

City Council

Regular Meeting Minutes

Monday, July 18, 2016
7:00 p.m., Council Chambers



1. Call to Order

2. Invocation – Father Michael Ryan, Epiphany Church

3. Roll Call

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik-Wall, Steve Schlack, Scott Smith, Robert Burr

Absent: None

4. Approval of Agenda

Moved by Gruber, seconded by Arnold, to approve the agenda.

Voted Yes: All. Motion carried

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

Moved by Kozlik-Wall, seconded by Arnold, to approve the Consent Agenda as follows:

- A. Council will be asked to approve the regular City Council meeting minutes for July 5, 2016.
- B. Council will be asked to approve invoices totaling \$576,842.64 for the period ending July 17, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to approve an agreement with Prism Environmental Services in the estimated amount of \$98,566 for environmental services associated with redevelopment of the City's former Street Department building and construction of a new fishing pier.
- D. Council will be asked to approve an amendment to the Professional Services Agreement for Design Services for SRF Projects with Abonmarche in the amount of \$599,790.
- E. Council will be asked to approve the bid from Risky Business for \$18,650 to demolish the houses at 1068 East Wells Street and 709 South Haven Place.
- F. Council will be asked to award a thirty-six (36) month contract for application of biosolids to farmland to BioTech Agronomics, Inc. of Beulah, Michigan at a unit price rate of \$.048 per gallon.
- G. Council will be asked to approve a temporary sign request on public property by Church of the Epiphany located at 410 Erie Street.
- H. Council will be asked to approve the June 1, 2016 Construction Board of Appeals meeting minutes

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Kozlik-Wall, Schlack, Smith, Burr

Nays: None

Motion carried.

OLD BUSINESS

6. Council will be requested to take the following actions related to Special Assessment Rolls 2016-02 through 2016-08:

A. Hold a public hearing for each special assessment district to hear and consider objections to the proposed Public Improvements, the special assessment district tentatively designated, and all other matters relating to said proposed Public Improvements.

Moved by Kozlik-Wall, seconded by Klavins, to open a public hearing regarding the special assessment districts.

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

Chris Cook, President/CEO of Abonmarche Consultants, opened the session by offering a summary of the capital improvement project being undertaken by the City. City Manager Brian Dissette discussed the why the projects are necessary, and presented a complete listing of bids and REU costs.

Ronald Paluch, 1435 Clarke Place, voiced his objection to the sidewalk along Monroe Blvd. Mr. Paluch is also concerned about the cost of the Black River project to individuals who own slips, as well as with the length of time the project will take.

Steve Eberhart, 290 Oak Street, Slip 34, asked where the Black River Street lift pump is located.

Paul Diedricks, 777 North Shore Drive, asked for clarification regarding the price for the North Shore project.

Valerie Raburn, 288 Park Avenue, asked about the impact construction will have on the Park Avenue area.

Mark Delisle, 437 North Shore Drive, had questions about the different charges listed in the packet that was distributed. Mr. Delisle also had concerns about the impact of the projects on emergency services.

Ken Manley, 230 Oak Street, asked for clarification on the cost to individuals within his assessment district.

Mary Ellen Keith, 777 North Shore Drive, asked if a bicycle lane could be incorporated into North Shore Drive. Ms. Keith also asked why the entire sidewalk needed to be replaced. Ms. Keith also asked about the process of reconnecting once work is complete.

Tom Erle, 37 North Shore Drive, had concerns about information related to the special assessment districts reaching affected citizens in a timely fashion. Mr. Erle also requested that the sidewalk near his property be replaced.

Barry Skuza, 10 Delaware Court, asked if his vacant lot would be assessed. Mr. Skuza also asked about the cost per REU to his special assessment district.

David Nixon, 1073 E. Wells Street, expressed his support for the projects, but questioned why the City has taken so long in addressing the issues.

