

City Council

Regular Meeting Minutes

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



1. Call to Order

2. Invocation

- Father Michael Ryan - Episcopal Church of the Epiphany

3. Roll Call

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

4. Proclamation Do-It-Corp

5. Approval of Agenda

Moved by Fitzgibbon to approve the agenda. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

6. Consent Agenda: Items A thru C (Roll Call Vote Required)

Moved by Fitzgibbon seconded by Kozlik Wall to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of November 4, 2013.
- B. Bills totaling \$1,109,827.68 for the period ending November 19, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
 - 1) 05-31-2013 CBA Minutes
 - 2) 08-13-2013 Library Minutes
 - 3) 09-10-2013 Library Minutes
 - 4) 10-03-2013 Planning Commission Minutes
 - 5) 10-21-2013 LDFFA Special Meeting Minutes

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr
Nays: None

Motion carried

UNFINISHED BUSINESS

7. City Council will be asked to approve Resolution 2013-64 a resolution to establish the City of South Haven Corridor Improvement Authority.

Background Information: Staff is requesting that City Council consider establishing a Corridor Improvement Authority to address issues related to the I-196 Business Loop and M-43 in the city limits.

A Corridor Improvement Authority is governed by a board of members appointed by the Mayor. A majority of the board should be persons who own property or a business within the development area. At least one of the members should be a resident of the development area or within 1/2 mile from the development area.

A Corridor Improvement Authority is similar to a Downtown Development Authority in that it can receive tax increment financing to manage and implement improvements in the public right of way. Improvements may include streetscaping, beautification, pedestrian crossings and changes to the road configuration. In order to receive this funding, a tax increment financing plan would need to be requested by the Authority and approved by City Council.

The resolution currently under consideration does not establish a tax increment financing plan. It creates an authority (board) which has the legal authority to request such a plan from the City Council.

Staff is currently working with a consultant to do traffic counts and analysis, which will eventually be used to develop plans which would be recommended to MDOT and the Van Buren County Road Commission. Establishing an Authority would help staff ensure that the plans are developed with input from property owners and the public.

Whether or not the Authority decides to request a tax increment financing plan, the Authority will be useful to allow residents, property owners and business owners to participate in discussions with MDOT and the County Road Commission regarding proposed changes and improvements to the corridor district.

The resolution under consideration would establish the Corridor Improvement Authority. The Mayor would then appoint the authority board with approval of the City Council, and the Authority would then begin meeting.

The intent is that the Authority would begin a process of developing engineering plans for all or part of the corridor, in cooperation with MDOT and the County Road Commission.

Moved by Klavins to change the wording from may to shall. Motion seconded.

Voted Yes: All. Motion Carried.

Moved by Fitzgibbon to approve Resolution 2013-64 a resolution to establish the City of South Haven Corridor Improvement Authority. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

NEW BUSINESS

8. City Council will be asked to approve the preparation of bid documents by staff regarding the Van Buren Trail project to send to the MDNR for state approval.

Background Information: The Van Buren Trail project is a grant funded project which will establish a downtown bicycle trailhead at the parking lot on the corner of Kalamazoo and Huron Streets. The project includes trailhead improvements, directional signage, pavement markings, and a rails to trails section of bicycle path. In coordination with the State of Michigan, the trail will connect Downtown South Haven to Van Buren State Park, and will include directional signage to Kal-Haven State Park, North Beach, South Beach and Van Buren State Park.

The bicycle route between the trailhead at Kalamazoo Street and the intersection of Maple Street and South Haven Street will be an on-street signed route with directional signage and pavement markings to indicate how to follow the route. Bicyclists will use the existing roadway; no dedicated bicycle lanes are proposed. Parking will still be allowed where it is currently allowed.

Between South Haven Street and Aylworth Avenue, the City plans to construct a rails to trails, off-street bicycle path which will be paved partly with asphalt and partly with concrete. This will include the pathway which has already been constructed in the Everett Park development.

The project is being done in coordination with the State of Michigan Department of Natural Resources, which is paving the former railroad from Aylworth Avenue near the former Bohn plant in the City to Van Buren State Park.

When the two projects are completed, they will form a bicycle path and on-street route which links Van Buren State Park to Downtown South Haven. There will also be a connection to the Kal Haven Trail, which was previously completed, but will be enhanced with directional signage.

The project is funded with assistance of the Michigan Natural Resources Trust Fund, which will pay 60% of the cost of the project, with a project cost of \$362,400. The City's match is \$145,000. We intend to finalize bid documents over the next two months and bid the project out in February, 2014 (or sooner, if possible). The project should be completed by Memorial Day, 2014.

We have met with adjacent property owners to discuss design details of the project as it affects their property. Staff met with the Downtown Development Authority and held a public information meeting to take comments. The next step in the project is to prepare bid documents and send the bid documents to the state for their approval. Staff is requesting City Council approval to take this next step.

Moved by Patterson to approve the preparation of bid documents by staff regarding the Van Buren Trail. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

9. City Council will be asked to consider the introduction of a fireworks ordinance that would make the current City Code compliant with the state law.

Background Information: The current City Code, last adopted in 1965, prohibits exploding of fireworks, as well as regulating the sale of fireworks.

In 2012, the State of Michigan pre-empted local regulation of fireworks, and established a state-wide regulation of sale and use of fireworks with the Michigan Fireworks Safety Act, which was amended in June of this year.

The Act limits how a local government can regulate the use of fireworks. A local government with a population of less than 50,000 is not permitted to prohibit use of fireworks on the day preceding, the day of, and the day after a national holiday, except between the hours of 1 a.m. and 8 a.m.

