

COUNCIL PROCEEDINGS

**Regular Meeting
September 12, 2016**

CALL TO ORDER: By Mayor Lewis on Monday, September 12, 2016, at 7:00 p.m.

PRESENT: Councilmembers Bahmer, Johnston, Mitchell, Russo, Ridge, Sanders, Mayor Lewis, City Clerk Terpstra, City Manager Guetschow and Attorney Hitch.

The invocation was offered by Dan Longden, Director of Youth & Family First Lutheran Church, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF AUGUST 22, 2016: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the regular meeting minutes of August 22, 2016 as presented. Carried. 7 Yes. 0 No.

ABSENT: None.

PUBLIC HEARINGS:

DOWNTOWN SIDEWALK SNOW REMOVAL SPECIAL ASSESSMENT:

Public Hearing Opened: 7:03 P.M.

No Comments.

Public Hearing Closed: 7:03 P.M.

PUBLIC COMMENT: Jill Sandborn, BEHD introduced herself as the new resource for the community outreach in Eaton County. She gave the highlights of the September BEHD Community Highlights.

APPROVAL OF AGENDA: Councilmember Ridge moved, supported by Russo to approve the agenda as presented. Carried. 7 Yes. 0 No.

SPECIAL PRESENTATIONS:

A. DISCUSSION REGARDING PROCEDURE AND PROCESS FOR CHARTER AMENDMENTS AND CHARTER REVISION:

City Attorney Hitch outlined the procedure and process for making a charter amendment or charter revision as outlined in his memorandum to council. He stated that he feels that it would take several thousands of dollars to accomplish all the steps that are required for this process.

Discussion was held. Councilmember Russo asked about tabling the issue until a later date. Councilmember Ridge stated that she was not in favor of this. Mayor Lewis stated that he was opposed to this issue and does not believe that councilmembers should be involved in the hiring or firing of employees. Councilmember Bahmer clarified that he was only speaking of the termination process and not of the hiring process.

Attorney Hitch clarified that this was a discussion item and needed no action at this time.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2016-101 MAYORAL APPOINTMENT:

WHEREAS, a need for an appointment exists on the Airport Board; and

WHEREAS, the Airport Board appointment is a new appointment;
and

WHEREAS, Mayor Lewis is recommending the following individual to fill this vacancy:

Name	Board	Term Ending
Dr. Edward Foster	Airport Advisory Board	April 1, 2017

THEREFORE, BE IT RESOLVED that the appointments listed above shall be and the same are hereby approved.

Councilmember Russo moved, supported by Johnston to approve Resolution No. 2016-101 Mayoral Appointments as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2016-107 DOWNTOWN SIDEWALK SNOW REMOVAL RESOLUTION NO. 3:

WHEREAS, the City Council, after due and legal notice, has met and heard all persons to be affected by the proposed public improvement more particularly herein described, and

WHEREAS, the City Council deems it necessary and advisable to proceed with said public improvement as more particularly hereinafter described.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The City Council hereby determines to make and proceed with the following described public

improvement and to defray a part or the whole cost, as more particularly hereinafter provided, by special assessment upon the property specially benefited: procuring and providing sidewalk snow removal along portions of Harris Avenue, East Lawrence Avenue, Lovett Street, Seminary Street, Washington Street, Cochran Avenue and Bostwick Street as further described in Appendix A of this resolution; and

2. The City Council hereby approves the plans for the aforesaid public improvement as prepared and presented by the City Manager and determines the estimated cost of said public improvement to be \$43,200.00, or \$10,800.00 each year and approves said estimated cost and determines that the estimated life of said public improvement is four (4) years; and
3. The City Council determines that of said total estimated cost, the sum of \$43,200.00 be paid by special assessment upon the property specially benefited, as more particularly hereinafter described; and
4. The City Council hereby designates the following described property as the special assessment district upon which the special assessment shall be levied: portions of Harris Avenue, East Lawrence Avenue, Lovett Street, Seminary Street, Washington Street, Cochran Avenue and Bostwick Street as further described in Appendix A of this resolution; and
5. The City Assessor shall prepare a special assessment roll including all lots and parcels of land within the special

assessment district herein designated, and the Assessor shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district.

Councilmember Bahmer stated that he feels they are missing the opportunity for uniformity with the sidewalks for a more public means outside of special assessments.

City Manager Guetschow asked for clarification.