William Bowser, 406 and 410 North Shore Drive, asked if the curbs on his street will be removed during the work. Mr. Bowser if driveway aprons will be replaced. Mr. Bowser concluded his comments by commending the City Council and engineers for their work, but expressed his concern for those affected residents that might not have the financial means to pay the assessments.

Susan Peters, 270 Park Avenue, asked for clarification regarding what a lift station actually is, as well as where the Black River Street station will be located.

Councilmember Klavins commented that the City must take on these projects, before the State of Michigan forces them to.

Marta Peter, 258 North Shore Drive, asked how new electric and lights will be set up.

Melissa Janicki, 1447 Monroe Boulevard, asked how long residents in her area will be affected by the project, as well as how the City will handle snow removal during the work. Ms. Janicki also asked about the idea of six foot sidewalks, and is concerned that this will encourage bicycle traffic. Ms. Janicki also asked when weekly updates will be given, and how that information will be disseminated.

Dave Knight, 317 North Shore Drive, had questions about the sidewalks, and whether the City will be sensitive about preserving gates, pillars and walls that are already standing, even if they extend into the right of way. Mr. Knight expressed his support for the work.

Pete Berger, 225 Dyckman, expressed his opinion that more notice of this meeting should have been given to affected residents. Mr. Berger voiced his support for the projects.

Pat Fitzgerald, 409 Park Avenue, asked how many lift stations are located on the north side of the river. Mr. Fitzgerald also had questions about the consistency of the information contained in the packet versus the information on the City's website. Mr. Fitzgerald concluded his comments by asking if the City has taken into account the future capacity needs with regard to the lift stations.

B. Approve resolutions 2016-53 through 2016-66 which collectively approve the plans and cost estimates, confirm the district boundaries, present the rolls, and schedule a second hearing for the following projects:

- i. Resolution 2016-53 Indian Grove Lift Station and Force Main Reconstruction Project: Determination to Make Public**

Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Moved by Smith, seconded by Arnold, to approve Resolution 2016-53, a resolution to approve the Indian Grove Lift Station and Force Main Reconstruction Project: Determination to Make Public Improvements; Approval of plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

ii. Resolution 2016-54 Indian Grove Lift Station and Force Main Reconstruction Project: Special Assessment Roll 201602; Notice of Public Hearing.

Moved by Gruber, seconded by Arnold, to approve Resolution 2016-54, a resolution to approve the Indian Grove Lift Station and Force Main Reconstruction Project: Special Assessment Roll 201602; Notice of Public Hearing.

Voted Yes: All. Motion carried.

iii. Resolution 2016-55 Monroe Boulevard Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Moved by Kozlik-Wall, seconded by Arnold, to approve Resolution 2016-55, a resolution to approve the Monroe Boulevard Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

iv. Resolution 2016-56 Monroe Boulevard Reconstruction Project: Special Assessment Roll 201603; Notice of Public Hearing.

Moved by Smith, seconded by Arnold, to approve Resolution 2016-56, a resolution to approve the Monroe Boulevard Reconstruction Project: Special Assessment Roll 201603; Notice of Public Hearing.

Voted Yes: All. Motion carried.

v. Resolution 2016-57 Dunkley Avenue Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Moved by Klavins, seconded by Kozlik-Wall, to approve Resolution 2016-57, a resolution to approve the Dunkley Avenue Reconstruction Project:

Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

vi. Resolution 2016-58 Dunkley Avenue Reconstruction Project: Special Assessment Roll 201604; Notice of Public Hearing.

Moved by Kozlik-Wall, seconded by Klavins, to approve Resolution 2016-58, a resolution to approve the Dunkley Avenue Reconstruction Project: Special Assessment Roll 201604; Notice of Public Hearing.

Voted Yes: All. Motion carried.

vii. Resolution 2016-59 Black River Street Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Moved by Arnold, seconded by Smith, to approve Resolution 2016-59, a resolution to approve the Black River Street Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

viii. Resolution 2016-60 Black River Street Reconstruction Project: Special Assessment Roll 201605; Notice of Public Hearing.

