

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 6, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Frakie, Mehney, Swain, Walton, Williamson and Deems.

Absent: Com. Edison.

Also Present: City Manager Allard; City Attorney Huff; Recreation Director Rhodes; Public Service Superintendent Sterkenburg; Engineering Services Director Baragar; Civil Engineer Kocsis; Public Safety Director Gallagher; and Controller-Clerk-Treasurer Chase.

92-212. The minutes of the regular meeting held December 16, 1991 were approved as submitted.

92-213. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from Martha Ross, 1766 Breton Road SE, thanking Public Safety Officers Donker and Mercer for their pleasant and professional attitudes when helping her with automobile trouble she was experiencing.
- (b) Correspondence from Flora Horjus, 960 Rosewood SE, expressing her appreciation for the efficiency of the Public Safety Department.
- (c) Correspondence from Pete Keener, 550 Greenwood SE, thanking the Public Safety Department, and especially Public Safety Officer Gary Parker, for their assistance during an incident involving the Keeners. He expressed his family's appreciation for the department's promptness and support.
- (d) Memorandum advising of the election of Public Safety Director Peter Gallagher as the first President for the newly-organized Kent County Chiefs of Police Association.

92-214. Frakie-Swain. That disbursement vouchers in the amount of \$331,827.41, payroll disbursements in the amount of \$118,658.25, and disbursements to County and Schools in the amount of \$643,905.85, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Frakie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-215. A zoning variance hearing was held to consider the request of Clara J. Thede, 1546 Sherman SE, to allow the property located at 310 Lakeside Drive SE to be split into separate buildable lots, with one of the two proposed lots consisting of 10,600 square feet rather than the required 12,100 square feet as required in the zoning ordinance.

Russ Kniff of Canaan Corporation, representing the Thede Estate, was present and spoke in favor of the variance. He also presented a survey of the property to the City Commission.

Opposition to the zoning variance was expressed, as follows:

Letter from David F. Carpenter, 329 Lakeside Drive SE, dated January 3, 1992;

Telephone call from Martha Blackport, 333 Lakeside Drive SE, on January 6, 1992.

92-215-A. Mehney-Frakie. That the Commission, acting as the Zoning Board of Appeals, table the request for a zoning variance until such time as all of the surrounding neighbors are re-noticed, including the survey presented, and given the opportunity to express their position regarding this matter.

Yeas: Frakie, Mehney, Swain, Walton and Deems - 5.

Nays: Williamson - 1.

92-216. A zoning variance hearing was held to consider the request of East Grand Rapids Public Schools, 2915 Hall Street SE, to allow the installation of a chain link fence at the Wealthy Elementary School to be 4 feet in height, rather than 3 feet as required in the zoning ordinance.

Ruth Rowe, Principal of Wealthy Elementary School, was present and spoke in favor of the variance. There was no opposition expressed with regard to the fence.

92-216-A. Williamson-Walton. That the Commission, acting as the Zoning Board of Appeals, approve the request of East Grand Rapids Public Schools, 2915 Hall Street SE, to allow the installation of a chain link fence at the Wealthy Elementary School to be 4 feet in height, rather than 3 feet as required in the zoning ordinance, with the fence to continue to the area by the steps.

Yeas: Frakie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-217. Consideration of a request to adopt a resolution supporting the acquisition of a County-wide voting system to replace the City's election equipment, and a related budget amendment.

Nancy Giar, Kent County Director of Elections, and Don Sopjes, of Doubleday Bros., were present and provided a demonstration of the equipment being considered for purchase.

92-217-A. Swain-Frskie. That this Commission adopt a resolution, set forth on Exhibit "A" attached hereto, supporting implementation of a county-wide voting system and agreeing to participate with Kent County in the purchase and use of the Optech III-P Eagle voting system at a total cost to the City of \$47,600. Further, that this Commission approve General Fund budget amendments increasing Other Financing Sources-Proceeds from Notes payable by \$47,600, increasing Election Capital Expenditures by \$47,600, and increasing General Administration Debt Service by \$11,000.

Yeas: Frskie, Mehney, Swain, Williamson and Deems - 5.

Nays: Walton - 1.

92-218. Discussion of the Reeds Lake Place (Gilmore property) PUD application by the City Commission.

Attorney Richard Rankin and developer John Gilmore were present and spoke in favor of the Reeds Lake Place development.

Correspondence was received from Paul Weirich, 1145 Cambridge SE, John McPhee, 1135 Cambridge SE, and Mr. and Mrs. James H. Lee, 1155 Plymouth SE, in opposition to the planned development.

The City Attorney was directed to review the Planning Commission's recommended conditions of approval of the project and determine whether the recommendations are in compliance with the 1984 agreement between the City and Mr. Gilmore prior to approval of the PUD application.

92-219. Introduction of an ordinance amendment adding a new Section 3.6 to Chapter 31 of Title III of the Code of the City of East Grand Rapids pertaining to violations of park regulations, and revised rules and regulations referenced in Section 3.5 of Chapter 31 of the City Code.

92-219-A. Williamson-Walton. That an ordinance amendment adding a new Section 3.6 to Chapter 31 of Title III of the Code of the City of East Grand Rapids pertaining to violations of park regulations, as set forth on Exhibit "B" attached, be introduced.

Yeas: Frskie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-220. Consideration of a request to award a purchase order to T&W Electronics, in the amount of \$3,089.40, for the purchase of four portable radios for use by the Public Service Department.

92-220-A. Mehney-Swain. That a purchase order be awarded to T&W Electronics, in the amount of \$3,089.40, for the purchase of four portable radios for use by the Public Service Department.

92-220-B. Williamson-Frskie. That the request for the purchase of four portable radios be tabled until such time as a report is submitted to the City Commission which outlines the advantages of this purchase, which specifies whether or not it is in concert with an overall communications plan for the City, and the cost benefits involved.

Yeas: Frskie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-221. Consideration of a request to authorize staff to proceed with the Municipal Offices building renovation project and to authorize a related budget transfer.

92-221-A. Mehney-Swain. That City staff be authorized to seek bids for renovation of the upper level Municipal Offices building, and that a transfer of \$105,100 from the Contingency account to the City Buildings Capital Expenditures account be approved.

Yeas: Frskie, Mehney, Swain, Williamson and Deems - 5.

Nays: Walton - 1.

92-222. Information concerning the Consumers Power Company's maintenance and repair program.

92-223. Notice of Michigan Municipal League annual legislative conference scheduled for February 19, 1992 in Lansing, Michigan.

92-224. The preliminary minutes of the Library Commission meeting held December 3, 1991 were received.

92-225. The preliminary minutes of the Planning Commission meeting held December 10, 1991 were received.

92-226. James McLaughlin, 2261 Argentina SE, was present and advised the Commission that, to date, he has not been contacted by Self Insured Risk Control, the City's insurance carrier, regarding a slip and fall claim he filed with the City. Mayor Deems advised Mr. McLaughlin that Self Insured would be contacted by the City immediately as a follow-up to his claim.

92-227. Williamson-Mehney. To enter into executive session to consider the acquisition of real estate and discuss pending litigation with the City Attorney, in accordance with Sections 8(d) and 8(e), respectively, of the Open Meetings Act.

A roll call vote was taken.

Yeas: Frskie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-228. The meeting was adjourned subject to the call of the Mayor until January 20, 1992.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held January 20, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Walton, Williamson and Deems.

Absent: Com. Swain.

Also Present: City Manager Allard; City Attorney Huff; Janyce Huff, Recreation Commissioner; Recreation Director Rhodes; Engineering Services Director Baragar; Civil Engineer Kocsis; Public Safety Director Gallagher; and Controller-Clerk-Treasurer Chase.

92-229. The minutes of the regular meeting held January 6, 1992 were approved as submitted.

92-230. Edison-Frakie. That disbursement vouchers in the amount of \$126,516.05, payroll disbursements in the amount of \$108,290.90, and disbursements to County and Schools in the amount of \$3,467,354.24, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6.

Nays: -0-

92-231. A zoning variance hearing was held to consider the request of Clara J. Thede, 1546 Sherman SE, to allow the property located at 310 Lakeside Drive SE to be split into separate buildable lots, with one of the two proposed lots consisting of 9,300 square feet, rather than 12,000 square feet as required in the zoning ordinance.

Russ Kniff of Canaan Corporation, representing the Thede Estate, was present and spoke in favor of the variance. He also presented a petition signed by thirteen area residents in favor of the variance, as follows:

Charles Doner, 309 Lakeside Drive SE
Brian Devries, 325 Lakeside Drive SE
Judy Carpenter, 329 Lakeside Drive SE
Dennis Harrington, 361 Lakeside Drive SE
David S. Teppo, 349 Lakeside Drive SE
Elaine Dexter, 239 Lakeside Drive SE
Louis Dexter, 239 Lakeside Drive SE
Mr. and Mrs. Alan Woelful, 260 Lakeside Drive SE
Enrique Fierens, 270 Lakeside Drive SE
Martha Blackport, 333 Lakeside Drive SE
Mary Loftis, 415 Lakeside Drive SE
Frances Rice, 225 Lakeside Drive SE

A letter was received from David F. Carpenter, 329 Lakeside Drive SE, informing the City of his change in position on this matter. He now strongly supports the variance.

92-231-A. Mehney-Walton. That the Commission, acting as the Zoning Board of Appeals, approve the request of Clara J. Thede, 1546 Sherman SE, to allow the property located at 310 Lakeside Drive SE to be split into separate buildable lots, with one of the two proposed lots consisting of 9,300 square feet, rather than 12,000 square feet, as required in the zoning ordinance. The location of the driveway will not be modified from that shown on the survey presented to the City Commission and attached hereto as Exhibit "A", no other driveway will be permitted on either lot, and any home built on the new lot will be located to the east of the existing structure on the property.

92-231-B. Frakie-_____. That the Commission table the request for a zoning variance until such time as a draft easement relating the proposed driveway be presented to the City Commission for their review.

Motion failed due to lack of support.

Vote on motion 92-231-A as originally presented.

Yeas: Edison, Mehney, Walton and Deems - 4.

Nays: Frakie and Williamson - 2.

92-232. Consideration of a rezoning request pertaining to the properties located at 540 and 550 Lakeside Drive SE. The current owners are requesting a rezoning of these properties from PUD (Planned Unit Development) to A-2 single-family residential.

Bub Rose, owner of the property at 550 Lakeside Drive SE, was present and spoke in favor of the rezoning. He stated that the PUD zoning previously granted by action of the City Commission was for purposes specified by prospective purchasers of the property. He believes that, since the sale and development of the property was not achieved, it should return to A-2 single-family residential zoning. He also expressed his belief that, by rezoning the property to A-2 residential, the taxes assessed to his property might be lowered.

Commissioner Frakie felt that a change in property taxes for the owner was not a justifiable reason for the City to change the zoning. He stated that future purchasers of the property may desire a PUD zoning and, if the property is rezoned A-2 residential at this time, the City might have to consider a zoning request again in the future.

