premises or anything connected therewith, shall each be construed to be complementary and supplemental to each other so far as relevant, and where not otherwise provided or inconsistent herewith, constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though these provisions were fully written into each separate chapter.

§ 110.17 PENALTY FEE.

Any business requiring a yearly business license will be charged a penalty fee of 25% of the normal fee after 15 days from date of license expiration; 50% after 30 days and double the license fee after 60 days if such business was in business on December 31 preceding the license year.

§ 110.18 LICENSE FEE AND BOND SCHEDULE.

(A) *Schedule established.* The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the

operation, conduct, or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this code shall be as hereinafter provided in this chapter. No license shall be issued to any applicant unless he first pays to the City Clerk the fee and posts a bond in the amount required for the type of license desired.

(B) *Fees for licenses.* Fees for licenses shall be as prescribed in the following schedule under the business, trade, occupation, or privilege to be licensed. Bonds, where required, shall be in the amounts listed beneath the license fee prescribed for such business.

(C) *License fee and bond schedule.*

Type of Business Fee

Circus, Menagerie, Carnival, Exhibition, Side Show (Chapter 119)	
First day	\$100
Each subsequent day	
Bond, conditioned to indemnify the City or others for any property damage and clearing premises	\$50 \$3,000
 Pawnbrokers (Chapter 112)	
Annual fee	\$200
Bond	\$3,000
 Peddlers (Chapter 111)	
Per day	\$20
Per week	\$50
Per month	\$75
Per year	\$100
 Under 16 years of age	\$0
 Subject to restriction of the use of such streets as may be designated by the Director of Public Safety.	
 Taxicabs (Chapter 114)	
Annual fee	\$100
 Whenever more than one taxicab license is issued to the same licensee, the licensee shall pay \$25 per annum for each taxicab excluding the first.	
 Driver's permit	
Annual fee	\$25
Renewal fee	\$20

Background Check

Current cost of
doing the check

Each licensee shall satisfy § 114.04 by depositing with the City Clerk one or more policies of insurance as required by said section, with the policy limits of \$100,000 per person and \$300,000 per occurrence for personal injury and \$100,000 per occurrence for property damage liability.

Transient merchants (Chapter 111)

Farm Products — Produce	
Per day	\$5
Per month	\$25
Per year	\$30

Christmas Tree Sales – for the sale season (approximately one month)	\$25
---	------

Dealers in Precious Metals and Gems (Chapter 115)	
Per day	\$50
Per week	\$75
Annual fee	\$100

Other Merchants

Per day	\$35
Per week	\$50
Per month	\$75
Per six month	\$100
Per year	\$200

Going out of Business (Chapter 113)

(Set by State Law)

First 30 days of the sale	\$50
Renewal for 30 days	\$50

Section 3. This ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published: November 6, 2009

Mr. Sobers explained that regarding the purchase of five new DART buses, the option exists to buy them directly from the State or through an approved third party. Staff is suggesting the third party vendor because the buses are cheaper and can be obtained faster.

RESOLUTION NO. 09-130

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

RESOLUTION AUTHORIZING MAYOR TO SIGN THIRD PARTY CONTRACT BETWEEN THE CITY OF BIG RAPIDS AND HOEKSTRA TRANSPORTATION, INC. FOR THE PROCUREMENT OF FIVE NEW DART BUSES

WHEREAS, the Big Rapids DART system operates with a fleet of seven passenger busses, all of which are beyond their recommended service life, and

WHEREAS, the City received monies under MDOT Contract No. 2007-0177/Z5/S1 in the amount of \$658,892, to purchase five new vehicles, and

WHEREAS, the City has elected to go with a third party contractor instead of using the State purchase contract, and

WHEREAS, the City will incur no direct costs to acquire these vehicles, and

WHEREAS, the third party contractor for this purchase is Hoekstra Transportation, Inc., whereby a third party contract is needed between the City of Big Rapids and Hoekstra.

NOW, THEREFORE, BE IT RESOLVED that the attached third party contract between the City of Big Rapids and Hoekstra be accepted and the Mayor authorized to sign.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2009

RESOLUTION 09-131

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

RESOLUTION WAIVING THE PROPERTY TAX PENALTY FOR CLAUDE AND NANCY EVELAND

WHEREAS, Claude and Nancy Eveland attempted to pay their City property tax at the City drop box, and

WHEREAS, there is some evidence that the check was written, although not received by the City, and

WHEREAS, this non-payment was the result of undetermined human error without apparent fault on either side, and

WHEREAS, the City Attorney advised that only the City Commission has the legal authority to waive all or part of the penalty for late payment of property tax, and

WHEREAS, the Assistant City Treasurer recommends the waiver of the penalties for late payment in this particular case.

NOW, THEREFORE, BE IT RESOLVED that the penalties for late payment in the amount of \$61.60 is hereby waived for Claude and Nancy Eveland.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2009

RESOLUTION NO. 09-132

Commissioner Harper moved, seconded by Commissioner Brennan, the adoption of the following:

**RESOLUTION ADJOURNING TO CLOSED SESSION FOR CITY MANAGER
PERFORMANCE REVIEW**

WHEREAS, the City Commission regularly meets to evaluate the City Manager, and

WHEREAS, City Manager Steve Sobers has requested that said evaluation be done at closed session.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adjourns to executive session for the purpose of evaluating the City Manager.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 2, 2009

The City Commission adjourned to closed session at 9:40 p.m. and returned to regular session at 10:54 p.m.

There being no further business to come before the Commission, the Mayor declared the meeting adjourned at 10.54 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission Organizational Meeting
November 16, 2009

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

Present: Commissioners Lynn Anderson, Peg Brennan, Terry Harper and Tom Hogenson; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 31 persons in the audience.

Pledge of Allegiance. The Pledge of Allegiance was led by three Webelos (Scouts from Troupe 3114, Den #3) who are working to achieve their Citizens Badge.

Commissioner Hogenson moved, seconded by Commissioner Harper that the minutes of the regular meeting of November 2, 2009 be approved as presented.

Yeas: Unanimous

Nays: None

Mayor Warba thanked Commissioners Brennan and Hogenson for their service on the City Commission.

City Clerk Roberta Cline administered the Oaths of Office to Mark Warba, Mayor and Lorraine James and Dan Rothstein, City Commissioners.

Mayor Warba presented the following proclamations to out-going City Commissioners Peg Brennan and Tom Hogenson.

***PROCLAMATION RECOGNIZING
PEG BRENNAN
FOR HER SERVICE AS CITY COMMISSIONER***

WHEREAS, Peg Brennan has served as City Commissioner from November 15, 2001 to November 16, 2009, and

WHEREAS, Commissioner Brennan's service included serving on the City Planning Commission from August 18, 1997 to November 2001, The Mecosta/Osceola Central Dispatch Board from November 17, 2003 and on the Downtown Development Authority, and

WHEREAS, during Commissioner Brennan's time of service, the City experienced growth and prosperity in part directly related to her "big picture" leadership skills, and

WHEREAS, a small sampling of the many accomplishments during her tenure include: Riverwalk, Airport Development, the construction of the new Public Safety Building and Renovations to City Hall, Dam Removal, Centennial Park, Swimming Pool Renovations, Vibrant Small Cities Initiative, Purchase of a new Aerial Ladder Truck for the Fire Division, Wastewater Treatment Plant Improvements, and the completion of the Park and Recreation Master Plan and City Master Plan, and

WHEREAS, Commissioner Brennan was able to make difficult decisions and at the same time understand the everyday citizen concerns, abilities that served both current and future residents of the City of Big Rapids.

NOW, THEREFORE, the City Commission and the residents of Big Rapids wish to thank Commissioner Brennan for her commitment as City Commissioner for the City of Big Rapids.

Dated: November 16, 2009

Mayor Mark Warba

Commissioner Lynn Anderson

Commissioner Terry Harper

Commissioner Lorraine James

Commissioner Dan Rothstein

**PROCLAMATION RECOGNIZING
TOM HOGENSON
FOR HIS SERVICE AS CITY COMMISSIONER**

WHEREAS, Tom Hogenson has served as City Commissioner from November 15, 2001 to November 16, 2009, and

WHEREAS, Commissioner Hogenson's service included serving as a City representative on the West Michigan Planning Commission since December 1, 2003, and

WHEREAS, during Commissioner Hogenson's time of service, the City experienced growth and prosperity in part directly related to his "big picture" leadership skills, and

WHEREAS, a small sampling of the many accomplishments during his tenure include: Riverwalk, Airport Development, the construction of the new Public Safety Building and Renovations to City Hall, Dam Removal, Centennial Park, Swimming Pool Renovations, Vibrant Small Cities Initiative, Purchase of a new Aerial Ladder Truck for the Fire Division, Wastewater Treatment Plant Improvements, and the completion of the Park and Recreation Master Plan and City Master Plan, and

WHEREAS, Commissioner Hogenson was able to make difficult decisions and at the same time understand the everyday citizen concerns, abilities that served both current and future residents of the City of Big Rapids.

NOW, THEREFORE, the City Commission and the residents of Big Rapids wish to thank Commissioner Hogenson for his commitment as City Commissioner for the City of Big Rapids.