Moved by Kozlik-Wall, seconded by Arnold, to approve Resolution 2016-60, a resolution to approve the Black River Street Reconstruction Project: Special Assessment Roll 201605; Notice of Public Hearing.

Voted Yes: All. Motion carried.

ix. Resolution 2016-61 Black River Street Lift Station and Force Main Construction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Moved by Kozlik-Wall, seconded by Smith, to approve Resolution 2016-61, resolution to approve the Black River Street Lift Station and Force Main Construction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost.; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

x. Resolution 2016-62 Black River Street Lift Station and Force Main Construction Project: Special Assessment Roll 201606; Notice of Public Hearing.

Moved by Arnold, seconded by Klavins, to approve Resolution 2016-62, a resolution to approve the Black River Street Lift Station and Force Main Construction Project: Special Assessment Roll 201606; Notice of Public Hearing.

Voted Yes: All. Motion carried.

- xi. Resolution 2016-63 North Shore Drive Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.**

Moved by Smith, seconded by Arnold, to approve Resolution 2016-63, a resolution to approve the North Shore Drive Reconstruction Project: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

- xii. Resolution 2016-64 North Shore Drive Reconstruction Project: Special Assessment Roll 201607; Notice of Public Hearing.**

Moved by Kozlik-Wall, seconded by Klavins, to approve Resolution 2016-64, a resolution to approve the North Shore Drive Reconstruction Project: Special Assessment Roll 201607; Notice of Public Hearing.

Voted Yes: All. Motion carried.

- xiii. Resolution 2016-65 Kalamazoo Street Reconstruction Project, Phase 4: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.**

Moved by Kozlik-Wall, seconded by Smith, to approve Resolution 2016-65, a resolution to approve the Kalamazoo Street Reconstruction Project, Phase 4: Determination to Make Public Improvements; Approval of Plans and Estimate of Cost; and Final Determination of Special Assessment District.

Voted Yes: All. Motion carried.

- xiv. Resolution 2016-66 Kalamazoo Street Reconstruction Project, Phase 4: Special Assessment Roll 201608, Notice of Public Hearing.**

Moved by Arnold, seconded by Klavins, to approve Resolution 2016-66, a resolution to approve the Kalamazoo Street Reconstruction Project, Phase 4: Special Assessment Roll 201608, Notice of Public Hearing.

Voted Yes: All. Motion carried.

NEW BUSINESS

7. Council will be asked to approve Resolution 2016-68, a resolution to tentatively award construction contracts for wastewater system improvements.

Moved by Arnold, seconded by Kozlik-Wall, to approve Resolution 2016-68, a resolution to tentatively award construction contracts for wastewater system improvements.

Voted Yes: All. Motion carried.

8. Council will be asked to approve the following special events:

A. Special Event Application 2016-24: SHOUT Cottage Walk 2017 Ticket Sale, to be held on June 24, 2017 in Dyckman Park from 8:30 a.m. to 4:00 p.m.

Moved by Smith, seconded by Arnold, to approve Special Event 2016-24 - SHOUT Cottage Walk 2017 Ticket Sale, to be held on June 24, 2017 in Dyckman Park from 8:30 a.m. to 4:00 p.m.

Voted Yes: All. Motion carried.

B. Special Event Application 2016-25: The Extreme Tour hosted by the Truth Skate Church, to be held on August 12, 2016 on the south end of the South Beach from 5:00 p.m. to 8:00 p.m.

Moved by Gruber, seconded by Smith, to approve Special Event 2016-25 – The Extreme Tour hosted by Truth Skate Church, to be held on August 12, 2016 on the south end of the South Beach from 5:00 p.m. to 8:00 p.m.

Voted Yes: Gruber, Smith, Klavins, Kozlik-Wall, Schlack, Arnold.

