

## City Council

### Regular Meeting Minutes

Monday, October 20, 2014  
7:00 p.m., Council Chambers



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

#### 2. Invocation – Linda Olsen – We Care I.N.C.

#### 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. Seconded by Patterson.

Voted Yes: All. Motion carried.

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

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

- A. Council will be requested to approve the City Council Minutes of October 6, 2014.
- B. Bills totaling \$6,028,114.30 for the period ending October 21, 2014 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) 08-20-2014 Airport Authority Minutes
  - 2) 09-04-2014 Planning Commission Minutes
  - 3) 09-09-2014 Parks Commission Minutes
  - 4) 09-17-2014 Airport Authority Minutes

A Roll Call Vote was taken:

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

Motion carried.

#### 6. 57<sup>th</sup> District Court Update

Judge Baillargeon gave an update on 57<sup>th</sup> District Court.

## BOARD APPOINTMENTS

- 7. Council will be asked to appoint Rebecca Linstrom to fill a 4 year term on the Liberty Hyde Bailey Museum Board, expiring in 2018.**

Rebecca Linstrom introduced herself.

Moved by Gruber to appoint Rebecca Linstrom to fill a 4 year term on the Liberty Hyde Baily Museum Board, expiring in 2018. Seconded by Patterson.

Voted Yes: All. Motion carried.

- 8. Council will be asked to declare a vacancy on the Parks Commission, pursuant to Section 5.3(c) of the City Charter.**

*Background Information:* Section 5.3(c) of the City Charter provides that to office of any member of any board of commission shall be declared vacant by the City Council if the officer misses four consecutive regular meetings of the board or 25% of such meetings in any fiscal year. Parks Commissioner Todd Comeau, originally appointed in June 2011, has not attended a meeting of the board since August 2013. At their last meeting, the Parks Commission recognized Mr. Comeau's extensive absences and asked that the City Council vacate his position. Further, they have reviewed a board and commission application submitted by Mr. Robert McAlear and recommended his appointment to fill the vacancy.

Moved by Fitzgibbon to declare a vacancy on the Parks Commission, pursuant to Section 5.3(c) of the City Charter. Seconded by Klavins.

Voted Yes: All. Motion carried.

- 9. Council will be asked to appoint Robert McAlear to fill the remainder of a 3 year term on the Parks Commission which expires in 2015.**

Robert McAlear introduced himself.

Moved by Patterson to appoint Robert McAlear to fill the remainder of a 3 year term on the Parks Commission which expires in 2015. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried.

## NEW BUSINESS

- 10. Consider Special Event 2014-47, Summer Art Fair 2015 to be held July 3, 2015 through July 5, 2015.**

*Background Information:* This special event request for the 2015 Summer Art Fair, sponsored by the South Haven Center for the Arts, is ready for City Council to approve. As in the past it will be held at Stanley Johnston Park. This event will begin on July 3 and go through July 5th, 2015. Friday is check in, Saturday and Sunday is the fair from 10-6 with clean up on Sunday from 6-8 pm. There will be approximately 130 artists and 10-12 food vendors. This year's event (2014) was a huge success. They will provide volunteers and overnight security for this event. An extra dumpster and extra trash containers will be necessary as this event has the potential to draw 30,000 people. The Art Center intends on

bringing in 10 porta-johns for this event and place them adjacent to the picnic shelter. This is necessary because the existing restrooms cannot handle the large volume of people that attend the art fair.

Moved by Fitzgibbon to approve Special Event 2014-47, Summer Art Fair 2015 to be held July 3, 2015 through July 5, 2015. Seconded by Kozlik Wall.

Voted Yes: All. Motion carried.

**11. Council will be asked to consider the introduction of an ordinance to rezone 38 North Shore Drive from the B-3 waterfront district to the R1-A Single Family Residential zone.**

*Background Information:* Tom Brussee, owner of 38 Northshore Drive, submitted an application to rezone his parcel from the B-3 Waterfront Business Zone to the R1-A Single Family Residential Zone on June 13, 2014. On July 10, 2014, the planning commissioners held a public hearing on this matter at which no comments were offered. (Subsequently, 10 emails in support of the rezoning have been received and one email in opposition.) The commission then moved to table action on this request until certain zoning ordinance amendments related to the B-3 zoning district were resolved with the city council. The issues with the zoning ordinance amendments have since been resolved and city council adopted the new amendments on September 2, 2014.

In the interim, the applicant applied for a land division on the site but was denied the request by the zoning administrator on the grounds that the zoning ordinance does not allow land divisions which result in parcels which are nonconforming. In the B-3 zone, single family homes may be built on existing lots with a special use permit. It is not the intent of the planning commission or the city council that lots be split for single family home construction. On September 22, 2014, the zoning board of appeals upheld the zoning administrator's decision to deny the land division.

The applicant returned to the planning commission for action on the rezoning request from B-3 to R1-A Residential on October 2, 2014. The commission deliberated the request and voted 6-1 to recommend approval of the rezoning.

Moved by Kozlik Wall to introduce an ordinance to rezone 38 North Shore Drive from the B-3 waterfront district to the R1-A Single Family Residential zone. Seconded by Klavins.

Voted Yes: Arnold, Klavins, Kozlik Wall, Burr

Voted No: Fitzgibbon, Gruber, Patterson

Motion carried

**12. Council will be asked to consider approval of a purchase agreement for the property located at 801 Green Street.**

*Background Information:* The City Council will be asked to authorize the city manager to proceed with the purchase of the property at 801 Green Street, owned by Al and Linda Crawford, for \$215,000.

Over the past several years, the City has received reports of basement flooding from Al and Linda Crawford, the owners of 801 Green Street. The Crawford's house is located along a tributary of the South Branch of the North Phoenix Drain.

In August of 2013, the City hired Fishbeck, Thompson, Carr & Huber (FTC&H) to review the flooding that has occurred in the vicinity of Green and Florence Streets and to evaluate potential options for correcting the situation. In addition, FTC&H was requested to review the improvements to Superior Street constructed in 2008, and to determine if these improvements impacted the three parcels noted above. The report findings indicate that the city's improvements have had an impact on the properties, and that some of the flooding problems relate to those improvements.

The report notes that in order to lower the floodwater elevation at 801 Green Street, the 30" diameter culvert beneath Superior Street must be increased in size to 54" diameter. Alternately, a 42" parallel pipe could be bored beneath the roadway. Both of these alternatives have a similar cost. While increasing the pipe size benefits 801 Green Street, it would be detrimental to two properties downstream from Superior Street located at 753 Superior Street and 358 Prospect Street. 358 Prospect Street would have the potential for up to 6 feet of water above the lowest opening elevation. In order to ensure that 358 Prospect Street is not negatively impacted, additional improvements would be needed in the storm sewer systems along the route of the North Phoenix Drain. Portions of the North Phoenix Drain would need to be increased in size from 48" diameter and 60" diameter to 72" diameter. These storm sewers run beneath Phoenix Street, Church Street, Conger Street, and Prospect Street. In addition, the storm sewers are beneath the parking lot of the South Haven First Congregational Church located at 651 Phoenix Street. The total cost of the improvements described in this paragraph is estimated at \$1.3 million.

The alternative to performing the downstream improvements is to purchase the home at 801 Green Street and remove the structure. If this alternate is selected, the city's staff recommends that the property be graded to increase the storage volume within the Special Flood Hazard Area. A berm would be constructed at the west edge of the parcel to protect 757 Green Street and 557 Prospect Street from future flooding. In addition, storm sewer improvements would be constructed at the intersection of Green and Florence Streets and at the outlet into the drainage ravine. A sketch showing the conceptual improvements to be made is attached. This alternative is estimated to cost up to \$475,000, including the cost of property acquisition.

Should the City Council wish to pursue acquisition of the property at 801 Green Street, the funding source for this purchase has been determined by the city's staff. For the past three fiscal years, the city has budgeted \$100,000 each year in the General Fund – Drains Activity, to address the Green Street drainage issues. We were prepared to fund the assessment levied by the Van Buren County Drain Commissioner when improvements were made. However, each year we have allowed the appropriated funds to revert back to General Fund –Fund Balance as the work was never completed. Staff recommends that upon completion of the property purchase, the City Council consider approval of a budget adjustment for \$215,000 to the General Fund – Drains Activity to fund the property purchase of 801 Green Street.

Moved by Patterson to approve a purchase agreement for the property located at 801 Green Street. Seconded by Fitzgibbon.

A Roll Call Vote was taken:

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

Motion carried.

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

No Public Comment

**14. City Manager's Comments**

**15. Mayor and Councilperson's Comments**

Kozlik Wall – Remember not to put leaves in the streets.

Gruber – Spoke about Halloween.

Fitzgibbon – Spoke about Halloween.

Patterson – Quoted Ralph Waldo Emerson.

Arnold – No Comment

Klavins – Spoke about Holiday Lights fundraising. Please Donate.

Burr – No Comment

**16. Adjourn**

Moved by Patterson to adjourn. Seconded by Fitzgibbon.

Voted Yes: All. Motion carried. Meeting adjourned at 7:55 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey  
Deputy City Clerk

Approved by City Council: **November 3, 2014**