Dated: November 16, 2009

Mayor Mark Warba

Commissioner Lynn Anderson

Commissioner Terry Harper

Commissioner Lorraine James

Commissioner Dan Rothstein

The City Commission recessed the meeting at 6:42 p.m. to allow the audience to greet both the new and outgoing City Commissioners. The Commission returned to session at 6:51 p.m.

Present: Commissioners Lynn Anderson, Terry Harper, Lorraine James and Dan Rothstein; Mayor Mark Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

APPROVAL OF THE AGENDA: No changes.

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Anderson, that the Park and Recreation and Library bills be approved.

Big Rapids Cash & Carry	101.69	Consumers Energy	15.96
Castco Products	60.00	Big Rapids Realty	22,000.00
Corporate Title Agency	855.00	Edwin Anderson	66,000.00
Laurence Jensen	66,000.00	Mecosta County	1,984.00
Rodney Shroyer	66,000.00	Baker & Taylor	72.86*
East Lansing Library	59.99*	AT&T	73.67
AT&T	177.50*	Baker & Taylor	126.41*
First National Bank	90.14*	Medler Electric	125.00
First National Bank	178.36	Lori Rush	60.00
Meredith Willey	70.30		

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION.

Financial Report – BS&A Software Conversion – Julie Tetsworth – (November 11, 2009)

Julie Tetsworth, City Treasurer, presented sample reports from the new BS&A software program. She explained that by clicking on a number in any report, the background pertaining to that number is displayed. The program allows for customized reports. She believes the new software will save staff time.

VSCI Update – Mark Gifford – (November 12, 2009)

Mark Gifford, Neighborhood Services Director, presented the revenues and expenditures report for the VSCI grant through the end of October. It included the additional work amounts, which will be paid for by the property owners, with the exception of Artworks. Because of the changes requested by the property owners, there have been increased fees for the architectural engineering services. There is a \$2,200 overrun for those services for the façade improvements and he expects there will be more. Staff is considering how to best deal with that and identifying it to the businesses. There will be more detail in December.

Mr. Gifford presented a slide presentation of Artworks improvements.

Roger Schneidt, Assistant Public Works Director, presented a wayfinding update. The orange barrels placed around town are the location of the footings for the directional and parking signs. These signs will be placed on a streetlight type of pole. There will be three identification signs, two at the Library and one at City Hall. There will be two entry signs, one on Perry Avenue, across from the Gate, and one at the airport.

Michigan Airport Development Aid Program – Mike Lafferty Avigation Easement Updates

Mike Lafferty, Airport Manager, presented the Ten Year Michigan Airport Development Aid Program. He highlighted the following points:

- In year 2010, the plans include building the municipal hangar.
- The \$669,750 includes a large portion that is currently tied up with the avigation easement.
- Generally, the airport receives \$150,000 a year in federal/state money and this is matched with 2.5% local. Currently the local share on the plan is large because it is the USDA grant the City will be acquiring.
- The plans include a snow removal equipment building. In 2011, a snowplow truck and sander will be purchased. Mr. Sobers stated that the equipment could be purchased earlier than scheduled and then be reimbursed with the federal/state portion in a later year.
- The runway extension, extended parallel taxiway, and airfield marking is a sizable project - \$811,000. It may be difficult to keep this activity in the project

- Year 2013 includes a front-end loader and snow blower.
- Currently the airport is dealing with issues on the AWOS weather system. The airport cannot be without the weather system. After 2010, the company will not support the current equipment. Funding is available for a system so that is being requested this year.
- This year includes the 3-unit T-Hangar. Total size is 70' x 210'.
- This year also includes the Aero Med quarters. They are temporarily using a house trailer, which contains a lot of equipment and their own weather station. This is a stand-alone operation and a 24-hour on site operation.
- Mr. Sobers explained the financial status: The City has available to it now, \$202,000. In July 2010, there will be another \$150,000 and once the avigation easement is finished, that will free up sequestered money MDOT had been holding not knowing what the final avigation amount would be. That amount is estimated at about \$250,000. That makes available about \$602,000 (give or take the final numbers resulting from the avigation easement). It is anticipated that these funds will support the proposed projects, specifically such generic things as utility lines serving the hangar, the parking lot, etc. These monies cannot be used to build the hangar. This is all in the \$1.7 million anticipated for the community hangar. This will help buy down that cost. The rents received from the two cells should completely cover the cost of the third cell being built. The community hangar should generate a revenue stream.
- Mr. Lafferty presented the concept drawing.
- Improvements will include utilities and mechanical.
- The revenue generated at the airport is up 30% from one year ago.
- Courtesy car usage is steady, as well as car rentals in town are up due to the airport usage.
- Compared to around the state, the Big Rapids and airport economy is good.
- 100 low lead fuel sales is down 5%; Jet A fuel is only down 2%. The comparison is in gallons.
- There has been 12% more activation of the pumps, indicating there have been 12% more people buying slightly less gallons.
- From August first until now, sales are up 19% in 100 low lead and 18% in Jet A. There are 31% and 19% more callbacks indicating that there are a lot more return customers buying more fuel.
- Events during the last year: Operations Good Cheer, Pilots Day, Air Fest, Radio Control Fun Fest, Air Tour (hosted with seven other airports), a Poker Run, and numerous airport tours for schools and clubs. A bi-plane fly-in is being planned.

Commissioner Harper inquired if the Planning Commission views the Airport ten-year plan. Mr. Sobers stated it does as part of the CIP, which is reviewed on a year-by-year basis. It is not, however, reviewed as a ten-year plan. It will constantly change within a

two to three year period due to airport activities and input by the FAA. Airport activity will change the plan. Commissioner Harper suggested that the Planning Commission have an opportunity to review the ten-year plan.

Mr. Sobers reviewed the Airport Aviation maps, which indicated the area to be purchased by the City. The purchase includes 8.11 acres fee simple. An aviation easement will be obtained for another 3+ acres, which the township will retain ownership. The City will be paying about \$47,000 or \$50,000 for all the needed aviation easements and the purchase of the property. In addition to the cash amount, the City offered the repeal of the previous legislation of about seven years ago that required the townships to reimburse the City for the property that came out of the airport and was put into the industrial park. These figures are a result of the negotiations and formal appraisal. The maps also indicated the area for which the City is required to buy the airspace above the industrial park, which is a 56.82-acre parcel. This will come back to the City Commission in the form of adopting legislation.

Sanitary Sewer Overflow Report – Don Greiner – November 12, 2009

Mr. Don Greiner, Public Works Director, updated the Commission on the study of Manhole No. 204, which has overflowed a number of times over the last few years. The study of that line has been completed and submitted to the DEQ. No response has yet been received from the DEQ. He presented a slide tour of the line. This stretch of line will be videoed when the vendor is in town. The cost estimate to do work on this line could be as much as \$675,000. It is hoped that any leaks can be fixed with a lining. This line is scheduled for quarterly inspections so that roots or any other debris does not create another backup. It has been determined that the line is reasonably hydraulic capable of handling the flows.

Public Safety, Police Division DVD presentation.

A DVD on the Big Rapids Police Division developed by the Ferris State University students was shown.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Mr. Sobers reminded everyone of the Chamber's Community Gala to be held on December 4.

Mayor Warba stated that there will be a Commission retreat held on November 30, the fifth Monday of the month.

PUBLIC HEARING

The Mayor opened the public hearing on the 2009 City of Big Rapids Master Plan at 8:04 p.m. Dave Bee, Director of West Michigan Regional Planning Commission, reviewed the Master Plan changes. The Master Plan process began at the end of 2007

and the work program was developed in the beginning of 2008. The Plan was last updated in 1996. The process involved many partners: City of Big Rapids staff, the Planning Commission, City Commission, a working committee, Ferris State University, Lynn Scheible, and the Regional Planning Commission.

There was a lot of public participation. There were two identification workshops and Focus groups. In coordination with Ferris State University, a survey was done. The process ended with two public hearings. There was also a review period by the neighboring townships and the County. The Planning Commission has approved it and now the City Commission adopts it. After that, the Regional Planning Commission makes the changes and prints the copies for distribution.

In about one year, the 2010 census will be reviewed and an addendum will be done for the Plan.

Mr. Bee walked the Commission through the Memorandum dated November 16, 2009, which outlines the changes to the 2009 Plan. He briefly walked through the Master Plan document.

The public hearing was opened to comments from the audience. There were no persons who spoke in favor of the Master Plan. There were no persons who spoke in opposition to the Plan.

Mayor Warba stated that he likes the recommendation of the Planning Commission reviewing the progress each January. He suggested that the Planning Commission report on its findings to the City Commission. Mayor Warba suggested a couple of corrections to the Plan. Mr. Bee will be able to accommodate those recommendations in the final draft.

The public hearing was closed at 8:25 p.m.

The City Commission took a seven-minute break.

RESOLUTION NO. 09-133

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

**A RESOLUTION DESIGNATING
MAYOR PRO-TEM**

BE IT RESOLVED that Terry Harper is hereby appointed Mayor Pro-Tem.

Yeas: Anderson, Harper, James, Rothstein, Warba
Nays: None
The motion was declared adopted.
Dated: November 16, 2009

RESOLUTION NO. 09-134

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

**RESOLUTION TO ADOPT THE 2009
CITY OF BIG RAPIDS, MICHIGAN MASTER PLAN**

WHEREAS, the City of Big Rapids Planning Commission and the City of Big Rapids Master Plan Working Committee initiated a process to update the City of Big Rapids Master Plan by notifying Mecosta County and the adjacent Townships of Big Rapids and Green on March 5, 2008, and

WHEREAS, public participation was sought and obtained by the City of Big Rapids Planning Commission and the City of Big Rapids Master Plan Working Committee to assist in identifying the preferred vision of the City of Big Rapids through the use of a random survey of residents, issue identification workshops, interviews of people identified by the City of Big Rapids Planning Commission, focus groups, and a public hearing, and

WHEREAS, information in the form of text, tables, and maps was prepared for inclusion in the 2009 City of Big Rapids, Michigan Master Plan, and

WHEREAS, the City of Big Rapids has provided an appropriate review period required by Michigan Public Act 33 of 2008 to its residents, Mecosta County, and the adjacent Townships of Big Rapids and Green and held a public hearing regarding the adoption of the Master Plan on October 21, 2009.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby formally adopts the **2009 City of Big Rapids, Michigan Master Plan**, its narrative, maps, tables, and other descriptive data as its guide for growth and improvement for the City of Big Rapids.

Yeas: Anderson, Harper, James, Rothstein, Warba
Nays: None
The Mayor declared the Resolution adopted.
Dated: November 16, 2009

RESOLUTION NO. 09-135

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

**RESOLUTION AUTHORIZING CHANGE ORDERS FOR
FAÇADE IMPROVEMENTS**

WHEREAS, on March 16, 2009 the City Commission adopted Resolution No. 09-29, which accepted the bid for the VSCI Downtown Façade Program, and

WHEREAS, Steve Jones Construction was awarded the bid to implement the construction of the City of Big Rapids Façade program in conjunction with the downtown property owners, and

WHEREAS, change orders have been submitted by Steve Jones for work done, which was requested by the business owners, as part of the façade project, and

WHEREAS, all these additional costs are paid entirely by the property owners.

NOW THEREFORE, BE IT RESOLVED that the City Commission accept the attached change orders.

Yeas: Anderson, Harper, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: November 16, 2009

The City Commission considered the minimum standards for the Airport, which are developed so that those using the Airport will know what the rules are.

Commissioner Harper requested that minutes of the Advisory Committee be submitted and attached to the reports, as well as a yearly report. She also requested that the airport work with the Planning Commission on the airport signage.

Mayor Warba would like to see the City named as additional insured under the insurance requirements. Mayor Warba also questioned a portion of the document that seemed to put a limitation on the airport's ability to report/stop anything that may seem to be not in compliance of FAA standards. Mr. Lafferty stated that the plan requires that everyone adhere to FAA standards.

Commissioner Harper believed the policy was an opportunity to give pilots an opportunity to work on their own planes within the FAA guidelines.

The following changes were made in the policy:

- Page 11, item 1, second paragraph changed as follows: The agreement will may have a maximum initial term of 20 years.
- Page 13, item 10. A last bullet point will be added to read: The City shall be named as additional insured on those policies identified by airport manager.

RESOLUTION NO. 09-136

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

**RESOLUTION ADOPTING AIRPORT
MINIMUM STANDARDS**

WHEREAS, the Airport advisory board has reviewed the Minimum Standards for Commercial Aeronautical Activities at Roben Hood Airport, and

WHEREAS, the Airport advisory board agreed that there should be some policies and practices for use of the airport by both the public and users of the facility, and

WHEREAS, the board recommends the adoption of the Minimum Standards.

NOW THEREFORE, BE IT RESOLVED, that the City Commission approve the Minimum Standards for Commercial Aeronautical Activities at Roben Hood Airport.

Yeas: Anderson, Harper, James, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: November 16, 2009

Discussion of Airport Hangar Building and DART Operations

Mr. Sobers explained the background of the current DART facility, which is the old airport hangar. In July, staff worked on getting the DART busses inside the hangar building, where the dispatching facility is. The hangar building was built with partial airport funds, so the priority for the use of the building is aviation or an operation that would involve airplanes. Initially, the FAA agreed to a variance on the building for DART use if two criteria were met: (1) the term of the lease agreement would be short, no more than one year and renewed annually, and (2) there would be an actual payment made by the DART operations as a lease payment to the airport. These two issues were worked through and there was agreement from the FAA. The DART sector was looking at these arrangements when there was an interest expressed by an individual for use of the building for aviation purposes. This activity stopped the review and since then the FAA side has withdrawn their willingness to have us look at anything but some sort of aviation use of that building.

The City has applied for and received an enhancement grant from MDOT for \$150,000. The staff has been looking for a location for DART. The first option was the hangar. There is a parcel in the industrial park available for \$159,000. The facility will accommodate the DART fleet of seven buses. It has 3 – 4 cubical offices that will work for offices.

Since receiving directive from FAA, the City has had one of the supervisors at MDOT (FAA and DART operations are all under MDOT) say that perhaps something could be worked out and overturn the FAA decision, which would make the hangar available for the DART operations. Therefore, there are three options: (1) continue and appeal the decision regarding the current site and stay at the airport, (2) renovate some other City facility for use as a dispatch center, with the buses still being left outside, or (3) pursue the purchase of a building that would be able to house the buses. Mr. Sobers recommended that at this time, the City does not continue to pursue the airport facility. To override the FAA decision could create long-term difficult working relations with the FAA.

If the Commission wishes, staff will pursue the land purchase of the property within the Industrial Park, transfer the grant funds from strictly a renovation enhancement grant to a purchase/enhancement grant. The purchase of a facility will become a part of the City budget.

The property in the Industrial Park is an adequate building for the DART operations. It also has an additional storage building which could be an extra building for DPW storage.

Dawn Fuller, Transportation Supervisor, stated that the main concern is getting the buses out of the weather. For coordination purposes, it is best to keep the buses at the location of dispatch. She believes the industrial park would be an appropriate location. She stated that the renovation grant monies cannot be used at the airport until there is a thirty-year lease. The contract for the renovation funds is only good until May 2011.

Commissioner Harper suggested that the City look at the cost of constructing a pole type building. Mr. Sobers stated that due to the current interesting real estate condition, the City could not build a building for the \$155,000 that an unused industrial building can be bought for. Commissioner Harper would like to have additional information as to why the current industrial building would be an acceptable option, as well as, a formal document as to what other things/facilities were looked at, including costs before direction is given to change the grant language to reflect something different.

Additional information will be presented at the November 30 retreat meeting.

RESOLUTION NO. 09-137

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

**RESOLUTION AMENDING FISCAL YEAR 2009/2010
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following transfer of funds for Fiscal Year 2009/10

<u>Account</u>	<u>Budget</u>	<u>Adjustment</u>	<u>Balance</u>
202-000-390.000 Fund Balance		-\$44,000	
202-451-967.910 ARRA Curb Replacement	\$0	+\$15,000	\$15,000
202-451-802.805 Engineering Baldwin St. Bridge	\$0	+\$29,000	\$29,000

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2008/2009 City of Big Rapids Budget accordingly.

Yeas: Anderson, Harper, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: November 16, 2009

RESOLUTION NO. 09-138

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

**RESOLUTION APPROVING TRAFFIC
CONTROL ORDER NO. 480
FOR FERRIS DRIVE**

WHEREAS, in accordance with the provisions of Act 32, public Acts of 1956, Section 2.53, the Department of Public Safety has made the following:

Stop signs shall be erected on Ferris drive for both directions of the street.
Westbound traffic on Ferris Drive 330' west of the centerline of Bond

Circle and East bound traffic 441' west of Bond Circle. Temporary Stop ahead signs should be erected accordingly with each new stop sign.

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

Yeas: Anderson, Harper, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: November 16, 2009

The City Assessor employee contract was revisited. Mr. Sobers explained that after the three-party contract was signed between Big Rapids, Clare and Greenville to hire Dan Kirwin as City Assessor, BS&A, his current employer, offered him additional money and securities. Mr. Kirwin is not interested in leaving BS&A at this time; BS&A is willing to enter into a contract for Mr. Kirwin's assessing services. The City Attorney is in need of assessing assistance. The recommendation is to hire Mr. Kirwin through the BS&A contract, which contains a 30-day cancellation clause, while still continuing to work with Clare and Greenville in the efforts of soliciting a full-time employee.

RoseMary Jennings expressed concern relating to her assessing problems. This will be reviewed at the November 30th meeting.

RESOLUTION NO. 09-139

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

RESOLUTION AUTHORIZING ASSESSING SERVICES WITH BS&A

WHEREAS, the City Commission adopted Resolution No. 09-125 authorizing a mutual aid employment arrangement for Assessing Services with the cities of Greenville and Clare to adhere to an IRS ruling, and

WHEREAS, Dan Kirwin was chosen to be the Assessor under the mutual aid agreement, but has since declined the Assessor employment offer, notifying the three cities he will be retaining his position with BS&A, and

WHEREAS, BS&A has offered the City a temporary 16-month contract for assessing services, which will provide the City with the services of an assessor with excellent credentials with BS&A software.

NOW, THEREFORE, BE IT RESOLVED, the City Commission accepts the BS&A Temporary 16-month contract for assessing services and authorizes the Mayor to sign the attached contract.

Yeas: Anderson, Harper, James, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: November 16, 2009

UNSCHEDULED BUSINESS

Mr. Sobers will be absent from the December 21st meeting.

Commissioner Harper appreciated the City's staff consideration of making the Library handicapped parking area assessable for future expansion.

Commissioner Harper expressed a desire that the Mitchell Creek Natural Park area's future name be reviewed and considered by the Planning Commission, Park and Recreation Board and the community to come up with an appropriate name. Mr. Williams stated that the grant conditions contain regulations pertaining to the naming of a park.

Commissioner James requested that the bench by the City Hall front doors be removed or replaced due to its age and condition. It was reported that the bench has been removed.

The November 30 Retreat agenda will solicit names for Commission appointment to the West Michigan Regional Planning Commission.

There being no further business to come before the Commission, the meeting was adjourned at 9:49 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
December 7, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Terry Harper, Lorraine James and Dan Rothstein; Mayor Mark J. Warba; City Manager Steve Sobers and City Attorney Eric D. Williams.

Absent: None

There were 14 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES.

Commissioner Rothstein moved, seconded by Commissioner Harper that the minutes of the regular meeting of November 16, 2009 be approved.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Anderson moved, seconded by Commissioner Harper that the Park and Recreation and Library bills be approved.

State of Michigan	103.97	Elevator Service, Inc.	146.50*
Baker & Taylor	355.67*	K-Mart	49.71
Midwest Safety	39.56	Tractor Supply Co.	43.25
Consumers Energy	572.37	Prein & Newhof	1,500.00
Lori Rush	48.00	Meredith Willey	94.35
Consumers Energy	157.51	DTE Energy	34.69
Consumers Energy	508.98*	DTE Energy	476.58*
AT&T Long Distance	.78*	Ann Arbor Library	8.99*
Ferguson Supply	120.86	Medler Electric	239.22
State Street Hardware	34.99	Wonsey Tree Service	25,294.00
Consumers Energy	137.91	State Street Hardware	4.47

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

Financial Report –Annual Review of Investment Policy - Julie Tetsworth (December 4, 2009)

City Treasurer Julie Tetsworth reported that annually the City Commission reviews the City's investment policy. Bob Graves, the person managing the City's Act 345 portfolio, is leaving Robert W. Baird, Inc., and starting his own firm with a local office.

The ACT 345 Board met and recommends, that for at least the next year, the ACT 345 portfolio remain with Bob Graves, transferring funds from Baird to R.D. Graves Wealth Management Co. Reasons for this recommendation: (1) In the past there was a transfer of funds for which the transfer costs were amortized so that the people in the retirement program could transfer their monies straight across and not lose any of their investment money. There is still one year left to pay on that amortization. (2) Bob Graves has provided excellent service and has great knowledge and background of the Act 345 retirement fund.

It is the recommendation to stay consistent for one year until the amortization of those costs are finished. At that time, it can be opened up to a RFQ. Another deciding factor for the ACT 345 board is that Mr. Graves will be opening a local office, be at City Hall once a month, and have open meetings. There will be some costs to Mr. Graves to take the portfolio on, but he will not be charging the City to do so.

The change in the Investment Policy is to add R.D. Graves Wealth Management to the City's portfolio. The monies will stay with John Hancock.

Commissioner Harper questioned the positives of staying with Robert W. Baird. Ms. Tetsworth stated that there was no contact by the Baird representative for well over a month informing the City that Bob Graves had left Baird and that the City would have a new representative. Mr. Graves informed the City that he would be leaving, but there was no contact from the Baird company representative. It is now known that the new Baird representative would be the branch manager in Kalamazoo.

Mayor Warba would like a release signed by Mr. Graves and Baird that Mr. Graves can take accounts from his former company into his new company and hold the City harmless and that the City will not be in the middle of a dispute. Ms. Tetsworth stated that she has that documentation. The Mayor would like to see a document that states there will be no legal action taken against the City for the transfer of funds. He looks forward to the City advertising for financial proposals at the time the transfer fees are paid off.

The action taken by the ACT 345 Board authorizes the change from Baird to RD Graves Wealth Management. The question for the City Commission is whether Mr. Graves' company is added to the list of financial institutions on the investment policy.

City Commissioner James stated that the investment policy is the document that allows the City to use various financial institutions.

Wastewater Treatment Plant Improvement Project Update – Don Greiner (December 1, 2009)

- Mr. Greiner's future progress reports will include a table outlining project payments and change orders for the improvement project.
- Change Order No. 3 is working its way through the system.
- Enforcements status – the Administrative Consent Order has been signed. The maintenance plan for the ultraviolet disinfection system has been submitted to the DEQ. The draft of the Quality Assurance/Quality Control (QA/QC) manual will be ready prior to its December 27th deadline. The deadline for the collection system study was met. The only remaining requirement outstanding is the development of the Operation and Maintenance manual, which is due September 1, 2010.
- The plant continues to meet the discharge requirements.
- Mr. Greiner presented construction project slides.
- Jack Fraser, WWTP Superintendent, reported that the UV system is operating at 100%, but only one bank of lights is being used, producing desirable results. Mr. Greiner added that the new instrumentation system will detect flow and be able to regulate the energy going to the lamps. It will ramp down if there is adequate power to provide the disinfection that is necessary so it will not have to be run at 100%. It will save lamp life and power.
- Mr. Fraser outlined some changes proposed for the plant, which include instrumentation of processes, making the plant more efficient. An example is the metering system for the UV component. The operators are up for the training of the new equipment.
- Mr. Greiner explained the SCADA system, which is a box that receives information from all parts of the plant, processes it, and sends a signal to the ferric chloride that it needs to change its input. This system was planned into the design from the beginning, but not everything was going to be tied to it because the former Superintendent had some areas where he wanted to leave it manually controlled. Staff agrees that this system must be available to all parts of the plant, so it is recommended that the system be expanded. Mr. Sobers stated that the changes are within amounts to be taken from the contingency fund.

DART Facility – Steve Sobers

Staff has followed the Commission's direction and followed up on a couple of additional sites as possible DART facilities.

- Fluid Routing has leased all of the space at the County building on Maple Street. There is no space for the DART facilities at this time.

- All the fairground buildings are being leased by other individuals. There is no space available. The Fairground representatives offered to build a structure and lease it back to the City.
- Mark Gifford is scheduling a meeting in Lansing with the DNR and MDOT regarding the depot, which can be used for office space only. This meeting will probably not happen until January or February.
- The Curries requested the Mayor to look again at the site on Maple Street, adjacent to the gas station. Staff does not have the technical information on cost, layout, parking, access, ingress, etc., regarding this facility at this time.
- Staff is compiling information on the various facilities consisting of cost, ingress, egress, safety factors, parking for employees and patrons. Those numbers will be available in January/February.

Mayor Warba added that Mr. Currie invited him to tour the Maple Street Currie building. Mr. Currie would be interested in a long-term lease and if it took time for the City to find another home, having to relocate from the old hangar, he would be willing to consider something on a short-term basis. There are issues with the ingress and egress. The Mayor would like an analysis of the cost of leasing a building verse taking a private building off the tax rolls.

Mr. Juan Zapata from the FAA met with Joe Harper, the City staff, and DART staff. He stated that if the City needed DART to remain at the airport with a 30-day lease option, he would work to make that happen. It appears there is not an immediate need to vacate the airport facility.

PUBLIC COMMENTS

Michael Smith, City resident, questioned how the error in the billing on the Perry Street corridor, ie: the \$0.30/\$0.60/\$0.90 sewer charge, happened and why it went on for so long. Mr. Sobers explained that there were multiple bills that the sewer charge needed to be applied to, which is done manually, and resulted in a human error. All meters were charged correctly, except one.

Mayor Warba agreed that a human error was made and will be corrected.

Mr. Smith questioned if there has been any tax abatement promises made to or by Spectrum Health to take over Mecosta County Medical Center. The City has not been approached by Spectrum Health and there is no knowledge by the City regarding a tax abatement request.

RoseMary Jennings, 606 Bjornson St.:

- Requested information pertaining to the Chamber's interest in the depot. Mr. Sobers explained that the problem with the Chamber is that the DNR and State consider the Chamber an association of businesses, not a non-profit organization. They are happy to help fund the Mecosta County Development Corporation and the Convention and Visitors Bureau, but they are not willing to

- Expressed concerns regarding communication received from the Equalization Office saying that office will do what they want pertaining to her assessing concerns and the City has no say. She believes that this has forced her into two more appeals that are unnecessary.
- Would like to see new Christmas decorations in the downtown area when the downtown project is finished in the next couple of years. She would also like to see decorations on the Maple Street Bridge.

RESOLUTION NO. 09-140

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

**RESOLUTION ACCEPTING BIDS FOR
MAINTENANCE OF CITY-OWNED
STANDBY GENERATORS**

WHEREAS, the City solicited bids for maintenance of City-owned standby generators for the water plant, wastewater plant, public safety building and public works garage, and

WHEREAS, six bids were received with staff recommending that the bid of Wolverine Power Systems, Gaylord MI, be accepted in the amount of \$6,970.00 per year for one year with two one-year renewal options.

NOW, THEREFORE, BE IT RESOLVED, that the bid of Wolverine Power Systems in the amount of \$6,970.00 for maintenance of City-owned standby generators for the water plant, wastewater plant, public safety building and public works garage be accepted.

BE IT FURTHER RESOLVED, that the cost be expensed from the following:

Department	Account Number	Number of Units	Amount
Public Safety Building	101-345-801.000	1	\$633.64
Public Works Garage	101-441-801.000	1	\$633.64
Wastewater Treatment Plant	590-560-801.000	2	\$1,267.28
Water Treatment Plant	591-560-801.000	6	\$3,801.80
Big Rapids Township Water Treatment Plant	590-568-801.000	1	\$633.64

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

RESOLUTION NO. 09-141

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

**RESOLUTION AUTHORIZING WILCOX PROFESSIONAL SERVICE
FOR PRELIMINARY ENGINEERING WORK FOR THE
NEW BALDWIN STREET BRIDGE**

WHEREAS, the Baldwin Street Bridge is scheduled for replacement in 2011, and

WHEREAS, the City has retained Wilcox Professional Services, LLC, for engineering services pertaining to water, storm and sanitary sewer and streets, with the adoption of Resolution # 07-168, dated December 17, 2007, and

WHEREAS, Wilcox Professional Services has prepared a Type, Size and Location proposal for the preliminary engineering design of the new Baldwin Street Bridge in the amount not to exceed \$28,470, and

WHEREAS, this work would help develop a preliminary outline of cost for budgeting purposes and provide a basis for developing applications for additional grant money.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby accepts the proposal of Wilcox Professional Services for the preliminary engineering design of the new Baldwin Street Bridge in the amount not to exceed \$28,470.

BE IT FURTHER RESOLVED, that the cost be expenses from Account No. 202-451-802.805 and the budget be set at \$28,500.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

RESOLUTION NO. 09-142

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

**RESOLUTION EXTENDING SANITATION COLLECTION
AND DISPOSAL CONTRACT WITH ALLIED WASTE
FOR A SIX-MONTH PERIOD**

WHEREAS, per Resolution No. 04-70 dated May, 2004, the City Commission awarded the contract to collect and dispose of residential and commercial garbage, rubbish and trash to Allied Waste (Sunset Waste Services) for the period of July 5, 2004 to June 20, 2007, and

WHEREAS, the contract allows for three two-year extensions, whereby one of the extensions has occurred for the period of July 1, 2007 to June 30, 2009, and

WHEREAS, Allied Waste representatives and staff recommended in June, 2009, that a short term extension of six months be granted from July 1, 2009 to December 31, 2009, to allow for the opportunity to discuss and review various aspects of the contract such as polycarts, rates, etc. by a citizen/staff/commission committee, and

WHEREAS, Allied Waste representatives and City staff are presently reviewing the recommendations of the committee and applying them to the present contract. This is a complex issue, which is taking some additional time and research, and

WHEREAS, Allied representatives and City staff would like additional time to complete this research and therefore recommend an additional short-term extension of the existing contract from January 1, 2010 to June 30, 2010, and

WHEREAS, during this short-term extension period, all conditions of the current contract will remain in place, except that Allied hereby agreed to pass on the 3% savings previously discussed, dropping the pickup charge from \$8.01 to \$7.78 per month,

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorize the extension of the contract with Allied Waste for a six month period of January 1, 2010 go June 30, 2010, under these terms and conditions.

Yeas: Anderson, James, Harper, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 7, 2009

ORDINANCE NO. 620-12-09

Commissioner Harper, seconded by Commissioner Anderson, the adoption of the following Ordinance:

ORDINANCE ADOPTING REVISED RESIDENTIAL SANITATION RATES

The City of Big Rapids Ordains:

Section 1. That portion of Title V, Section 50.12 establishing residential sanitation rates for the City of Big Rapids is hereby amended according to the following schedule:

Section 2. SCHEDULE OF SANITATION RATES – Effective December 1, 2009.

Residential

Garbage	7.78
Clean - Up	0.71
Curbside Recycle	1.36
Yard Waste	<u>2.51</u>
	12.36
City Charges	<u>2.47</u>
Monthly Fee	14.83

Section 3. This Ordinance shall be effective on December 1, 2009.

Section 4: The City Clerk is directed to publish this Ordinance in the Pioneer.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: December 7, 2009

Published:

RESOLUTION NO. 09-143

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

**RESOLUTION APPROVING TRAFFIC
CONTROL ORDER NO. 481 FOR PARKING
AT THE COMMUNITY LIBRARY**

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 orders:

Place "2 hour time limit" parking signs on the north side of Oak Street between State Street and Michigan Avenue.

“No Overnight Parking” signs to City property adjacent to alley west of library.

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

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

The City Commission took an eight-minute break.

RESOLUTION NO. 09-144

**RESOLUTION APPROVING TRANSFER OF LIQUOR LICENSE
FROM CHINA FAIR TO MANITOU MANUFACTURING
COMPANY, LLC, 1014 S. STATE STREET**

At a regular meeting of the City Commission called to order by Mayor Mark Warba on Monday, December 7, 2009 at 6:30 p.m., the following resolution was offered:

Moved by Commissioner Harper and seconded by Commissioner Anderson.

That the request to TRANSFER OWNERSHIP OF 2009 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL 436.1531(3), LOCATED IN ESCROW AT 1014 S. STATE, BIG RAPIDS, MI 49307, MECOSTA COUNTY, FROM CHINA FAIR BIG RAPIDS, INC. TO MANITOU MANUFACTURING COMPANY, LLC.; WITH LICENSE TO BE HELD IN ESCROW.

Be considered for Approval.
(Approval/Disapproval)

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

Absent: None

It is the consensus of this legislative body that the application be:
Recommended for
issuance.

(Recommended/Not Recommended)

State of Michigan

County of Mecosta

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission at a regular meeting held on December 7, 2009.

(Signed) _____

Roberta R. Cline, City Clerk
226 N. Michigan, Big Rapids MI 49307

RESOLUTION NO. 09-145

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

**RESOLUTION AMENDING ANNUAL INTEREST
RATE OF CITY INCOME TAXES**

WHEREAS, Resolution No. 93-6 dated January 18, 1993, establishes policies and procedures for processing city income tax returns and refunds, and

WHEREAS, it is necessary to amend the rate of interest to be charged for taxes owed to the City or overpayment made to the City.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 93-6 be amended to read as follows:

The rate determined by the State of Michigan on interest on taxes owed to the City or overpayment made to the city will be 4.7% per annum or .0001288 per day to be effective on July 1, 2009 – December 31, 2009 and 4.25% per annum or .0001164 per day to be effective on January 1, 2010 – June 30, 2010.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

Staff provided information regarding the replacement of the Wastewater Treatment Plant plug valves. The plugs are located in a difficult environment of water and have been in need of replacement for some time. It is hopeful that operational life of new valves can be extended through maintenance. The location of the valves is not a part of the current plant improvements.

RESOLUTION NO. 09-146

Commissioner Rothstein moved, seconded by Commissioner Harper the adoption of the following.

**RESOLUTION AUTHORIZING THE PURCHASE AND
REPLACEMENT OF TEN PLUG VALVES
FOR THE WASTEWATER TREATMENT PLANT**

WHEREAS, the last phase of the treatment of wastewater is the storage of the biosolids prior to land application requiring a series of ten plug valves for the process, and

WHEREAS, access to the valves is limited so the opportunity to perform routine maintenance is also limited, whereby, consequently the valves currently do not operate reliably, and

WHEREAS, staff requests that the proposal from Northwest Kent Mechanical Company, who is a current on-site contractor for Erhardt construction, for ten plug valves at the wastewater treatment plant be accepted for an amount not to exceed \$12,995.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission suspends the purchasing policy and approves staff's recommendations for the purchase of ten plug valves from Northwest Kent Mechanical Company for an amount not to exceed \$12,995.