Voted No: Burr

Motion carried.

C. Special Event Application 2016-26: Lifebridge Church service and luncheon to be held on August 7, 2016 at Elkenburg Park from 10:00 a.m. to 3:00 p.m.

Moved by Kozlik-Wall, seconded by Smith, to approve Special Event 2016-26 – Lifebridge Church service and luncheon to be held on August 7, 2016 at Elkenburg Park from 10:00 a.m. to 3:00 p.m.

Voted Yes: All. Motion carried, contingent upon the event organizer communicating with all adjacent houses of worship to ensure no conflict with noise.

D. Special Event Application 2016-27: 31st Annual Blueberry Festival Craft Fair to be held on August 13-14, 2016 in Stanley Johnston Park from 10:00 a.m. to 7:00 p.m.

Moved by Smith, seconded by Klavins, to approve Special Event 2016-27 – 31st Annual Blueberry Festival Craft Fair to be held on August 13-14, 2016 in Stanley Johnston Park from 10:00 a.m. to 7:00 p.m.

Voted Yes: All. Motion carried.

E. Special Event Application 2016-28: 40th Annual All Crafts Fair to be held September 3-4, 2016 in Stanley Johnston Park from 10:00 a.m. to 7:00 p.m.

Moved by Gruber, seconded by Klavins, to approve Special Event 2017-28 – 40th Annual All Crafts Fair to be held September 3-4, 2016 in Stanley Johnston Park from 10:00 a.m. to 7:00 p.m.

Voted Yes: All. Motion carried.

F. Special Event Application 2016-29: Bobby Walker Basketball Tournament 2016 to be held August 11-14, 2016 at Elkenburg Park.

Moved by Kozlik-Wall, seconded by Smith, to approve Special Event 2016-29 – Bobby Walker Basketball Tournament 2016 to be held August 11-14, 2016 at Elkenberg Park.

Voted Yes: All. Motion carried.

9. Council will be asked to approve Resolution 2016-67, a resolution authorizing the ballot proposal for controlled substance enforcement millage renewal.

Moved by Klavins, seconded by Schlack, to approve Resolution 2016-67, a resolution authorizing the ballot proposal for controlled substance enforcement millage renewal.

Voted Yes: All. Motion carries.

10. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda

Abigail Noble, State Representative candidate from Allegan County, introduced herself and her campaign.

Aaron Mitchell, Van Buren County Clerk candidate, introduced himself and his campaign.

Lindsey Smith, 556 North Shore Drive, voiced concerns about ATV's and golf carts on public roads. Mr. Smith also asked about pedestrian crosswalk laws, and emphasized that he would like to see better enforcement.

11. City Manager's Comments

City Manager Dissette briefed the Council regarding the Midnight Basketball program.

12. Mayor and Councilperson's Comments

Councilmember Kozlik-Wall expressed her appreciation for the cleanliness of the city.

Councilmember Schlack asked that staff send out notices sooner prior to special assessments.

Councilmember Gruber commented on the success of the Midnight Basketball program. Mr. Gruber also voiced his concern with individuals swimming in the lake while red flags are up. Mr. Gruber also discussed Rhythm on the River.

Councilmember Arnold reiterated the thoughts expressed earlier relating to ATV's and golf carts.

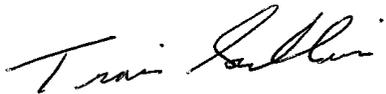
Councilmember Smith commended staff on the Midnight Basketball program, as well as addressed fees on utility bills and proper connection of sump pumps.

Councilmember Klavins spoke about the pie eating contest during the Blueberry Festival, and encouraged the participation of fellow councilmembers.

Mayor Burr commented that the City has been chosen to host the 2017 Queen's Cup sailboat race.

13. Adjourn

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Travis Sullivan". The signature is written in a cursive, flowing style.

Travis Sullivan
City Clerk