

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 5, 2009**

Mayor Bartman called the meeting to order at 6:01 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower; Public Safety Director Herald; Captain Williams; Captain Lark; Sgt. Davis, Sgt. Schweitzer, PSO Perez, PSO Brown, PSO Schwein, PSO deJonge; PSO Olney; Engineering Technician Slonecki; Firefighter Fehsenfeld

2009-1. No public comment was received.

2009-2. Commissioner Yadlowsky passed along compliments from a friend who ran the New Year's run and felt everything was extremely well organized as were all the events held in East Grand Rapids.

City Manager Donovan commended the employees of the City Services Department for their work during the frequent winter storms and then heavy flooding rains of December. He noted the weather presented many challenges over the last several weeks and the department had worked extremely hard to keep the roads passable and the traffic moving around town.

2009-3. Mayor Bartman, City Manager Donovan and Public Safety Director Herald presented commendations to Sgt. Davis and Public Safety Officers DeJonge, Hollis, Kreiner, Olney, Smith and Firefighters Hecker and Fehsenfeld for their response to a structure fire in August, and to Sgt. Smith and Officers Nagtzaam and Schwein for their apprehension of four felony suspects following a robbery in Grand Rapids. Mayor Bartman personally thanked the officers who responded to the fire at her home and did so much to save the contents of her home from damage.

2009-4. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2009-4-A. Receipt of communications as presented.

2009-4-B. Minutes of the regular meeting held December 15, 2008.

2009-4-C. Payroll disbursements of \$420,179.31; county and school disbursements of \$116,400.77 and total remaining disbursements of \$391,148.92.

2009-4-D. A contract with Mike Smith and Associates at a cost not-to-exceed \$31,800 for the design of the wetlands and woodlands restoration at Gilmore Park.

2009-4-E. The purchase of a service body and crane for Vehicle 115 from Truck & Trailer Specialties of Dutton in the amount of \$47,583.00.

2009-4-F. The purchase of four traffic counters and related software from Jamar Technologies of Hatfield, Pennsylvania in the amount of \$4,669.00.

2009-4-G. The purchase of survey equipment and engineering software as follows: Michigan Surveyors Supply of Lansing in the amount of \$10,720.66, DLT Solutions of Virginia in the amount of \$5,882.58, Seiler of Oakbrook, Illinois in the amount of \$2,795.00 and computer equipment as determined by the City's Information Technology Director with an allowance of \$3,602.00, and related budget amendments from the Water/Sewer

Fund of \$9,000.00, the Major/Local Street Fund of \$9,000.00 and funds from the City Manager's Replacement Fund of \$5,000.00.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

2009-5. Seibold-Coretti. Motion to enter into an executive session to discuss an attorney's opinion and pending litigation in accordance with Sections 8(h) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:12 p.m., subject to the call of the Mayor until January 19, 2009.

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Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held January 19, 2009**

Mayor Bartman called the meeting to order at 5:57 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower

2009-6. No public comment was received.

2009-7. No Commissioner comment was received.

2009-8. Introduction of an ordinance amendment to Section 8.61 of Chapter 83 of Title VIII of the City Code pertaining to the height of fences in residential areas.

City Manager Donovan explained the ordinance amendment will mirror the new driveway sight distance ordinance adopted in December. Fences already in place will not need to be removed. The new ordinance will measure height from the curb and not from the sidewalk as previous required. National safety standards were used to craft this ordinance. Upon adoption of this new ordinance, old ordinance provisions will be repealed.

2009-8-A. Horn-Graham. That an ordinance amendment to Section 8.61 of Chapter 83 of Title VIII of the City Code pertaining to the height of fences in residential areas be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Seibold and Bartman – 5

Nays: -0-

Commissioner Yadlowsky arrived.

2009-9. Seibold-Horn. Motion to approve the consent agenda as follows:

2009-9-A. Receipt of communications as presented.

2009-9-B. Minutes of the regular meeting held January 5, 2009.

2009-9-C. Payroll disbursements of \$236,996.75; county and school disbursements of \$346,821.42 and total remaining disbursements of \$490,358.91.

2009-9-D. An amendment to the professional services contract with Moore & Bruggink Inc in the amount of \$19,943.00 for capital improvement project work, and a related budget amendment in the same amount within the Water/Sewer Fund.

2009-9-E. The preliminary minutes of the Traffic Commission minutes held November 24, 2008. No action was taken on the Traffic Commission's motion to install two-hour parking signs within Gaslight Village.

2009-9-F. The preliminary minutes of the Parks & Recreation Commission meeting held December 8, 2008.

2009-9-G. The preliminary minutes of the Planning Commission meeting held December 9, 2008.

2009-9-H. The Public Safety Department Report for the months of November 2008 and December 2008.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-10. Horn-Yadlowsky. Motion to add to the agenda an executive session to discuss the acquisition of property in accordance with Section 8(d) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-11. Seibold-Graham. Motion to enter into an executive session to discuss attorneys' opinions in accordance with Section 8(d) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

The meeting adjourned at 6:02 p.m., subject to the call of the Mayor until February 2, 2009.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 8.61 pertaining to fence height.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 2, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Coretti

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; Public Safety Director Herald; Zoning Administrator Faasse; City Clerk Brower

2009-12. No public comment was received.

2009-13. No Commissioner comment was received.

2009-14. Final Reading of an ordinance amendment to Section 8.61 of Chapter 83 of Title VIII of the City Code pertaining to the height of fences in residential areas.

2009-14-A. Horn-Yadlowsky. That an ordinance amendment to Section 8.61 of Chapter 83 of Title VIII of the City Code pertaining to the height of fences in residential areas be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-15. Consider request to approve a special use permit for MetroPCS Wireless for the placement of wireless communication antennas at the East Grand Rapids High School.

Zoning Administrator Faasse reported this would be the 4<sup>th</sup> set of antennas on the existing pole, would be placed at the 100' mark and would include a cabinet and wiring under the bleachers near the other vendor's equipment.

Commissioner Seibold questioned whether there were other locations for this equipment. City Manager Donovan reported past practice has been to encourage co-location on existing poles to avoid multiple towers scattered throughout the city. City Attorney Huff concurred that federal law gives companies the right to be located within a certain radius if coverage is needed; so if they can't find acceptable co-locations in public or commercial areas, they could be located on private property. Commissioner Seibold felt there were enough antennas in the City with the multitude located at the City's water tower, this site and the hospital; however she did not want to see any more towers erected and so was in favor of approving this request.

Mayor Bartman opened a public hearing on this issue. The following people were present and expressed their opinions concerning this temporary use permit:

- Tom Forshee, MetroPCS

Offered to answer questions on the request.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-16. Yadlowsky-Horn. That a special use permit pursuant to Section 5.24 of the City Code be granted to MetroPCS for placement of six cellular antennas and related equipment on and around the East Grand Rapids High School football stadium site as shown on drawings dated December 19, 2008.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-17. Consider request to approve an agreement for a conservation easement and to authorize a wetland mitigation bond for Waterfront Park.

City Manager Donovan noted this easement was related to the upcoming construction of Phase 2 of the Reeds Lake Trail. The Department of Environmental Quality was ready to approve the permits for the construction, but required the creation of one acre of wetland to replace the half-acre that was being filled in to accommodate the trail. Since the proposed Waterfront Park improvements called for recreating wetlands filled in years ago, the new wetlands would be used to mitigate the wetland area lost to build the trail. The requested bond will be held by the State and used if the City fails to create the wetland within five years.

2009-17-A. Morris-Seibold. That a conservation easement for one acre of future wetlands at Gilmore Park and a wetland mitigation bond for the one acre wetland be approved as outlined by the City Manager's memorandum dated January 23, 2009.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

Commissioner Seibold requested the Kent County Solid Waste Plan Amendment Resolution be taken off the consent agenda until questions could be answered.

2009-18. Yadlowsky-Seibold. Motion to approve the consent agenda as follows:

2009-18-A. Receipt of communications as presented.

2009-18-B. Minutes of the regular meeting held January 19, 2009.

2009-18-C. Payroll disbursements of \$200,440.56; county and school disbursements of \$198,075.71 and total remaining disbursements of \$293,357.63.

2009-18-D. A resolution amending the assessment roll for the Reeds Lake Blvd south shore special assessment district and authorizing the refund of excess special assessments as set forth in Exhibit "B" attached hereto.

2009-18-E. A contract with King & MacGregor at a cost of \$3,400.00 for work on a wetlands mitigation plan design, park planting and garden plan, and construction observation, and \$6,300.00 for five yearly mitigation reports.

2009-18-F. An automatically renewing contract with the Children's Assessment Center in the amount of \$5,000.00 per year for services rendered to child victims of sexual assault, and a \$5,000.00 budget amendment for the current fiscal year for this contract.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-19. Seibold-Graham. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

The meeting adjourned at 6:13 p.m., subject to the call of the Mayor until February 16, 2009.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 8.61 pertaining to fence height.  
B – Resolution amending the assessment roll for the Reeds Lake Blvd south shore assessment district.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 16, 2009**

Mayor Bartman called the meeting to order at 6:01 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower

2009-20. No public comment was received.

2009-21. City Manager Donovan noted a presentation was being added to the end of the meeting to update the Commission on the Waterfront Park improvement process and the timing of the work.

2009-22. Consider request to accept the donation of property at 2748 Reeds Lake Blvd.

City Manager Donovan announced the Steketee family has offered to donate of nine acres of forested land on the northern shore of Reeds Lake to the City for use as a nature area and for the quiet enjoyment of the area by residents. The family has placed some restrictions on the donation but will allow walking trails, benches and an observation platform overlooking the waterfront. The new park will be known as Steketee Woods.

2009-22-A. Yadlowsky-Graham. That the Quit Claim Deed be accepted from Peter and Joan Steketee and Sallie and Fred Warner, owners of 2748 Reeds Lake Blvd, conveying ownership of the property to the City of East Grand Rapids.

Nyal Deems, attorney for the new owners of the adjacent property, asked for the opportunity to meet with the City to work out the details of the public access. Mayor Bartman extended an invitation to set a meeting with city officials at any time.

Commissioner Seibold thanked the Steketee family for the incredible gift they are giving to the City. She has already heard from several residents who are thrilled the property will always remain in its current state. She expressed her personal thanks to the family as well.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

Mayor Bartman presented keepsake books inscribed with a thank you message to Peter and Joan Steketee who were present at the meeting and conveyed the appreciation of the entire community for their generous gift.

2009-23. Don Lawless, Chairman of the Interurban Transit Partnership Board, presented information on the millage proposal that will be on the ballot for May 5<sup>th</sup>. Mr. Lawless reported the Silver Line would serve the South Division corridor and the downtown area and would bring \$32 million in Federal funding for the project. He stated the ballot language asks voters to extend the millage the currently expires in 2012 to be used for the operation of the Silver Line.

2009-24. The City Commission rescheduled the April 6, 2009 meeting to March 30, 2009 at 6:00 pm.

City Manager Donovan noted the Traffic Commission minutes were not listed correctly on the agenda and suggested removing this item from the consent agenda until the next meeting.

2009-25. Morris-Yadlowsky. Motion to approve the consent agenda as follows:

2009-25-A. Receipt of communications as presented.

2009-25-B. Minutes of the regular meeting held February 2, 2009.

2009-25-C. Payroll disbursements of \$199,985.51; county and school disbursements of \$82,612.53 and total remaining disbursements of \$341,436.57.

2009-25-D. A resolution approving the Kent County Solid Waste Management Plan Amendment as set forth in Exhibit "A" attached hereto.

2009-25-E. A three-year lawn maintenance contract ending June 30, 2012 with Dykhouse Landscape Management for the total amount of \$147,005.00.

2009-25-F. The emergency repair of the backhoe loader by Michigan Cat of Byron Center in the amount of \$6,856.19.

2009-25-G. The purchase of a stump grinder attachment from Carlton Equipment in the amount of \$7,000.00.

2009-25-H. The purchase of eight tires for ladder truck 274 from Meekhof Tire Sales of Grand Rapids in the amount of \$3,867.44.

2009-25-I. The Public Safety Department Report for January 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2009-26. Parks & Recreation Director Bunn reviewed the proposed plans for the Waterfront Park-Gilmore property. Phase 1 of the project will construct trails and boardwalks on the east side of Reeds Lake Blvd and a parking lot on the west side in 2010. Phase 2 will restore the wetlands on the west side of Reeds Lake Blvd. Mr. Bunn noted the installation of a sewer pipe through the area and outlined the drastic transition of the property when the trees are removed and the area is reshaped prior to allowing the wetlands to take over. He announced a public open house will be held on March 11<sup>th</sup> to allow the public to review the plans and ask questions.

The meeting adjourned at 6:32 p.m., subject to the call of the Mayor until March 2, 2009.

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Karen K. Brower, City Clerk

Attachments: A – Resolution Adopting Kent County Solid Waste Management Plan Amendment

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held March 2, 2009**

Mayor Bartman called the meeting to order at 5:57 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; Parks & Recreation Director Bunn; Public Safety Director Herald; City Services Director Feldt; Streets & Utilities Superintendent Stehouwer, Public Safety Clerk Macicak

2009-27. No public comment was received.

2009-28. No Commission report was received.

2009-29. Consider request to authorize staff to proceed with the final design work and seek bids for the Lake Drive reconstruction project.

City Services Director Feldt reported the Federal stimulus legislation would be funding the road work for this project but the City would be responsible for the watermain portion. This project was originally scheduled for 2013 but has now been included in regional projects for construction this year because of the stimulus program.

2009-29-A.Horn-Coretti. That the 2009 Capital Improvement Program be amended to include the Lake Drive reconstruction project and that staff be authorized to proceed with the final design and seek bids for this project.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2009-30. Coretti-Morris. Motion to approve the consent agenda as follows:

2009-30-A.Receipt of communications as presented.

2009-30-B.Minutes of the regular meeting held February 16, 2009.

2009-30-C.Payroll disbursements of \$202,993.94; county and school disbursements of \$221,975.20 and total remaining disbursements of \$212,122.23.