BE IT FURTHER RESOLVED, that the cost be expensed from Account No. 598-560-967.096.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

RESOLUTION NO. 09-147

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

**RESOLUTION APPROVING BIDS FOR
EQUIPMENT RENTAL FOR SNOW REMOVAL**

WHEREAS, the City of Big Rapids, Department of Public Works, maintains the roads within the Big Rapids City limits for which funds are appropriated yearly to assist in snow removal operations, and

WHEREAS, necessary snow removal service funds have been appropriated in the FY 09-10 budget.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby accepts the following snow removal bids and directs Don Greiner, Director of

Public Works, to use the following dump trucks and loaders for snow removal purposes on an as-needed basis in accordance with the following priority listing:

Trucks

	Contractor	Size	Price per yd.	Hourly Rate	# of Trucks
1	Morningstar Enterprises	20 cy	\$ 3.15	\$ 63.00	2
		25 cy	\$ 2.55	\$ 63.75	2
		40 cy	\$ 1.80	\$ 72.00	3
2	Greenscape	15 cy	\$ 4.00	\$ 60.00	2
		20 cy	\$ 3.25	\$ 65.00	2
		30 cy	\$ 2.33	\$ 70.00	1
		40 cy	\$ 2.05	\$ 82.00	2
3	Fenstermacher Asphalt & Paving, LLC	40 cy	\$ 2.25	\$ 90.00	8

Front End Loader

	Contractor	Size	Price per yd.	Hourly Rate	# of Loaders
1	Morningstar Enterprises	3 cy	\$ 26.67	\$ 80.00	2
		5 cy	\$ 18.00	\$ 90.00	2
		7 cy	\$ 14.29	\$100.00	1
	Loader w/Snow Pusher			\$100.00	1
2	Fenstermacher Asphalt & Paving, LLC	5 cy	\$ 18.00	\$90.00	1
3	Greenscape	4 cy	\$ 20.00	\$ 80.00	1
		3.25cy	\$22.29	\$78.00	1
	Loader w/Snow Pusher			\$ 80.00	1

BE IT FURTHER RESOLVED, that said removal service shall be expensed from the following accounts:

202-497-801.600 - \$2,400 State Highway 131 Winter Maintenance
 202-497-801.700 - \$2,400 State Highway M-20 Winter Maintenance

203-478-801.000 - \$1,000 Local Streets Winter Maintenance
 202-478-801.000 - \$7,800 Major Streets Winter Maintenance
 101-443-803.000 - \$3,500 Parking Lot Winter Maintenance

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Date: December 7, 2009

RESOLUTION NO. 09-148

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

RESOLUTION AUTHORIZING CHANGE ORDERS FOR CULTURAL CENTER IMPROVEMENTS

WHEREAS, on August 3, 2009 the City Commission adopted Resolution No. 09-89, which accepted the bid for the VSCI Cultural Center Improvement Project, and

WHEREAS, Orion Construction was awarded the bid to implement the improvement to the Cultural Center Improvement project, and

WHEREAS, change orders have been submitted by Orion Construction for unanticipated work, which was needed to complete the proposed improvements, and

WHEREAS, the Downtown Development Authority has given their support of the change orders.

NOW THEREFORE, BE IT RESOLVED that the City Commission accept the attached change orders for the Cultural Center Improvements as submitted by Orion construction.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 7, 2009

RESOLUTION NO. 09-149

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

RESOLUTION AUTHORIZING CONTRACT WITH PECKHAM ENGINEERING, INC. TO DESIGN THE ROBEN HOOD COMMUNITY HANGAR

WHEREAS, Peckham Engineering is the consulting firm for the Roben Hood airport, which the City will utilize for the design of the community hangar, and

WHEREAS, the community hangar will include AeroMed crew quarters, a somewhat complex facility that needs the input of an architect, and

WHEREAS, Peckham Engineering will subcontract and work with AAI, Inc., an architectural firm, to complete Phase I of the project (design, prepare construction documents for the new hangar building, including AeroMed crew quarters and SRE component), and

WHEREAS, the cost identified with this phase of the project is \$119,611.00, and

WHEREAS, the funding for this project includes USDA/FAA funds.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the contract with Peckham Engineering in the amount of \$119,611.00 and authorized the Mayor to sign.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: December 7, 2009

RESOLUTION NO. 09-150

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

**RESOLUTION AMENDING FISCAL YEAR 2009/2010
GENERAL APPROPRIATIONS**

WHEREAS, the City of Big Rapids adopted FY 2009/2010 General Appropriations on May 4, 2009 per Resolution No. 09-43 , and

WHEREAS, each year adjustments are made to revenue and expenditure accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Big Rapids City Commission hereby approves the following transfer of funds for Fiscal Year 2009/10

<u>Account</u>	<u>Current</u>	<u>Change</u>	<u>Amended</u>
101-004-590.191 State Election Grant	\$ 0	+\$21,930	\$22,000
101-443-967.191 Library Parking	\$0	+\$21,930	\$22,000

BE IT FURTHER RESOLVED, that the City Manager is authorized to amend the FY 2009/2010 City of Big Rapids Budget accordingly.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Date: December 7, 2009

RESOLUTION NO. 09-151

Commissioner Harper moved, supported by Commissioner Anderson, the adoption of the following resolution.

**RESOLUTION ADOPTING REVISED LIST OF
CITY FINANCIAL DEALERS AND INSTITUTIONS**

WHEREAS, the City of Big Rapids passed Resolution No. 08-47 on June 2, 2008, which adopted the revised Investment Policy of the City of Big Rapids, and

WHEREAS, under Section XV, the policy shall be reviewed annually by the City Treasurer and amended as necessary by the Big Rapids City Commission, and

WHEREAS, it is recommended to revise Appendix A of the Investment Policy of the City of Big Rapids.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission accepts the recommended changes to the Investment Policy of the City of Big Rapids and approves the Financial Dealers and Institutions for the Fiscal year 2010-2011 per Section VIII of the Investment Policy.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

RESOLUTION NO. 09-152

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

**RESOLUTION ON MAYORAL APPOINTMENTS
TO BOARDS AND COMMISSIONS**

BE IT RESOLVED, that the City Commission hereby confirms the following Mayoral appointments/recommendations:

ZONING BOARD OF APPEALS

Tom Hren appointed to an unexpired term ending May 2011.

ASSESSMENT BOARD OF REVIEW

Karen Guiney appointed to an unexpired term ending February 2011.

WEST MICHIGAN REGIONAL PLANNING COMMISSION

Lynn Anderson, Mark Gifford, and Joseph Harper appointed to the West Michigan Regional Planning Commission for the 2010 Calendar Year.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: December 7, 2009

UNSCHEDULED BUSINESS

- The platform construction for Pocket Park is a Ferris State University class project.
- The Audit Report is about completed. It is at the printers getting the inserts printed.
- Commissioner Harper requested an update on the Sergeants Union negotiations and how the City will pay back the USDA loan for the Airport.
- Spruce Ridge Development proposal will be at the Planning Commission on December 16.
- Mayor Warba shared some Unemployment Statistics pertaining to Mecosta County. If Baldwin gets the Federal contract for the prison institution, it will affect the employment opportunities for all surrounding counties, including Mecosta County residents.
- Commissioner James, Mayor Warba, Bob Baldwin, and Maxine McClelland will be components of the User Charge Study.
- Commissioner Harper requested going into closed session to discuss pending litigation.

MOTION NO. 09-153

Commissioner Harper moved, seconded by Commissioner Anderson that the City Commission adjourn to closed session for the purpose of discussing pending litigation.

Yeas: Anderson, James, Harper, Warba

Nays: Rothstein

The motion passed.

Dated: December 7, 2009

The City Commission adjourned to Closed Session at 8:47 p.m. to discuss pending litigation. They returned to regular session at 9:11 p.m.

There being no further business to come before the Commission, the meeting was adjourned at 9:11 p.m.

* * * * *

Mayor Mark J. Warba

Roberta R. Cline, City Clerk

City Commission
December 21, 2009

Mayor Mark J. Warba called the regular meeting of the City Commission to order at 6:30 p.m.

Present: Commissioners Lynn Anderson, Terry Harper, Lorraine James and Dan Rothstein; Mayor Mark J. Warba; and City Attorney Eric D. Williams.

Absent: None

There were 11 persons in the audience.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA – Under Special Orders of the Day, the recognition of people donating to the Big Rapids Firefighter Safety Project was withdrawn. Under General Business, 11 (c) was removed from the agenda.

APPROVAL OF THE MINUTES.

Commissioner Anderson moved, seconded by Commissioner Harper that the minutes of the regular meeting of December 7, 2009 be approved.

Yeas: Unanimous

Nays: None

APPROVAL OF LIBRARY AND PARK AND RECREATION BILLS.

Commissioner Harper moved, seconded by Commissioner Anderson that the Park and Recreation and Library bills be approved.

Vredeveld Haefner	58.00	Cash & Carry	280.87
Farm Plan Corp.	176.00	Hamtech	2,000.00
Lowes	29.94	City of Big Rapids	199.07
Different by Design	1,165.00	Demco, Inc.	396.59*
MI Office Solutions	1,543.00*	Vredeveld Haefner	94.00*
Atlantic	29.95*	Backpacker	19.94*
Consumer Reports	26.00*	Consumer Report (Health)	4.00*
Creative Woodworks	29.97*	Discover	24.95*
Good Housekeeping	23.97*	Money	39.95*
New Republic	79.97*	New Yorker	39.95*
Readers Digest	29.96*	Scientific American	34.97*
Self	17.00*	Grand Rapids Magazine	24.00*
In Fisherman	16.00*	Popular Mechanics	24.00*
First National Bank	680.01*	Baker & Taylor	893.88*

Audio Editions	1,269.02*	Wheatland Music	25.00*
Charter Communications	269.99*	Golden West Industrial	152.72
Schuberg & Sons Electric	200.00	Stan's Backhoe Service	237.50
Lori Rush	28.00	Meredith Willey	51.80
AT&T	73.67	Staples	217.75*
Schuberg & Sons Electric	120.00*	AT&T	177.63*
Recorded Books	69.97*	Xerox	182.84*
United Glass	105.00*		

*Indicates library bill

Yeas: Unanimous

Nays: None

STUDY SESSION

Financial Report – Presentation of the Comprehensive Annual Financial Report - Julie Tetsworth.