Commissioner Williamson requested information on how this rezoning would affect pending litigation. He also questioned whether the

rezoning would allow Rose's to make an appeal to the Board of Review this year. City Attorney Huff advised he would look into the appeal issue.

Commissioner Edison requested that the Planning Commission determine if there was a change in circumstance which would justify the property being rezoned to A-2 residential.

Mayor Deems circulated a list of issues he thought should be addressed by the Planning Commission.

Correspondence was received from William and Shirley Weir, 1728 Breton Road SE, stating they were in favor of City purchase of the property only if the City could prove a need. Alternatively, they suggested that users of the park be surveyed to ascertain how many users are actually East Grand Rapids residents. If 50% of the respondents live outside of East Grand Rapids, they recommend the City not purchase the property.

In accordance with City Code requirements, the City Commission referred this matter to the Planning Commission for deliberation and public hearing.

92-233. Discussion was held regarding the Reeds Lake Place PUD application.

The following correspondence was received from residents in opposition to City approval of a condominium development:

Diane Lange, 2150 Lansing Street
John Levings, 864 Bellclaire Avenue
Larry Heintzelman, representing Grand Rapids Audubon Club, 8355 Bolt Drive SE, Ada, MI

Fritz Kruer, 2801 Lake Drive SE, was present at the meeting and stated his opposition to the City purchasing the property for recreational use. He also stated that he was not necessarily in favor of the condominium development. He felt the best use of the property would be a development of single-family residential units. He further stated that the City should concentrate on controlling costs and not spending revenue on developing parks in the City.

James Proctor, 2142 Durant SE, Willard and Joan Wolfe, 2127 Durant SE, and Geoffrey Hughes, 260 Hodenpyl SE, were also present and expressed various concerns on the development. The City Commission was asked to consider such issues as limits on construction time of project, height of buildings, and consideration of the desires of surrounding residents.

Mayor Deems explained that the grant money allocated to this project is from a state trust fund which is a restricted account. This money can only be used for recreational purposes and cannot be used in the state's general fund. If the City of East Grand Rapids decides to reject the grant allocation, another community will be offered the grant instead. Either way, this trust fund money will be spent.

The City Commission discussed a letter received from Richard Rankin, attorney for the developer, which expressed questions and concerns about the Planning Commission's suggested conditions on the project. City Attorney Huff will provide points of clarification to the City Commission as a response to Attorney Rankin's questions. Any additional suggestions the City Commissioners may have will be referred to City Attorney Huff, who will then develop suggested language for consideration. Further discussion on this matter will be held at the February 3, 1992 City Commission meeting.

92-234. Final reading of an ordinance amendment adding a new Section 3.6 to Chapter 31 of Title III of the Code of the City of East Grand Rapids pertaining to violations of park regulations, and revised rules and regulations referenced in Section 3.5 of Chapter 31 of the City Code.

92-234-A. Williamson-Edison. That an ordinance amendment adding a new Section 3.6 to Chapter 31 of Title III of the Code of the City of East Grand Rapids pertaining to violations of park regulations, and revised rules and regulations referenced in Section 3.5 of Chapter 31 of the City Code, as set forth on Exhibit "B" attached, be adopted.

92-234-B. Walton-Frskie. That language pertaining to the fine imposed in Rule 3, Motor Vehicles, of the City Parks Rules and Regulations be modified from "a service charge of \$50.00 will be imposed" to read "a service charge of up to \$50.00 will be imposed."

Yeas: Edison, Frskie, Mehney, Walton, Williamson and Deems - 6.
Nays: -0-

Vote on motion 92-234-A as amended.

Yeas: Edison, Frskie, Mehney, Walton, Williamson and Deems - 6.
Nays: -0-

92-235. Consideration of a request to approve the service and reinsurance contract renewals with Willis Corroon, third-party administrator, and Insurance Company of North America, the reinsurer, for the City of East Grand Rapids employees' medical insurance.

92-235-A. Edison-Walton. That the City Commission approve the service and reinsurance contract renewals with Willis Corroon and Insurance Company of North America.

Yeas: Edison, Frskie, Mehney, Walton, and Deems - 5.
Nays: Williamson - 1.

92-236. Consideration of a request to adopt a resolution of support, relative to the Federal Land and Water Conservation Fund grant, which expresses the City's continuing interest in the Manhattan Recreation Area - Phase II grant application.

Janyce Huff, 2310 Anderson SE, was present and spoke in favor of adopting the resolution. She expressed her belief that the Manhattan Recreation Area - Phase II is a viable project for the City to consider.

92-236-A. Edison-Williamson. That this Commission adopt a resolution supporting the Manhattan Recreation Area - Phase II grant application, as follows:

RESOLUTION

WHEREAS, the East Grand Rapids Recreation Commission has recommended to the City Commission that the City improve the northwest five acres of the Manhattan Park - Phase II, project number 91-134, and

WHEREAS, the Michigan Department of Natural Resources has informed the City that its application for Land & Water Conservation Fund (L&WCF) assistance in this project has been recommended for 50% development funding,

NOW, THEREFORE, BE IT RESOLVED that the East Grand Rapids City Commission supports the December 9, 1991 recommendation of the Recreation Commission to continue with the planning and application process for the Manhattan Park - Phase II project number 91-134.

BE IT FURTHER RESOLVED, that the City of East Grand Rapids is willing to undertake the development of this project by using the Land & Water Conservation Fund grant, subject to final review and approval by the City of the terms and conditions of the grant.

Yeas: Edison, Frakie, Mehney, Williamson and Deems - 5.

Nays: Walton - 1.

92-237. Information concerning the 1990 Census of population and housing for the City of East Grand Rapids was received.

92-238. The Building Inspection Report for the month of December, 1991 was received.

92-239. The Public Safety Report for the month of December, 1991 was received.

92-240. Janyce Huff, 2310 Anderson SE, thanked the City staff for their exemplary presentations at the Community Action Council meeting held at City Hall.

92-241. Commissioner Williamson thanked Mayor Deems for his response letter to Mayor Voorhees of the City of Wyoming. He also advised that he felt the Recycling Report distributed to the City Commission was very useful.

Commissioner Frakie mentioned his receipt of the Recycling Report and made a request for an analysis of the impact on the City.

Commissioner Edison thanked Mayor Deems for his letter in the Cadence newspaper responding to the Gilmore property and Rose property issues.

92-242. Williamson-Edison. To enter into executive session to consider the acquisition of real estate, in accordance with Sections 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5.

Nays: Frakie - 1.

92-243. The meeting was adjourned subject to the call of the Mayor until February 3, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 3, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Recreation Director Rhodes; Civil Engineer Kocsis; Public Safety Director Gallagher; and Controller-Clerk-Treasurer Chase.

92-244. The minutes of the regular meeting held January 20, 1992 were approved as submitted.

92-245. Frakie-Edison. That disbursement vouchers in the amount of \$222,219.49, payroll disbursements in the amount of \$106,894.66, and disbursements to County and Schools in the amount of \$651,899.28, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-246. The zoning variance hearing regarding 2760 Elmwood Drive SE, was removed from the agenda at the request of the applicant, Philip Weighner, 2754 Elmwood Drive SE.

92-247. A zoning variance hearing was held to consider the request of St. Nicholas Orthodox Church, 2148 Boston Street SE, to allow the expansion of an existing non-conforming use permitting the church parking lot to be used for commercial purposes by Metropolitan Hospital.

Robert Larson, 2121 Boston SE, was present and spoke in opposition to the variance. He also presented a petition (with attached map) signed by twenty-three area residents in opposition to the variance, as follows:

Mary J. Namey, 1617 Oxford SE
David Whitehouse, 1627 Oxford SE
Amanda Whitehouse, 1627 Oxford SE
Stephen P. Locke, 1635 Oxford SE
Deborah J. Locke, 1635 Oxford SE
Jay Lieffers, 2207 Boston SE
Don Novak, 1711 Oxford SE
Jerry Bentley, 1700 Laurel SE
Cheryl Bentley, 1700 Laurel SE
Michael Smith, 1640 Laurel SE
Frederick Budde, 2067 Eastgate SE
Robert Larson, 2121 Boston SE
James R. Chalmers, 1701 Laurel SE
Martha J. Chalmers, 1701 Laurel SE
Joan S. Sutton, 1626 Laurel SE
Colleen Sibley, 2211 Boston SE
Joseph Corey, 1636 Laurel SE
Kathryn Corey, 1636 Laurel SE
Viola Mullen, 2124 Boston SE
Paula Courser, 2106 Boston SE
Vicki Cassis, 1641 Oxford SE
Edward G. Cassis, 1641 Oxford SE
Charles Newberry, 2110 Boston SE

The following area residents were also present and spoke in opposition to the variance.

Don Novak, 1711 Oxford SE
Joan S. Sutton, 1676 Laurel SE
David Whitehouse, 1627 Oxford SE
Stephen Locke, 1635 Oxford SE
Martha Chalmers, 1701 Laurel SE
Kathryn Corey, 1636 Laurel SE

James Cherry, 2217 Boston SE, was present and stated his support for the variance. He felt that the use of the church's parking lot by the hospital would provide better security for the neighborhood and he felt this use would benefit the residents in the area.

92-247-A. Walton-Frakie. That this Commission, acting as the Zoning Board of Appeals, deny the request of St. Nicholas Orthodox Church, 2148 Boston Street SE, to allow the expansion of an existing non-conforming use permitting the church parking lot to be used for commercial purposes by Metropolitan Hospital.

Yeas: Frakie and Walton - 2.

Nays: Edison, Mehney, Swain, Williamson and Deems - 5.

92-247-B. Mehney-Swain. Motion to table this matter until such time as the area residents meet with Metropolitan Hospital to discuss their concerns.

Yeas: Mehney and Swain - 2.

Nays: Edison, Frakie, Walton, Williamson and Deems - 5.

92-247-C. Williamson-_____. Motion to approve the variance request of St. Nicholas Orthodox Church.

Motion failed due to lack of support.

92-247-D. Edison-Swain. That this Commission table the request of St. Nicholas Orthodox Church until such time as area residents meet with Metropolitan Hospital and Church officials to discuss their concerns and attempt to reach a compromise.

Yeas: Edison, Frakie, Mehney, Swain and Deems - 5.

Nays: Walton and Williamson - 2.

92-248. Consideration of a claim presented by Willis and Valerie Nelson, 3128 Hall Street SE, concerning attorney fees incurred in conjunction with a storm drain and City fence installed west of his residence.

Willis Nelson was present and stated his claim request to the City Commission. Discussion was held by the City Commission regarding this matter.