2009-30-D.The purchase of a Bobcat Toolcat with attachments from Carlton Equipment Company of Byron Center in the amount of \$43,007.00 for use in plowing sidewalks.

2009-30-E. The emergency purchase and installation of a pump and impeller for Wealthy Pool from Andy Egan Company in the amount of \$3,502.15.

2009-30-F. The preliminary minutes of the Traffic Commission meeting held January 26, 2009. No action was taken by the City Commission regarding the motion of the Traffic Commission to reverse the flashing red and yellow signals at the intersection of Lake Drive and Plymouth. The motion will take effect automatically.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

The meeting adjourned at 6:03 p.m., subject to the call of the Mayor until March 16, 2009.

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Betsy Macicak, Public Safety Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held March 16, 2009**

Commission President Horn called the meeting to order at 6:00 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Yadlowsky

Absent: Mayor Bartman

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; City Services Director Feldt;  
City Clerk Brower

2009-31. No public comment was received.

2009-32. No Commission report was received.

2009-33. Introduction of an ordinance amendment to Chapter 34 of Title III of the City Code pertaining to marina regulations.

City Manager Donovan explained the current ordinance did not address situations of multiple owners of a lakefront lot and this could result in large numbers of boats being added to the lake without any oversight by the City. City Attorney Huff noted the new ordinance will address these issues, which would most typically arise from a condominium association or a neighborhood association. He stated the Manhattan Beach Association may now fall under the new ordinance and the City Commission may need to approve that use at its current capacity.

2009-34. Morris-Yadlowsky. That an ordinance amendment to Chapter 34 of Title III of the City Code pertaining to marina regulations be introduced as set forth in Exhibit "A" attached hereto.

Commissioner Seibold suggested clarifying Section 3.211(B) to further define the term "members of the public." City Attorney Huff will revise this prior to final adoption.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-35. Morris-Yadlowsky. Motion to approve the consent agenda as follows:

2009-35-A. Receipt of communications as presented.

2009-35-B. Minutes of the regular meeting held March 2, 2009.

2009-35-C. Payroll disbursements of \$197,311.13; county and school disbursements of \$192,317.02 and total remaining disbursements of \$808,564.58.

2009-35-D. The purchase of tires for Unit 109, the backhoe loader, from Meekhof Tire Sales of Grand Rapids in the amount of \$9,376.00.

2009-35-E. The purchase of a vehicle diagnostic scanner from Napa Auto Parts in the amount of \$4,000.00.

2009-35-F. The preliminary minutes of the Joint Facilities Committee meeting held February 4, 2009.

2009-35-G. The preliminary minutes of the Parks & Recreation Commission meeting held February 9, 2009.

2009-35-H. The preliminary minutes of the Library Commission meeting held February 23, 2009.

2009-35-I. The Public Safety Department 2008 Annual Report was reviewed by Chief Herald with a brief presentation.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-36. City Manager Donovan announced that pending litigation would also be an additional topic of discussion at the executive session.

2009-36-A. Graham-Yadlowsky. Motion to enter into an executive session to discuss a collective bargaining agreement and pending litigation in accordance with Sections 8(c) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

The meeting adjourned at 6:17 p.m., subject to the call of the Mayor until March 30, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 34 of the City Code pertaining to marina regulations.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held March 30, 2009**

Commission President Horn called the meeting to order at 6:00 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director VanderWall; City Services Director Feldt; Zoning Administrator Faasse; City Clerk Brower

2009-37. Mayor Bartman announced the public hearing for the Lakewood Hills PUD request would not take place because the applicants had not kept their escrow fee current as required by City ordinance. The hearing would be rescheduled when the escrow fees were paid in full.

2009-37-A.Horn-Graham. To remove the Lakewood Hills PUD request from the agenda.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-38. No public comment was received.

2009-39. No Commission report was received.

2009-40. A zoning variance hearing was held regarding the request of Joseph & Martha Crawford of 1649 Seminole to allow the construction of an addition to the home creating a rear yard setback of 19' instead of the required 25.'

Mark Buren of Bruce Heys Builders was present to introduce and answer questions about the variance request.

The following communications were received at City Hall concerning this variance request:

|  |               |
|--|---------------|
| - Chris Muller, 1640 Seminole            | In Favor.     |
| - Michael & Virginia Nash, 1648 Fisk     | In Favor.     |
| - John & Margaret Stekete, 1624 Seminole | In Favor.     |
| - Paulette Longwell, 1665 Seminole       | No objection. |

No other public comment was received. Mayor Bartman closed the public hearing.

2009-40-A.Coretti-Yadlowsky. That the request of Joseph & Martha Crawford of 1649 Seminole to allow the construction of an addition to the home creating a rear yard setback of 19' instead of the required 25' be approved.

Commissioner Seibold noted that many homes in the area had small setbacks with detached garages. She felt this was a nice improvement and would fit in well with the neighborhood.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-41. A zoning variance hearing was held regarding the request of Bradford King of 1602 Wealthy to allow the construction of an addition to the home and a detached garage with

- a. A rear yard setback (side of garage) of 1.0' instead of the required 3.0',
- b. A side yard setback (rear of garage) of 1.0' instead of the required 3.0',
- c. A side yard setback (front of garage) 1.7' closer to the street than the established neighboring setback,
- d. A garage height of 13.5' instead of the allowed 12.0',
- e. A front yard setback of 50.3 feet instead of the required 58.0', and
- f. To allow the enlargement of a nonconforming structure.

Zoning Administrator Faasse explained the property is zoned B-1 but must meet the zoning requirements of the surrounding A-3 district because it was a single family residence. He noted the front porch had already been torn off and the applicant was requesting to rebuild it with the same dimensions.

Commissioner Seibold asked if the new garage met the zoning requirements for the percentage of lot coverage. Mr. Faasse stated he had calculated the coverage and the proposal did meet the requirements.

Brad King, 1602 Wealthy, was present to introduce and answer questions about the variance request.

Commissioner Seibold questioned whether the garage could be made smaller to reduce the variance needed next to the neighboring property. Mr. King answered he was trying to maximize the greenspace in the back yard but the garage could be made smaller or moved farther from the rear line.

The following people were present and expressed their opinions concerning this variance request:

- Dennis Goebel, 413 Gladstone Likes the proposed plans but concerned about the existing 45" separation between the garage and his home.
- Gordon Jones, 325 Rosewood Stated the old garage was an eyesore and the new garage would be a welcome replacement. Felt the proposed location was too close to allow neighboring property owner to maintain his property and should be separated. Felt lot coverage was pushing the maximum and should be calculated carefully.

The following communications were received at City Hall concerning this variance request:

- Patricia Etter Hornick, 1625 Wealthy In Favor.
- Dennis Goebel, owner of 413 Gladstone In Favor but concerned about proximity to his property.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-41-A.Coretti-Yadlowsky. That the request of Bradford King of 1602 Wealthy to allow the construction of an addition to the home and a detached garage with

- a. A rear yard setback (side of garage) of 1.0' instead of the required 3.0',
- b. A side yard setback (rear of garage) of 1.0' instead of the required 3.0',
- c. A side yard setback (front of garage) 1.7' closer to the street than the established neighboring setback,
- d. A garage height of 13.5' instead of the allowed 12.0',
- e. A front yard setback of 50.3 feet instead of the required 58.0', and
- f. To allow the enlargement of a nonconforming structure.

be approved as requested.

Commissioner Seibold favored considering each of these requests separately as she understood some variances would be needed but felt the garage could be made smaller and placed further from the lot lines.

2009-41-B. Seibold-Yadlowsky. Motion to amend 2009-41-A. to remove (a) approval of the rear yard (side of garage) setback; to allow (b) a side yard (rear of garage) setback of 2.0' instead of the required 3.0'; and to allow (c) a side yard (front of garage) setback of 16.0' from the street instead of the required 18.7', a distance of 2.7' closer to the street than the established neighboring setback.

Commissioner Horn questioned whether the new garage would be built on the same foundation as the old garage. Mr. King stated the current foundation would be removed as it seemed unsafe.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

Commissioner Seibold commended Mr. King on his efforts to improve his home and the neighborhood. She had no problem with the request to rebuild the front porch. She noted the old garage had been built before some of the current zoning regulations and was definitely out of place in this neighborhood. She welcomed the new smaller garage and the additional greenspace in the area.

City Manager Donovan noted that several recent variances for garage height had been conditioned that no plumbing or living space be allowed in the new garage. Mr. King affirmed it was his intention to use the attic space of the garage as storage and not as living space.

2009-41-C. Seibold-Coretti. Motion to amend 2009-41A to add a condition that the garage contain no plumbing and be used for storage only.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

Mayor Bartman also thanked Mr. King for his improvements to the property and the proposed new garage.

Vote on 2009-41-A, as amended:

2009-41-A. Coretti-Yadlowsky. That the request of Bradford King of 1602 Wealthy to allow the construction of an addition to the home and a detached garage with

- a. A side yard setback (rear of garage – west lot line) of 2.0' instead of the required 3.0',
- b. A side yard setback (front of garage – east lot line) 2.7' closer to the street than the established neighboring setback, that is 16' instead of 18.7'.
- c. A garage height of 13.5' instead of the allowed 12.0',
- d. A front yard setback (north lot line) of 50.3 feet instead of the required 58.0', and
- e. To allow the enlargement of a nonconforming structure.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-42. Final Reading of an ordinance amendment to Chapter 34 of Title III of the City Code pertaining to marina regulations.

2009-42-A. Coretti-Graham. That an ordinance amendment to Chapter 34 of Title III of the City Code pertaining to marina regulations be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-43. Coretti-Horn. Motion to approve the consent agenda as follows:

2009-43-A. Receipt of communications as presented.

2009-43-B. Minutes of the regular meeting held March 16, 2009.

2009-43-C. Payroll disbursements of \$198,673.27; county and school disbursements of \$-0- and total remaining disbursements of \$461,547.83.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

The meeting adjourned at 6:31 p.m., subject to the call of the Mayor until April 20, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 34 of the City Code pertaining to marina regulations.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held April 20, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director VanderWall; City Services Director Feldt; Zoning Administrator Faasse; City Clerk Brower; Captain Lark; Captain Williams; Sergeant Buikema; Sergeant Smith; PSO Nagtzaam; PSO Bradley; PSO Olney; PSO Lobbezoo; PSO Tyrell; City Assessor Mesik

- 2009-44. Mayor Bartman announced that Item #11 on the consent agenda, the requested approval of heavy body armor, was being removed from the agenda for more information.
- 2009-45. No public comment was received.
- 2009-46. Commissioner Graham welcomed PSO Lobbezoo and PSO Tyrell to East Grand Rapids.
- 2009-47. City Clerk Brower administered the Oath of Office to Public Safety Officers Ross Tyrell and Daniel Lobbezoo.
- 2009-48. Consider request to approve a collective bargaining agreement with the Public Safety Officers Union.

City Manager Donovan explained the Public Safety Officer's Union had approached him several weeks ago offering a one-year contract with no wage or benefit increases as a way to help control personnel costs in light of the city's declining revenues. He thanked all the union members for their initiative on this and for working with the city during these difficult economic times.

Mayor Bartman praised the union for their leadership in these times and noted how proud she was to be associated with these officers who chose to work with the city on a long-term vision of success. Other city commissioners also thanked the officers for their forward thinking and dedication to the community.

2009-48-A.Horn-Graham. That a one-year contract with the Public Safety Officers Union with no changes to the existing contract be approved as requested.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

- 2009-49. A zoning variance hearing was held regarding the request of Mark & Kay Rector of 1348 Lenox to allow the construction of an addition to the home creating a rear yard setback of 2.5' instead of the required 25.0', a side yard setback of 2.5' instead of the required 7.0', and a combined side yard setback of 12.0' instead of the required 27.0'.

Zoning Administrator Faasse noted the current garage sits 1.5' from the side and rear lot lines and the applicant is requesting to add an addition to connect the house with the detached garage.

Mark Rector, 1348 Lenox, was present to introduce and answer questions about the variance request.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-49-A.Coretti-Yadlowsky. That the request of Mark & Kay Rector of 1348 Lenox to allow the construction of an addition to the home creating a rear yard setback of 2.5' instead of the required 25.0', a side yard setback of 2.5' instead of the required 7.0', a combined side yard setback of 12.0' instead of the required 27.0' be approved.

Commissioner Coretti stated she would support this request because the way the home sits on the lot makes it difficult to meet the zoning standards.

Commissioner Graham noted the new garage would not be extending any lines of the house past the current garage or the existing home; therefore, he could support the request.

Commissioner Horn stated the request was expanding and improving the current rooms and functions and not overbuilding for the area.

Mayor Bartman agreed the angle of the streets made this project very challenging and she felt the proposed addition would be good fit for the home and the area.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

2009-50. Coretti-Morris. Motion to approve the consent agenda as follows:

2009-50-A. Receipt of communications as presented.

2009-50-B. Minutes of the rescheduled regular meeting held March 30, 2009.

2009-50-C. Payroll disbursements of \$196,422.86; county and school disbursements of \$-0- and total remaining disbursements of \$234,857.11.

2009-50-D. A bid for t-shirts for recreation programs and events from Image Quest Screen Printing of Comstock Park in the amount of \$27,356.35.

2009-50-E. The purchase of a decontamination station for the Public Safety Department's self-contained breathing apparatus equipment from Jack Preston Construction of Ada in the amount of \$3,655.00.

2009-50-F. A contract with Ron Meyer & Associates Excavating of Zeeland in the amount of \$332,357.29 plus contingencies of \$33,235.73 for the City's annual road construction projects.

2009-50-G. A contract with County Line Nurseries and Landscaping of Hartford in the amount of \$6,490.00 for the 2008 annual tree planting program.

2009-50-H. The preliminary minutes of the Traffic Commission meeting held March 23, 2009.

