

City Council

Regular Meeting Minutes

Monday, March 18, 2013
7:00 p.m., Council Chambers



1. Call to Order by Mayor Burr at 7:00 p.m.

2. Invocation

Council observed a moment of silence.

3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr
Absent: None

4. Approval of Agenda

Moved by Patterson to approve the agenda. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

5. Consent Agenda: Items A thru H (Roll Call Vote Required)

Moved by Fitzgibbon, seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the following City Council minutes:
 - 1) Special Meeting Minutes: March 4, 2013.
 - 2) Regular Meeting Minutes: March 4, 2013.
- B. Bills totaling \$1,665,584.72 for the period ending March 17, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve Amended Resolution 2013-12: A Resolution amending the beach parking fee system.
- D. Council will be asked to approve the IT Equipment Change Request for the North Side Marina Project in the amount of \$18,490.
- E. Council will be asked to approve the following items regarding the Municipal Employees Retirement System:
 - 1) Resolution 2013-19: A resolution for changing MERS Benefits for the City Manager.
 - 2) Approve the purchase of two years of service credit for MERS pension for Kim Hasty.
- F. Council will be asked to approve a proposal for Construction Documents, Bidding Services, and Dredging Project Oversight for the Upper and Lower Black River from Abonmarche in an amount not-to-exceed \$29,400.

- G. Council will be asked to approve the following proposals regarding the Phoenix Street Improvements Project:
- 1) Traffic Signal Engineering by Abonmarche in the amount of \$19,000.
 - 2) Landscape Architecture by Conelisse Design Associates in the amount of \$22,615.
 - 3) Electrical and Lighting System Engineering to GRP Engineering in the amount of \$19,000.
 - 4) Grant Administration Services through the design phase to Abonmarche in the amount of \$7,000.
- H. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
- 1) Downtown Development Authority:
 - a. Regular Meeting Minutes: September 5, 2012.
 - b. Workshop Meeting Minutes: October 3, 2012.
 - c. Special Meeting Minutes: January 30, 2013.
 - d. Workshop Meeting Minutes: February 6, 2013.

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

Motion carried.

UNFINISHED BUSINESS

6. City Council will be asked to consider the following actions regarding the Foodtools IFT request:

A. Hold a public hearing regarding the request.

B. Consider Resolution 2013-20: A Resolution approving an application for issuance of an Industrial Facilities Exemption Certificate as requested by Foodtools, Inc.

Background Information: The tax exemption request, which totals \$92,641, is for the acquisition and installation of new personal property acquired by the company. The applicant notes that the company anticipates retaining 1 existing job at their facility as a result of the project.

Foodtools, Inc. manufactures cake and pie slicers, which mechanically insert dividers. The company employs 45 people at its three locations in Santa Barbara, CA, South Haven, MI, and the United Kingdom. The company manufactures over 35 models of cake and pie slicers.

The estimated total value of the Industrial Facilities Tax Exemption Certificate for Foodtools, Inc., is \$4,305 over the 12 year life of agreement if all machinery is included in the certificate. The tax exemption does include a "claw-back" provision, which allows the City of South Haven to seek the abated tax amount if the terms of the abatement are not met by the business.

Item A: Hold a public hearing regarding the request.

Moved by Kozlik Wall to open the public hearing. Seconded by Arnold.

Voted Yes: All. Motion carried. Public hearing declared open.

Doug Petrovich, Foodtools Representative – provided City Council with an overview of the IFT request.

Moved by Kozlik Wall to close the public hearing. Seconded by Patterson.

Voted Yes: All. Motion carried. Public hearing closed.

Item B: Consider Resolution 2013-20: A Resolution approving an application for issuance of an Industrial Facilities Exemption Certificate as requested by Foodtools, Inc.

Moved by Kozlik Wall to approve Resolution 2013-20: A Resolution approving an application for issuance of an Industrial Facilities Exemption Certificate as requested by Foodtools, Inc. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

NEW BUSINESS

7. City Council will be asked to consider the following Special Events:

- A. Special Event 2013-02: Summer Art Fair (July 7, 2013).**
- B. Special Event 2013-07: SteelHeaders Pro-Am (May 18-19, 2013).**
- C. Special Event 2013-08: Gus Macker (July 26-28, 2013).**

Item A: Special Event 2013-02: Summer Art Fair (July 7, 2013).