City Treasurer Julie Tetsworth gave a brief report on the Comprehensive Annual Financial Report. It was a good report which there were no findings found. The overall general fund governmental funds balance is at \$1,371,037. The auditors, Vredevelde Haefner LLC, put together and prepared the report.

Commissioner James asked the status of a couple of issues that are under the "Supplemental Report", that the auditor's issue under "Other Audit Findings or Issues". The first question was if the Motor Pool fund inventory was being addressed, there are several repair parts in inventory for which related equipment has been disposed of. Ms. Tetsworth stated that they are having a problem with the fixed assets program and have converted to the B S & A program. Staff has just received the letter with the report and have not had a chance to address these items. This item will be addressed as soon as it is known that the conversion went as intended. The other question Commissioner James had was in regards to the investing process where staff needs to have someone double check. Ms. Tetsworth replied that it has been and was addressed in the past audit.

Mayor Warba would like an update to Commissioner James question regarding the Motor Pool fund inventory by the January 19th Commission meeting. Ms. Tetsworth stated that it would be addressed by then.

Commissioner Harper referred to the last paragraph of the report regarding the initialing and dating of accounting activities which include the review and approval of various accounting transactions and reconciliations. Commissioner Harper would like to know if staff was initialing and dating. Ms. Tetsworth replied that with B S & A the system will not allow not having two signatures.

Commissioner Harper inquired about the actual audited figures under General Revenue for property taxes and income taxes on page 33 and asked if Ms. Tetsworth was surprised to see that the property taxes actually had increased but it was the income tax that suffered. Ms. Tetsworth replied that she was aware of this and was not surprised. Commissioner Harper stated that it looked like the City basically lost close to a little over \$300,000 in revenues compared to last year. Commissioner Harper believes that the declining income tax revenues reflects our unemployment rate.

Mayor Warba commented that he would like a copy of the audit available to Green Township and Big Rapids Township. He would like to get it to Bob Baldwin by January 11th in time for a meeting with Big Rapids Township, Green Township, Commissioner James and the Mayor regarding the User Charge.

Peter Haefner, Vredeveld Haefner LLC, gave a slide presentation on the Comprehensive Annual Financial Report. Mr. Haefner stated in Vredeveld Haefner LLC's opinion is that the financial statement presents fairly, in all material respects, that the financial position is also operations of cash flows for the governmental activities and business activities as well as each major fund. He also referred to the letter of transmittal which precedes the opinion which provides a lot of interesting information about "where the City is trying to go".

Mr. Haefner commented about the "Summary of Auditor's Results" on page 146 of the Comprehensive Annual Financial Report. This document is required under Federal law if the City expends over \$500,000 of federal financial assistance. This is the compliance audit results. This audit asks a series of questions which you want to answer as many "no's" to as possible. The City received all no's to all questions, which means from the perspective of the financial statements the City has an unqualified opinion on the financial statements, which is the highest opinion you can receive.

Mr. Haefner continued with comments Section 1 Under Financial Statements under internal controls over financial reporting stating that there were no material weaknesses identified and no significant deficiencies identified not considered to be material weaknesses. There were no noncompliance to the financial statements noted. Under Federal awards under internal control over major programs there were no material weaknesses identified, and no significant deficiencies identified not considered to be material weaknesses. There were no other findings. The City does not qualify for a low-risk audit but the City does qualify for a single audit due to having over 500,000 threshold in Federal dollars.

VSCI Update – Mark Gifford gave a slide presentation of the façade improvements. Improvements are on schedule and work should be completed by the end of next week. The Big Rapids Foot and Ankle, Artworks interior and a door at Quinn's Music are the only businesses that need to be completed.

Wayfinding signs have been installed at the Airport, Perry Avenue, Library, and City Hall. Several others signs will be installed in early January. The company that makes

the poles for the signs are a little behind. The remainder of the signs will be installed when Streetscape is done.

Commissioner James would like to have the VSCI budget corrected for the January 19th meeting. The business owners to private sources have been set to budget. A couple of things under the expenditures are over budget. Commissioner James would like to see Mr. Gifford and Ms. Tetsworth work on the report. She also suggested putting together an excel spreadsheet going back to the 07/08 close showing the revenue and the expenditures and bringing it year to date. Ms. Tetsworth stated that recently they have had a software conversion and some of the numbers did not convert. Staff is checking each line item to make sure they are correct.

Commissioner Harper asked about when Streetscape would be completed. Mr. Gifford replied that it should be completed by September 2010 which will include Pocket Park.

Mayor Warba stated that he has heard nothing but positive comments regarding the Wayfinding signs. They are attractive and nicely done.

Festival of the Arts – Bruce Dilg

Bruce Dilg presented a slide presentation on the Festival of the Arts. The festival runs from January 28, 2010 through February 28, 2010. There will be 70+ events. The total budget for the festival is \$45,364, a little less this year due to less grant money. Opening reception will be held at City Hall January 28th at 6:00 p.m. The total attendance for 2009 was 5,950.

There will be a grand re-opening of Artworks January 30th at 5:00 p.m.

Commissioner Rothstein thanked Bruce Dilg for his diligence on this project.

Presentation of Big Rapids Firefighter Safety Project – Warren Hansen

A presentation of this software was demonstrated by Deputy Director Warren Hansen. A meeting with the B.R.P.O.A was held to discuss a way to help the firefighters and property owners regarding house fires. A firefighter is trained to look from the street and know where certain areas are (bedrooms, living room kitchen, etc.) in a residential house. The problem here in Big Rapids is that some of the larger houses in town have several apartments which makes it difficult to determine where the apartments are in the house or the bedrooms are in the apartments.

A company named PrePlanView has loaned Public Safety software on a trial basis for 60 days. With this software a diagram can be built of any structure, which can include inside and outside items. Some outside items are: fire hydrants, LP tanks, neighboring structures, parking lots, etc. The software can be built to any scale and be as detailed as you would like. With this software the firefighters will be able to know where the fire is located easier and quicker.

The total cost of this project is \$6,990, this includes the following:

3 computers

base computer – in the fire department

laptop (tough book) – inside the fire truck

laptop (tough book) – for Fire Marshal

Yearly maintenance for two computers is \$390 – this includes support, education, virus protection, and updates.

Firefighters would be inputting the data on the computer on their down time. There would be no overtime generated for this project. The data would be derived either from home owners giving them a diagram of the house or a firefighter going to the address and sketching a diagram. Firefighter Right to Know law requires businesses that have hazardous waste to be mapped. Any other business would have to ask to be mapped. Existing assessing records may be detailed enough to use as well.

Commissioner Harper asked how this program worked with the thermal imaging equipment. Mr. Hansen commented that the thermal imaging equipment would give the firefighters a good idea from the outside about where in the structure the fire would be. In a smoky atmosphere it will give them the ability to find people. The PrePlanView program will help in getting the firefighters to the fire once inside the building. A firefighter on the outside can tell a firefighter on the inside where certain obstacles are located such as stairs, hallways, bedrooms, electrical boxes, etc.

There is no money in the budget for this year and instead of waiting another year to get started the B.R.P.O.A. has decided to start getting donations. The B.R.P.O.A. has donated \$500.00 towards this project and Don Jones is spearheading the fundraising efforts. Mr. Jones has sent out 150 letters and will be sending out another 150 letters soon. Any group can donate money to this project. There is no cost to the residents or businesses for having their home or business mapped on this program. It will take three to four years to get all the properties mapped in the system. This program is not required; if a resident does not want their property mapped than they don't have to. Mr. Jones is going to talk to the Pioneer to discuss printing articles promoting this program to get the word out to residents that this program exists. The reason the cost is so high is because the laptops are tough books, which means that they are expensive due to being very durable and can with stand being dropped on the floor. They are also water resistant.

Commissioner James asked if this would be running through the City books. Mr. Jones replied that it would be a separate line item under the "Big Rapids Safety Project". Commissioner James commented that it would be a 50% credit on the State return, \$200 a single, 400 a family. Do not have to itemize on the State return to get the credit. You do have to itemize on the Federal to get the credit.

Skateboard Park Update – Jill Buse

Jill Buse, Recreation Director, stated she has been working with a committee of community members and Ferris State University students regarding a Skateboard Park. After holding a public meeting, the location of River Street Park was identified as the recommended Skateboard Park site. She explained the results of a survey conducted of the surrounding neighborhood – 41% responded to the survey of which 61% were supportive of the Skateboard Park and location and 38% either did not like the location or did not like the idea of a Skateboard Park and the remaining were unsure or wanted to hear more about it.

Ms. Buse's purpose of appearing before the City Commission was to get a commitment by the City Commission on allowing for the use of this location of River Street Park for the Skateboard Park so that fundraising and grant proposals can be undertaken. She presented a site layout map. She stated that anything that could be constructed on the proposed 150' by 220' area would be a fairly large Skateboard Park. The design has not yet been determined.

The Park and Recreation Board held a Public Hearing on December 10, 2009 to gather further information from the public. A meeting was also held with the Planning Commission. Both the Park and Recreation Board and the Planning Commission have made recommendations that the City Commission make a formal commitment on the location of using River Street Park for a future Skateboard Park.