92-248-A. Edison-Williamson. That the claim presented by Willis and Valerie Nelson for reimbursement of attorney fees incurred in relation to a storm drain and City fence installed west of his residence be denied.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-249. Consideration of a request to adopt a resolution and petition establishing the Silver Creek Watershed as a County drain, and to proceed with improvements outlined in the Silver Creek Drain Hydraulic Watershed Analysis under the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

92-249-A. Swain-Edison. That this Commission adopt a resolution and petition establishing Silver Creek Watershed as a County drain, and to proceed with improvements outlined in the Silver Creek Drain Hydraulic Watershed Analysis.

92-249-B. Walton-Edison. Motion to amend the resolution and petition to include proration language.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

The amended resolution and petition read as follows:

RESOLUTION

WHEREAS, portions of the Silver Creek Watershed are located in both the cities of East Grand Rapids and Grand Rapids, and

WHEREAS, the City of East Grand Rapids desires to proceed with certain drain improvements as outlined in the Silver Creek Drain Hydraulic Watershed analysis prepared by Camp, Dresser & McKee,

NOW, THEREFORE, BE IT RESOLVED, that the City of East Grand Rapids makes and causes to be filed a petition in a form substantially as follows:

BE IT FURTHER RESOLVED, that the City of East Grand Rapids hereby consents to the location of the foregoing-described intra-county drain project located within the limits of the City of East Grand Rapids and the City of Grand Rapids, in the County of Kent, and a percentage of said intra-county relief drain project, so located, be assessed against these cities on a pro rata basis, except for assessments against the County of Kent and the State of Michigan on account of drainage of County and State highways, if any;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said petition for and on behalf of the City of East Grand Rapids, and the City Clerk is hereby directed to file the same with the Drain Commissioner of the County of Kent.

PETITION TO THE DRAINAGE BOARD FOR THE HEREINAFTER MENTIONED KENT COUNTY, MICHIGAN DRAIN PROJECT

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain to be located approximately as follows:

Commencing at the outfall to Plaster Creek near the intersection of Clyde Park Avenue and Grandville Avenue (Sec. 1, T6N, R12W); proceeding easterly through said Section 1, T6N, R12W and through Sections 6, 5 and 4 of T6N, R11W and through Section 33, T7N, R11W to the headwaters of the Silver Creek Watershed near the intersection of Plymouth Road SE and Hall Street SE

which drain is necessary for the public health and is partially located within the limits of the City of East Grand Rapids.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood that the cost of said project is to be assessed against public corporations, including this petitioner, on a pro rata basis.

A certified copy of the resolution of the governing body of each public corporation authorizing execution of this petition is hereto attached.

Vote on motion 92-249-A, as amended.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Frakie - 1

92-250. Consideration of a request by Reeds Lake Place, a Michigan partnership, to approve the application of Reeds Lake Place for Planned Unit Development.

Don Fotchman, 417 Lakeside SE, was present and spoke in favor of the PUD application. He stated that development on this property would increase the City's revenue tax base and benefit the City overall.

Cindy Schad, 625 Plymouth SE, was present and spoke in opposition to the approval of the PUD application. Ms. Schad also presented a letter from Julie Stoneman, Program Director for West Michigan Environmental Action Council, urging the City to pursue acquisition of this property for passive recreational use.

The following persons were also present and spoke in opposition to the granting of the PUD application:

John Pantlind, 750 San Jose SE
Allen Bobroff, 2634 Manor SE
Diane Lange, 2150 Lansing SE
Tom Caldwell, 2037 Lake Pointe Drive SE
David Teppo, 349 Lakeside SE
Dennis Harrington, 361 Lakeside SE
Geoffrey Hughes, 260 Hodenpyl SE
Garth Hillebrand, 1426 Lake Grove SE

92-250-A. Edison-Williamson. That the application submitted by Reeds Lake Place, a Michigan partnership, subject to the Conditions of Approval (attached hereto as Exhibit "A") submitted by City Attorney Huff regarding the Reeds Lake Place development, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-251. Introduction of an ordinance amendment to Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for the property known as the Gilmore property.

92-250-A. Williamson-Walton. That an ordinance amending Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for the Gilmore property, be introduced as follows:

AN ORDINANCE TO AMEND SECTION 5.190
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended by changing the map for District 2 to indicate that the following described parcel is zoned PUD - Planned Unit Development, as shown on the attached revised map, and in accordance with and subject to the conditions of approval (including the final required site plan) adopted by the City Commission on February 3, 1992.

That part of Lots 30 and 31 of Boynton and Judd's Lake Addition to the City of East Grand Rapids, lying West of Reeds Lake Boulevard and East of Lakeside Drive, except the South 70 feet thereof;

Also, that part of the SE 1/4 of Section 28, Town 7 North, Range 11 West, lying East of Lakeside Drive and West of Reeds Lake Boulevard and Southerly of the Channel connecting Fisk and Reeds Lake, except commencing at a point on the East line of Lakeside Drive 416.9 feet North of the South line of Section 28, thence North 19°42' West 186 feet to the South bank of said Channel, thence South 76°06' East along said South bank 157.54 feet, thence South 65°16' East along said South bank 168 feet, thence South 26°24' West 97.81 feet, thence North 84° West 200 feet to the place of beginning.

Section 2. This ordinance shall be effective on February _____, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

Map Page

92-252. Introduction of an ordinance amendment adding a new Section 5.140-1 of Chapter 50 of Title V of the Code of the City of East Grand Rapids clarifying the status of property which is zoned PUD but for which site plan approval has lapsed pursuant to Section 5.148 of the City Code.

92-252-A. Edison-Williamson. That an ordinance amendment adding a new section 5.140-1 of Chapter 50 of Title V of the Code of the City of East Grand Rapids be introduced, as follows:

AN ORDINANCE TO AMEND CHAPTER 50
OF TITLE V OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS BY
ADDING A NEW SECTION 5.140-1

The City of East Grand Rapids ordains:

Section 1. Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended by adding a new Section 5.140-1 to read as follows:

Sec. 5.140-1 PUD Expiration.

Consistent with Section 5.148 of this Chapter, if a PUD development is not under construction within one (1) year after the date of final PUD site plan approval by the City Commission, and if the Commission has not granted a sixty (60) day extension or said extension has expired, the PUD site plan shall be null and void. If a PUD site plan expires, the property shall remain zoned PUD unless the City rezones the property to a different zoning designation. If any applicant thereafter wants to develop a PUD on the property, the City Commission shall determine whether the new PUD application is substantially similar to the PUD project for which the prior PUD site plan had been approved. If the City Commission determines that the new PUD application is substantially similar to the PUD project previously approved for the property, the new PUD proposal may utilize the existing PUD zoning designation for the property contingent upon the project receiving approval of a new PUD site plan. If the City Commission determines that the new PUD application is not substantially similar to the last PUD project approved for the property, the new PUD application must go through both the PUD rezoning and the PUD site plan approval process.

Section 2. This ordinance shall be effective on March ____, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-253. The financial reports for the period ending December 31, 1991 were received.

92-254. Consideration of a request to approve the purchase of T-shirts for the Recreation Department from All Graphics Corporation in the amount of \$2,765.76.

92-254-A. Frakie-Edison. That the purchase of T-shirts from All Graphics Corporation, the low bidder, in the amount of \$2,765.76 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-255. Consideration of a request to authorize the purchase of a Lanier 3022E photocopier from the Commercial Equipment Company-Lanier in the low net-bid amount of \$2,995 for use in the lower level of the Municipal Offices building.

92-255-A. Edison-Walton. That the purchase of a Lanier 3022E photocopier from the Commercial Equipment Company-Lanier in the low net-bid amount of \$2,995 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-256. Consideration of a request to appoint School Board President Pat Bergstrom to the Planning Commission as a replacement for Dr. Paul Cornell.

92-256-A. Williamson-Mehney. That the appointment of School Board President Pat Bergstrom to the Planning Commission be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-257. The preliminary minutes of the Planning Commission meeting held January 14, 1992 were received.

92-258. The preliminary minutes of the Recreation Commission meeting held January 13, 1992 were received.

92-259. The unofficial minutes of the Traffic Commission meeting held January 16, 1992 were received.

92-260. Commissioner Mehney inquired when the Pioneer Club Road and Hodenpyl Road street improvements were scheduled to come before the City Commission. He was informed by Mayor Deems and City Manager Allard that this would occur within the next three meetings.

Commissioner Swain commended the efforts of the persons involved with the preservation of the Brookby Estate. He expressed his pleasure in saving this property.

Mayor Deems introduced Jenny Griffes as the new City reporter for the Cadence newspaper, and welcomed her to the City.

92-261. Williamson-Edison. To enter into executive session to consider the acquisition of real estate with the City Attorney, in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Frakie - 1.

92-262. The meeting was adjourned subject to the call of the Mayor until February 17, 1992.

City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held February 17, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Civil Engineer Kocsis; Public Safety Director Gallagher; Recreation Director Rhodes; and Controller-Clerk-Treasurer Chase.

92-263. The minutes of the regular meeting held February 3, 1992 were approved as submitted.

92-264. Swain-Frakie. That disbursement vouchers in the amount of \$163,279.59, payroll disbursements in the amount of \$113,442.06, and disbursements to County and Schools in the amount of \$276,610.73, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-265. Final reading of an ordinance amending the Code of the City of East Grand Rapids by adding a new Chapter 35 to Title III of said Code pertaining to tree removal permits.

The following persons were present and expressed their position on the adoption of the tree ordinance, as follows:

Dr. Alfred Swanson, 2945 Bonnell SE - In Favor
Mr. Pat Thompson, 1090 Idema SE - Against
Mr. Jim Albert, 2720 Berwyck SE - Against
Julie Stoneman, WMEAC - In Favor

Mr. Douglas A. Buikema, Community Services Manager for Consumers Power, was also present. He stated that the tree trimming cycle implemented by Consumers Power is for a seven-year period. He advised the Commission that the utility company would welcome input from the City or residents regarding their concerns with tree trimming and would be happy to work with them.

92-265-A. Swain-Williamson. That an ordinance amending the City Code by adding a new Chapter 35 to Title III of the Code be adopted with the following amendments:

Section 3.227(A) - last paragraph should read: "In all cases where a person shall request information with regard to tree preservation or removal, the City shall provide that information."

Section 3.227(B) - Second sentence of paragraph B should read: "All replacement trees shall measure two (2) inches dbh or greater."

92-265-B. Williamson-Mehney. Motion to amend the ordinance, as follows:

Section 3.227(A) - Delete the language pertaining to a \$25 permit fee.

Section 3.233 - Insert language stating that a "civil fine up to \$200" will be issued.

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5.

Nays: Frakie and Swain - 2.

92-265-C. Walton-Mehney. Motion to further amend the ordinance, as follows:

Section 3.227(D) - Delete language pertaining to the filing of a cash or corporate surety bond or irrevocable bank letter of credit to ensure compliance with the permit conditions.

Yeas: Frakie and Walton - 2.

Nays: Edison, Mehney, Swain, Williamson and Deems - 5.