Councilmember Bahmer stated he would like to see city wide sidewalk snow removal with city funds.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve Resolution No. 2016-107 Downtown Snow Removal Resolution No. 3 as presented. Carried. 6 Yes.(Sanders, Johnston, Mitchell, Ridge, Russo, Lewis) 1 No. (Bahmer)

C. CONSIDER APPROVAL OF RESOLUTION NO. 2016-102 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and

WHEREAS, the September 2, 2016 payroll totaled \$140,939.89; and

WHEREAS, the September 12, 2016 claims total \$378,162.66;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for September 12, 2016 in the amount of \$519,102.55.

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE: Councilmember Ridge moved, supported by Sanders to approve Resolution 2016-102 for expenditures of the City for September 12, 2016 as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES –
None.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2016-103 TO AUTHORIZE CHANGE ORDERS FOR L & T PAINTING FOR THE NORTH WATER TOWER:

WHEREAS, the North Water Tower Painting Project contract was awarded to L&T Painting by City Council on June 27, 2016 in the amount of \$103,200.00; and

WHEREAS, the inspection detailing the needs of this project was completed in 2013; and

WHEREAS, upon entering the tower, the contractor determined that further damage had been done to the interior ladder due to ice movement and it needed to be replaced at a cost of \$1,600 if it was done while the welder was on site; and

WHEREAS, upon sandblasting and inspecting the interior of the tank, the contractor discovered a hole that needed to be patched prior to painting at a cost of \$1,000; and

WHEREAS, the changes were discussed by the City Manager and Public Works Director and deemed necessary and critical to the project timeline and were approved; and

WHEREAS, L&T Painting has completed the Change Order work described.

THEREFORE, BE IT RESOLVED that the City authorize contract Change Order #1 and Change Order #2 for L&T Painting for the additional services provided at a total cost of \$2,600.

Mayor Pro-Tem Sanders moved, supported by Ridge to approve the first reading of Resolution 2016-103 to authorize change orders for L & T Painting for the North Water Tower as presented. Carried. 7 Yes. 0 No.

B. CONSIDER FIRST READING OF RESOLUTION NO. 2016-104 TO AUTHORIZE CHANGE ORDER #1 AND PAYMENT FOR MICHIGAN PAVEMENT AND MATERIALS – 2016 PAVING:

WHEREAS, the 2016 Paving Project contract was awarded to Michigan Paving and Materials by City Council on March 14, 2016 in the amount of \$407,899.55; and

WHEREAS, the contract is a unit price contract whereby the City is charged by actual quantities of items constructed; and

WHEREAS, a contract addition in the amount of \$786.08 was authorized to add striping which was originally intended to be done as part of a contract with the Eaton County Road Commission but was not possible due to the M-50 construction; and

WHEREAS, the total cost of the 2016 Paving Project was \$326,325.62; and

WHEREAS, the \$786.08 for the striping is included in the balancing Change Order #1 for a total credit of \$81,573.93 on the project; and

WHEREAS, progress payments to date for the 2016 Paving Project totaling \$319,039.54 have been approved by the City Council.

THEREFORE, BE IT RESOLVED that the City Council authorizes contract Change Order #1 in the amount of - \$81,573.93 and the Final Payment to Michigan Paving and Materials in the amount of \$7,286.08.

Councilmember Bahmer moved, supported by Mitchell to approve the first reading of Resolution 2016-104 to authorize change order #1 and payment for Michigan Pavement and Materials – 2016 Paving as presented. Carried. 7 Yes. 0 No.

C. CONSIDER FIRST READING OF RESOLUTION NO. 2016-105 TO AUTHORIZE REJECTION OF WINDOW REPLACEMENT BIDS FOR CITY HALL:

WHEREAS, City staff solicited bids for the replacement of windows on the second floor of City Hall; and

WHEREAS, the following bids were received in response to the advertisement for bids:

Battle Creek Glass Works, Inc. \$34,852.00
Lansing Glass Company\$38,540.00

; and

WHEREAS, the amount of the bids exceeds the \$19,540 budgeted for this project; and

WHEREAS, City staff has determined that the most sensible course of action is to reject the bids and rebid the project at a later date;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize rejecting all bids received for the City Hall window replacement project.

Councilmember Ridge moved, supported by Bahmer to approve the first reading of Resolution 2016-105 to authorize rejection of

window replacement bids for City Hall as presented. Carried. 7 Yes. 0 No.