Jill Buse gave a presentation on the Skateboard Park which included a map with the location of the Skateboard Park at River Street Park. There is a large section which is 20,000 sq. ft and another section which is 9,000 sq. ft. The larger one could be used as the main Skateboard Park with the smaller one being used as parking along with benches and a pavilion. The reason the parks are separated on the map is because there is a storm drain that runs across the property which makes putting a concrete slab there a bad idea. If a line breaks than the Skateboard Park would have to be dug up to repair the line.

Commissioner Harper expressed concerns about parking and referred to the Planning Commission suggesting a flashing light be installed. She questioned if having parking on just one side of the street was ever discussed. Ms. Buse stated that it had not been discussed. Ms. Buse referred to a zoning ordinance which states that for a Skateboard Park there has to be one parking space for every three patrons at the park. It is always possible to go back to the Planning Commission for further discussion of this matter.

Commissioner Harper believes that residents of the area are concerned about children darting across the street and with parking on both sides of the street it becomes very hard to see the children. She believes that there could be a recommendation by the Department of Public Safety as to what would be the best solution to a potential problem.

Commissioner Rothstein was delighted that many people talked in support and not in opposition of this project. Commissioner Rothstein also believes that parking on both sides of the street is a safety concern.

Commissioner James also believes that parking will be an issue with the little league and soccer fields. Commissioner James commented that when the Skateboard Park goes into the design stage that Van Johnson needs to be consulted, he has some concerns.

PUBLIC COMMENTS

Mayor Warba thanked the Department of Public Safety and the police community for apprehending the suspect in the recent back robbery. Mr. West stated that he has a great team and that it was a team effort. He also stated that he had help from the Pioneer, Ferris State University and hundreds of tips from the community.

RoseMary Jennings, 606 Bjornson, has had several conversations regarding her problems with her property taxes and residential homestead exemption. She felt that things were going more smoothly until Saturday when she received a letter from the County asking for \$2,700 due upon receipt. She has been dealing with this problem for a year and a half. Commissioner James believes that the appropriate forms have been signed and the forms will be sent to the State Tax Commission to correct the 2007/08. A refund will be coming for a little over \$3,000 and the only thing left on Mrs. Jennings bill should be the 2006 year which Mr. Kirwin was going to ask them to correct. Commissioner James would like to request that City staff be directed to contact the County Treasurer to ask if its possible to net out the one year that they do owe, which is 2006, which is about \$734 and if that can be netted out against the two years of refunds that has to come through the county treasurer's office. The City cannot correct it; it must be done through the County Treasurer's Office.

Ms. Tetsworth will be meeting with Dan Kirwin, City Assessor, tomorrow about this topic.

Mr. Williams stated that Dan Kirwin stopped by his office late yesterday stating that he had met with the County. The County said that they believed that they could do what Commissioner James had said referring to netting out the two numbers. Dan also gave Mr. Williams paperwork for Mrs. Jennings to fill out. He has brought them for her tonight.

RESOLUTION NO. 09-154

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

RESOLUTION AUTHORIZING CHANGE ORDERS FOR DOWNTOWN FAÇADE IMPROVEMENTS

WHEREAS, on March 16, 2009 the City Commission adopted Resolution No. 09-29, which accepted the bid for the VSCI Downtown Façade Program, and

WHEREAS, Steve Jones Construction was awarded the bid to implement the construction of the City of Big Rapids Façade program in conjunction with the downtown property owners, and

WHEREAS, change orders have been submitted by Steve Jones for work done, which was requested by the business owners, as part of the façade project, and

WHEREAS, all these additional costs are paid entirely by the property owners.

NOW THEREFORE, BE IT RESOLVED that the City Commission accept the attached change orders.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the Resolution adopted.

Dated: December 21, 2009

RESOLUTION NO. 09-155

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

**RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS
TO SIGN THE APPLICATION PERMIT FOR MISCELLANEOUS
OPERATIONS WITHIN STATE TRUNKLINE RIGHT-OF-WAY FOR 2010**

WHEREAS, the City of Big Rapids hereinafter referred to as the "GOVERNMENTAL AGENCY", periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT", for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the governmental agency agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by

the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY.

Name	Title
Donald Greiner	Public Works Director

Yeas: Anderson, James, Harper, Rothstein, Warba
Nays: None
The Mayor declared the resolution adopted.
Dated: December 21, 2009

Commissioner Harper asked that during the design phase of the skate park, the committee strongly consider the smallest structural footprint available in order to have the least environmental impact on the river.

RESOLUTION NO. 09-156

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

**RESOLUTION APPROVING RIVER STREET PARK
AS THE LOCATION FOR SKATEBOARD PARK**

WHEREAS, there has been community interest in establishing a Skateboard Park at River Street Park, and

WHEREAS, a survey was conducted of the surrounding neighborhood where 58% were supportive of the Skateboard Park, and

WHEREAS, a public hearing was held on December 10, 2009 at the Park and Recreation Board meeting where a motion was made to recommend the use of River Street Park as the location for a Skateboard Park and the matter was referred to the Planning Commission, and

WHEREAS, the Planning Commission at their December 16, 2009 meeting, recommended River Street Park as the location for the Skateboard Park.

NOW, THEREFORE, BE IT RESOLVED that the City Commission approve River Street Park as the location for a Skateboard Park.

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None
The Mayor declared the resolution adopted.
Date: December 21, 2009

UNSCHEDULED BUSINESS

Ms. Tetsworth noted on the December 11, 2009 Manager's Newsletter it was stated that a reduction in the monthly advance premium paid to Blue Cross Blue Shield was \$13,000 a month, is actually \$23,000.

Commissioner Anderson inquired about the No overnight Parking signs at the Library that have not been put up. Mr. West stated that he has a traffic control order in and would check into it.

Commissioner James commented that upon looking over the audit and comparing it with last years, the current budget appears that the general fund has revenues appropriated at 8.4 and the general fund has expenditures appropriated worth over 9 million and if the revenues are correct the general fund balance at the end of the year will be about \$350,000. Commissioner James would like to know if there are some things that are going to be coming in that may have to do with the aerial ladder fire truck that is not noted.

Ms. Tetsworth stated that there are some things that are not noted that she expects to come in as income for the aerial ladder truck. As soon as the B S & A software conversion is done she will be looking at line items one at a time. She will also be looking at department budgets and having cost containment meetings with department heads.

Mayor Warba commented on the following:

- January 11th Commissioner James, Mayor Warba, and Eric Williams will meet with Green Township regarding the User Charge Study.
- Received an e-mail from Patricia Czyzio regarding the Spruce Ridge Development for assisted living/nursing home complex at 1007 and 1201 Woodward. The Planning Commission gave tentative approval and may see it back at the Commission level on January 19th. It is unique in terms of approach because generally the concept is also accompanied by a site plan. The developers want to have some assurance that the concept will be accepted before they begin the site plan. It is zoned R-1 and they are not seeking rezoning of the property. What they are seeking is a Conditional Use.
- Review the current Rules and Procedures for changes and be prepared to take them up at the next meeting.
- On Representative Booher's most current mailing, there is a picture of Steve Sobers and Representative Booher testifying in Lansing regarding the low interest loans.
- Wished everyone Merry Christmas and Happy Holidays.

Mayor Warba asked each Commissioner for three goals for the upcoming year.

Commissioner Anderson

Recommit to core residential areas. You can't have a vibrant city without vibrant neighborhoods.

More of an emphasis in the residential areas pertaining to streets, general infrastructure and general quality of life.

Commissioner Rothstein

Neighborhood north of Curries, 2nd and 3rd Avenue. Reduce crime in that area. Hope somehow this can be addressed.

Continue Airport support. It is starting to turn in our favor and it is starting to pay for itself.

Commissioner James

Would like to see the City be support of the downtown businesses during Streetscape. It will be very difficult for the businesses during this time.

Hoping that the User Charge Study meetings are successful.

Would like to work toward a very balanced budget for next year and increase the general fund balance.

Commissioner Harper

Would like to see the recommendations of the Media Committee taken to heart for next years budget. Would like to see the meetings taped in a professional capacity as much as possible. Believes that communication is absolutely necessary.

Library – would like to see that issue move forward. There are basic infrastructure needs that need to be taken care of at the library with a minimal amount of investment with the USDA loan program and match.

Save on energy costs. Would like to see the City utilize the sewage treatment plant and capture methane. This would be a thought into the future and for future renovations to the sewage treatment plant for capturing some kind of energy to utilize.

Mayor Warba

Following through on the recommendations of the Media Committee. Liked the Commission meeting which was held at Ferris and would like to have another meeting there again.

Big Rapids High School and Charter Academy were designated by US News and World Reports as two of the best schools in Michigan. Would like to recognize students from the Big Rapids High School, Charter Academy, and Ferris State University, before graduation, who have been a part of the Big Rapids community as a whole. Would like

to start by contacting the High School, Charter Academy and Ferris for nominations for student recognition at a Commission meeting.

Mayor Warba would like to meet with former Big Rapids City Mayors to solicit their input on how they view the progress of the City and gather their ideas and outlook for the future. Would like to draw on others who have served the City along with having the talent, knowledge, experience and history of the City.

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

* * * * *

Mayor Mark J. Warba

Tamyra K. Gillis, Deputy Clerk