Background Information: The South Haven Center for the Arts would like to make an amendment to their already approved special event, the Summer Art Fair.

The event is scheduled for Sunday, July 7th from 6:00 am – 7:00 pm. This year they have requested and received permission to set up on Saturday beginning at 1:00 pm but now would like to amend the original application to also receive permission to allow their food vendors, once set up, to sell on Saturday.

Moved by Patterson to approve amended Special Event 2013-02: Summer Art Fair (July 7, 2013). Seconded by Arnold.

Voted Yes: All. Motion carried.

Item B: Special Event 2013-2013-07: Steelheaders Pro-Am (May 18-19, 2013).

Background Information: This fishing tournament is scheduled for May 18 - 19, 2013. Boaters travel from all over to participate in this tournament. It is also the event that provides all the fish for the fish boil dinner during the Blueberry Festival.

This fishing tournament has a history of being well run with minimal incident. The City facility impacted the most is the Southside Marina. They are requesting use of dock space #1 and #2 on the headwall at the Southside marina; this is where the vessels pull up to drop off the fish to be weighed in.

Moved by Fitzgibbon to approve Special Event 2013-2013-07: Steelheaders Pro-Am (May 18-19, 2013). Seconded by Klavins.

Voted Yes: All. Motion carried.

Item C: Special Event 2013-08: Gus Macker (July 26-28, 2013).

Background Information: This special event request is ready for City Council's approval. Youth Development Co/PAL is again sponsoring a Gus Macker Tournament. The tournament will be held July 26-28, 2012. The Gus Macker Tournament is a basketball tournament designed so that anyone can play: male or female, young and old, short and tall, the most experienced or no experience at all. This maintains the purity and integrity of the driveway game.

They are requesting to use South Beach and Water Street from the beach to Maple Street for the tournament. Please see maps in the special event application for more details. They have agreed to pay a total of \$3444.00 for the use of the South Beach parking lot for the three days of the event ($\$1148.00/\text{day} = \$7.00 /\text{space} * 164 \text{ spaces}$). Volunteers will be helping with the event by manning the barricades and picking up trash, etc. Porta-potties, dumpsters and additional trash containers are being supplied by Youth Development Co/PAL.

Teresa Cunningham, Representative of Gus Macker – was present to answer any questions City Council had regarding the Special Event request.

Moved by Kozlik Wall to approve Special Event 2013-08: Gus Macker (July 26-28, 2013). Seconded by Patterson.

Voted Yes: All. Motion carried.

8. City Council will be asked to consider Resolution 2013-21: A Resolution authorizing the City Manager to apply for a Coastal Zone Management Grant on behalf of the Michigan Maritime Museum.

Background Information: The Michigan Maritime Museum (Museum) has been developing a grant application to apply to the Coastal Zone Management (CZM) Program for the preservation of the Evelyn S. tugboat. The total estimated cost is \$130,000 of which the Museum is asking the CZM to fund 50% (\$65,000) and the Museum will fund 50% (\$65,000) through donations and in-kind services.

The application to the CZM must go through the City which will serve as the pass-through for funds if the grant is awarded.

The preservation project includes restoration improvements and ADA accessibility improvements. It is anticipated that the restored Evelyn S. will serve as an attraction to the Museum and the community. The project supports Heritage Tourism and supports the Museum's a role as a collaborator in the Tugboat Consortium.

The application is due March 29, 2013.

Patti Reinert-Montgomery, MMM Executive Director – thanked City Council and staff for working with the Maritime Museum on the request.

Sandy Bryson – provided City Council with an overview of the project and answered any questions that City Council had regarding the request.

Moved by Fitzgibbon to approve Resolution 2013-21: A Resolution authorizing the City Manager to apply for a Coastal Zone Management Grant on behalf of the Michigan Maritime Museum. Seconded by Patterson.

Voted Yes: All. Motion carried.

9. City Council will be asked to consider approval of a Restrictive Covenant Agreement with the Michigan Department of Environmental Quality for the Dunkley Dredge Spoil Site.

Background Information: Dredging spoil from the Turning Basin and the North Side and South Side Marinas is being placed on the Dunkley Avenue site. The DEQ dredging permit for the Turning Basin, and the permit application for the North Side and South Side Marinas require that a restrictive covenant be placed on the area used to deposit the spoil. The attached document is the restrictive covenant which would accomplish the requirements of the DEQ permit.

The contaminants found in the dredge spoil at the North Side and South Side Marinas include arsenic, barium, lead, manganese and selenium. The contaminants found in the Turning Basin include arsenic, barium, chromium, copper, lead, manganese, selenium and zinc. The permit requires that the spoil material be capped to prevent direct contact exposure to the spoil material. We plan to place fabric on the spoil, then cap it with gravel.

The area where dredge spoils will be placed is the area south of the access drive in the Dunkley Avenue site, formerly the Electric Barn site. This site is currently used to dump excess snow in winter and as an overflow parking area for the Black River Boat Launch in other seasons. The plans for restoration of this site include a cap of gravel with a fabric base, which should allow for continued use for snow storage and as overflow parking. Restoration will begin after completion of the dredging projects in Spring 2013.

We expect to raise the Dunkley site approximately four feet from the current level. We have applied for a floodplain permit to allow for flattening the site to use for overflow parking.

My recommendation is to close the Dunkley site to future spoil deposition, and to find another site for future dredge spoil deposition. This could be by agreement with a property owner or through purchase of property.

Moved by Kozlik Wall to approve a Restrictive Covenant Agreement with the Michigan Department of Environmental Quality for the Dunkley Dredge Spoil Site. Seconded by Klavins.

Voted Yes: All. Motion carried.

10. City Council will be asked to consider setting a public hearing date of April 15, 2013 to hear public comment regarding the proposed DDA Plan Amendment.

Background Information: The DDA Board of Directors approved Resolution 2013-01 at their March 13, 2013 Regular Meeting. A summary of the Plan Amendment additions and changes is below.

- 1) The Year 2009 Amendment, which was adopted in order to phase out certain parcels of the Development Area, is rescinded and revoked, therefore the boundaries of the Area shall remain as they currently are.
- 2) Additional projects include: South Beach Building Project; Bicycle Connections; Trash Removal.
- 3) General Street Repair is amended to increase the estimated cost to \$5,000,000.
- 4) Streetscape Improvements component is amended to add: green initiatives; planning, design, acquisition, and construction or areas and infrastructure for, cultural improvements/public art; and public wireless internet or other technology improvements.
- 5) Ice Skating Rink component to add: Installation of underground grid system; and to increase estimated cost to \$600,000.
- 6) Marketing Efforts for Downtown District to add: Production and distribution of communications materials in an effort to sustain economic activity in the Development Area; add: production of communication materials during planning and implementation of capital improvement projects; remove: sunset clause which currently restricts production and distribution of communications materials for future capital improvement projects.

Moved by Patterson to set a public hearing date of April 15, 2013 to hear public comment regarding the proposed DDA Plan Amendment. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

11. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

(You will be given up to 5 minutes to address your concerns.)

Representative of John Proos' Office – provided City Council with a legislative update.

12. City Manager's Comments

13. Mayor and Councilperson's Comments

- Klavins: Congratulated the SH Boys Varsity Basketball team for their win at the District Championship for the 4th year in a row.
- Arnold: No comment.
- Patterson: Very proud of the South Haven Students whose exhibits will be at the Center for the Arts.
- Fitzgibbon: No comment.
- Gruber: High School musical Grease is this weekend.
- Kozlik Wall: March is public awareness of Hunger for Seniors, Senior Center will be holding a lunch to raise awareness.
- Burr: Have received approval from DEQ to help with fish habitat in the Celery Pond.

14. Adjourn

Moved by Kozlik Wall to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:39 p.m.

RESPECTFULLY SUBMITTED,



Amanda Morgan, CMC
City Clerk

Approved by City Council: April 8, 2013