

# City Council

## Regular Meeting Minutes

Monday, May 20, 2013  
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**
2. **Invocation by Pastor Ken Kruithoff, Kibbie Christian Reformed Church**
3. **Roll Call**

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

4. **Approval of Agenda**

Moved by Fitzgibbon to approve the agenda to include an update on the South Haven Court immediately following the agenda approval. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

Mike Bedford, County Prosecutor – provided City Council with an update regarding the opening of the prosecutor's office at the South Haven Courthouse and took the opportunity to introduce the staff.

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

Moved by Patterson, seconded by Gruber to approve the Consent Agenda removing Item 5d(1) as follows:

- A. Council will be requested to approve the following City Council Minutes:
  - 1) Workshop Minutes: April 22, 2013
  - 2) Regular Minutes: May 6, 2013.
- B. Bills totaling \$879,033.44 for the period ending May 19, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve the purchase of beach warning flag poles from American Pride in the amount of \$27,285.
- D. Council will be asked to approve the following temporary special event sign requests:
  - 2) Relay For Life
- E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) Downtown Development Authority: Minutes, March 13, 2013.
  - 2) Local Development Finance Authority: Minutes, April 15, 2013.

3) South Haven Regional Airport Authority: Minutes, April 17, 2013.

A Roll Call Vote was taken:

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

Nays: None

Motion carried.

Council discussed Item 5d(1) originally included on the Consent Agenda:

Council will be asked to approve the temporary special event sign requests for Waterfront Film Festival.

Moved by Gruber to approve the temporary special event sign requests for Waterfront Film Festival. Seconded by Kozlik Wall.

A Roll Call Vote was taken:

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

Nays: None

Motion carried.

PUBLIC HEARINGS

**6. City Council will be asked to hold a public hearing regarding the FY 2013/2014 Budget.**

*Background Information:* The budget process begins in earnest in January with department heads preparing budget concerns and requests for the City Manager's review. The Finance Department compiles and reviews these requests. As staff works through the various budget projections, a series of reports are distributed for the City Council's review. This year, several workshop sessions were held by the City Council to make sure the budget reflects the adopted policy priorities of City Council.

The manager's proposed budget for 2013-14 is complete and is now presented to the City Council for consideration. It is available for the public to review, and can be downloaded from the city's website or can be obtained in print form at City Hall.

The City Charter requires a public hearing on the proposed budget. The City Council is required to adopt a budget at the first meeting in June.

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

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

No public comment at this time.

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

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

BOARD & COMMISSION APPOINTMENTS

**7. City Council will be asked to consider the following annual board and commission appointments/reappointments:**

**A. Confirm the Mayor's reappointments as follows:**

<u>Name</u>	<u>Board</u>	<u>Term</u>
John Braun	Downtown Development Authority	4-year term
Jim Marcoux	Downtown Development Authority	4-year term
Scott Smith	Planning Commission	3-year term

**B. Reappoint board and commission members as follows:**

<u>Name</u>	<u>Board</u>	<u>Term</u>
Paul VandenBosch	Building Authority	4-year term
Ed Morse	Construction Board of Appeals	5-year term
Mary Stephens	Harbor Commission	3-year term
David Fenske	Liberty Hyde Bailey Museum Board	4-year term
Lois Howard	Library Board	5-year term
Dorothy Cobbs	Parks Commission	3-year term
Dave Miller	Zoning Board of Appeal	3-year term

**Item A: Council will be asked to confirm the Mayor's reappointments to boards and commissions.**

Moved by Patterson, seconded by Fitzgibbon to confirm Mayor's reappointments as follows:

<u>Name</u>	<u>Board</u>	<u>Term</u>
John Braun	Downtown Development Authority	4-year term
Jim Marcoux	Downtown Development Authority	4-year term
Scott Smith	Planning Commission	3-year term

Voted Yes: All. Motion carried.