Vote on proposed ordinance as amended, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Frakie - 1.

92-266. Final reading of an ordinance amendment adding a new Section 5.140-1 of Chapter 50 of Title V of the Code of the City of East Grand Rapids clarifying the status of property which is zoned PUD but for which site plan approval has lapsed pursuant to Section 5.148 of the City Code.

92-266-A. Williamson-Walton. That an ordinance amendment adding a new section 5.140-1 of Chapter 50 of Title V of the Code of the City of East Grand Rapids be adopted, as follows:

AN ORDINANCE TO AMEND CHAPTER 50
OF TITLE V OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS BY
ADDING A NEW SECTION 5.140-1

The City of East Grand Rapids ordains:

Section 1. Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended by adding a new Section 5.140-1 to read as follows:

Sec. 5.140-1 PUD Expiration.

Consistent with Section 5.148 of this Chapter, if a PUD development is not under construction within one (1) year after the date of final PUD site plan approval by the City Commission, and if the Commission has not granted a sixty (60) day extension or said extension has expired, the PUD site plan shall be null and void. If a PUD site plan expires, the property shall remain zoned PUD unless the City rezones the property to a different zoning designation. If any applicant thereafter wants to develop a PUD on the property, the City Commission shall determine whether the new PUD application is substantially similar to the PUD project for which the prior PUD site plan had been approved. If the City Commission determines that the new PUD application is substantially similar to the PUD project previously approved for the property, the new PUD proposal may utilize the existing PUD zoning designation for the property contingent upon the project receiving approval of a new PUD site plan. If the City Commission determines that the new PUD application is not substantially similar to the last PUD project approved for the property, the new PUD application must go through both the PUD rezoning and the PUD site plan approval process.

Section 2. This ordinance shall be effective on February 28, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-267. Introduction of an ordinance amendment to Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to time limits on site plan approvals.

92-267-A. Walton-Edison. That an ordinance amendment to Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to time limits on site plan approvals be introduced, as follows:

AN ORDINANCE TO AMEND SECTION 5.148
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 5.148. Time Limit on Site Plan Approval.

The Planning Commission shall undertake and complete all site plan reviews within sixty (60) days of submission of all required information by the applicant. Upon approval of said plan, the chairman of the Planning Commission shall sign three (3) copies thereof. One signed copy shall be made a part of the Commission's files and one shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. In the case of a Planned Unit Development, final site plan approval is to be performed by the City Commission with the Mayor being the person authorized to sign copies of the approved plan.

Each development shall have substantial physical construction commenced within one (1) year after the date of final site plan approval. Prior to the expiration of this time period, a sixty (60) day extension may be granted by the Planning Commission provided that the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is ready to proceed. In the case of a Planned Unit Development, the extension is to be granted by the City Commission. The site plan shall be null and void if substantial physical construction has not commenced within the time periods provided by this section. The City Commission shall be the body which determines, in its discretion, whether substantial physical construction has commenced.

Section 2. This ordinance shall be effective on _____, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Section 7.5 of Chapter VII of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-268. Consideration of a request to authorize payment of a special assessment billing to the West Michigan Regional Planning Commission (WMRPC).

92-268-A. Frakie-Edison. That this Commission authorize payment to the West Michigan Regional Planning Commission (WMRPC) in the amount of \$756.49, subject to receipt of the Settlement and Final Release of Claim document executed by WMRPC.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-269. Consideration of a request to approve the purchase of a 1992 Chevrolet Suburban vehicle from Berger Chevrolet in the amount of \$20,905.45 as a replacement vehicle in the Public Safety Department.

92-269-A. Williamson-Edison. That the purchase of a 1992 Chevrolet Suburban vehicle from Berger Chevrolet in the amount of \$20,905.45 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-270. Consideration of a request to award contracts for structural, mechanical, electrical and carpeting work in conjunction with the Municipal Offices renovation project.

92-270-A. Edison-Frakie. That the request to award contracts for structural, mechanical, electrical and carpeting work in conjunction with the Municipal Offices renovation be approved, as follows:

Structural:

Security Builders, Inc. \$ 7,960

Mechanical:

Thomas Mechanical Co. \$ 9,880

Electrical:

West Michigan Electric, Inc. \$10,300

Flooring:

Johnson Carpet, Inc. \$ 6,232

TOTAL: \$34,372

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-271. Consideration of a request to authorize the purchase of a Fujitsu dex Model 740 facsimile from Richardson Business Machines, Inc., the low bidder, in the amount of \$3,149, for use in the Municipal Offices building.

92-271-A. Edison-Walton. That the purchase of a Fujitsu dex Model 740 facsimile from Richardson Business Machines, Inc., in the amount of \$3,149, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-272. The preliminary minutes of the Library Commission meeting held January 28, 1992 were received.

92-273. The Building Inspection Report for the month of January, 1992 was received.

92-274. The Public Safety Report for the month of January, 1992 was received.

92-275. Commissioner Edison congratulated Recreation Director Bill Rhodes for his election as president elect of the Michigan Recreation & Parks Association (MRPA). He also commended the entire Recreation Department for its assistance and professional manner at the MRPA convention held February 9-12, 1992.

Mayor Deems announced the appointment of City Manager Timothy Allard to the Michigan Municipal Liability & Property Pool Board. He also advised the Commission of the MML Legislative Conference being held this week.

92-276. Williamson-Edison. To enter into executive session to consider the acquisition of real estate with the City Attorney, in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: Frakie - 1.

92-277. The meeting was adjourned subject to the call of the Mayor until March 2, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 2, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Engineering Services Director Baragar; Civil Engineer Kocsis; Recreation Director Rhodes; and Controller-Clerk-Treasurer Chase.

92-278. The minutes of the regular meeting held February 17, 1992 were approved as submitted.

92-279. Edison-Frakie. That disbursement vouchers in the amount of \$166,196.82, payroll disbursements in the amount of \$105,891.94, and disbursements to County and Schools in the amount of \$1,011,101.22, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-280. Consideration of a request to rescind the purchase of a 1992 Chevrolet Suburban vehicle from Berger Chevrolet in the amount of \$20,905.45, and to authorize the purchase of a police version Chevrolet station wagon from Berger Chevrolet at the Kent County bid price of \$17,937, as a replacement vehicle in the Public Safety Department.

92-280-A. Edison-Swain. That the purchase authorization of a 1992 Chevrolet Suburban vehicle from Berger Chevrolet in the amount of \$20,905.45 be rescinded, and the purchase of a police version Chevrolet station wagon from Berger Chevrolet at the Kent County bid price of \$17,937 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-281. Consideration of a request to award a bid for portable toilets for use by the City and East Grand Rapids Public Schools to Baker Tent and Portable Toilets, the low bidder, in the amount of \$3,735.

92-281-A. Edison-Williamson. That the request to award a bid for portable toilets to Baker Tent and Portable Toilets, the low bidder, in the amount of \$3,735 be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-282. The Engineering Services Department Annual Report for 1991 was received.

92-283. Consideration of a request to authorize staff to complete the design phase and begin bidding procedures for the City's spring/summer 1992 construction program.

92-283-A. Williamson-Mehney. That this Commission authorize staff to complete the design phase and begin bidding procedures for the following street construction projects:

- | | |
|--|-----------|
| 1. Richards Dr: Conlon to Andover | \$184,360 |
| 2. Andover Dr: Richards to Hampshire | 205,355 |
| 3. Manhattan Lift Station Improvement | 41,800 |
| 4. Hall Street Reconfiguration | 15,000 |
| 5. Sidewalk Repair | 20,000 |
| 6. Tree Planting Program | 15,000 |
| 7. Wealthy/Lakeside Corner Improvement | 10,000 |

Water Materials 60,000

\$551,515

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-284. The East Grand Rapids Public Library Annual Report for 1991 was received.

92-285. The preliminary minutes of the Planning Commission meeting held February 11, 1992 were received.

92-286. The preliminary minutes of the Traffic Commission meeting held February 20, 1992.

92-287. The meeting was adjourned subject to the call of the Mayor until March 16, 1992.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held March 16, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Engineering Services Director Baragar; Civil Engineer Kocsis; Public Safety Director Gallagher, Library Branch Manager DeYoung; EGR Library Commission Chairperson Dave Padula; Kent County Library System Director Joe Garcia; and Controller-Clerk-Treasurer Chase.

92-288. The minutes of the regular meeting held March 2, 1992 were approved as submitted.

92-289. Frakie-Edison. That disbursement vouchers in the amount of \$129,894.14, payroll disbursements in the amount of \$116,733.52, and disbursements to County and Schools in the amount of \$252,833.37, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-290. Consideration of a request to adopt resolutions pertaining to the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to Oakwood Road.

92-290-A. Williamson-Swain. That this Commission adopt an Initial Resolution directing staff to develop information and recommendations relative to the Pioneer Club Road improvement project, as follows:

INITIAL RESOLUTION

RESOLVED, that this Commission desires to consider the proposed improvement consisting of certain tree removal, excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, construction of 24-foot-wide roadway including

2-foot designated bike paths on each side, 12" sand sub-base,

6" gravel base, and 2" asphalt surface, winged curb, tree replacement, restoration of all disturbed areas and other work on

PIONEER CLUB ROAD from 433' west of Manhattan Road to vacated Oakwood Road

all or part of the cost of which may be defrayed by special assessment and request the Manager to provide the information and recommendations relative thereto as specified in Section 1.303(1) of the City Code.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Williamson - 6.

Nays: Deems - 1.

92-290-B. Edison-Swain. That this Commission adopt a Resolution Setting Hearing on Necessity establishing a public hearing date for April 6, 1992 for public discussion of this project, as follows:

RESOLUTION SETTING HEARING ON NECESSITY

RESOLVED, that the statement of preliminary proceedings with respect to this proposed improvement having been filed with the City Clerk, a public hearing be held before the City Commission at the City Hall on Monday, April 6, 1992, at 7:30 p.m., relative to necessity of the proposed improvement consisting of certain tree removal, excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, construction of 24-foot-wide roadway including 2-foot designated bike path on each side, 12" sand sub-base, 6" gravel base, and 2" asphalt surface, winged curb, tree replacement, restoration of all disturbed areas and other work on

PIONEER CLUB ROAD from 433' west of Manhattan Road to
vacated Oakwood Road

and that the Clerk cause notice of this hearing to be published and mailed as required by Ordinance Section 1.303(2) at least 10 days prior to the date of such hearing.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-291. Consideration of a request to adopt resolutions pertaining to improvements to Hodenpyl Drive from Rexford Drive to Reeds Lake Boulevard.