2009-50-I. The Public Safety Department Report for February 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

2009-51. Graham-Coretti. Motion to enter into an executive session following the budget worksession to conduct a periodic personnel evaluation of the City Manager in accordance with Section 8(a) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:25 p.m., subject to the call of the Mayor until May 4, 2009.



offered, it was possible that more antennas could be located on these sites. He stated the City preferred to locate as many antennas on one pole as possible to avoid multiple towers in neighborhoods.

Mr. Faasse noted Clearwire's ground equipment would be located inside the existing Sprint/Nextel enclosure and connect to the tower via one new conduit.

Mayor Bartman opened a public hearing on this issue. The following people were present and expressed their opinions concerning this temporary use permit:

- Amy Valteau of Powder River Development      Representing Clearwire; answered questions.
- Gordon Jones, 325 Rosewood      Asked if there was data on the effects of radiation or signals on those attending football games. Ms. Valteau responded their equipment gave off 3-5 watts, the equivalent of a baby monitor. Mayor Bartman and City Attorney Huff reported researching the issue several years ago when the first antennas were placed on the water tower and were satisfied the antennas were safe in the proposed settings.
- Ruth Smith, 555 Lakeside      Questioned whether the tower was leaning as it appeared in the picture. Mr. Faasse noted it was merely the angle of the photograph.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-55-A.Horn-Yadlowsky. That a special use permit pursuant to Section 5.24 of the City Code be granted to Clearwire US LLC for the placement of six wireless broadband antennas and ancillary ground equipment at the East Grand Rapids High School football stadium site as shown on drawings dated December 19, 2008.

Yeas:    Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays:    -0-

2009-56.    Public Hearing on the request to rezone the property currently known as Lakewood Hills Apartments, 555 Lakeside Drive, from B-1 Apartment district to a planned unit development with 76 units in three buildings of five stories with a height of 47.5.'

Planning Consultant VanSteenhuysse outlined the history of the proposed improvements to the Lakewood Hills Apartments, beginning with the variance request in 2006 through the court cases and the subsequent PUD request currently being considered. He reviewed the areas of the Master Plan and the City's PUD ordinances addressing this property and the proposal. He summarized the most recent submission and highlighted the major features. He noted that while there have been some minor changes to the plan, it was still essentially the same height and density, which were significantly greater than the B-1 zoning district and the Master Plan recommendations. He reported there were some new issues relating to the south driveway and traffic conflicts on Lakeside Drive and the removal of a pedestrian access connecting Gaslight Village to the lakefront. The latest proposal shows three five-story buildings lined up along the front setback line, creating a "wall effect" along Lakeside Drive, and making it even more inconsistent with the Master Plan. He stated that while prior plans failed to meet the ordinance requirements and the Master Plan, the current plan is a further departure. He stated prior concerns had not been addressed and new issues have surfaced. He noted the Master Plan clearly states redevelopment on this site should result in a project of similar density to the current use with a maximum height of two stories not to exceed 35' in height. The Planning Commission determined the project as proposed could not meet the required standards in Section 5.139 and they recommend denial by the City Commission.

Mr. VanSteenhuysse noted the current plans are even more inconsistent than previous plans in spite of numerous conferences and suggestions by staff, consultants and the Planning Commission. He concluded that unlike the JadePig project which provided numerous public benefits, this plan fails the PUD standards. He felt the PUD option was being relied upon as a means to circumvent the district zoning requirements, which allows flexibility in exchange for significant public benefits—not as a way to avoid requirements. He concurs with the recommendation of the Planning Commission to deny the proposal. Mr. VanSteenhuysse reported the applicant

has maintained throughout the process that significant increases to height and density were justified because of the prior JadePig approval, but noted the JadePig approval process was one of the most detailed and extensive land use processes in the City's history and included several components that benefitted the entire community. He stated the Lakewood Hills proposal has no public benefit and has resisted provisions such as a pedestrian walkway. He concluded the project would be detrimental to the area as it would change the intimate pedestrian-oriented character of Lakeside Drive, affect views to/from the lake, and present a wall of buildings along Lakeside Drive. He noted the Circuit Court and Court of Appeals rejected the argument that Lakewood Hills deserved the variances because of the JadePig approval.

Denis Johnson of Post Architects, representing Lakewood Hills, thanked Mr. VanSteenhuysen for his accurate representation of the project and its history. He stated the project increased the density by 25 units and takes antiquated units and brings them up to today's standards with elevators for handicap accessibility. The applicant feels the increase in density is justified to replace the land costs, which means increased heights. He stated the new parking is all underground and does not increase surface spaces. He felt that keeping the buildings back, varying the elevations, maintaining existing trees and using the curve of Lakeside Drive was sufficient to break up the "wall effect" criticized by the City.

Mayor Bartman questioned the need for increased density to offset the land cost. Mr. Johnson stated the land becomes very expensive when you tear down existing buildings to build new.

Commissioner Horn questioned why the plans were different than those submitted several months ago. Mr. Johnson stated the applicant did not feel the negotiations were producing results and therefore completed the drawings and submitted them for final approval. He stated they did not receive responses to their draft drawings and therefore went ahead with their own versions.

Commissioner Horn questioned how these drawings were significantly different than prior PUD submittals. Mr. Johnson responded the buildings had been lowered and the footprints spread out from earlier drawings. He stated the driveways had been combined and improved.

Commissioner Horn asked if the applicant had addressed the traffic and congestion problems raised by the City staff. Mr. Johnson stated his traffic engineer did not feel there were problems in the area so they did not make changes in that area.

Commissioner Morris asked what "public benefit" the project brought to the area. Mr. Johnson stated this project would replace housing stock built in the 1960's with updated architecture and improved housing with more appeal to the seniors.

Commissioner Seibold questioned why the pedestrian walkway was removed. Mr. Johnson replied this was an item that was negotiated to help get the plan approved. He stated his client was willing to include the walkway if it would get the project approved, but it was eliminated because they did not feel the project would be approved.

The following people were present to comment on this request:

- Louie Cares, 530 Lakeside

Felt the area was too congested already and adding more units would be a mistake. He felt zoning should have nothing to do with economics, and the owners should have been anticipating and saving towards future remodeling or replacement since they had owned this property since the 1960's. Stated the developer's greed should not influence the look of the city and increase congestion. Too much for a small area.

- Gordon Jones, 325 Rosewood

Felt proposal was too tall and too dense and should be rejected. Suggested rejecting any renewal of the Jade Pig project in the future if possible.

- Ruth Smith, 555 Lakeside

Looking forward to having a new apartment, but felt it would not happen in her lifetime.

Mayor Bartman closed to public hearing.

Mayor Bartman requested a motion to direct the City Attorney to prepare a Findings of Fact document for adoption at the next meeting.

2009-56-A. Graham-Seibold. Motion to direct the City Attorney to prepare a "Findings of Fact" document for adoption at the next meeting to deny the request to rezone the Lakewood Hills Apartments property at 555 Lakeside Drive from B-1 Apartment district to a planned unit development using the following input from commissioners.

Commissioner Seibold reported she had been on the Planning Commission when these proposals were considered. She remembered in November 2007 the Planning Commission had spent considerable time on this and concluded the standards in the PUD Ordinance were not being met by this proposal. Their Findings of Fact found the proposal was too high, too dense, changed the character of the neighborhood with a wall along Lakeside, and did not offer pedestrian accessibility as clearly required by the Planning Commission. She stated the changes from prior plans were for the worse. She felt the property could be improved greatly without being so tall or twice as dense. She felt the applicant was uncooperative and had not met the spirit of the PUD and she would be voting to deny the PUD request.

Commissioner Horn stated he would like to see improvement to the site, but the plan submitted did not come close to meeting the City's standards. He felt it was almost exactly the same plan that was denied in the variance request and upheld by the Court of Appeals and Circuit Court. He felt the same standards used before and the same reasons for denial were applicable to this proposal. He felt the applicant was insincere in moving this forward.

Commissioner Morris expressed his disappointment in the current proposal as he felt there was progress being made in the interim negotiations. He saw no effort to compromise in the current proposal.

Commissioner Graham stated his frustration with hearing the applicant did not understand or agree with the City's request and requirements. He agreed the property should be developed but reiterated that it must conform to City standards. He felt the City's ordinances and Master Plan were very clear in their requirements. He stated the City needed and would welcome updated apartments, but the proposal has to compliment the City, not work against what we have now.

Commissioner Yadlowsky agreed that a better mix of updated apartments was needed. He felt interim drawings were much more agreeable with regard to varying heights and positioning of the buildings. He thought the parties were close to agreeing on the designs and then for some reason the applicant submitted different plans. He felt the buildings were too high and presented a wall along the street and he could not vote for them. He hoped a future plan would be more fitting for the area to bring updated housing stock.

Mayor Bartman questioned whether the PUD Ordinance required that all standards be met. City Attorney Huff reported that Section 1.135 stated all qualifications had to be met. He further noted Section 5.137 provided that all applicable objectives must be met.

Mayor Bartman noted the Court of Appeals opinion stated "a community may take into account aesthetic considerations incidental to the valid exercise of its policing power." She asked if this could be applicable to a PUD application as well as a variance. City Attorney Huff concurred that it would.

Mayor Bartman stated that her prepared comments from the last time this request was considered would be completely suitable if the date were changed from last summer. She asked that her prior comments, the Appeals Court Decision, Mr. VanSteenhuysen's analysis, the Planning Commission's recommendation, and other background materials in the agenda packet be used to create the "Findings of Fact" document. She felt the materials were important to create a record in preparation for what will certainly be further legal action against the City. She didn't feel the proposal was a serious attempt to meet the PUD ordinance, as that ordinance clearly spells out the requirements. This applicant simply wants relief from the height and density requirements of the B-1 apartment district zoning. She felt the applicant had the right to ask for such relief, and had done so in 2006 with the variance request that was considered and denied. She stated that just because you don't get the

answer you wanted with the variance application doesn't mean that the project then qualifies as a PUD. She stated very few of the objectives were contained in this proposal; in fact while the height was lower, the density was higher than the original variance. She felt the project was wrong for the area. She noted the density on this proposal is 21 units per acre, which is higher than the 18.4 units per acre approved for the JadePig development. She felt the proposed project would have a negative impact on surrounding properties, including Collins Park, the homes across the street and the condominiums next door.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays: - 0

2009-57. Yadlowsky-Seibold. Motion to approve the consent agenda as follows:

2009-57-A. Receipt of communications as presented.

2009-57-B. Minutes of the regular meeting held April 20, 2009.

2009-57-C. Payroll disbursements of \$199,116.59; county and school disbursements of \$-0- and total remaining disbursements of \$235,766.73.

2009-57-D. The proposed meeting date list for FY 2009-2010.

2009-57-E. The establishment of June 1, 2009 as the date for public hearings for the budget and delinquent account hearings, and the date for a special meeting to adopt the budget.

2009-57-F. The purchase of a claw bucket for the Streets & Utilities operations from Michigan Cat of Byron Center in the amount of \$9,200.00.

2009-57-G. An amendment to the water meter reading agreement with Consumers Energy to extend and modify the terms of the existing agreement for contracted meter reading services as set forth in Exhibit "A" attached hereto.

2009-57-H. A contract for the 4th of July fireworks to Wolverine Fireworks Display in the amount of \$20,000.

2009-57-I. A proposal from Moore & Bruggink to provide land surveying services for Waterfront Park Phase 1 in the amount of \$16,940.

2009-57-J. An agreement with the City of Grand Rapids to share the cost of improvements to Sherman Street from Glenwood to Cambridge as set forth in Exhibit "B" attached hereto.

2009-57-K. A contract with Med 1 of Grand Rapids in the amount of \$14,850 for biennial physical exams and fitness testing for 33 members of the Public Safety Department.

Yeas: Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

The meeting adjourned at 7:08 p.m., subject to the call of the Mayor until May 4, 2009.

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Karen Brower, City Clerk

Attachments: A – Water Meter Reading Contract Amendment.  
B – Cost-sharing agreement with Grand Rapids for Sherman Street.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held May 18, 2009**

Mayor Bartman called the meeting to order at 6:04 p.m. in the Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Mayor Bartman

Absent: Commissioner Yadlowsky

Also Present: City Manager Donovan; City Attorney Huff; Finance Director VanderWall; Public Safety Director Herald; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower

2009-58. No public comment was received.

2009-59. Mayor Bartman commended the Public Safety Department for their work at a house fire on Lake Drive last week where residents were trapped inside the home. She noted that thanks to the courageous actions of our officers and the assistance of Grand Rapids firefighters, three people were rescued from the home in the middle of the night. City Manager Donovan reported that one of the victims from the house fire on Lake Drive had passed away this afternoon due to his injuries.

2009-60. Consider "Findings of Fact" concerning the PUD application of Lakewood Hills Apartments, 555 Lakeside Drive.

City Attorney Huff stated the comments from the last meeting and the relevant sections of the City Code had been used to draft the Findings of Fact document.

2009-60-A.Horn-Graham. That "Findings of Fact" be adopted denying the request to rezone the property currently known as Lakewood Hills Apartments, 555 Lakeside Drive, from B-1 Apartment district to a planned unit development with 76 units in three buildings of five stories with a height of 47.5' as set forth in Exhibit "A" attached hereto.

Commissioner Horn reemphasized Finding #2 on page 5 that stated the proposed development would be out of character with the surrounding neighborhood and be right on top of the road and the park.

Mayor Bartman felt the character of the area was very important to the residents of the City and this development would detract from the area and thus the whole city. She stated the Master Plan was very clear in dealing with redevelopment of the central area of the City. Mayor Bartman responded to several of the points raised in Mr. Lambrecht's letter of May 13, 2009 concerning his proposal. She stated the City Commission had tried repeatedly to address the height, density and "wall effect" issues with the applicant and were not successful. She stated the land can still be used as currently zoned, but was just too small for a development of this size and scale. She responded to Mr. Lambrecht's contention that the City needed the additional tax revenue by stating she would not compromise the long-term interests of the City to balance the current or future budget. She stated she disagreed with the majority of the points made in Mr. Lambrecht's letter, but had read them all and made sure the other commissioners had a chance to address these as well.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6

Nays: -0-

2009-61. Consider request to approve a collective bargaining agreement with the Public Safety Command Officers Union.