D. CONSIDER FIRST READING OF RESOLUTION NO. 2016-106 FOR SALE OF 128 S. BOSTWICK:

WHEREAS, the City owns a parcel of property located at 128 South Bostwick Street legally described as follows:

South ½ of Lots 11 & 12, south 3 feet of the east 108 feet of the north ½ of Lot 11, Lots 13 & 14 Original Plat of Block 25 City of Charlotte

; and

WHEREAS, the City has received an offer to purchase said parcel for \$25,000 from the First Congregational Church United Church of Christ which offer is contained in a proposed purchase agreement dated July 7, 2016; and

WHEREAS, the City finds that the property is not needed for corporate or public purposes; and

WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of 128 South Bostwick Street in accordance with its provisions.

Councilmember Russo questioned the value of the property and suggested that it may be worth more than what was being offered.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the first reading of Resolution 2016-106 for the sale of 128 S. Bostwick as presented. Carried. 6 Yes. (Ridge, Sanders, Bahmer, Johnston, Mitchell, Lewis) 1 No.(Russo)

E. CONSIDER FIRST READING OF RESOLUTION NO. 2016-108 REGARDING SETTLEMENT AGREEMENT WITH IN MOLD SOLUTIONS, LLC AND FIFTH THIRD BANK:

BE IT RESOLVED that the Settlement Agreement between the City and In Mold Solutions, LLC and Fifth Third Bank drafted by City Attorney Thomas Hitch for the purpose of resolving a suit in Eaton County Circuit Court, Case No. 16-266-CH, is hereby approved and City Manager Gregg Guetschow is hereby authorized to execute said agreement on behalf of the City.

Councilmember Russo moved, supported by Mitchell to approve the first reading of Resolution 2016-108 regarding settlement agreement with In Mold Solutions LLC and Fifth Third Bank as presented. Carried. 7 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: City Attorney Hitch reported on the In Mold issue.

CITY MANAGER REPORT: City Manager Guetschow stated that he had met with Mr. Lea and Mr. Hundt regarding their use of city property on N. Washington Street. He is confident that a mutually agreeable solution will be made between the two parties. He stated that himself and Community Development Director Myrkle met with a representative of an engineering firm planning an expansion to a local industry. He announced that the Camp Frances open house has been re-scheduled to Sunday, October 23 from 3:00 p.m. to 6:00 p.m. He announced that the parking lot project has begun.

COUNCILMEMBER COMMITTEE REPORTS:

- Councilmember Johnston reported that he attended the Park Board meeting. There were representatives present from the Nordic Festival. They are looking to make some changes to the festival. They discussed making a reservation policy for the tennis courts.
- Councilmember Ridge reported that the Charlotte Area Recreation Co-op is still working on their Master Plan. The DNR Grant for the softball field is complete and bids will be going out soon for the project.
- Councilmember Bahmer reported that at the Planning Commission meeting a conditional use permit was approved for 501 N. Cochran for a barbeque stand. He stated that Community Development Director Myrkle stated that there has been a settlement with a purchaser of the O-I building.

PUBLIC COMMENT: Eric Crandall, stated that he is a member of the Congregational Church and explained that there have been several ideas for what the property at 128 S. Bostwick will be used for. However, he assured councilmembers that the property will be maintained well. He stated that he is in hopes that it will be a win/win for both parties.

Ed Foster, 316 Beech, thanked council for appointing him to the Airport Advisory Board. He stated that his son is a pilot and he has strong feelings toward the airport.

Joe E. Pray, 316 W. Seminary, thanked council for appointing Dr. Foster to the airport board. He stated that they are planning a pilot's forum at the airport and a will be working on the redevelopment in the Master Plan. He invited all councilmembers to participate.

MAYOR AND COUNCIL COMMENTS:

- Councilmember Bahmer reminded everyone that 9/11 should be foremost on our minds. He stated he is sending prayers to the family of Robert Kline.
- Mayor Pro-Tem Sanders thanked everyone for coming.
- Councilmember Ridge thanked everyone for the correspondence received regarding agenda items. She thanked Jill Sandborn from the BEHD for her report. She thanked the Frontier Days Committee for all their work on the festival this year.
- Mayor Lewis thanked everyone for coming. He commented on the police and fire departments in the parade. He announced that there will be a special meeting coming up to discuss Charlotte Rising.

Councilmember Johnston moved, second by Ridge to adjourn at 8:21 p.m. Carried. 7 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC