

City Council

Regular Meeting Minutes

Monday, July 1, 2013
7:00 p.m., Council Chambers



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

2. Invocation

- Gerrit Haagsma – Hospice at Home

3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Patterson, Burr
Absent: Klavins, Kozlik Wall

Moved by Fitzgibbon to excuse Councilmembers Klavins and Kozlik Wall due to personal business. Seconded by Arnold.

Voted Yes: All. Motion Carried.

4. Approval of Agenda

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

Voted Yes: All. Motion Carried.

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

Moved by Arnold seconded by Fitzgibbon to approve the Consent Agenda as follows with the removal of items C and G:

- A. Council will be requested to approve the City Council Minutes of June 17, 2013.
- B. Bills totaling \$932,422.36 for the period ending June 30, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be asked to consider a motion to approve Resolution 2013-41 adopting the change to the TPOAM ratified contract allowing a MERS decrease.
- E. Council will be asked to consider a motion to approve the professional services agreement with Progressive AE for the BR-196 Traffic Study.
- F. Council will be asked to consider a motion to approve the license agreement for 330 Kalamazoo Street (Phoenix Records and Boutique).
- H. City Council will be asked to consider a motion to approve the construction of a dumpster enclosure for Williams Street at a total cost of \$16,878.
- I. City Council will be asked to consider a motion to approve the Bailey Street license agreement.

City of South Haven
Regular Meeting Council Minutes
City Hall, Council Chambers
7:00 p.m., Monday, July 1, 2013

J. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:

- 1) 05-21-13 LHBM minutes
- 2) 09-14-11 CBA minutes
- 3) 05-15-13 Airport Authority minutes
- 4) 05-14-13 SH Memorial Library minutes
- 5) 05-21-13 Harbor minutes
- 6) 05-20-13 ZBA minutes
- 7) 03-25-13 BPU minutes
- 8) 03-25-13 BPU Workshop minutes
- 9) 05-08-13 DDA minutes
- 10) 06-05-13 DDA Workshop minutes

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Fitzgibbon, Patterson, Burr

Nays: None

Motion carried

City Council considered Item C originally on Consent Agenda; to approve a sign agreement with Harbor Jet Skis.

Moved by Fitzgibbon to send the license agreement with Harbor Jet Ski back to Harbor Commission. Seconded by Gruber.

Voted Yes: All. Motion Carried.

City Council considered Item G originally on Consent Agenda; a motion to approve the license agreement for Monroe Park sign.

Moved by Gruber to approve the license agreement for Monroe Park sign. Seconded by Arnold.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Fitzgibbon, Burr

Nays: Patterson

Motion Carried.

UNFINISHED BUSINESS

6. City Council will be asked to consider the following items regarding the BEI IFT:

A. Hold public hearing regarding BEI IFT

B. Approve Resolution 2013-40 regarding the approval of the BEI IFT.

Background Information: The City Council will be asked to consider approval of an Industrial Facilities Tax Exemption Certificate for BEI International, LLC, located at 1375 Kalamazoo Street.

The tax exemption request, which totals \$11,132, is for personal property acquired by the company. The applicant notes that the company anticipates retaining 2 existing jobs at their facility as a result of the project.

BEI International was founded in the City of South Haven in 1959. BEI International features a range of standard and custom designed harvesting equipment for farm applications. The company currently employs 23 full time and 2 temporary staff members.

The estimated total value of the Industrial Facilities Tax Exemption Certificate for BEI International is \$579 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 public hearing regarding BEI IFT

Moved by Arnold to open the public hearing regarding BEI IFT. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Fitzgibbon, Patterson, Burr

Nays: None

Motion carried

No public comment at this time.

Moved by Fitzgibbon to close the public hearing regarding BEI IFT. Seconded by Patterson.

Voted Yes: All. Motion carried

Item B: Approve Resolution 2013-40 regarding the approval of the BEI IFT

Moved by Patterson and seconded by Fitzgibbon to approve Resolution 2013-40 regarding approval of the BEI IFT.

Voted Yes: All. Motion carried.

7. **City Council will be asked to consider the following regarding the Kalamazoo Street Phase 2 Special Assessment:**
 - A. **Hold public hearing regarding the Kalamazoo Street Phase 2 Special Assessment.**
 - B. **Approve construction contract for the Kalamazoo Street Phase 2 Special Assessment**
 - C. **Approve Resolution 2013-39 for confirmation of the Kalamazoo Street Phase 2 Special Assessment roll; lien; payment and collection of the special assessment.**
 - D. **Approve materials testing contract for the Kalamazoo Street Phase 2 Project.**

Background Information: With the first two City Council meetings for the Kalamazoo Street special assessment process now complete, the City Council has the ability to complete the

process at their July 1 meeting. If the City Council wishes to authorize the construction to begin, the following actions should be taken:

- 1) conduct a public hearing regarding the special assessment roll and approve the final special assessment district resolution
- 2) approve a contract with DeSal Excavating for the completion of the construction work
- 3) approve a contract with Soil and Materials Engineers for materials testing services

Each of these steps is described in further detail below.

1) Public Hearing and Special Assessment Resolution

The public hearing is required by city ordinance for the purpose of hearing any objections to the proposed special assessment roll. After conducting the public hearing, if the City Council is satisfied with the roll as presented, the City Council may confirm the roll by approving the final special assessment resolution. This is the final step in the special assessment process.