City Manager Donovan thanked the command union for their leadership in bringing this proposal to the City and recognizing the current financial situation warranted working together.

2009-61-A. Coretti-Morris. That a one-year contract with the Public Safety Officers Union effective July 1, 2009 with no changes to the existing contract be approved as requested.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6  
Nays: -0-

Mr. Donovan also thanked the non-unionized city employees for their understanding and professionalism when learning there would be no salary or benefit increases for the upcoming year due to budget constraints.

2009-62. Coretti-Morris. Motion to approve the consent agenda as follows:

2009-62-A. Receipt of communications as presented.

2009-62-B. Minutes of the regular meeting held May 4, 2009.

2009-62-C. Payroll disbursements of \$219,132.73; county and school disbursements of \$-0- and total remaining disbursements of \$142,696.08.

2009-62-D. A contract with Youngstrom Contracting of Ionia for the Bonnell/Reeds Lake Drainage Project in the amount of \$59,000.00 plus contingencies of \$5,900.00.

2009-62-E. A two-year contract in the amount of \$6,575.00 per month with Gast Cleaning Services for janitorial services for city buildings, pools and park restrooms.

2009-62-F. The purchase of heavy body armor for the Public Safety Department from On-Duty Equipment Company in the amount of \$14,749.97 from the Drug Seizure Fund.

2009-62-G. The purchase of in-car video systems for the Public Safety Department from L-3 Communications of Boonton, New Jersey at a cost of \$53,342.00.

2009-62-H. The Joint Facilities Budget for FY 2009-10 as submitted by the Joint Facilities Committee.

2009-62-I. The preliminary minutes of the Traffic Commission meeting held April 27, 2009. No action was taken by the City Commission on the motion of the Traffic Commission to modify signage on Lakeside Drive south of Lake Drive to prohibit parking at all times. The motion will take effect immediately.

2009-62-J. The preliminary minutes of the Joint Facilities Committee meeting held May 6, 2009.

2009-62-K. The Public Safety Department Report for March 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6  
Nays: -0-

The meeting adjourned at 6:26 p.m., subject to the call of the Mayor until June 1, 2009.

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Karen Brower, City Clerk

Attachments: A – Findings of Fact regarding Lakewood Hills.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held June 1, 2009**

Mayor Bartman called the meeting to order at 4:35 p.m. in Room 107 of the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Mayor Bartman

Absent: Commissioner Yadlowsky

Also Present: City Manager Donovan; Parks & Recreation Director Bunn; City Services Director Feldt; Streets & Utilities Superintendent Stehouwer; City Clerk Brower

2009-63. The City Commission interviewed two architects who submitted proposals for a needs study of the Streets & Utilities facility.

Brian Winkelman and Dave Svoda of DTS Winkelman reviewed the process and timeline for the study of the facility, the projects of similar nature they had completed, and answered questions from the City Commission. The firm will study the use of the building and offices and assist with the design of a Request For Proposals which the City can then use to hire a design/build firm.

Tom Medendorp of Cox Medendorp & Olson went over his firm's proposal and answered questions from the Commission. His firm will analyze the site, its use and future needs and formulate a "bubble" design and an RFP document and assist with interviewing construction firms.

2009-64. The meeting recessed at 5:44 pm for a break prior to the City Commission meeting. Commission President Horn reconvened at 6:01 pm in the City Commission Chambers with the following people present:

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Yadlowsky

Absent: Mayor Bartman

Also Present: City Manager Donovan; City Attorney Huff; Finance Director VanderWall; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower

2009-65. Alan Telford, 1247 Breton, was present to ask that a tree in front of his property be removed as the roots were damaging his driveway and sewer lateral. He had been told by the City Services Department the City would not remove a tree that was not dying or diseased. City Manager Donovan offered to meet with the resident to discuss this issue.

Keith Westmoreland, 1016 San Juan, questioned the reason for a high water bill at his home several months ago. Finance Director VanderWall will work with the resident on this issue.

2009-66. Commissioner Seibold complimented the Parks & Recreation Department for the beautiful baskets and pots of flowers along the streets that had been installed recently.

2009-67. City Manager Donovan requested the City Commission add to its agenda a request from City staff to review proposed changes for Rosewood at the Franklin intersection and a request to award a contract for a needs study of the Streets & Utilities Facility.

2009-67-A. Morris-Yadlowsky. Motion to add to the agenda a request to review the Rosewood improvements and a request to award a contract for a needs assessment of the Streets & Utilities facility. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-68. Assistant Parks & Recreation Director Perry announced an extended agreement with Rhoades McKee for sponsorship of the Reeds Lake Run. Peter Lozicki of Rhoades McKee was present to convey the firm's enthusiasm for the event and the partnership with the City.

2009-69. A zoning variance hearing was held regarding the request of Brian Kane of 245 Manhattan Rd to allow the construction of an addition to the garage creating a rear yard setback of 7.0' instead of the required 25', and to allow the expansion of an existing nonconforming structure.

Zoning Administrator Faasse explained the rear yard was already nonconforming at 17.0' and the addition would reduce the setback to 7.0.'

Brian Kane, 245 Manhattan Rd, was present to introduce and answer questions about the variance request.

The following communications were received at City Hall concerning this variance request:

- Lynn Gregory, 250 Manhattan In Favor.

No other public comment was received. President Horn closed the public hearing.

2009-69-A. Coretti-Morris. That the request of Brian Kane of 245 Manhattan Rd to allow the construction of an addition to the garage creating a rear yard setback of 7.0' instead of the required 25', and to allow the expansion of an existing nonconforming structure be approved.

Commissioner Seibold expressed her support for this variance because the home's rear yard was actually the side yard of the adjoining property and next to their garage and would likely not impact the neighbor. She also noted the large area of greenspace on the side of this home to compensate for the reduced rear yard.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6  
Nays: -0-

2009-70. A zoning variance hearing was held regarding the request of Jason & Tamara Ashley-Oswalt, of 2131 Burchard to allow the construction of an addition to the home creating a separation from the garage of 4.0' instead of the required 10.0'.

Zoning Administrator Faasse noted there was currently a 10' separation between the home and garage filled with fencing, shrubs and decking that would be removed to construct the addition.

Tamara Ashley-Oswalt, 2131 Burchard, stated the addition would provide storage and living space for their family and providing access to the rear yard from the driveway area where none exists now. She submitted a petition of support signed by several neighbors.

The following people were present and expressed their opinions concerning this variance request:

- Bill Tyson, 2121 Burchard In Favor.

The following communications were received at City Hall concerning this variance request:

- Sarah Kugler, 2130 Burchard In Favor.  
- Lisa Sawyer, 2110 Burchard In Favor.

No other public comment was received. President Horn closed the public hearing.

2009-70-A. Coretti-Morris. That the request of Jason & Tamara Ashley-Oswalt, of 2131 Burchard to allow the construction of an addition to the home creating a separation from the garage of 4.0' instead of the required 10.0' be approved.

Commissioner Seibold questioned whether emergency vehicles could access the rear yard if needed. City Services Director Feldt reported there was adequate room for personnel to reach the back yard. Ms. Seibold suggested the City review the ordinance requiring the 10' separation to see if it was really needed. She noted this was a very small lot with limited area to make improvements.

President Horn added the addition would be an improvement to the neighborhood and he supported their efforts.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-71. Consider request to review plans for the reconstruction of Rosewood Avenue at the Franklin intersection.

City Services Director Feldt outlined plans to reconstruct Rosewood south of Franklin to narrow the mouth of the intersection. He stated this change was proposed to promote pedestrian safety, reduce future winter maintenance costs, and to make the intersection consistent with other standard intersections. Mr. Feldt brought the project to the City Commission for review when residents in the immediate area opposed the portion of the project that would narrow the intersection. Mr. Feldt noted the design did not include relocating the existing sidewalk in the area. He stated he had contacted St. Stephens Church and the rector did not have strong feelings one way or the other about the proposal.

The following people were present to express their thoughts on this proposal:

- Murry McMurry, 811 Rosewood

Opposed to narrowing the intersection as he did not feel it was a safety concern and liked the openness of the area. Asked residents be notified of significant changes like this before proceeding with designs. Noted 3 of 4 most affected property owners were opposed to change and the 4<sup>th</sup> was unavailable for comment due to illness.

- Katherine Corbitt, 806 Rosewood

Opposed changing the area because vehicles from St. Stephens parked in the area and the extra room in the street allowed for safe travel from driveways. Frustrated that input from neighbors was not sought ahead of time.

- Jim Seufert, 965 Rosewood

Stated he represented several neighbors south of the intersection that were in favor of the narrowed width because of the safety concerns crossing the wide intersection. Suggested relocating sidewalk as well. Felt it would slow traffic down on the street.

- Rob Bernard, 940 Rosewood

Felt the existing configuration was a safety hazard and should be changed while the street was under construction.

- Linda McMurry, 811 Rosewood

Stated neighbors farther down the street were too far away to have input and the neighbors closest to this change should be listened to. She likes the wider intersection because cars turning left have plenty of sight distance to turn safely and those coming southbound can come straight across instead of turning twice.

2009-71-A. Seibold-Yadlowsky. That the proposed changes narrowing Rosewood south of the Franklin intersection as proposed by staff be approved.

Commissioner Graham felt it was difficult to support the change when there were no safety issues currently. He favored resurfacing the existing intersection to save money.

Commissioner Coretti agreed the change did not seem necessary and would make it difficult for those used to the current alignment.

Commissioner Seibold informed the residents the City Services Department was fulfilling their duties in looking at ways to improve each street when resurfacing projects were designed. She did not like the current offset to Rosewood north and south of Franklin but agreed that every dollar matters right now and this intersection did not have frequent accidents. She asked Mr. Feldt to look at other intersections in the City that were similar to this configuration and continue to look for ways to improve safety if necessary.

Commissioner Yadlowsky thanked Mr. Feldt for bringing this matter to the City Commission when the disagreement arose. He agreed there were currently no safety issues in the area and the wider intersection did alleviate some congestion.

Commissioner Morris stated that since the reconfiguration had already been designed, the project could be implemented in the future if needed.

Yeas: -0-

Nays: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

2009-72. A public hearing was held pertaining to the General Fund budget and the property tax levy for Fiscal Year 2009-10. No public comment was received.

2009-73. A Public Hearing was held on the special assessment roll of delinquent accounts for placement on the July 1, 2009 tax roll.

No public comment was received. President Horn closed the public hearing.

2009-73-A.Morris-Coretti. That the special assessment roll of delinquent accounts totaling \$74,166.86 be certified and placed on the July 1, 2009 tax roll.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-74. Consider request to approve a permit for Big Bob's Pizza to allow serving alcoholic beverages on City property.

City Manager Donovan reported the restaurant had been using the area for outdoor service for sometime without realizing they needed permission from the City. They have the necessary permit from the Liquor Control Commission and have provided adequate insurance coverage to the City.

2009-74-A.Coretti-Morris. That a permit be approved authorizing Big Bob's Pizza of 661 Croswell to serve alcoholic beverages in the fenced outdoor service area along the along the south side of their building on city-owned property.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-75. Adoption of an ordinance amendment to amend Chapter 50 of Title V of the City Code to adopt a temporary moratorium on the issuance of type permits for the installation of outdoor furnaces in residential zones.

City Manager Donovan reported an inquiry had been made about installing an outdoor furnace which prompted staff to investigate this type of equipment. Because the units are used around the clock and produce smoke, staff is requesting time to study the issue and determine if they are suitable for dense residential areas.

2009-75-A.Coretti-Morris. That an emergency ordinance amendment to amend Chapter 50 of Title V of the City Code to adopt a 120-day moratorium ending October 1, 2009 on the issuance of type permits for the installation of outdoor furnaces in residential zones be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-76. Consider request to award a contract for a needs study of the Streets & Utilities facility.

2009-76-A.Graham-Coretti. That a contract be awarded to DTS Winkelmann Architects to complete a needs assessment of the Streets & Utilities facility at a cost of \$10,475.00 plus contingencies of \$1,045.00.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6  
Nays: -0-

2009-77. Coretti-Morris. Motion to approve the consent agenda as follows:

2009-77-A.Receipt of communications as presented.

2009-77-B.Minutes of the regular meeting held May 18, 2009.

2009-77-C.Payroll disbursements of \$215,812.21; county and school disbursements of \$-0- and total remaining disbursements of \$279,028.60.

2009-77-D.The purchase of camera equipment for televising sewers from Jack Doheny Companies of Northville, Michigan, in the amount of \$16,147.00.

2009-77-E. A contract for soil borings for Waterfront Park Phase I and Phase II in the amount of \$12,010.00 from Materials Testing Consultants of Grand Rapids.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6  
Nays: -0-

The meeting adjourned at 7:17 p.m., subject to the call of the Mayor until June 15, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 50 establishing a moratorium on outdoor furnaces.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held June 1, 2009**

Commission President Horn called the meeting to order at 7:18 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold and Yadlowsky

Absent: Mayor Bartman

Also Present: City Manager Donovan; City Attorney Huff; Finance Director VanderWall; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower

2009-78. Consider request to adopt a resolution adopting the FY 2009-2010 budget and setting a millage rate for FY 2009-2010.

2009-78-L. Morris-Coretti. That a resolution adopting the FY 2009-2010 as amended during the budget worksession and setting millage rate for FY 2009-2010 be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

2009-79. Consider request to adopt a resolution establishing water/sewer rates for FY 2009-2010.

2009-79-A. Coretti-Seibold. That a resolution setting water/sewer rates for the upcoming fiscal year be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Yadlowsky – 6

Nays: -0-

The special meeting was adjourned at 7:19 p.m.

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Karen K. Brower, City Clerk

Attachments: A – Resolution adopting FY 2009-2010 budget.  
B – Resolution establishing water/sewer rates for FY 2009-2010.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held June 15, 2009**

Mayor Bartman called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; City Clerk Brower

2009-80. No public comment was received.