The following residents were present and stated their questions and concerns relating the improvement project:

Carolyn Gaston, 300 Hodenpyl Drive SE
Dann McKeraghan, 194 Hodenpyl Drive SE
Peter Kobs, 2727 Reeds Lake Boulevard SE
Geoffrey Hughes, 260 Hodenpyl Drive SE
Michael Staal, 186 Hodenpyl Drive SE
Richard Martin, 322 Hodenpyl Drive SE

Patricia Hickey, 239 Pioneer Club Road SE
Dan Hunsberger, 223 Pioneer Club Road SE
Barry Kane, 325 Pioneer Club Road
Ron Hatcher, 2737 Meadowvale Drive SE
William Granzow, 200 Rexford SE
Janet Baxter, 180 Hodenpyl Drive SE

92-291-A. Mehney-Walton. That this Commission adopt an Initial Resolution directing staff to develop information and recommendations relative to the Hodenpyl Drive improvement project, as follows:

INITIAL RESOLUTION

RESOLVED, that this Commission desires to consider the proposed improvement consisting of excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, combination curb and gutter, construction of 26-foot-wide roadway including 12" sand sub-base, 6" gravel base, and 2" asphalt surface, tree replacement, restoration and other work on

HODENPYL DRIVE from Rexford Drive to Reeds Lake Boulevard

all or part of the cost of which may be defrayed by special assessment and request the Manager to provide the information and recommendations relative thereto as specified in Section 1.303(1) of the City Code.

A roll call vote was taken.

Yeas: Edison, Mehney, Walton and Deems - 4.
Nays: Frakie, Swain and Williamson - 3.

92-291-B. Walton-_____. That this Commission adopt a Resolution Setting Hearing on Necessity establishing a public hearing date for April 6, 1992 for public discussion of this project.

The motion failed due to a lack of support.

92-291-C. Edison-Mehney. That this Commission adopt a Resolution Setting Hearing on Necessity establishing a public hearing date for April 20, 1992, as follows:

RESOLUTION SETTING HEARING ON NECESSITY

RESOLVED, that the statement of preliminary proceedings with respect to this proposed improvement having been filed with the City Clerk, a public hearing be held before the City Commission at the City Hall on Monday, April 20, 1992, at 7:30 p.m., relative to necessity of the proposed improvement consisting of excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, combination of curb and gutter, construction of 24-foot-wide roadway including 12" sand sub-base, 6" gravel base, and 2" asphalt surface, tree replacement, restoration and other work on

HODENPYL DRIVE from Rexford Drive to Reeds Lake Boulevard

and that the Clerk cause notice of this hearing to be published and mailed as required by Ordinance Section 1.303(2) at least 10 days prior to the date of such hearing.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-292. Presentation of District Library Proposal by Bruce Robinson, representative for Kent County Library Board. Kent County Library System Director Joe Garcia also commented regarding the proposal. The City Commission expressed their preliminary interest in the concept of a District Library. The City Commissioners were urged to submit any questions or concerns to City Manager Allard or to Bruce Robinson as soon as possible. East Grand Rapids Library Commission Chairperson Dave Padula also volunteered to answer any questions the Commission might have.

92-293. Consideration of a request to approve the purchase of two Dell 316SX computers from Dell Computer Corporation, at a cost of \$3,230, and the purchase of an Epson LQ-1170 printer from Midwest Micro Peripherals, at a cost of \$615, for use in the Controller-Clerk-Treasurer office.

92-293-A. Williamson-Edison. That the purchase of two Dell 316SX computers from Dell Computer Corporation, at a cost of \$3,230, and the purchase of an Epson LQ-1170 printer from Midwest Micro Peripherals, at a cost of \$615, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-294. Consideration of a request to approve the purchase of 250 Rockwell Sensus meters, and that a budget amendment of \$20,000 to Water and Sewer Fund Capital Expenditures be approved.

92-294-A. Walton-Edison. That the purchase of 250 Rockwell Sensus meters be authorized, and that a budget amendment of \$20,000 to Water and Sewer Fund Capital Expenditures be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-295. Consideration of a request to approve payment to the City of Grand Rapids for fire dispatch services previously provided by Grand Rapids, and a budget amendment transferring \$2,639 from the contingency account to the Public Safety Department for payment of this amount due.

92-295-A. Walton-Frakie. That this Commission approve payment to the City of Grand Rapids for fire dispatch services previously provided, and that a budget amendment transferring \$2,639 from the contingency account to the Public Safety Department Contractual Services account be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-296. The preliminary minutes of the Recreation Commission meeting held February 17, 1992 were received.

92-297. The preliminary minutes of the Library Commission meetings held February 25, 1992 and February 28, 1992 were received.

92-298. The Building Inspection Report for the month of February, 1992 was received.

92-299. The Public Safety Report for the month of February, 1992 was received.

92-300. The meeting was adjourned subject to the call of the Mayor until April 6, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 6, 1992

The meeting was called to order by Commissioner Edison.

Present: Coms. Edison, Frakie, Swain and Williamson.

Absent: Coms. Mehney, Walton and Mayor Deems.

Also Present: Asst. City Attorney Cliff Bloom; Engineering Services Director Baragar; Civil Engineer Kocsis; Engineering Assistant Kadzban; Public Safety Director Gallagher, and Controller-Clerk-Treasurer Chase.

92-301. The minutes of the regular meeting held March 16, 1992 were approved as submitted.

92-302. Swain-Frakie. That disbursement vouchers in the amount of \$289,463.21, payroll disbursements in the amount of \$114,183.72, and disbursements to County and Schools in the amount of \$462,917.12, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain and Williamson - 4.

Nays: -0-

92-303. A zoning variance hearing was held to consider the request of Robert L. Nicholas, 1110 Breton Road SE, to construct an attached, two-stall garage, five feet from the south property line rather than the required seven feet.

92-303-A. Frakie-Swain. That this Commission, acting as the Zoning Board of Appeals, approve the request of Robert L. Nicholas, 1110 Breton Road SE, to construct an attached, two-stall garage five feet from the south property line, rather than the required seven feet. The standards set forth in Section 5.164 of the City Code have been satisfied with regard to this variance request.

Yeas: Edison, Frakie, Swain and Williamson - 4.

Nays: -0-

92-304. A public hearing on necessity was held relating to the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road.

The following persons were present and stated their questions and concerns regarding the proposed improvement:

Donald Dimke, 2860 Pioneer Club Road SE
Cindy VanGelderen, 2904 Pioneer Club Road SE
James Zevalkink, 2900 Pioneer Club Road SE
Stanley Hudson, 2920 Pioneer Club Road SE

92-305. Consideration of a request to adopt a resolution pertaining to the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road.

92-305-A. Williamson-Frakie. That this Commission adopt a Resolution Determining Necessity pertaining to the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road, as follows:

RESOLUTION DETERMINING NECESSITY

RESOLVED that the improvement consisting of certain tree removal, excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, construction of 24-foot-wide roadway including 2-foot designated bike path on each side, 12" sand sub-base, 6" gravel base, and 2" asphalt surface, winged curb, tree replacement, restoration of all disturbed areas and other work on

PIONEER CLUB ROAD from 433' west of Manhattan Road to vacated Oakwood Road

is a necessary public improvement and that the cost and expense of such improvement shall be paid by special assessment levied upon the lands and premises, except public highways and alleys, benefitting from said improvement, according to front footage.

BE IT FURTHER RESOLVED that the plans and specifications for said improvement as prepared by the Engineer are approved, that the estimated cost thereof is \$132,700, and that the total \$102,400 be paid by special assessment payable in 10 annual installments with interest at the rate of 7.5% per annum on installments not paid within 30 days of confirmation of the assessment roll. Be it further resolved that the special assessment district upon which special assessments shall be levied is established as consisting of:

Permanent Parcel Numbers:

41-14-34-204-013	41-14-34-206-001
41-14-34-204-014	41-14-34-206-005
41-14-34-204-015	41-14-34-206-006
41-14-34-204-016	41-14-34-206-007
41-14-34-204-017	41-14-34-206-008
41-14-34-204-018	41-14-34-206-009
41-14-34-204-024	41-14-34-206-011
41-14-34-204-031	41-14-34-206-012
41-14-34-204-004	

and that this Commission deems and declares that all real estate within said district is benefitted by said improvement.

BE IT FURTHER RESOLVED that the City Manager prepare or cause to be prepared a special assessment roll in accordance with the determinations of this Commission.

Yeas: Edison, Frakie, Swain and
Nays: -0-

Williamson - 4.

92-306. Consideration of a request to award contracts for the purpose of grounds maintenance for City properties.

92-306-A. Frakie-Swain. That contracts for grounds maintenance of City properties be awarded to the following bidders:

<u>Section</u>	<u>Contractor</u>	<u>Amount</u>
A-1	Lawns Plus	\$53,464
A-2	Monsmas	2,964
A-3	Larry's Lawn	<u>20,000</u>
TOTAL TWO-YEAR CONTRACT:		<u>\$76,428</u>

with the second year of the contract to be optional based on City staff review and recommendation regarding an in-house grounds maintenance program.

Yeas: Edison, Frakie, Swain and Williamson - 4.
Nays: -0-

92-307. Consideration of a request to award purchase orders for materials relative to improvements to be made to the City's water distribution system.

92-307-A. Frakie-Swain. That this Commission approve the purchase of water materials from the following low bidders:

<u>Part</u>	<u>Amount</u>	<u>Vendor</u>
A	\$12,638	Etna Supply Company
B	30,845	East Jordan Iron Works
C	12,825	VanderLind & Son
D	<u>6,670</u>	Etna Supply Company
	<u>\$62,978</u>	TOTAL

Yeas: Edison, Frakie, Swain and Williamson - 4.
Nays: -0-

92-308. Consideration of a request to authorize the purchase of a light attack mini-pumper vehicle and related equipment for use in the Public Safety Department from West Shore Services, Inc., the low bidder, in the amount of \$91,361 for the vehicle and \$7,506 for the equipment, and the purchase of an inside/outside, multi-scan radio from Motorola, in the amount of \$3,000.

92-308-A. Williamson-Frakie. That this Commission authorize the purchase of a light attack mini-pumper vehicle and related equipment from West Shore Services, Inc., in the amount of \$91,361 for the vehicle and \$7,506 for the equipment, and the purchase of a multi-scan radio from Motorola, in the amount of \$3,000.

Yeas: Edison, Frakie, Swain and Williamson - 4.
Nays: -0-

92-309. Consideration of a request to approve the City's health care plan reinsurance contract with the Insurance Company of North America incorporating revisions amending the rates approved by the City Commission on January 20, 1992 to the monthly single and family coverage premiums of \$6.36 and \$13.62, respectively.

92-309-A. Frakie-Williamson. That the City's health care plan reinsurance contract incorporating the revised monthly premiums be approved.

Yeas: Edison, Frakie, Swain and Williamson - 4.
Nays: -0-

92-310. The preliminary minutes of the Recreation Commission meeting held March 16, 1992 were received.

92-311. Commissioner Williamson complimented staff for their work on renovating the Commission Chambers. Commissioner Williamson also commended Public Safety Director Gallagher and the Public Safety Department for their handling of an incident on April 6, 1992.

92-312. The meeting was adjourned subject to the call of the Mayor until April 20, 1992.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 20, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Public Service Superintendent Sterkenburg; Assistant Public Service Superintendent Lucht; Civil Engineer Kocsis; Engineering Assistant Kadzban; Public Safety Director Gallagher, and Controller-Clerk-Treasurer Chase.

92-313. The minutes of the regular meeting held April 6, 1992 were approved as submitted.

92-314. Edison-Frakie. That disbursement vouchers in the amount of \$142,289.53 and payroll disbursements in the amount of \$216,719.84, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-315. A zoning variance hearing was held to consider the request of Reynolds A. Brander, Jr., 2648 Lake Drive SE, to allow the placement of a concrete stucco privacy wall, six feet in height rather than the required maximum of three feet, to be located three and one-half feet from the front property line rather than the required fifteen feet.

Mr. Brander was present and spoke in favor of the variance. Correspondence was received from Mr. Allen Bobroff, 2634 Manor Drive SE, expressing his opposition to the granting of the variance.

92-315-A. Williamson-Swain. That this Commission, acting as the Zoning Board of Appeals, deny the request of Reynolds A. Brander, Jr., 2648 Lake Drive SE, to allow the placement of a concrete stucco privacy wall, six feet in height rather than the required maximum of three feet, to be located three and one-half feet from the front property line rather than the required fifteen feet.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: Mehney - 1.

92-316. A zoning variance hearing was held to consider the request of David and Sheila Lukens, 420 Rosewood Avenue SE, to install a wood privacy fence eight feet in height, rather than the required maximum six feet in height, along the rear property line and north side property line, which fence is to be located in the rear yard only.

Mr. Lukens was present and spoke in favor of the variance. Correspondence was received from James F. Braun, 422 Rosewood Avenue SE, expressing his support for the granting of the variance.

92-316-A. Frakie-Walton. That this Commission, acting as the Zoning Board of Appeals, grant the request of David and Sheila Lukens, 420 Rosewood Avenue SE, to install a wood privacy fence eight feet in height, rather than the required maximum six feet in height, along the rear property line and north side property line in the rear yard only.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-317. A public hearing on necessity was held relating to the proposed improvement of Hodenpyl Drive from Rexford Drive to Reeds Lake Boulevard.

Peter Kobs, 2727 Reeds Lake Boulevard SE, presented to the City Commission a survey which he conducted of the affected residents in the area as to their opinion on the proposed improvement.

The following persons were present and expressed their support for the proposed improvements:

Floris Vanderstoep, 214 Hodenpyl Drive SE
Willa Mast, 522 Prospect SE, Grand Rapids
Beth Wilbur, 318 Rosewood SE
Julie Boken representing David and James Koning of
245 and 255 Hodenpyl Drive SE, respectively
Richard Martin, 322 Hodenpyl Drive SE
Carolyn Gallmeyer, 189 Hodenpyl Drive SE
Dann McKeraghan, 194 Hodenpyl Drive SE
Ronald Hatcher, 2737 Meadowvale Drive SE
Letter received from Irene and Arthur Van Dyke,
195 Hodenpyl Drive SE

The following persons were present and stated their questions and concerns regarding the proposed improvement:

Dan Hunsberger, 223 Pioneer Club Road SE
Peter Kobs, 2727 Reeds Lake Boulevard SE
Janet Baxter, 180 Hodenpyl Drive SE

Michael Staal, 189 Hodenpyl Drive SE
Geoffrey Hughes, 260 Hodenpyl Drive SE

Mayor Deems closed the public hearing.

92-318. Consideration of a request to adopt a resolution determining necessity pertaining to the proposed improvement of Hodenpyl Drive SE from Rexford Drive to Reeds Lake Boulevard.

92-318-A. Edison-Walton. That this Commission adopt a Resolution Determining Necessity pertaining to the proposed improvement of Hodenpyl Drive SE from Rexford Drive to Reeds Lake Boulevard, as follows:

RESOLUTION DETERMINING NECESSITY

RESOLVED that the improvement consisting of: excavation and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, combination curb and gutter, construction of 26-foot-wide roadway including 12" sand sub-base, 6" gravel base, and 2" asphalt surface, tree replacement, restoration and other work on

HODENPYL DRIVE from Rexford Drive to Reeds Lake Boulevard

is a necessary public improvement and that the cost and expense of such improvement shall be paid by special assessment levied upon the lands and premises, except public highways and alleys, benefitting from said improvement, according to front footage.

BE IT FURTHER RESOLVED that the plans and specifications for said improvement as prepared by the Engineer are approved, that the estimated cost thereof is \$190,000, that \$50,000 of said cost shall be paid by the City-at-large and \$140,000 by special assessment payable in 10 annual installments with interest at the rate of 7.5% per annum on installments not paid within 30 days of confirmation of the assessment roll.

BE IT FURTHER RESOLVED that the special assessment district upon which special assessments shall be levied is established as consisting of:

Permanent Parcel Numbers:

41-14-27-378-001	41-14-27-382-015
41-14-27-378-003	41-14-27-382-016
41-14-27-378-004	41-14-27-382-017
41-14-27-378-005	41-14-27-382-018
41-14-27-378-006	41-14-27-382-019
41-14-27-378-011	41-14-27-382-020
41-14-27-379-005	41-14-27-382-021
41-14-27-379-006	41-14-27-382-022
41-14-27-379-009	41-14-27-382-023
41-14-27-382-010	41-14-27-382-024
41-14-27-382-011	41-14-27-382-025
41-14-27-382-012	41-14-27-382-026
41-14-27-382-013	41-14-27-382-027
41-14-27-382-014	41-14-27-382-028

and that this Commission deems and declares that all real estate within said district is benefitted by said improvement.

BE IT FURTHER RESOLVED that the City Manager prepare or cause to be prepared a special assessment roll in accordance with the determinations of this Commission.

92-318-B. Mehney-Frakie. That the Resolution Determining Necessity be amended to state that the special assessment shall be payable in 20 annual installments instead of 10.

Yeas: Frakie and Mehney - 2.

Nays: Edison, Swain, Walton, Williamson and Deems - 5.

Vote on original motion 92-318-A to approve the Resolution Determining Necessity.

Yeas: Edison, Frakie, Mehney, Swain, Walton, and Deems - 6.

Nays: Williamson - 1.

92-319. Consideration of a request to adopt a resolution setting date of public hearing for consideration of a special assessment roll for the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road.

92-319-A. Edison-Swain. That this Commission adopt a Resolution Setting Hearing on Assessment Roll pertaining to the proposed improvement of Pioneer Club Road, from 433 feet west of Manhattan Road to vacated Oakwood Drive, as follows:

RESOLUTION SETTING HEARING ON ASSESSMENT ROLL

RESOLVED that the special assessment roll for the improvements consisting of: certain tree removal, excavation, and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, construction of 24-foot-wide roadway including 2-foot-wide designated bike path on each side, 12-inch sand sub-base, 6-inch gravel base, and 2-inch asphalt surface, winged curb, tree replacement, restoration of all disturbed areas and other work on

PIONEER CLUB ROAD from 433 feet west of Manhattan Road to
vacated Oakwood Road

is directed to be filed in the office of the City Clerk for public examination and that the City Commission meet at the City Hall on Monday, May 4, 1992, at 7:30 p.m., for the purpose of reviewing each roll at which time and place all persons interested or who are liable to be assessed for such improvement may appear and be heard in regard to such improvement and assessment roll; and be it further resolved that the City Clerk is instructed to give notice of such hearing in the manner provided by Ordinance Section 1.307(1) at least 10 days prior to the date of said hearing.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-320. A public hearing was held to discuss the proposed acquisition of a ten-acre site bordered by Reeds Lake Boulevard, Lakeside Drive and Fisk Lake/Reeds Lake Channel.

The following persons were present and expressed their support for the City's purchase of the ten-acre site:

David Verdier, 3043 Mary Avenue SE
Julie Stoneman, West Michigan Environmental
Action Council
Sheila McCarthy, 2212 Anderson SE
Cindy Schad, 625 Plymouth SE
Gordon Jones, 325 Rosewood SE
William Schultz, 401 Lakeside SE
David Teppo, 349 Lakeside SE
Geoffrey Hughes, 260 Hodenpyl SE
Ralph Olson, Littlefield (former resident of EGR)

The following persons were present and stated their opposition to the City's purchase of the ten-acre site:

Karl Krug, 2833 Elmwood SE
Thomas Molesta, 215 Rexford SE
Ellen Child, 2437 Elmwood SE

The following communications were received from residents expressing their opinion as to the property:

Phone Calls In Favor of City Purchase of Property:

Elizabeth Uhl, 2741 Richards SE
Dr. and Mrs. Willard Wolfe, 2127 Durant SE
Mary Barr, 2150 Robinson SE
Mrs. Donald Johnson, 416 Edgemere SE
Dr. James Watkins, 555 Locust SE
Janet Watkins, 555 Locust SE
Frances Rice, 225 Lakeside SE
Jack and Ann Swain, 2630 Reeds Lake Boulevard SE
Mary Kindell, 609 Lakeside Drive SE
Betty Marsland, 2605 Richards Drive SE
Lou Dexter, 239 Lakeside SE

Letters In Favor of Condominium Project:

Margie L. Malvitz, 2017 Wilshire Drive SE
Michael E. McDaniels, 735 San Jose Drive SE

Mayor Deems closed the public hearing.

92-321. Consideration of a request to award a contract to Kentwood Excavating, the low bidder, in the amount of \$254,696, for the water main reconstruction project for Richards Drive and Andover Road.

92-321-A. Williamson-Frakie. That a contract be awarded to Kentwood Excavating, the low bidder, in the amount of \$254,696, for the water main reconstruction project for Richards Drive and Andover Road.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-322. Consideration of a request to authorize payment to Valley Truck Parts and B&B Equipment in the amounts of \$11,055 and \$6,395, respectively, from the Motor Equipment Revolving Fund (MERF), for the conversion of dump truck #10 from a single-axle, 4-yard capacity vehicle to a tandem axle, 10-yard capacity vehicle.

92-322-A. Frakie-Swain. That this Commission authorize payment to Valley Truck Parts and B&B Equipment in the amounts of \$11,055 and \$6,395, respectively, from the MERF, for the conversion of dump truck #10.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-323. Consideration of a request to authorize the consolidation of the departments of Engineering Services and Public Service into a newly-created department of City Services.

92-323-A. Williamson-Mehney. That this Commission authorize the consolidation of the Engineering Services and Public Service Departments into a newly-created department of City Services.

92-323-B. Frakie-Edison. That this matter be tabled until such time as the Commission is provided information outlining financial and productivity benefits for the City under this consolidation.

A roll call vote was taken.

Yeas: Edison, Frakie, Swain and Walton - 4.

Nays: Mehney, Williamson and Deems - 3.

92-324. Introduction of an ordinance amending Sections 1.31, 1.101, 1.102 and 1.103, and to repeal Article VIII-A and Sections 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids.

92-324-A. Williamson-Edison. That an ordinance amending Sections 1.31, 1.101, 1.102 and 1.103, and to repeal Article VIII-A and Sections 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids be introduced, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-325. The Building Inspection Report for the month of March, 1992 was received.

92-326. The Public Safety Report for the month of March, 1992 was received.

92-327. Williamson-Edison. To enter into executive session to discuss real estate acquisition with the City Attorney in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.

Nays: Frakie and Walton - 2.

92-328. The meeting was adjourned subject to the call of the Mayor until May 4, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 4, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Recreation Director Rhodes; Civil Engineer Kocsis; Engineering Assistant Kadzban; and Controller-Clerk-Treasurer Chase.

92-329. The minutes of the regular meeting held April 20, 1992 were approved as submitted.

92-330. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from Colleen Curtin, 448 Cambridge SE, thanking the Public Service department, and especially Bill Morey, for their prompt and courteous service in dealing with a water problem she was experiencing.
- (b) Recycling Achievement Award presented to the City of East Grand Rapids by the Kent County Board of Public Works recognizing the City for exceptional contribution toward the advancement of recycling.

92-331. Frakie-Walton. That disbursement vouchers in the amount of \$202,102.48, payroll disbursements in the amount of \$99,100.75, and disbursements to County and Schools in the amount of \$413.39, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-332. A zoning variance hearing was held to consider the request of Jeffrey Barnes, 2761 Oakwood Drive SE, to construct an addition for a bedroom, enlarging of the kitchen, and a new attached garage, the southeast corner of which will be located seven feet four inches from the east property line, rather than the required minimum of eleven feet.

Mr. Barnes was present and spoke in favor of the variance. Michael Donovan, 2807 Oakwood SE, and Joyce Wolma, 2811 Oakwood SE, were also present and expressed their opposition to the granting of the variance.

92-332-A. Mehney-Swain. That this Commission, acting as the Zoning Board of Appeals, table the request for a zoning variance until May 18, 1992, or until such time as Mr. Barnes and his neighbors have had an opportunity to meet and discuss their concerns, and to establish a compromise, if possible.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-333. Consideration of a request to adopt a resolution setting date of public hearing on a special assessment roll for the proposed improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard.

92-333-A. Williamson-Swain. That this Commission adopt a Resolution Setting Hearing on Assessment Roll pertaining to the proposed improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard, as follows:

RESOLUTION SETTING HEARING ON ASSESSMENT ROLL

RESOLVED that the special assessment roll for the improvements consisting of: removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, combination curb and gutter, construction of 26-foot-wide roadway including 12-inch sand sub-base, 6-inch gravel base, and 2-inch asphalt surface, tree replacement, restoration and other work on

HODENPYL DRIVE from Rexford Drive to Reeds Lake Boulevard

is directed to be filed in the office of the City Clerk for public examination and that the City Commission meet at the City Hall on Monday, May 18, 1992, at 7:30 p.m., for the purpose of reviewing each roll at which time and place all persons interested or who are liable to be assessed for such improvement may appear and be heard in regard to such improvement and assessment roll; and be it further resolved that the City Clerk is instructed to give notice of such hearing in the manner provided by Ordinance Section 1.307(1) at least 10 days prior to the date of said hearing.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-334. A public hearing was held to discuss a special assessment roll for the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road.

No public comment was made. The Mayor closed the public hearing.

92-335. Consideration of a request to adopt a resolution confirming special assessment roll for the proposed improvement of Pioneer Club Road from 433 feet west of Manhattan Road to vacated Oakwood Road.

92-335-A. Swain-Walton. That this Commission adopt a Resolution Confirming Assessment Roll pertaining to the proposed improvement of Pioneer Club Road, as follows:

RESOLUTION CONFIRMING ASSESSMENT ROLL

RESOLVED that a public hearing having been duly held on the special assessment roll for the improvement consisting of: certain tree removal, excavation, and removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, construction of 24-foot-wide roadway including 2-foot-wide designated bike path on each side, 12-inch sand sub-base, 6-inch gravel base, and 2-inch asphalt surface, winged curb, tree replacement, restoration of all disturbed areas and other work on

PIONEER CLUB ROAD from 433 feet west of Manhattan Road to vacated Oakwood Road

and all persons having been given the opportunity to be heard with regard thereto and this City Commission having considered all written or oral objections thereto, and it appearing that said special assessment roll does not require any changes or corrections, this City Commission does confirm such special assessment roll and does order that the Clerk endorse the date of confirmation upon special assessment roll and transmit the same to the Treasurer for collection.

PIONEER CLUB ROAD SPECIAL ASSESSMENT DISTRICT

<u>Perm. Parcel No.</u>	<u>Name</u>	<u>Assess. Footage</u>	<u>Assessment</u>
41-14-34-204-004	John Baumgardner 2914 Reeds Lake Blvd	40.2	3229.27
41-14-34-204-013	Phyllis Monique 2905 Pioneer Club Road	67.0	5382.11
41-14-34-204-014	Jer Rittenhouse 2909 Pioneer Club Road	67.0	5382.11
41-14-34-204-015	Otto Wierenga 2915 Pioneer Club Road	67.0	5382.11
41-14-34-204-016	Lenore Kalenda 2919 Pioneer Club Road	72.1	5791.79
41-14-34-204-017	Gunars Rudzitis 2925 Pioneer Club Road	38.1	3060.57
41-14-34-204-018	Phillip Roslaniec 2931 Pioneer Club Road	56.6	4546.68
41-14-34-204-024	Steven Schwartz 2863 Pioneer Club Road	120.0	9639.60
41-14-34-204-031	Frederic Burkhart 2857 Pioneer Club Road	124.8	10025.18
41-14-34-206-001	Donald Dimke 2860 Pioneer Club Road	131.4	10555.36
41-14-34-206-005	Richard Vangelderden 2904 Pioneer Club Road	65.4	5253.58
41-14-34-206-006	John Lacks 2912 Pioneer Club Road	65.6	5269.65
41-14-34-206-007	Gregory Holwerda 2916 Pioneer Club Road	65.6	5269.65
41-14-34-206-008	Stanley Hudson 2920 Pioneer Club Road	65.6	5269.65
41-14-34-206-009	Richard Wiggins 2924 Pioneer Club Road	97.9	7864.31
41-14-34-206-011	Steven Tazelaar 2864 Pioneer Club Road	60.0	4819.80
41-14-34-206-012	James Zevalkink 2900 Pioneer Club Road	70.4	5655.23
TOTAL		1274.7	102396.65

Total Assessment: \$102,400.00
 Cost per Assessable Footage: \$80.33

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
 Nays: -0-

92-336. Consideration of a request to authorize a budget amendment transferring \$10,000 from the Contingency Appropriation account, and \$7,700 from the General Fund undesignated fund balance to the Recreation Department-Joint Facilities Agreement account.

92-336-A. Edison-Mehney. That the request for a budget amendment transferring \$10,000 from the Contingency Appropriation account, and \$7,700 from the General Fund undesignated fund balance to the Recreation Department-Joint Facilities Agreement account, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-337. Consideration of a request to approve a budget amendment transferring \$63,700 from the General Fund undesignated fund balance to the Public Service - Parks- Capital Expenditures account.

92-337-A. Williamson-Edison. That the request for a budget amendment transferring \$63,700 from the General Fund undesignated fund balance to the Public Service - Parks- Capital Expenditures account, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Williamson and Deems - 6.
Nays: -0-
Abstain: Walton - 1.

92-338. The financial reports for the period ending March 31, 1992 were received.

92-339. The City Commission discussed the establishment of a schedule to review the proposed FY 1993 budget.

92-339-A. Williamson-Edison. That the discussion of a Truth-In-Taxation resolution setting 16.2475 mills as the proposed maximum millage rate be added to the agenda for consideration by the City Commission.

A roll call vote was taken.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-339-B. Williamson-Edison. That the Truth-In-Taxation public hearing be scheduled for Monday, May 18, 1992, at 7:30 p.m., in the City Commission Chambers and that a resolution setting 16.2475 mills as the proposed maximum millage rate be approved, as follows:

RESOLUTION OF THE CITY COMMISSION

WHEREAS, MSA 7.24(5)(6) requires that a Notice of Public Hearing be published and a hearing be held by the City Commission before an additional millage rate, as defined by state law, can be levied by the City Commission; and

WHEREAS, MSA 7.24(5)(7) requires the City Commission to adopt a resolution establishing a maximum millage rate to be included in the Notice of Public Hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of East Grand Rapids hereby established 16.2475 per \$1,000.00 of valuation as the proposed maximum millage rate, subject to the adoption of a General Fund budget, for the fiscal year July 1, 1992 through June 30, 1993.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-340. The minutes of the Planning Commission meeting held April 14, 1992 were received.

92-341. County Commissioner Lorch was present and complimented the City on the fine job they were doing with the renovation project at City Hall.

92-342. Commissioner Walton commended George Davis for the superb job he is doing as the Chairperson of the Planning Commission. He also stated that he felt the City's assessment/refund policy regarding fluctuations ($\pm 5\%$) from assessment project construction estimates should be reviewed in the future.

Mayor Deems also expressed his desire to have the assessment/refund policy pertaining to special assessments reviewed. The Mayor also announced one opening on the Traffic Commission and one on the Planning Commission. He requested anyone interested in filling either of these positions to contact him immediately.

92-343. Williamson-Edison. To enter into executive session to discuss real estate acquisition with the City Attorney in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-344. The meeting was adjourned subject to the call of the Mayor until May 18, 1992.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 18, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Frakie.

Also Present: City Manager Allard; City Attorney Huff; Public Safety Director Gallagher; Public Service Superintendent Sterkenburg; City Assessor Norman; Engineering Assistant Kadzban; Building Inspector Turcotte; and Controller-Clerk-Treasurer Chase.

92-345. The minutes of the regular meeting held May 4, 1992 were approved as submitted.

92-346. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence thanking the Public Safety Department for the fine job they did on their E-Unit demonstration.

92-347. Swain-Edison. That disbursement vouchers in the amount of \$173,063.05, payroll disbursements in the amount of \$127,600.07, and disbursements to County and Schools in the amount of \$246.04, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-348. A zoning variance hearing was held to consider the request of St. Nicholas Church, 2148 Boston Street SE, to allow the expansion of an existing non-conforming use permitting the church parking lot to be used for commercial purposes, which was tabled from the February 3, 1992 City Commission meeting.