2) Construction Contract Approval

The general contractor will be responsible for all construction work on site, generally consisting of watermain, storm sewer, and sanitary sewer replacement; as well as construction of new street, driveway approaches, sidewalk ramps and repairs; along with topsoil and grass restoration. Various portions of this work will be performed by subcontractors, but the entire project is made the responsibility of one general contractor. On May 21, 2013, city staff received bids for the construction contract. Seven bids were received, with the low bid coming from DeSal Excavating, Inc. in the amount of \$848,553.70. Desal Excavating is the same contractor that completed the Hogans Alley reconstruction project in 2009. DeSal is tentatively planning to begin work the week of July 9 in anticipation of an October 18 project completion.

Item A: Hold public hearing regarding the Kalamazoo Street Phase 2 Special Assessment.

Moved by Patterson to open the public hearing regarding the Kalamazoo Street Phase 2 Special Assessment. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Fitzgibbon, Patterson, Burr

Nays: None

Public Comment –

Dorothy Sherrod – Clarification on interest rate. Which taxes will it be assessed on?

Aaron Cobb – How does the City determine the 4.5% interest rate. Can we get the interest rate lowered?

Venitia Hartfield – Clarification on how often the interest will be charged. Who pays the assessment if house is sold?

Lisa Bettis-Cooper - Clarification on how to pay taxes without paying the special assessment. Will there be a penalty? Wanted to state that if this assessment is not paid the County may eventually sell your home on a tax sale.

Dorothy Sherrod – Reminded Council that there is a tax increase on Van Buren County's agenda to increase taxes for all of Van Buren County.

Moved by Arnold to close the public hearing regarding the Kalamazoo Street Phase 2 Special Assessment. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

Moved by Fitzgibbon to table items 7b-d for two weeks to review interest rate and research relief programs to help low income families pay for special assessments. Seconded by Patterson.

Voted Yes: All. Motion carried.

BOARD & COMMISSION APPOINTMENTS

8. City Council will be asked to consider the appointment of Marilyn White to fill a 3-year term on the Parks Commission expiring in 2014.

Moved by Fitzgibbon seconded by Patterson to approve the appointment of Marilyn White to a 3-year term on the Parks Commission expiring in 2014.

Voted Yes: All. Motion Carried.

NEW BUSINESS

9. City Council will be asked to consider approval of the license agreement with Adventure Water Sports.

Background Information: Adventure Water Sports is requesting to use Black River Park Boat Launch to rent a 16 foot runabout and two jet skis.

The City's insurance carrier has reviewed the insurance and finds it acceptable with minor changes, including listing the City as an additional insured and a 10 day notification of cancellation of the policy.

The process for license agreements is for Harbor Commission to recommend to City Council, and City Council to consider approval of the license agreement.

Moved by Fitzgibbon to send the approval of license agreement with Adventure Water Sports back to Harbor Commission. Seconded by Gruber.

Voted Yes: All. Motion Carried.

10. City Council will be asked to consider Special Event 2013-23 Summer Jam Midnight

Background Information: After meeting with staff to discuss the issues with the originally submitted special event application, Summer Jam Midnight, the event organizers would like to make an amendment to their original request.

Originally the organizers were asking to use Elkenburg Park on July 19th & 20th from 10:00pm – 2:00 am each day for a basketball tournament. They are also requesting to bring in additional lights.

The event organizer is now requesting to just host a single basketball game starting on Saturday July 20th at 10:00 pm and ending on Sunday at 1:00 am. They will submit an application to host a basketball tournament on a different weekend. They are still requesting to bring in additional lights.

Staff has reviewed the amendment to the special event application would still recommend that City Council consider not approving this special event on this date due to the other event occurring in the park until 10:00 pm and due to the ending time of the event.

Public Comment –

Amere May – In favor of Special Event 2013-23

Imad Goodwin – In favor of Special Event 2013-23

Roselynn Baker – Opposed to Special Event 2013-23

Jeremiah Smith - In favor of Special Event 2013-23

Nathaniel Goodwin – In favor of Special Event 2013-23

Wanita Sutton – Opposed to Special Event 2013-23

Dorothy Sherrod – Opposed to Special Event 2013-23

Moved by Gruber to deny Special Event 2013-23 Summer Jam Midnight. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried. Special Event 2013-23 Summer Jam Midnight is denied as submitted.

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

Aaron Cobb – Nice courts at Elkenburg, but there seems to be a water problem.

Jessica Nichol – Protesting 10% late fees on utility bills.

Joe Wilkins – Concerned that the far right court in Elkenburg is not level. Also concerned about the traffic parking in front of church.

Revisited Item 5c on the consent agenda; to approve a sign agreement with Harbor Jet Skis.

Moved by Fitzgibbon to approve a sign agreement with Harbor Jet Skis. Seconded by Arnold

Voted Yes: All. Motion Carried.

11. City Manager's Comments

12. Mayor and Councilperson's Comments

Gruber – Summer is here. The 4th is around the corner. Hope everyone is enjoying their summer.

Fitzgibbon – July 3rd is the fireworks. Please be patient with traffic.

Patterson – Thank you to everyone who came out to the meeting. The City can't run without citizens. Sorry that both programs can't run together, hope they can in the future.

City of South Haven
Regular Meeting Council Minutes
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Arnold – Thanks to everyone who came out and spoke.

Burr – Fireworks will be from about 10:30-11:00. The bridge will be open for boat traffic from about 11:30-12:30. Channel 3 News will be covering the events from about 5:00-11:00 p.m.

13. Adjourn

Moved by Gruber to adjourn. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried. Meeting adjourned at 9:14 p.m.

RESPECTFULLY SUBMITTED,

Michelle Coffey
Deputy City Clerk

Approved by City Council