2009-81. City Manager Donovan announced the City had retained its AA+ rating from the Fitch Ratings Agency after a recent review of its finances and the current economic climate.

Mr. Donovan also thanked the American Bottling Company for their donation of bottled water for use at various meetings and events.

2009-82. Consider request to approve a letter of understanding with the AFSCME City Services Union.

City Manager Donovan thanked the union for working with the City during these challenging financial times by agreeing to forego a scheduled 3% wage increase in the interest of balancing the City's budget. Mayor Bartman noted the leadership and work of Equipment Operators Jeff Stults and Terry TerBeek.

2009-82-A. Coretti-Yadlowsky. That a letter of understanding agreeing to a 0% wage increase for members of the AFSCME City Services Union for the fiscal year beginning July 1, 2009 be approved as requested.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2009-83. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2009-83-A. Receipt of communications as presented.

2009-83-B. Minutes of the regular and special meetings held June 1, 2009.

2009-83-C. Payroll disbursements of \$196,562.09; county and school disbursements of \$390.84 and total remaining disbursements of \$209,725.19.

2009-83-D. Appointments to the City's Advisory Boards for FY 2009-10 as follows:

**Planning Commission**

Dan DeVol, 1045 Conlon  
Matt Meyer, 558 Laurel  
Becky Touchett, 1507 Pinecrest

Three-year terms ending 6/30/12

**Parks & Recreation Comm.**

Brad Andrzejewski, 3105 Bonnell  
Judith Baxter, 3060 Hall  
Dirk Buth, 1900 San Lu Rae  
Rick Merpi, 617 Plymouth  
Terry McCarthy, 961 San Jose  
Jim Weiss, 2127 Wilshire  
Pam Witting, 1019 Floral

One-year terms ending 6/30/10

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| <b>Library Commission</b>            | Carol Donovan, 2944 Hall<br>Jennifer Khorey, 2656 Boston<br>Jeff Minore, 1103 Lake Grove<br>Ellen Schendel, 429 Briarwood<br>Joel Schultze, 933 Pinecrest<br>Luis Solis, 2258 Audobon<br>Mark Tourek, 1705 Oxford<br>Kathleen Underwood, 2637 Hampshire | One-year terms ending 6/30/10 |
| <b>Board of Review</b>               | Patsy Dodgson, 1045 Conlon<br>Martin Green, 2463 Oakwood<br>Sam Helmrick, 984 Gladstone<br>Paul Howland, 2809 Woodcliff Circle  | One-year terms ending 6/30/10 |
| <b>Construction Board of Appeals</b> | Brian Johnson, 709 Gladstone  | Two-year terms ending 6/30/11 |
| <b>Traffic Commission</b>            | Janyce Huff, 2310 Anderson<br>Bob Saltsman, 2905 Reeds Lake Blvd<br>Todd Avis, 532 Gladstone<br>Pat Connor, 2036 Wilshire<br>Camille Donnelly, 854 Lakeside<br>Hunter Meriwether, 526 Lovett  | One-year terms ending 6/30/10 |

2009-83-E. An agreement with Michigan Pavement Marking LLC to provide pavement marking services at a cost of \$9,500.00.

2009-83-F. A contract with Georgetown Construction of Jenison in the amount of \$267,088.00 plus project contingencies of \$26,708.00 for the Northshore Sewer Relocation Project.

2009-83-G. A resolution entering into a contract with the Michigan Department of Transportation in order to obtain federal funds for the reconstruction of Lake Drive from the west City limits to Plymouth Rd. as set forth in Exhibit "A" attached hereto.

2009-83-H. The preliminary minutes of the Parks & Recreation Commission meeting held April 13, 2009.

2009-83-I. The preliminary minutes of the Traffic Commission meeting held May 26, 2009.

2009-83-J. The preliminary minutes of the Library Commission meeting held June 1, 2009.

2009-83-K. The Public Safety Department Report for April 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:07 p.m., subject to the call of the Mayor until July 6, 2009.

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Karen Brower, City Clerk

Attachments: A – Resolution for Lake Drive reconstruction project.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held July 6, 2009**

Mayor Bartman called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Graham, Horn, Morris, Seibold and Mayor Bartman

Absent: Commissioners Coretti and Yadowsky

Also Present: City Manager Donovan; Assistant City Attorney Sluggett; Assistant City Attorney Stapleton; Parks & Recreation Director Bunn; City Services Director Feldt; City Clerk Brower; Zoning Administrator Faasse

2009-84. No public comment was received.

2009-85. Commissioner Horn thanked the staff for their work with traffic and event management over the last three weekends during the art fair, the Reeds Lake Run, and the 4<sup>th</sup> of July celebration. He also thanked the sponsors for their assistance with these events.

Commissioner Graham noted the flower pots and baskets in Gaslight Village were spectacular this year.

Commissioner Seibold commented on the wonderful day of community activities on July 4<sup>th</sup>.

Mayor Bartman thanked Parks & Recreation Director Bunn and his staff for all their work on the Reeds Lake Run and 4<sup>th</sup> of July celebration.

2009-86. A zoning variance hearing was held regarding the request of Brad Ditmar of 3025 Woodcliff Circle to allow the construction of an addition to the home creating a front yard setback of 60' instead of the required 63' and to allow the enlargement of a nonconforming structure

Zoning Administrator Faasse explained the project would add to the front of the home and match the existing front line of the house.

Brad Ditmar, 3025 Woodcliff Circle, was present to introduce and answer questions about the variance request.

The following communications were received at City Hall concerning this variance request:

|   |           |
|---|-----------|
| - Andrea Darling, 3061 Woodcliff Circle | In Favor. |
| - Steven Morse, 1065 Idema              | In Favor. |
| - Kevin Brader, 1095 Idema              | In Favor  |

No other public comment was received. Mayor Bartman closed the public hearing.

2009-86-A.Horn-Morris. That the request of Brad Ditmar of 3025 Woodcliff Circle to allow the construction of an addition to the home creating a front yard setback of 60' instead of the required 63' and to allow the enlargement of a nonconforming structure be approved.

Commissioner Seibold noted the majority of the home was already at this setback and this addition would not adversely affect the home or the neighborhood.

Yeas: Graham, Horn, Morris, Seibold and Bartman – 5

Nays: -0-

- 2009-87. Consider request to adopt a resolution confirming funding for the Waterfront Park Phase I project. Parks & Recreation Director Bunn outlined the grant agreement and the funding commitment to this project.
- 2009-87-A. Morris-Seibold. That a resolution confirming the City's financial commitment to the Waterfront Park Phase I project be adopted as set forth in Exhibit "A" attached hereto.
- Yeas: Graham, Horn, Morris, Seibold and Bartman – 5  
Nays: -0-
- 2009-88. Election of President for FY 2009-10.
- 2009-88-A. That Commissioner Horn be elected President of the East Grand Rapids City Commission to assume leadership duties in the absence of the Mayor for FY 2009-10.
- Yeas: Graham, Horn, Morris, Seibold and Bartman – 5  
Nays: -0-
- 2009-89. Horn-Graham. Motion to approve the consent agenda as follows:
- 2009-89-A. Receipt of communications as presented.
- 2009-89-B. Minutes of the regular and special meetings held June 15, 2009.
- 2009-89-C. Payroll disbursements of \$419,215.24; county and school disbursements of \$-0- and total remaining disbursements of \$619,859.03.
- 2009-89-D. An amendment to the Capital Improvement Plan to allow the replacement of a tractor with a mini-loader in the Streets & Utilities Division, and a budget amendment of \$7,000 for additional costs estimated for this purchase.
- 2009-89-E. The purchase of traffic sign posts from Dornbos Sign & Safety of Charlotte in the amount of \$9,984.00.
- 2009-89-F. A contract with M.C. Smith Associates & Architectural Group in the amount of \$59,778.00 for landscape and architectural services for the Waterfront Park Phase I project.
- 2009-89-G. A contract with In'tHout Concrete of Caledonia in the amount of \$42,307.00 plus contingencies of \$4,231.00 for sidewalk replacements in the southwest and central portions of the City.
- Yeas: Graham, Horn, Morris, Seibold and Bartman – 5  
Nays: -0-
- 2009-90. Horn-Graham. Motion to enter into an executive session to discuss pending litigation and an attorney's opinion in accordance with Sections 8(e) and 8(h) of the Open Meetings Act. A roll call vote was taken.
- Yeas: Graham, Horn, Morris, Seibold and Bartman – 5  
Nays: -0-

The meeting adjourned at 6:12 p.m., subject to the call of the Mayor until July 20, 2009.

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Karen Brower, City Clerk

Attachments: A – Resolution confirming funding for the Waterfront Park Phase I project.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held July 20, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower; Zoning Administrator Faasse

2009-91. No public comment was received.

2009-92. Commissioner Seibold commended the Lakeshore Club Condominiums and the Urban Institute for Contemporary Arts on the mural project recently completed along the rear wall of the condo garages.

Mayor Bartman announced the contract for the Fisk Lake Gardens project and the minutes of the Traffic Commission would be removed from the consent agenda for individual consideration.

2009-93. A zoning variance hearing was held regarding the request of Pricilla VanDussen of 1625 Seminole to allow the construction of a gate in a masonry wall with a height of 8.3' instead of the allowable 6.0.'

Pricilla VanDussen, 1625 Seminole, was present to introduce and answer questions about the variance request.

The following communications were received at City Hall concerning this variance request:

- Chuck Ippel, 1632 Seminole In Favor.
- Mark Donnelly & MaryAnn Berdan, 1634 Fisk In Favor.
- Margaret & William Ballew, 1629 Seminole In Favor.
- Chris Muller, 1640 Seminole In Favor.
- Paulette Longwell, 1665 Seminole In Favor.
- Martha & Joseph Crawford, 1649 Seminole In Favor.
- John Steketee, 1624 Seminole In Favor.
- Donald & Carol Firlik, 1609 Seminole In Favor.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-93-A.Horn-Yadlowsky. That the request of Pricilla VanDussen of 1625 Seminole to allow the construction of a gate in a masonry wall with a height of 8.3' instead of the allowable 6.0' be approved.

Commissioner Seibold reminded residents to contact the zoning administrator before undertaking any building or improvement projects to make sure there were no ordinance violations. She noted the wall and the archway were very attractive and the neighbors were in favor of letting it remain in place.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-94. A zoning variance hearing was held regarding the request of Grand Rapids Yacht Club of 740 Lakeside Drive to allow the construction of an accessory building in the front yard, to allow the building to be 38' from the street instead of the required 60,' to allow a height of 13.4' instead of the allowable 12', and to allow an additional structure to be erected in connection with a nonconforming use of land.

Rob Sears, architect for the Yacht Club, explained the project would provide needed storage for maintenance equipment and would match the exterior of the clubhouse.

Carl Reid, commodore of the Yacht Club, reported he had talked with many residents of the condominium association across the street who were in favor of the project. He noted some concern with the overgrown vegetation along the sidewalk/fence line. He stated the GRYC had undertaken a multi-year landscaping plan to remove the undergrowth along the fence while keeping the trees and flowering shrubs to allow views through the fence to the lake.

Commissioner Seibold showed pictures of the dense growth along the fence that blocked the view of the lake from the intersection and along Lakeside Drive. She expressed concern that such a major property along the lake was not maintaining the view for the public. Mr. Reid assured the commission that a plan was in place to remove trees under 4" in diameter and the undergrowth that blocks the view of the lake over the next few years.

The following communications were received at City Hall concerning this variance request:

- |   |  |
|---|--|
| - Norm Wilhelmsen, 2311 Wealthy, #10    | In favor.                                      |
| - Larry Pinckney, 1417 Pinecrest        | In favor.                                      |
| - Susan Duyser for Lois & George DeBaar | Concerned about loss of view.                  |
| - John Wiese, 2311 Wealthy, #14         | In favor but concerned about overgrown shrubs. |

No other public comment was received. Mayor Bartman closed the public hearing.

2009-94-A. Coretti-Graham. That the request of Grand Rapids Yacht Club of 740 Lakeside Drive to allow the construction of an accessory building in the front yard, to allow the building to be 38' from the street instead of the required 60,' to allow a height of 13.4' instead of the allowable 12', and to allow an additional structure to be erected in connection with a nonconforming use of land be approved.

Commissioner Yadlowsky noted he was a "social member" of the Yacht Club but not involved in the administration.

Commissioner Seibold reiterated her request for removal of overgrown plantings along the fence to improve the overall look of the property and to gain views of the lake. She had no opposition to the building as proposed if the property fence line was cleaned up for the enjoyment of the community.

Commissioner Yadlowsky noted the building was set into the hill to minimize disruption of the view from the street above or the flow of traffic in the parking lot.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-95. Introduction of an ordinance amendment to Chapter 95 of Title IX of the City Code pertaining to freestanding wood burning furnaces.

City Attorney Huff reported the Infrastructure Committee recommended an outright ban because standards for placement of the units would mean most homes in EGR would not qualify for the units.

2009-95-A. Coretti-Horn. That an ordinance amendment to Chapter 95 of Title IX of the City Code prohibiting freestanding wood burning furnaces be introduced as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-96. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2009-96-A. Receipt of communications as presented.

2009-96-B. Minutes of the regular and special meetings held July 6, 2009.

2009-96-C. Payroll disbursements of \$622,451.96; county and school disbursements of \$-0- and total remaining disbursements of \$447,603.87.

2009-96-D. Reappointment of Eric Hughes of 2722 Richards, Thomas Skoog of 2553 Arundel and Steve Williams of 1038 Wren to the Construction Board of Appeals for two-year terms ending June 30, 2011.

2009-96-E. A resolution establishing an identity theft program within the City's Finance Department as set forth in Exhibit "B" attached hereto.

2009-96-F. The preliminary minutes of the Parks & Recreation Commission meeting held June 8, 2009.

2009-96-G. The Public Safety Department for April 2009.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-97. Consider request to award a contract for the reconstruction of Edgemere, Belvedere and Lake Pointe Drives.