**Item B: Council will be asked to reappoint board and commission members.**

Moved by Fitzgibbon, seconded by Kozlik Wall to reappoint board and commission members as follows:

<u>Name</u>	<u>Board</u>	<u>Term</u>
Paul VandenBosch	Building Authority	4-year term
Ed Morse	Construction Board of Appeals	5-year term
Mary Stephens	Harbor Commission	3-year term
David Fenske	Liberty Hyde Bailey Museum Board	4-year term
Lois Howard	Library Board	5-year term
Dorothy Cobbs	Parks Commission	3-year term
Dave Miller	Zoning Board of Appeal	3-year term

Voted Yes: All. Motion carried.

**8. City Council will be asked to consider the following board and commission appointments:**

- A. Appoint the following members to the Construction Board of Appeals:**
  - i. Mark Dibble to fill a vacant 5-year term expiring in 2014.**
  - ii. Dennis DeVinney to fill a vacant 5-year term expiring in 2015.**
  - iii. Craig Niephaus as an Alternate to the Construction Board of Appeals.**
  - iv. Butch Kelly as the Hearing Officer.**
- B. Confirm the Mayor's appointment of Sally Newton to the Downtown Development Authority to fill a vacant 4-year term expiring in 2015.**
- C. Appoint Tim Reineck to the Harbor Commission for a 3-year term expiring in 2016.**
- D. Appoint Chuck Moore to the Parks Commission for a 3-year term expiring in 2016.**
- E. Appoint Mary Lynn Bugge to the Zoning Board of Appeals for a 3-year term expiring in 2016.**

**Item A: Appointments to the Construction Board of Appeals.**

Moved by Fitzgibbon, seconded by Kozlik Wall to appoint the following members to the Construction Board of Appeals:

- a. Mark Dibble to fill a vacant 5-year term expiring in 2014.
- b. Dennis DeVinney to fill a vacant 5-year term expiring in 2015.
- c. Craig Niephaus as an Alternate to the Construction Board of Appeals.
- d. Butch Kelly as the Hearing Officer.

Voted Yes: All. Motion carried.

**Item B: Confirm the Mayor's appointment of Sally Newton to the Downtown Development Authority to fill a vacant 4-year term expiring in 2015.**

Sally Newton introduced herself as an applicant for the Downtown Development Authority.

Moved by Kozlik Wall to confirm the Mayor's appointment of Sally Newton to the Downtown Development Authority to fill a vacant 4-year term expiring in 2015. Seconded by Patterson.

Voted Yes: All. Motion carried.

**Item C: Appoint Tim Reineck to the Harbor Commission for a 3-year term expiring in 2016.**

Tim Reineck introduced himself to City Council as an applicant to the Harbor Commission.

Moved by Fitzgibbon to appoint Tim Reineck to the Harbor Commission for a 3-year term expiring in 2016. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**Item D: Appoint Chuck Moore to the Parks Commission for a 3-year term expiring in 2016.**

Moved by Fitzgibbon to appoint Chuck Moore to the Parks Commission for a 3-year term expiring in 2016. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**Item E: Appoint Mary Lynn Bugge to the Zoning Board of Appeals for a 3-year term expiring in 2016.**

Mary Lynn Bugge introduced herself to City Council as an applicant to the Zoning Board of Appeals.

Moved by Fitzgibbon to appoint Mary Lynn Bugge to the Zoning Board of Appeals for a 3-year term expiring in 2016. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**NEW BUSINESS**

**9. City Council will be asked to consider the following items regarding the emergency dredging:**

**A. Resolution 2013-26: A Resolution to approve an agreement addendum with the MDNR for the Emergency Dredging Project.**

**B. Approve a budget adjustment for the 2013 Emergency Dredging Project.**

*Background Information:* The Michigan DNR has notified the City that the amount of the 2013 emergency dredging grant is \$296,050. This reflects the original funding amount of \$436,050 less \$140,000 allocated for Army Corps dredging areas. The Army Corps plans to dredge the federal channel later this year.

The resolution and agreement will authorize the grant funding for emergency dredging.

The current dredging project, including the North Side and South Side Marinas, Turning Basin, Friends Goodwill Channel, and Black River is expected to cost \$490,503, based on the most recent change order.

Funding sources for the 2013 dredging project are proposed as follows:

296,050	MDNR Waterways Emergency Dredging Grant
94,453	City of South Haven River Maintenance Fund
<u>100,000</u>	City of South Haven Municipal Marina Fund
490,503	Total

**Item A: Resolution 2013-26: A Resolution to approve an agreement addendum with the MDNR for the Emergency Dredging Project.**

Moved by Kozlik Wall to approve Resolution 2013-26: A Resolution to approve an agreement addendum with the MDNR for the Emergency Dredging Project. Seconded by Patterson.

Voted Yes: All. Motion carried.

**Item B: Approve a budget adjustment for the 2013 Emergency Dredging Project.**

Moved by Fitzgibbon to approve the budget adjustment for the 2013 Emergency Dredging Project. Seconded by Gruber.

A Roll Call Vote was taken:

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

Nays: None

Motion carried.

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

**A. Special Event 2013-14: Festival of Trees (November 29-December 8, 2013).**

**B. Special Event 2013-16: All Crafts Fair (August 31 & September 1, 2013).**

**C. Special Event 2013-17: Blueberry Festival Craft Fair (August 10-11, 2013).**

**D. Special Event 2013-18: Memorial Day Parade (May 27, 2013).**

**E. Special Event 2013-19: South Haven Fireworks (July 3, 2013).**

**Item A: Special Event 2013-14: Festival of Trees (November 29-December 8, 2013).**

*Background Information:* This special event request is ready for City Council's approval. This event, sponsored by We Care I.N.C. is scheduled to start Friday, November 29, 2013. The event will start with a parade bringing Santa to kick-off the Festival of Trees event at City Hall, which will last through December 8, 2013. We Care is working with the city to find a parade route that will work around the construction. They are requesting use of City Hall's lawn from 6:00 p.m. to 8:30pm for music/trees lighting. They are also requesting to decorate City Hall's lawn with Christmas trees and decorations that would stay up throughout the Christmas season.

Moved by Fitzgibbon to approve Special Event 2013-14: Festival of Trees (November 29-December 8, 2013). Seconded by Patterson.

Voted Yes: All. Motion carried.

**Item B: Special Event 2013-16: All Crafts Fair (August 31 & September 1, 2013).**

*Background Information:* This special event request is ready for City Council's approval. The event is scheduled for August 31st and September 1st. It is the same as it has been in the previous years. They are requesting snow fencing be placed as it has in previous years. They requested additional police patrols over night on August 30th and August 31st.

Moved by Kozlik Wall to approve Special Event 2013-16: All Crafts Fair (August 31 & September 1, 2013). Seconded by Klavins.

Voted Yes: All. Motion carried.

**Item C: Special Event 2013-17: Blueberry Festival Craft Fair (August 10-11, 2013).**

*Background Information:* The special event request for the Blueberry Festival Craft Fair is ready for City Council approval. As in past years the Blueberry Festival Craft Fair is being run by the South Haven Area Chamber of Commerce. The event is scheduled for August 10-11, 2013. Their requests appear to be in order and consistent with past requests.

Moved by Kozlik Wall to approve Special Event 2013-17: Blueberry Festival Craft Fair (August 10-11, 2013). Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

**Item D: Special Event 2013-18: Memorial Day Parade (May 27, 2013).**

*Background Information:* This special event is ready for City Council approval. The South Haven American Legion sponsors this event this year which is scheduled for May 27, 2013. The parade is being done in the same way it has been done in the previous years. The parade route is identified on the event application.

Usually proof of insurance is required with the City named as co-insured however as in the past they are requesting to waive insurance.

Moved by Kozlik Wall to approve Special Event 2013-18: Memorial Day Parade (May 27, 2013). Seconded by Patterson.

Voted Yes: All. Motion carried.

**Item E: Special Event 2013-19: South Haven Fireworks (July 3, 2013).**

*Background Information:* The South Haven Fireworks special event is ready for City Councils approval. The request date for the fireworks show is Wednesday, July 3, 2013. This event is sponsored by the South Haven Fireworks Committee. The Fireworks Committee and city staff is working together to ensure that town is prepared for the show and the increased crowds. The Fireworks Committee will also be working with the bridge tender to make sure there are no problems with backups at the bridge. The attached maps illustrate the proposed locations of portable trash receptacles, dumpsters, and porta-potties. Clean up will begin early the next morning to ensure everything is ready for the 4th of July parade. SHAES is asking for very strict parking enforcement all day to keep fire and ambulance access open on the temporary no parking routes throughout town.

Moved by Kozlik Wall to approve Special Event 2013-19: South Haven Fireworks (July 3, 2013). Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

**11. City Council will be asked to take the following actions regarding the Van Buren Trail Grant:**

- A. Approve a professional services agreement for engineering services related to the Van Buren Trail Extension with Abonmarche for \$64,000. (Roll Call Vote required)**
- B. Consider Resolution 2013-27: A Resolution to approve the grant agreement with the MDNR for the Van Buren Trail Extension Project.**

*Background Information:* The State of Michigan has offered the City a grant project agreement for the Van Buren Trail project. This project would make bicycle path improvements between South Haven Street and Aylworth Avenue, along the former railroad line. The intent is to connect to the Van Buren Trail, which is being developed by the State of Michigan, and which will extend to Van Buren State Park. Signage, bike racks, benches and landscaping will be constructed at the parking lot at Kalamazoo and Huron Street, which will identify this location as a trailhead for both the Kal-Haven Trail and the Van Buren Trail. Bicycle connection between South Haven Street and the Huron Street is intended to be on-street with signage.

The authorized project cost is \$362,400, with the City providing a 40% match of \$145,000, and the Michigan Department of Natural Resources providing a 60% grant in the amount of \$217,400.

South Haven City Council authorized applying for the Van Buren Trail grant on March 19, 2012.

As part of the grant agreement, the City is required to retain the services of a professional engineering firm to design, bid and oversee project construction. The City has solicited a proposal from Abonmarche Engineering to provide these services.

In order to proceed with this project, City Council is requested to approve the grant agreement and resolution on the last page of the grant project agreement.

**Item A: Approve a professional services agreement for engineering services related to the Van Buren Trail Extension with Abonmarche for \$64,000.**

Moved by Patterson to approve a professional services agreement for engineering services related to the Van Buren Trail Extension with Abonmarche for \$64,000. Seconded by Fitzgibbon.

A Roll Call Vote was taken:

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

Nays: None

Motion carried.

**Item B: Consider Resolution 2013-27: A Resolution to approve the grant agreement with the MDNR for the Van Buren Trail Extension Project.**

Moved by Fitzgibbon to approve Resolution 2013-27: A Resolution to approve the grant agreement with the MDNR for the Van Buren Trail Extension Project. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**12. Council will be asked to approve Resolution 2013-28: A Resolution accepting a Michigan Natural Resources Trust Fund Grant from the MDNR for Acquisition of the land on Jay R. Monroe Blvd.**

*Background Information:* The MDNR has offered the City of South Haven a grant agreement for the purchase of private property along Monroe Blvd. The intent of the agreement is for the City of South Haven to acquire four privately owned properties, along Monroe Blvd., for \$950,000. The MDNR has agreed to provide \$665,000 in grant funds to assist with the property purchase. The City of South Haven will provide \$285,000 in local matching funds.

The City Council approved the grant submission, for the property purchase, at the March 19, 2012 regular meeting. Since that approval, the city has budgeted funds to provide the local matching amount.

Should the City Council wish to proceed with the property purchase, the next step is complete the grant agreement with the MDNR, and to approve the enclosed resolution.

Moved by Kozlik Wall to approve Resolution 2013-28: A Resolution accepting a Michigan Natural Resources Trust Fund Grant from the MDNR for Acquisition of the land on Jay R. Monroe Blvd. Seconded by Patterson.

Voted Yes: All. Motion carried.

**13. City Council will be asked to consider approving the Building Authority's recommendation to award contract to Lakewood Construction, in the amount of \$3,161,918 for the Police/Fire Complex reconstruction project.**

*Background Information:* The City of South Haven is considering Civil, Architectural, Mechanical, and Electrical improvements to the existing Public Safety building. The project is intended to accomplish three primary goals:

- 1) Providing more space for the Police and Fire Departments for anticipated future needs.
- 2) Increasing operational efficiency.
- 3) Providing necessary improvements that will make the building completely handicapped accessible.

Bids were received on April 11, 2013 for the project. Eight bids were received from contractors. The low bidder for the overall project was Lakewood Construction, a Holland based contractor, with a total bid of \$2,725,950. This amount includes improvements at the Police/Fire Complex. In addition, the bid amount includes the purchase and installation of generators for both the Department of Public Works and City Hall. Those generators will be

used to provide emergency back-up power to the city's buildings, in the event of sustained power outages which impact the City of South Haven.

The project will be funded using a long-term borrowing. At the April 2, 2012, regular meeting of the City Council, the Council approved Resolution 2012-14, which authorized a notice of intent to construct capital improvements with a not to exceed budget of \$3,000,000. The City's staff is working with the United States Department of Agriculture (USDA) to finalize the borrowing, which will be issued to the city's Building Authority. The Building Authority has met, and agreed to approve a contract with Lakewood Construction for the proposed improvements to the Police/Fire Complex. In addition, the Building Authority has recommended a series of bid alternates for improvements to City Hall. That scope of work includes the replacement of the exterior windows at City Hall, for energy efficient casement style windows. In addition, the scope of work includes minor office renovations, intended to create office space and lockable storage for the Human Resources Department. Finally, the scope includes the replacement of the city hall's mansard style roof façade for an updated aluminum structure. The additional scope raises the total project cost \$3,161,918. As this amount exceeds the maximum borrowing amount, the City Council will be asked to contribute \$161,918 of general funds towards the project.

The proposed project is a result of efforts related to the relocating of the City's 911 Emergency Dispatch Call Center operations to the Van Buren County Sheriff's Department in August, 2011. The City's General Fund will experience significant savings from the relocation of the Dispatch Center. A portion of the savings will occur during the current fiscal year, ending June 30, 2012. The overall cost savings for the fiscal year ending June 30, 2013 and thereafter are estimated at over \$150,000 per year.

It is the City's intention to use the cost savings from closure of the 911 Emergency Dispatch Call Center for repayment of the annual debt service. The City's General Fund also receives lease payments from the South Haven Area Emergency Services (SHAES) for their portion of the building. It is anticipated that the City will be receiving additional funds from SHAES to cover their proportionate share of the new debt service in addition to their current lease payments.

Assuming the City Council wishes to proceed with the project, the Council will be asked to consider a motion to concur with the city's Building Authority's recommendation to award contract to Lakewood Construction, in the amount of \$3,161,918 for the Police/Fire Complex reconstruction project. If approved, the project is anticipated to begin in the coming weeks, and be completed in the fall of 2013.

Moved by Fitzgibbon to affirm the Building Authority's recommendation to award contract to Lakewood Construction, in the amount of \$3,161,918 for the Police/Fire Complex reconstruction project. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

#### **14. 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.)*

Marilyn Miller – voiced concerns regarding the North Side Marina facility.

### **15. City Manager's Comments**

### **16. Mayor and Councilperson's Comments**

Kozlik Wall: Reminder to not place sticks and lawn debris into the street. Make sure you pay attention to the busses.

Gruber: Looking forward to the summer season coming.

Fitzgibbon: Clarified that the City Manager has been in contact with Mrs. Miller about landscaping. Reminder that the Monday is Memorial Day, the parade will be at 11:00 a.m.

Patterson: Thanked all the volunteers, they make our City what it is. Thanked Mrs. Miller for her comments.

Arnold: Thirteen school days left. Apologized for a missed message.

Klavins: Asked if Mrs. Miller had been involved with the planning process for the marina. Thoughts and prayers are will Oklahoma after the tornado.

Burr: Asked the City Manager to update Council regarding the Elkenburg Park project completion.

### **17. Adjourn**

Moved by Fitzgibbon to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:53 p.m.

RESPECTFULLY SUBMITTED,



Amanda Morgan, CMC  
City Clerk

Approved by City Council: June 3, 2013