The Act also prohibits use of fireworks on public property, subject to a state civil infraction.

The attached draft ordinance would remove city code regulation of the sale of fireworks. It would prohibit the use of fireworks except for the day preceding, the day of and the day after national holidays. It would prohibit the use of fireworks from 1 am to 8am on the day preceding, the day of and the day after national holidays.

The attached draft ordinance would bring the current City Code into compliance with current state law.

Moved by Fitzgibbon to approve the introduction of a fireworks ordinance that would make the current City Code compliant with the state law. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

10. City Council will be asked to approve resolutions related to the collection of delinquent public utility service accounts in Geneva Township and South Haven Charter Township.

A. City Council will be asked to approve Resolution 2013-66 a resolution approving collection of delinquencies for public utility services by Geneva Township.

B. City Council will be asked to approve Resolution 2013-67 a resolution approving collection of delinquencies for public utility services by South Haven Charter Township.

Background Information: The City Council will be asked consider approval of resolutions relating to the collection of delinquencies for electric utility services by Geneva Township and South Haven Charter Township as part of tonight's City Council meeting.

State Law MCL 141.101 et seq. allows delinquent bills to be placed as a lien on the property and collected with usual property tax bills and payments. In compliance with the law, the City's Finance Department has included delinquent utility balances for water, sewer and electric charges for services located within the city limits on the City tax bills as special assessments.

South Haven Charter Township has also assisted the city with the collection of delinquent water & sewer charges for services provided within the township in

accordance with the Water & Wastewater service agreement was signed in December, 1994. This agreement does not address delinquent electric services.

City administration requested that South Haven Charter Township and Geneva Township assist the city with the collection of delinquent township electric services by adopting ordinances to allow the placement of liens on township properties for delinquent accounts. In exchange for their efforts, the townships would keep 50% of the electric delinquents collected and remit the balance to the city. This process will facilitate the collection of the outstanding amounts and give the city another mechanism to collect in addition to utilizing collection agencies.

Attached are separate resolutions for Geneva Township & South Haven Charter Township (along with the Exhibit A's – their adopted ordinances relating to the placing of liens, collection of and remittance of delinquent utility accounts to the City.

Item A: Moved by Patterson to approve Resolution 2013-66 a resolution approving collection of delinquencies for public utility services by Geneva Township. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

Item B: Moved by Patterson to approve Resolution 2013-67 a resolution approving collection of delinquencies for public utility services by South Haven Charter Township. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

11. City Council will be asked to approve Resolution 2013-65 a resolution authorizing the City Manager to apply for the MDEQ SAW grant program.

Background Information: The City Council will be asked to consider approval of a resolution which authorizes staff to submit a Stormwater, Asset Management, Wastewater (SAW) grant application. The grant application is a new grant program, administered by the Michigan Department of Environmental Quality (MDEQ) for work related to the storm and sanitary sewer infrastructure improvements.

The SAW grant program is designed to provide funds for infrastructure project planning, engineering design, and infrastructure asset management planning. The MDEQ program has a total of \$450 million available, with \$97 million expected to be awarded in the first funding round. The first round applications are due by December 2, 2013.

The Board of Public Utilities (BPU) met on Monday, October 28, 2013, and reviewed the proposed SAW grant application. The BPU discussed the proposed grant application and approved, by unanimous support, to recommend the city proceed with the grant application.

The city's application seeks \$1,867,996 for design work, capital planning, and construction funds. The grant application seeks to construct improvements on North Shore Drive, Dyckman Avenue (west of the bascule bridge,) pump improvements to the Wastewater Treatment Plant, along with a variety of improvements related to the Indian Grove lift station. Should the city apply for the grant, and receive a commitment from the MDEQ, the city will provide a local match of \$317,000. Please note; the SAW grant

allows for staff costs to be applied towards the local match. Should the grant be funded, the city's staff anticipates using the Engineering Department staff to assist with the planning work. Using the in-house labor will lower the city's cash contributions to the local matching amount. Staff anticipates that should the SAW grant be awarded, the city's in-kind labor contribution will provide the complete local matching amount requirement.

The SAW grant application appears to be an effective program for the City of South Haven to pursue additional infrastructure planning and construction funding. The BPU has reviewed this program and recommend the City Council authorize staff to proceed with the grant application.

Moved by Patterson to approve Resolution 2013-65 a resolution authorizing the City Manager to apply for the MDEQ SAW grant program. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

12. City Council will be asked to approve Resolution 2013-68 a resolution declaring the Maritime District of the City of South Haven.

Moved by Fitzgibbon to approve Resolution 2013-68 a resolution declaring the Maritime District of the City of South Haven. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

Michael Ross – voiced concern about renaming Kid's Corner Park to Marilyn Ross Park in honor of his mother who passed away.

14. City Manager's Comments

15. Mayor and Councilperson's Comments

Kozlik Wall – Thanked everyone who re-elected her. Also thanked everyone who made WOW weekend a success.

Gruber – Spoke about Bob McClendon.

Fitzgibbon – Congrats to Council members who were re-elected.

Patterson – Congrats to Council members who were re-elected. Also thanks to Michael Ross for coming out to comment.

Arnold – Thanks to the voters for re-election.

Klavins – Thanks to the electric company for their hard work during last night's storm.

Burr – Special thanks to all who voted for him.

16. Adjourn

City of South Haven
Regular Meeting Council Minutes
City Hall, Council Chambers
7:00 p.m., Monday, November 18, 2013

Moved by Fitzgibbon to adjourn. Seconded by Patterson.

Voted Yes: All. Motion carried. Meeting adjourned at 7:49 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey
Deputy City Clerk

Approved by City Council: **12-02-2013**