City Services Director Feldt reviewed the issues surrounding the last contract awarded to Caledonia Excavating. He noted the quality of work was excellent, but there were problems with the completion schedules. He stated he had met with the contractor and they have agreed to move the completion date to October 15<sup>th</sup> and to increase the provision for damages to \$400 per day if not completed by this date. The staff and Finance Committee recommend awarding the contract with these two changes.

2009-97-A. Coretti-Graham. To award a contract to Caledonia Excavating, Inc. in the amount of \$396,729.25 plus contingencies of \$39,673.00 for the Fisk Lake Gardens Improvement project to reconstruct Edgemere, Belvedere and Lake Pointe Drives with the following changes from the original bid documents: the contract completion date shall be October 15, 2009, and the liquidated damages for non-completion after October 15<sup>th</sup> shall be \$400 per day.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

2009-98. Preliminary minutes of the Traffic Commission meeting held June 22, 2009.

Mayor Bartman reported the Traffic Commission had acted to place a stop sign at Wealthy and Bagley. All motions of the Traffic Commission are reviewed by the City Commission prior to being enacted. She noted the engineering standards for erecting stop signs were not met at this intersection and staff has suggested hiring a traffic engineering firm to study the area and make recommendations based on data.

2009-98-A. Seibold-Yadlowsky. Motion to table the action of the Traffic Commission to place a stop sign at the intersection of Wealthy and Bagley until a traffic and pedestrian safety study of Gaslight Village can be completed.

Commissioner Seibold commented that changes made over the last several years to the streetscape of the area and the construction by Jade Pig Ventures along Wealthy have likely changed the traffic patterns and new data would be helpful. She noted visibility for vehicles turning at Wealthy/Bagley was a concern to many and should be included in this study.

Mayor Bartman stated once traffic control devices are in place, it is nearly impossible to remove them. She noted that improperly placed signals can cause more problems than they solve. She felt if there were visibility issues at the intersection, it would require a different type of solution than speed or congestion would require.

Yeas: Coretti, Graham, Horn, Seibold, Yadowsky and Bartman – 6  
Nays: -0-

The meeting adjourned at 6:39 p.m., subject to the call of the Mayor until August 3, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 95 of Title IX prohibiting freestanding wood furnaces.  
B – Resolution establishing an identity theft program within the Finance Department.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held August 3, 2009**

Mayor Bartman called the meeting to order at 6:03 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioner Graham and Seibold

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower; Finance Director VanderWall; Captain Lark; Captain Williams

2009-99. No public comment was received.

2009-100. No commissioner reports were received.

2009-101. Martha Smart, Charles Fry and Dawn Lewis from the Kent District Library were present to give the annual report for the East Grand Rapids branch and the library system.

2009-102. Mayor Bartman and Public Safety Director Herald presented awards to officers who responded to the house fire at 2214 Lake Drive on May 13<sup>th</sup>. Receiving awards were:

Medal of Honor: Public Safety Officer Kelly Kreiner

Unit Citation: EGR Staff Sgt. Jeff Metternich  
Sgt. Scott Kolster  
Public Safety Officer Jon Karnes  
Public Safety Officer Eric Smith  
Public Safety Officer Jeff DeJonge  
Public Safety Officer Sharon Asher Korcek  
Firefighter Warren Hecker  
Firefighter Jeffrey Baker  
Firefighter Don Fehsenfeld

Grand Rapids Battalion Chief Dan Caillouet  
Lt. Donald VanDyke  
Lt. Brian DeForest  
Lt. Bronson Barnes  
Lt. Richard Veldkamp  
Firefighter Joaquin Martinez  
Firefighter Ryan Sparks  
Firefighter Jason Tuttle  
Firefighter Robert Pease  
Firefighter Jason Zamarron  
Firefighter Wintson Wood  
Firefighter Lyle Frederickson  
Firefighter Jeremy Chesla  
Equipment Operator James Storteboom  
Equipment Operator Michael Uzarski  
Equipment Operator Gary Dredge  
Equipment Operator Steve Przybysz

Chief's Citation:

MI State Police Dispatcher Gary Meier  
Kent Co. Sheriff Dispatcher Lori Willette  
Grand Rapids Fire Dept. Dispatcher Gary Betts  
Grand Rapids Fire Dept. Dispatcher Paul Emelander  
Life Ambulance Paramedic Marv Rapp

- 2009-103. Final Reading of an ordinance amendment to Chapter 95 of Title IX of the City Code pertaining to freestanding wood burning furnaces.
- 2009-103-A. Coretti-Morris. That an ordinance amendment to Chapter 95 of Title IX of the City Code prohibiting freestanding wood burning furnaces be adopted as set forth in Exhibit "A" attached hereto.
- Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-
- 2009-104. Consider request to approve an extension of the Wholesale Water/Sewer Agreement with the City of Grand Rapids.
- City Manager Donovan explained an extension of the agreement allowed the City of Grand Rapids more favorable bond rates. He also noted the original agreement provided for the creation of an Urban Cooperation Board, which had functioned for several years, but was now being disbanded because of the good working relationships among the communities and to ease municipal budgets.
- 2009-104-A. Horn-Coretti. That an extension to the Water and Sanitary Sewer Service Agreement with the City of Grand Rapids until December 31, 2038 be approved as set forth in Exhibit "B" attached hereto.
- Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-
- 2009-105. Consider request to adopt a resolution disbanding the Urban Cooperation Board.
- 2009-105-A. Coretti-Morris. That a resolution terminating the Urban Cooperation Agreement and disbanding the Urban Cooperation Board be adopted as set forth in Exhibit "C" attached hereto.
- Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-
- 2009-106. Horn-Coretti. Motion to add to the agenda a letter of understanding and easement language with the owner of 280 Lakeside Drive. A roll call vote was taken.
- Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-
- 2009-107. Consider request to approve a letter of understanding with the owner of 280 Lakeside Drive.
- 2009-107-A. Coretti-Yadlowsky. That a memorandum of understanding with John & Shawn Tol, owners of 280 Lakeside Drive SE, for an easement and the replacement of a sanitary sewer main in connection with the North Shore Sewer project be approved as set forth in Exhibit "D" attached hereto.
- Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-
- 2009-108. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:
- 2009-108-A. Receipt of communications as presented.

- 2009-108-B. Minutes of the regular and special meetings held July 20, 2009.
- 2009-108-C. Payroll disbursements of \$629,523.78; county and school disbursements of \$2,034,664.01 and total remaining disbursements of \$1,216,398.25.
- 2009-108-D. The purchase of a Tool Cat cement mixer attachment for the Streets & Utilities Department from Carlton Equipment Company of Byron Center in the amount of \$3,279.00.
- 2009-108-E. The purchase of a Tool Cat angle broom attachment for the Streets & Utilities Department from Carlton Equipment Company of Byron Center in the amount of \$4,171.00.
- 2009-108-F. The purchase of a yard debris refuse truck for the Streets & Utilities Department from Fredrickson Supply of Wyoming in the amount of \$94,508.00.
- 2009-108-G. The purchase of a tink claw bucket for the Streets & Utilities Department from Michigan Cat of Byron Center in the amount of \$9,200.00.
- 2009-108-H. A contract with Insurance Audit & Inspection Company of Indianapolis in the amount of \$9,400.00 for consulting services relating to insurance coverages.

Yeas: Coretti, Horn, Morris, Yadlowsky and Bartman – 5  
Nays: -0-

The meeting adjourned at 6:44 p.m., subject to the call of the Mayor until August 17, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance Amendment to Chapter 95 of Title IX prohibiting freestanding wood furnaces.  
B – Extension of Water/Sewer Agreement with Grand Rapids.  
C – Resolution disbanding the Urban Cooperation Board.  
D – Memorandum of Understanding with owners of 280 Lakeside Drive.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held August 17, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioner Seibold

Also Present: City Manager Donovan; City Attorney Huff; City Services Director Feldt; City Clerk Brower; Zoning Administrator Faasse

2009-109. No public comment was received.

2009-110. No commissioner reports were received.

2009-111. A zoning variance hearing was held regarding the request of Jennifer Beckett of 2432 Oakwood to allow the construction of an attached garage creating a side yard setback of 2.0' instead of the required 7.0 and to allow a combined side yard setback of 17.0' instead of the required 18.0.'

Jennifer Beckett, 2432 Oakwood, was present to introduce and answer questions about the variance request.

The following communications were received at City Hall concerning this variance request:

|                                  |               |
|----------------------------------|---------------|
| - Petition signed by 6 neighbors | No objection. |
| - John Bahadurian, 2417 Oakwood  | In Favor.     |

No other public comment was received. Mayor Bartman closed the public hearing.

2009-111-A. Horn-Yadlowsky. That the request of Jennifer Beckett of 2432 Oakwood to allow the construction of an attached garage creating a side yard setback of 2.0' instead of the required 7.0' and to allow a combined side yard setback of 17.0' instead of the required 18.0' be approved.

Mayor Bartman agreed that a two-stall garage would add value to the home and the neighborhood but would be difficult to add as a detached garage on this lot.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2009-112. Consider request to approve a special use permit for Verizon Wireless for the placement of wireless communication antennas at the East Grand Rapids High School.

Zoning Administrator Faasse reported this would be the 5<sup>th</sup> set of antennas on the existing pole, would be placed at the 80' mark and would include a cabinet and wiring under the bleachers near the other vendor's equipment.

Mayor Bartman opened a public hearing on this issue. The following people were present and expressed their opinions concerning this temporary use permit:

- Margaux Drake, 2950 Bonnell

Questioned if there were any adverse medical affects to students or teachers from the antennas. Mayor Bartman noted the City had researched the issue on prior requests and had not been able to find any conclusive evidence of adverse affects.

- Bob Przybylo, representing Verizon

Stated the antennas were regulated by State and Federal laws and the antennas being proposed met all applicable laws.

No other public comment was received. Mayor Bartman closed the public hearing.

2009-113. Coretti-Yadlowsky. That a special use permit pursuant to Section 5.24 of the City Code be granted to Verizon Wireless for placement of twelve cellular antennas and related equipment on and around the East Grand Rapids High School football stadium site as shown on drawings dated July 20, 2009.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6  
Nays: -0-

2009-114. Consider request to adopt a resolution recognizing The Giving Gardens as a nonprofit organization operating in the community.

2009-114-A. Coretti-Yadlowsky. That a resolution recognizing the Giving Gardens as a nonprofit organization operating in the community for the purpose of obtaining a gaming license be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6  
Nays: -0-

2009-115. Hearing on escrow fees charged to Lakewood Hills for PUD application.

Mayor Bartman announced that correspondence relating to specific charges from the City Attorney's office was received on Friday and had not yet been reviewed by the City Attorney or City staff. She gave the applicant an opportunity to make remarks and suggested the hearing be continued until the next meeting.

Eric Starck of Rhoades McKee, representing Lakewood Hills, agreed to the continuation until the next meeting and stated he would likely reply to any forthcoming responses from Mr. Huff.

Mayor Bartman noted the next meeting was three weeks away and asked Mr. Starck to respond in a timely manner so that the City Commission had ample time to review all information prior to the meeting.

2009-115-A. Morris-Graham. That the request of Lakewood Hills to review escrow fees charged by the City be tabled pending further review by the City Attorney and City staff.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6  
Nays: -0-

2009-116. Mayor Bartman announced the request to amend a license agreement on Bellclaire was being removed from the agenda pending further review.

2009-117. Coretti-Morris. Motion to approve the consent agenda as follows:

2009-117-A. Receipt of communications as presented.

2009-117-B. Minutes of the regular and special meetings held August 3, 2009.

2009-117-C. Payroll disbursements of \$618,534.07; county and school disbursements of \$3,337,819.49 and total remaining disbursements of \$2,343,448.74.

2009-117-D. The purchase of a Volvo L20b mini-loader from Wolverine Tractor and Equipment Company in Byron Center in the amount of \$54,000.00 for use in the Streets & Utilities operations.

2009-117-E. A proposal from URS Corporation to conduct a traffic study of Gaslight Village in the amount of \$7,500.00 plus contingencies of \$750.00 for a total cost not-to-exceed \$8,250.00.

2009-117-F. A resolution authorizing the Mayor and City Clerk to sign the conservation easement required for the wetlands mitigation for the Reeds Lake Trail Phase II project as set forth in Exhibit "B" attached hereto.

2009-117-G. The preliminary minutes of the Parks & Recreation Commission meeting held July 13, 2009.

2009-117-H. The preliminary minutes of the Planning Commission meeting held July 14, 2009.

2009-117-I. The preliminary minutes of the Traffic Commission meeting held July 27, 2009. No action was taken by the City Commission regarding the Traffic Commissioner's motion to remove "Two-Hour Parking" signs on the west side of Briarwood south of Robinson Road.

2009-117-J. The Public Safety Department Report for June 2009.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2009-118. Coretti-Yadlowsky. Motion to enter into an executive session to discuss attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

The meeting adjourned at 6:12 p.m., subject to the call of the Mayor until July 20, 2009.

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Karen Brower, City Clerk

Attachments: A – Resolution for The Giving Gardens.

B – Resolution establishing a conservation easement for Gilmore/Waterfront Park.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held September 8, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioners Coretti and Morris

Also Present: City Attorney Huff; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower

2009-119. No public comment was received.

2009-120. No commissioner reports were received.

2009-121. Consider request to approve an amendment to a license agreement for encroachment in the City right-of-way.

Russ Kniff, 941 Bellclaire, was present to ask that the newly built retaining wall be added to the prior license agreement with the City for pillars on either side of his driveway.

City Services Director Feldt reviewed the 2005 agreement and the request to include the brick retaining wall as an amendment to the original agreement. He noted the City became aware of the wall while it was under construction and notified Mr. Kniff the wall was on City property and asked him to cease construction until the issue was resolved. He asked that if the amendment is approved the City Commission condition approval as outlined in his memo. Mr. Kniff indicated he would agree to the conditions as proposed.

Commissioner Seibold questioned the purpose of the brick wall. Mr. Kniff stated he wanted to cover the roots of the elm trees in the outlawn and felt building a retaining wall would best serve the purpose.

- 2009-121-A. Yadlowsky-Seibold. Motion to approve an amendment to the existing licensing agreement with Russell Kniff of 941 Bellclaire to allow a retaining wall along the Bellclaire Avenue right-of-way with the following conditions:
- A. The amendment language must be prepared by the City Attorney and all costs association with the preparation are to be paid by Mr. Kniff;
  - B. The conditions sated in the existing license agreement shall remain;
  - C. The expense for any future curb or sidewalk repair or replacement of the retaining wall shall be paid by Mr. Kniff, and/or the wall must be removed by Mr. Kniff prior to the work;
  - D. If any repair to the city storm sewer located under the city right-of-way and portions of the retaining wall, the expense relating to the removal or repair of the retaining wall shall be paid by Mr. Kniff and/or the wall must be removed by Mr. Kniff prior to the work; and
  - E. Any damage to the wall shall be Mr. Kniff's responsibility to repair or remove the retaining wall in its entirety.

Commissioner Graham stated he was not in favor of the original pillars and saw no value in the retaining wall. He felt it hindered on-street parking and would set a precedent for others in similar situations. He noted many homes have sloping outlaws and are able to grow grass and plant landscaping without walls.

Commissioner Seibold noted the wall was very nicely built, but did not like it on city property. She stated Mr. Kniff knew the outlawn was city property before construction. She felt neighbors should be consulted if the City Commission was inclined to agree to the encroachment.

Commissioners Yadlowsky and Horn agreed the interference with on street parking was a problem.

Mayor Bartman noted there was nothing unique about this property that would require a retaining wall along the curb to allow landscaping. She felt the City would have an inherent liability for damage or injuries caused by the bricks and worried that children, bicycles and joggers may not see the wall in the dark.

Yeas: - 0 -

Nays: Graham, Horn, Seibold, Yadlowsky and Bartman – 5

Mr. Feldt stated the Kniffs would be given 30-60 days to remove the wall and restore the outlawn.

Mr. Kniff stated all the neighbors were pleased with the outcome of the retaining wall and seemed to be able to park along the bricks. Mayor Bartman stated her feelings would not change if the neighbors were in favor and the Commission had already voted on the issue.

Mayor Bartman asked Mr. Feldt to update the City Commission when the wall was removed.

2009-122. Hearing on Lakewood Hills escrow fees.

Mayor Bartman announced that Lakewood Hills had requested the hearing be tabled until further notice.

2009-123. Introduction of an ordinance amendment to amend Section 3.35 of Chapter 32 of Title III and to repeal Section 5.25 of Chapter 50 of Title V of the City Code regulating traffic visibility across lot corners.

City Services Director Feldt stated the provisions contained in these sections were now detailed and expanded in other ordinances and these sections were no longer needed.

2009-123-A. Graham-Seibold. That an ordinance amendment to amend Section 3.35 of Chapter 32 of Title III and to repeal Section 5.25 of Chapter 50 of Title V of the City Code regulating traffic visibility across lot corners be introduced as set forth in Exhibit "A" attached hereto.

Commissioner Horn suggested the staff review whether these ordinance were actually needed or enforceable. Mr. Feldt stated some sections had already been tested and compliance was obtained when residents were notified of the ordinances and the dangers resulting from limited sight distance.

Mayor Bartman suggested putting an article in the city newsletter informing residents of the new provisions.

Yeas: Graham, Horn, Seibold, Yadlowsky and Bartman – 5

Nays: -0-

2009-124. Yadlowsky-Seibold. Motion to approve the consent agenda as follows:

2009-124-A. Receipt of communications as presented.

2009-124-B. Minutes of the regular and special meetings held August 17, 2009.

2009-124-C. Payroll disbursements of \$198,803.84; county and school disbursements of \$6,078,319.80 and total remaining disbursements of \$935,632.72.

Yeas: Graham, Horn, Seibold, Yadlowsky and Bartman – 5

Nays: -0-

The meeting adjourned at 6:18 p.m., subject to the call of the Mayor until September 21, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Sections 3.35 and 5.25.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held September 21, 2009**

Mayor Bartman called the meeting to order at 6:03 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower

2009-125. No public comment was received.

2009-126. Mayor Bartman reported she had just attended a dedication ceremony for the recently completed mural on the back of the Lakeshore Club Condo garages. She showed a plaque that had been given to the City with pictures of the mural and noted the student artists who painted the mural had been in attendance at the dedication.

2009-127. A zoning variance hearing was held regarding the request of William & Janet Lewis of 1063 San Lucia to allow the construction of a fence with the front facing the applicant's yard.

City Services Director Feldt noted the fence was installed facing the wrong direction and the applicants are requesting a variance to leave it as it is because they cannot get access to the neighboring property to install the panels on the other side.

Bill Lewis, 1063 San Lucia, was present to introduce and answer questions about the variance request. He stated he had tried to work with the neighbors to gain temporary access to install the fence with the proper side facing out; however his neighbor refused to grant him access and he did not want to lose 2-3' of his yard to move the fence posts and install the fence again.

The following communications were received at City Hall concerning this variance request:

- Sandra Keelean, 1036 San Lucia                      Opposed

No other public comment was received. Mayor Bartman closed the public hearing.

2009-127-A. Horn-Yadlowsky. That the request of William & Janet Lewis of 1063 San Lucia to allow the construction of a fence with the front facing the applicant's yard be approved.

Commissioner Horn noted the applicant had attempted to work this out with his neighbors and was not able to gain temporary access to their property to reverse the fence once the problem was noted.

Commissioner Seibold agreed it would be difficult for the applicant to remove mature plantings to relocate the fence or to maintain the plantings if left on the opposite side of the fence when they could not use the neighboring property.

Commissioner Yadlowsky felt the applicant had made attempts to correct the situation and was not allowed to do so. He stated the refusal of the neighbor to allow access created a unique situation not controlled by the applicant.

Mayor Bartman agreed Mr. Lewis had attempted to correct the situation and agreed granting the variance for the fence to remain was the reasonable solution.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-



2009-131-D. A resolution authorizing the City Clerk to use a Receiving Board for future elections as set forth in Exhibit "B" attached hereto.

2009-131-E. The purchase of two front snow plows from Truck and Trailer Specialties in the amount of \$13,704.00.

2009-131-F. The purchase of a computer server and related software and consulting in the amount of \$2,964.92 from Yeo & Heo Computer Consulting LLC.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

2009-132. Consider request to award a contract for repair of a section of the Reeds Lake Trail.

City Services Director Feldt explained a section of the elevated boardwalk along Reeds Lake Blvd had partially collapsed due to work on the adjacent road and soil conditions. He stated the proposed repair work would add stronger piles to repair the current situation and add strength for future conditions. He asked that 10% be added to the approved amount to cover any unforeseen conditions once work begins. He also requested to continue using Moore & Bruggink to oversee the project. He noted Grand Rapids Township would be paying 50% of the costs of this repair project.

Joe Camp of Moore & Bruggink explained the collapse by saying that work on the adjacent road had pushed soil and rock sideways against the pilings holding up the trail. He noted the weight of the concrete was not an issue, rather the pilings were pushed out from under the boardwalk in the poor soils. The proposed fix would add lateral strength to attempt to anticipate future problems.

Commissioner Seibold asked that the City contact the Kent County Road Commission and request they consult with us in the future prior to work in that area so that future damage can be avoided.

2009-132-A. Coretti-Morris. A contract with Wolverine Building Inc for repair of a collapsed boardwalk on the Reeds Lake Trail in the amount of \$99,900 plus project contingencies of \$9,900.00, engineering services from Moore & Bruggink in the amount of \$32,800.00 and a budget amendment to cover 50% of the total project repair costs in the amount of \$71,300.00 from 2009 Capital project balances in the Local Street Fund.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:38 p.m., subject to the call of the Mayor until October 2, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Sections 3.35 and 5.25.  
B – Resolution authorizing Election Receiving Boards

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 5, 2009**

Mayor Bartman called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; City Clerk Brower

2009-133. Richard Rasmussen, 946 Bellclaire, urged the City Commission to reconsider its denial of a request from his neighbor for a retaining wall along the curb. He felt the wall was well built and posed no problems for on-street parking. Mr. Rasmussen also suggested the City look into another house on the street that was badly in need of repair. Mayor Bartman explained the decision on the retaining wall had already been voted upon and informed Mr. Rasmussen the City was already working on repairs to the dilapidated home.

Tom Hillaker and Linda Clatch of Macatawa Bank presented a check for \$312.36 as a donation to the Reeds Lake Trail project from snack cart proceeds at the Movies In The Park series sponsored by Macatawa Bank. Mayor Bartman thanked Macatawa for sponsoring the movie series and the generous donation to the trail.

2009-134. ITP Chairperson Don Lawless gave an update on The Rapid's operations and long-term master plan process.

2009-135. Coretti-Horn. Motion to approve the consent agenda as follows:

2009-135-A. Receipt of communications as presented.

2009-135-B. Minutes of the regular and special meetings held September 21, 2009.

2009-135-C. Payroll disbursements of \$184,464.58; county and school disbursements of \$136,179.03 and total remaining disbursements of \$520,548.73.

2009-135-D. The quarterly financial report for the period ending June 30, 2009.

2009-135-E. A three-year agreement with Spurt Industries LLC to provide yard waste disposal services at an annual cost of \$72,500.00.

2009-135-F. An amendment to the Inspection Services Agreement with Cascade Township and the adoption of building permit fees.

2009-135-G. A contract with Katerberg Verhage Inc. for the 2009 Fall Tree Planting Program at a cost of \$6,600.00.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7

Nays: -0-

2009-136. Yadowsky-Graham. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadowsky and Bartman – 7

Nays: -0-

The meeting adjourned at 6:17 p.m., subject to the call of the Mayor until October 2, 2009.

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Karen Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held October 19, 2009**

Mayor Bartman called the meeting to order at 6:03 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Seibold, and Mayor Bartman

Absent: Commissioner Yadlowsky

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower

2009-137. No public comment was received.

2009-138. Coretti-Seibold. Motion to approve the consent agenda as follows:

2009-138-A. Receipt of communications as presented.

2009-138-B. Minutes of the regular and special meetings held October 5, 2009.

2009-138-C. Payroll disbursements of \$184,341.17; county and school disbursements of \$-0- and total remaining disbursements of \$304,109.21.

2009-138-D. A contract with Berends Hendricks Stuit Insurance Agency representing Travelers Insurance Group for property liability insurance in the amount of \$129,474.00.

2009-138-E. Ratification of the retaining of Flies & VandenBrink Engineering to prepare a grant application for the City Services Municipal Garage at a cost of \$3,500.00 and a budget amendment from the Streets & Utilities Building Fund to cover this cost.

2009-138-F. The preliminary minutes of the Traffic Commission meeting held September 28, 2009. No action was taken on the Traffic Commission's motion to install "no parking here to corner" signs near the Wealthy/Rosewood intersection. The motion will take effect immediately.

2009-138-G. The preliminary minutes of the Library Commission meeting held September 28, 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6

Nays: -0-

2009-139. Coretti-Morris. Motion to enter into an executive session to discuss pending litigation and an attorney's opinion in accordance with Sections 8(e) and 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Seibold and Bartman – 6

Nays: -0-

The meeting adjourned at 6:05 p.m., subject to the call of the Mayor until November 2, 2009.

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Karen Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Special Meeting Held October 27, 2009**

Mayor Bartman called the meeting to order at 8:45 a.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; Assistant City Attorney Stapleton; City Manager Donovan; City Clerk Brower;  
Planning Consultant VanSteenhuysen

2009-140. Coretti-Graham. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6

Nays: -0-

The meeting adjourned at 8:46 a.m., subject to the call of the Mayor until November 2, 2009.

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Karen Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held November 2, 2009**

Mayor Bartman called the meeting to order at 6:02 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Seibold, Yadlowsky and Mayor Bartman

Absent: Commissioner Morris

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; Parks & Recreation Director Bunn; Streets & Utilities Supervisor Stehouwer; City Clerk Brower; Planning Consultant VanSteenhuysen

2009-141. No public comment was received.

2009-142. Mayor Bartman asked the City Commissioner to review the list of committee/board assignments and let her know if they had preferences for the upcoming term.

Mayor Bartman announced the executive session scheduled for the end of the meeting had been cancelled.

2009-143. Taiwo Jaiyeoba, Director of Planning and Program Development for the Interurban Transit Partnership, gave an update on The Rapid's Mobile Metro 2030 long range planning project.

2009-144. Stephen Blann and Will Love of Rehmann Robson presented the audited financial statements for FY 2008-09 and answered questions from the City Commission.

Mayor Bartman commended Finance Director VanderWall for all her work on the city's finances every day of the year. Commissioner Seibold thanked the auditors for their review of the city's financial data and for confirming the excellent work done by staff.

2009-145. Introduction of an ordinance amendment to repeal Section Chapter 35 of Title III of the City Code pertaining to tree conservation requirements.

City Manager Donovan explained this ordinance was adopted in 1992 to encourage homeowners to keep trees and to replace damaged or dead trees. He noted the ordinance does not contain any incentives or penalties and has actually caused problems in recent years when neighboring property owners object to someone removing trees and there is nothing the city could do for either party. He recommended repealing the ordinance and keeping the City out of the tree debate.

2009-145-A. Coretti-Graham. That an ordinance amendment to repeal Section Chapter 35 of Title III of the City Code pertaining to tree conservation requirements be introduced as set forth in Exhibit "A" attached hereto.

Commissioner Seibold agreed the current ordinance is ineffective and problematic. She felt homeowners should be allowed to do as they wish with their own property without interference.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-146. Introduction of an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code concerning media production permits.

City Manager Donovan explained Gaslight Village and the city's parks were becoming more popular recently as places to film commercials and photograph advertising and catalogs. He noted the ordinance would not cover photography sessions for personal use or sessions wholly contained on private property. He stated the intent of the ordinance was to work with the photographers and filmmakers to ensure their use of public locations would not unduly disrupt the public's use of parks and streets.

2009-146-A. Coretti-Yadlowsky. That an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code concerning media production permits be introduced as set forth in Exhibit "B" attached hereto.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-147. Introduction of an ordinance amendment to add a new Section 5.94 to Chapter 50 of Title V of the City Code pertaining to wind energy conservation systems.

Planning Consultant VanSteenhuysen reviewed the provisions of the proposed ordinance and explained the types of systems that may be placed on residential property in the future. He noted the systems are expensive now but will become more affordable as the technology advances and this will make them attractive to homeowners.

Mr. VanSteenhuysen stated the ordinance will need to be reviewed by the Planning Commission and then will return to the City Commission for final adoption.

2009-147-A. Coretti-Graham. That an ordinance amendment to add a new Section 5.94 to Chapter 50 of Title V of the City Code pertaining to wind energy conservation systems be introduced as set forth in Exhibit "C" attached hereto and sent to the Planning Commission for review and recommendation.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

2009-148. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2009-148-A. Receipt of communications as presented.

2009-148-B. Minutes of the regular meeting held October 19, 2009.

2009-148-C. Payroll disbursements of \$200,822.99; county and school disbursements of \$78,568.40 and total remaining disbursements of \$328,206.80.

2009-148-D. The establishment of a designated fund for the Gilmore Waterfront park project and a transfer of \$75,000 from the FY 2008-09 undesignated fund balance into this account.

2009-148-E. The purchase of road salt for the upcoming 2009-10 winter season through the State of Michigan purchasing program for \$58.64 per ton from the North American Salt Company.

Yeas: Coretti, Graham, Horn, Seibold, Yadlowsky and Bartman – 6  
Nays: -0-

The meeting adjourned at 6:35 p.m., subject to the call of the Mayor until November 16, 2009.

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Karen Brower, City Clerk

Attachments A – Ordinance amendment to repeal Chapter 35  
B – Ordinance amendment to add Sections 3.32 to Chapter 31.  
C – Ordinance amendment to add Section 5.94 to Chapter 50.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held November 16, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Graham, Horn, Morris, Yadlowsky and Mayor Bartman

Absent: Commissioner Seibold

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; City Clerk Brower

2009-149. No public comment was received.

2009-150. Mayor Bartman reminded everyone of the holiday tree lighting ceremony in Gaslight Village on Friday, November 27<sup>th</sup> beginning at 6:30 pm featuring many family activities.

2009-151. Mayor Bartman announced the request for a land division at 2721 Darby had been withdrawn by the applicant.

2009-152. Final Reading of an ordinance amendment to repeal Section Chapter 35 of Title III of the City Code pertaining to tree conservation requirements.

2009-152-A. Coretti-Yadlowsky. That an ordinance amendment to repeal Section Chapter 35 of Title III of the City Code pertaining to tree conservation requirements be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2009-153. Final Reading of an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code concerning media production permits.

2009-153-A. Coretti-Graham. That an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code and a resolution setting permit fees for media production permits be tabled until the next meeting to allow the City Attorney to make minor modifications to the ordinance.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2009-154. Coretti-Yadlowsky. Motion to approve the consent agenda as follows:

2009-154-A. Receipt of communications as presented.

2009-154-B. Minutes of the special meeting held October 27, 2009 and the regular meeting held November 5, 2009.

2009-154-C. Payroll disbursements of \$186,498.29; county and school disbursements of \$26,663.24 and total remaining disbursements of \$188,853.74.

2009-154-D. The reappointment of Commissioner Rick Morris to the Interurban Transit partnership Board for a two-year term ending December 31, 2011.

2009-154-E. Committee and advisory board assignments for City Commissioners for the upcoming term as submitted by the Mayor.

Mayor Bartman asked that Commissioner Horn be listed as an alternate on the Joint Facilities Committee and Commissioner Morris be added to that committee.

2009-154-F. The purchase of a hybrid patrol vehicle from Fox Ford of Grand Rapids in the amount of \$29,051.00.

2009-154-G. The purchase of performance evaluation software in the amount of \$5,935.00 from Taleo and a budget amendment of \$6,000 from the undesignated fund balance for this purchase.

2009-154-H. The minutes of the Joint Facilities Committee meeting held October 7, 2009.

2009-154-I. The minutes of the Parks & Recreation Commission meeting held October 12, 2009.

2009-154-J. The Public Safety Department Report for September 2009.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

2009-155. Coretti-Yadlowsky. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Coretti, Graham, Horn, Morris, Yadlowsky and Bartman – 6

Nays: -0-

The meeting adjourned at 6:06 p.m., subject to the call of the Mayor until December 7, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to repeal Chapter 35.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held December 7, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Coretti, Dills, Graham, Horn, Johnson, Morris, Seibold, Yadlowsky and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt; Public Safety Director Herald; Parks & Recreation Director Bunn; City Clerk Brower

2009-156. No public comment was received.

2009-157. Commissioner Yadlowsky thanked the residents of the 3<sup>rd</sup> Ward for giving him the opportunity to serve on the Commission and thanked his fellow commissioners and the city staff for the good working relationship over the last four years.

Commissioner Morris reported the tree lighting ceremony on November 27<sup>th</sup> was a big success—especially the reindeer petting zoo. He thanked Chad Zagel of the Edward Jones office, Parks & Recreation Director Bunn and other city staff for the work they put into making this event successful.

Commissioner Seibold congratulated the Varsity Football Team, the Girls Swim Team, and the Girls Cross Country Teams on their respective State Championships. She also thanked Commissioners Coretti and Yadlowsky for their service to the City over the last four years.

Commissioner Coretti congratulated Cindy Johnson and Jeff Dills on their election to the City Commission and wished them well in their new roles. She thanked everyone for their support and assistance during her term.

Mayor Bartman noted the tree lighting ceremony seemed to get better each year. She estimated over 600 people had attended this year's event.

2009-158. Coretti-Yadlowsky. To approve the minutes of the regular meeting held November 16, 2009.

Yeas: Coretti, Graham, Horn, Morris, Seibold, Yadlowsky and Bartman – 7

Nays: -0-

2009-159. Mayor Bartman thanked Commissioner Coretti and Commissioner Yadlowsky for their research of issues, thoughtful discussion and support during their tenure. She presented each with a proclamation of appreciation and an engraved clock recognizing their service to the citizens of East Grand Rapids.

2009-160. City Clerk Brower administered the oath of office to 1<sup>st</sup> Ward City Commissioner Anna Seibold, 2<sup>nd</sup> Ward City Commissioner Cindy Johnson, and 3<sup>rd</sup> Ward City Commissioner Jeff Dills. Ms. Johnson and Mr. Dills then took their seats on the City Commission.

Commissioner Dills stated he was honored to be elected to the City Commission and looked forward to working with everyone over the next four years.

Commissioner Johnson expressed her appreciation to the voters for electing her to this new position and also looked forward to working with everyone.

2009-161. Final Reading of an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code concerning media production permits.  
City Manager Donovan noted there had been a suggestion to add “or the Director’s designee” to the 5<sup>th</sup> line of paragraph B following the words “director of parks and recreation” to allow other staff members to approve permits in the Director’s absence.

Commissioner Seibold stated the Michigan Film Office had reviewed the proposed ordinance and had no issues.

Commissioner Dills questioned whether the exception for filming on private property needed additional clarification. City Manager Donovan felt the ordinance clearly stated the need for a permit only when using public property, which included streets and sidewalks but does not include private homes or business properties, and further details were likely not needed.

2009-161-A. Morris-Seibold. That an ordinance amendment to add a new Section 3.32 to Chapter 31 of Title III of the City Code pertaining to media production permits be adopted with the change noted above as set forth in Exhibit “A” attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-162. Consider request to adopt a resolution setting fee for media production permits as authorized by Section 3.32B of the City Code.

2009-162-A. Morris-Horn. That a resolution setting fee for media production permits as authorized by Section 3.32B of the City Code be adopted as set forth in Exhibit “B” attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-163. Introduction of an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to application and permit fees.

2009-163-A. Horn-Dills. That an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to application and permit fees be introduced as set forth in Exhibit “C” attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-164. Introduction of an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to liquor license applications.

2009-164-A. Graham-Seibold. That an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to liquor license applications be introduced as set forth in Exhibit “D” attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-165. Introduction of an ordinance amendment to Section 8.809 of Chapter 88 of Title VIII of the City Code pertaining to rental unit compliance certificates.

2009-165-A. Seibold-Graham. That an ordinance amendment to Section 8.809 of Chapter 88 of Title VIII of the City Code pertaining to rental unit compliance certificates be introduced as set forth in Exhibit “E” attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-166. Consider request to adopt a resolution setting a hearing date on a request to vacate a portion of Lakewood Drive.

City Services Director Feldt noted a portion of Lakewood Drive had been vacated in 1998. At this time, residents are requesting another section of the street be vacated. Staff has reviewed the request and does not object to this section being vacated.

2009-166-A. Horn-Graham. That a resolution setting a hearing date of January 4, 2010 to consider a request to vacate a portion of Lakewood Drive be introduced as set forth in Exhibit "F" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-167. Johnson-Morris. Motion to approve the consent agenda as follows:

2009-167-A. Minutes of the regular meeting held November 16, 2009.

2009-167-B. Payroll disbursements of \$185,990.59; county and school disbursements of \$33,423.60 and total remaining disbursements of \$388,877.21.

2009-167-C. An agreement for elevator maintenance with Otis Elevator Company of Grand Rapids for a five-year period at a cost of \$296.00 per month.

2009-167-D. An amendment to the streetlighting agreement with Consumers Energy to replace a streetlight located at 760 San Jose.

2009-167-E. The renewal of employee health care coverage contracts with HCC Life as the Stop Loss Carrier, Physicians Care as the PPO provider and ASR Corporation as administrators, and the funding of \$1,000 in a Health Reimbursement Account for each employee and retiree, and the renewal of life insurance and long-term disability coverages with National Insurance Services.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-168. Graham-Seibold. Motion to enter into an executive session to discuss pending litigation and an attorney's opinion in accordance with Sections 8(e) and 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:20 p.m., subject to the call of the Mayor until December 21, 2009.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to add Section 3.32 regarding media production permits.  
B – Resolution setting fee for media production permits.  
C – Ordinance amendment to Section 7.32 pertaining to permit and application fees.  
D – Ordinance amendment to Section 7.52 concerning liquor license application fees.  
E – Ordinance amendment to Section 8.809 pertaining to rental unit compliance certificates.  
F – Resolution setting hearing date for request to vacate a portion of Lakewood Drive.

Attachments listed above are available for inspection at the office of the City Clerk.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held December 21, 2009**

Mayor Bartman called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Graham, Horn, Johnson, Morris, Seibold and Mayor Bartman

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Finance Director VanderWall; City Services Director Feldt;  
Public Safety Director Herald; City Clerk Brower

2009-169. No public comment was received.

2009-170. No commissioner reports were received.

2009-171. Horn-Johnson. Motion to add to the agenda a request to approve a grant application for Community Development Block Grant Funds. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2009-172. Consider request to approve a grant application for Community Development Block Grant Funds.

2009-172-A. Graham-Horn. That a project grant application to use Community Development Block Grant funds administered by the Kent County Community Development Department in the amount of \$45,520.56 for accessibility improvements and upgrades in the Streets & Utilities Building construction project be approved and the Mayor be authorized to sign the application on behalf of the City.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2009-173. Final Reading of an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to application and permit fees.

2009-173-A. Seibold-Johnson. That an ordinance amendment to Section 7.32 of Chapter 72 of Title VII of the City Code pertaining to application and permit fees be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2009-174. Final Reading of an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to liquor license applications.

2009-174-A. Morris-Seibold. That an ordinance amendment to Section 7.52 of Chapter 74 of Title VII of the City Code pertaining to liquor license applications be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7

Nays: -0-

2009-175. Final Reading of an ordinance amendment to Section 8.809 of Chapter 88 of Title VIII of the City Code pertaining to rental unit compliance certificates.

2009-175-A. Seibold-Morris. That an ordinance amendment to Section 8.809 of Chapter 88 of Title VIII of the City Code pertaining to rental unit compliance certificates be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-176. Consider request to adopt a resolution setting fees for applications, permits and miscellaneous operations.

2009-176-A. Graham-Seibold. That a resolution setting fees for various applications, permits and operations be adopted as set forth in Exhibit "D" attached hereto.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-177. Horn-Johnson. Motion to approve the consent agenda as follows:

2009-177-A. Minutes of the regular meeting held December 7, 2009.

2009-177-B. Payroll disbursements of \$259,443.92; county and school disbursements of \$203,500.09 and total remaining disbursements of \$293,367.59.

2009-177-C. The installation of a fire alarm system from Video Tech Tronics of Grand Rapids in the amount of \$13,835.00.

2009-177-D. The purchase of computer hardware from Global Gov/Ed Solutions in the amount of \$3,418.41 and CPS Technology Solutions in the amount of \$1,232.00, software from CPR Group in the amount of \$1,134.00, and hardware and software from Yeo & Yeo Computer Consulting in the amount of \$6,902.34 for a total of \$12,686.75.

2009-177-E. The preliminary minutes of the Planning Commission meeting held August 11, 2009.

2009-177-F. The preliminary minutes of the Parks & Recreation Commission meeting held November 9, 2009.

2009-177-G. The Public Safety Department Report for October 2009.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

2009-178. Horn-Graham. Motion to enter into an executive session to discuss pending litigation and an attorney's opinion in accordance with Sections 8(e) and 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Graham, Horn, Johnson, Morris, Seibold and Bartman – 7  
Nays: -0-

The meeting adjourned at 6:07 p.m., subject to the call of the Mayor until January 4, 2010.

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Karen Brower, City Clerk

Attachments: A – Ordinance amendment to Section 7.32 pertaining to permit and application fees.  
B – Ordinance amendment to Section 7.52 concerning liquor license application fees.  
C – Ordinance amendment to Section 8.809 pertaining to rental unit compliance certificates.  
D – Resolution setting fees for various permits and applications.

Attachments listed above are available for inspection at the office of the City Clerk.