The following persons were present and spoke in favor of the variance:

Fr. Elias Mitchell, Pastor of St. Nicholas Church
Barbara Sielaff, 4849 Riemen Drive SE, Kentwood
Frank McCarthy, President of Metropolitan Hospital
Mary Barr, 2150 Robinson SE
George Ignatiev, 925 Rosewood SE

The following persons were present and spoke in opposition to the variance:

Dave Whitehouse, 1627 Oxford SE
Joseph Corey, 1636 Laurel SE
Stephen Locke, 1635 Oxford SE
Michael Smith, 1640 Laurel SE
Martha Chalmers, 1701 Laurel SE
Joseph Weiner, 1638 Oxford SE
Cheryl Bentley, 1700 Laurel SE
Amanda Whitehouse, 1627 Oxford SE
Don Novack, 1711 Oxford SE
John Corbett, 1630 Oxford SE
Gary Barnes, 1720 Oxford SE
Mary Namey, 1617 Oxford SE
Kathryn Corey, 1636 Laurel SE
Rich VanAndel, 1626 Laurel SE
Robert Larson, 2121 Boston SE
Willard Heffron, 1712 Oxford

The following correspondence was received relating to the zoning variance:

In Favor:

Dr. James H. Coretti, 2714 Oakwood Drive SE
Joanne Coretti, 2714 Oakwood Drive SE
Steven and Jane Klegman, 2150 Wilshire Drive SE
Norman Keller, 439 Manhattan Road SE
Bradley J. Clegg, 1526 Lenox SE
Mary Moran Barr, 2150 Robinson Road SE
Etta Barrera, 507 Cambridge SE
Dr. Allen D. Davies, 3131 Hall SE
Patricia J. Bardon, 2331 Wilshire SE
William A. Busch, 2545 Frederick Drive SE
Terri Mawhinney, 1531 Lenox SE
Petition signed by area residents

In Opposition:

Joan S. Sutton, 1626 Laurel SE
Cheryl Bentley, 1700 Laurel SE
Amanda Whitehouse, 1727 Oxford SE
Phil Ammond, 1640 Oxford SE (phone call
received by Commissioner Walton)
Petition signed by area residents

General Comments:

Julie Stoneman, WMEAC, 1432 Wealthy Street SE

92-348-A. Walton-Edison. That this Commission, acting as the Zoning Board of Appeals, deny the request of St. Nicholas Church, 2148 Boston Street SE, to allow the expansion of an existing non-conforming use permitting the church parking lot to be used for commercial purposes.

A roll call vote was taken.

Yeas: Edison and Walton - 2.

Nays: Mehney, Swain and Williamson - 3.

Abstain: Deems - 1.

92-348-B. Mehney-Williamson. Motion to table this matter until such time as St. Nicholas Church, its neighbors and the Engineering Services Department establish a proposed screening plan for the parking lot for consideration by the City Commission at a future date.

Yeas: Edison, Mehney, Swain and Williamson - 4.

Nays: Walton - 1.

Abstain: Deems - 1.

92-349. A public hearing was held to discuss a special assessment roll for the proposed improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard.

The following persons were present and expressed their opposition to the special assessment roll calculations:

Peter Kobs, 2727 Reeds Lake Boulevard
Richard Martin, 322 Hodenpyl Drive
Patricia Hickey, 239 Pioneer Club Road
Daniel Hunsberger, 223 Pioneer Club Road
Geoffrey Hughes, 245 Hodenpyl Drive
Homer VanderMey, 244 Hodenpyl Drive
Julie and David Koning, 245 Hodenpyl Drive
Carolyn Gallmeyer, 189 Hodenpyl Drive

The following persons were present and stated their questions and concerns regarding the special assessment roll:

Edward Medley, 211 Hodenpyl Drive
Becky _____, 325 Pioneer Club Road
Donna Bergagnini, 144 Rexford Drive
Michael Staal, 186 Hodenpyl Drive
Dann McKeraghan, 194 Hodenpyl Drive
William Granzow, 200 Rexford Drive
Willis Thompson, 310 Hodenpyl Drive

92-349-A. Mehney-Edison. That this Commission deny the request to adopt a resolution confirming the special assessment roll for the proposed improvement of Hodenpyl Drive and direct City staff to re-design an assessment roll formula for consideration by the City Commission at a future date.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-350. A public hearing was held on the special assessment roll of delinquent accounts for placement on the 1992 tax roll. No comments were received from people in attendance. A letter was received from one of the residents regarding a false alarm charge. No action was taken to remove this charge from the list of delinquent accounts.

92-351-A. Swain-Edison. That the special assessment roll of delinquent accounts totalling \$26,937.16 be certified and that these accounts be placed on the July 1, 1992 tax roll.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-351. A Truth-In-Taxation public hearing was held. Another Truth-In-Taxation public hearing, to be held on Monday, June 1, 1992 at 7:30 p.m., in the City Commission Chamber, Municipal Offices, 750 Lakeside Drive SE, will be announced by public notice.

92-352. The City Commission acknowledged the 25 years of City employment by both Public Safety Sgt. Mike Salois and Deputy Treasurer Katy Joseph, and thanked them for their dedicated service.

92-353. Consideration of a request to award a contract to Sterling Codifiers, Inc., in the amount of \$7,950, for the republication of the City Charter and City Code.

92-353-A. Edison-Swain. That a contract be awarded to Sterling Codifiers, Inc., in the amount of \$7,950, for the republication of the City Charter and City Code.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-354. Consideration of a request to award a contract to Pyrotechnic Displays, the low bidder, in the amount of \$9,000, to provide a fireworks shows for the annual July 4th celebration.

92-354-A. Williamson-Edison. That a contract be awarded to Pyrotechnic Displays, the low bidder, in the amount of \$9,000, to provide a fireworks show for the annual July 4th celebration.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-355. Final reading of an ordinance amendment to Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to time limits on site plan approval.

92-355-A. Williamson-Swain. That an ordinance amending Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to time limits on site plan approval be approved, as follows:

AN ORDINANCE TO AMEND SECTION 5.148
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.148 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended to read as follows:

Sec. 5.148. Time Limit on Site Plan Approval.

(1) Once the Planning Commission approves a site plan, the chairperson of the Planning Commission shall sign three (3) copies thereof. One signed copy shall be made a part of the Commission's files and one copy shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. In the case of a planned unit development, final site plan approval is to be performed by the City Commission with the Mayor being the person authorized to sign copies of the approved plan.

(2) Each development shall have substantial physical construction commenced within one (1) year after the date of final site plan approval. Prior to the expiration of this time period, a sixty (60) day extension may be granted by the Planning Commission provided that the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is ready to proceed. In the case of a planned unit development, the extension is to be granted by the City Commission. The site plan shall be null and void if substantial physical construction has not commenced within the time periods provided by this section. The City Commission shall be the body which determines, in its discretion, whether substantial physical construction has commenced.

(3) Any development or project commenced pursuant to a site plan approval shall be fully completed within twenty-four (24) months after the site plan has been approved, unless a different time limitation has been expressly specified by the Planning Commission. Prior to the expiration of the 24-month time limitation or such other time limit as may be specified by the Planning Commission, the Planning Commission may grant a time extension of up to one (1) year provided that the applicant presents reasonable evidence to the effect that the development or project has encountered unforeseen difficulties but that the development or project will be completed in a timely fashion. In the case of a planned unit development, the time limitation for completion and any extension granted shall be determined by the City Commission as provided above. The City Commission shall be the body which determines, in its discretion, whether the project or the development has been fully completed. Any applicant who fails to complete a project or development within the required time limit (or approved extension) shall be deemed to be in violation of this Zoning Ordinance.

Section 2. This ordinance shall be effective on May 29, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Section 7.5 of Chapter VII of the Charter of the City of East Grand Rapids.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-356. Consideration of a request to adopt a resolution supporting the proposed reclassification of a Librarian I position assigned to the East Grand Rapids branch library to that of a Supervising Librarian I position.

92-356-A. Mehney-Edison. That this Commission adopt a Resolution supporting the proposed reclassification of a Librarian I position assigned to the East Grand Rapids branch library to that of a Supervising Librarian I position, as follows:

RESOLUTION

BE IT RESOLVED that the East Grand Rapids City Commission is supportive of the proposed reclassification of the Librarian I position assigned to the East Grand Rapids branch library to that of the Supervising Librarian I position.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-357. Consideration of a request to authorize the consolidation of the departments of Engineering Services and Public Service into a newly-created Department of City Services.

92-357-A. Williamson-Mehney. That this Commission authorize the consolidation of the Engineering Services and Public Service Departments into a newly-created Department of City Services in accordance with the City Manager's memo to the City Commission of May 11, 1992.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.
Nays: Walton - 1.

92-358. Final reading of an ordinance amending Sections 1.31, 1.101, 1.102 and 1.103, and to repeal Article VIII-A and Sections 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids.

92-358-A. Williamson-Swain. That an ordinance amending Sections 1.31, 1.101, 1.102 and 1.103, and to repeal Article VIII-A and Sections 1.104 and 1.105 of Chapter 2 of Title I of the Code of the City of East Grand Rapids be adopted, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-359. Consideration of a request to adopt a Joint Facilities Agreement between the City of East Grand Rapids and the East Grand Rapids Board of Education.

92-359-A. Williamson-Walton. Motion to table this matter until the City Commission can further consider the agreement.

A roll call vote was taken.

Yeas: Walton, Williamson and Deems - 3.
Nays: Edison, Mehney and Swain - 3.

92-359-B. Edison-Mehney. That a Joint Facilities Agreement between the City of East Grand Rapids and the East Grand Rapids Board of Education be adopted.

92-359-C. Edison-Williamson. Motion to table this matter until the City Commission can further consider the agreement and make any necessary modifications.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-360. The preliminary minutes of the Recreation Commission meeting held March 30, 1992 were received.

92-361. The preliminary minutes of the Library Commission meeting held April 28, 1992 were received.

92-362. The Building Inspection Report for the month of April, 1992 was received.

92-363. The Public Safety Report for the month of April, 1992 was received.

92-364. Commissioner Edison thanked the Public Safety Department for its quick response in dealing with an incident in his neighborhood on Saturday night. He also commended the City Services Department for their work on the trash drop-off day at the Streets and Utilities site.

92-365. The meeting was adjourned subject to the call of the Mayor until June, 1, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 1, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; County Commissioner Lorch; Recreation Director Rhodes; Public Safety Director Gallagher; Traffic Commissioner Priscilla Frakie; City Services Director Baragar; Streets & Utilities Supervisor Sterkenburg; and Controller-Clerk-Treasurer Chase.

92-366. The minutes of the regular meeting held May 18, 1992 were approved as amended.

92-367. Edison-Swain. That disbursement vouchers in the amount of \$220,453.61 and payroll disbursements in the amount of \$109,887.16, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-368. A zoning variance hearing was held to consider the request of William and Nora Fox, 1608 Sherman Street SE, to allow construction of an in-ground swimming pool six feet from the property lines rather than the required minimum ten feet, and four feet from the residence rather than the required minimum of ten feet. The pool to be located in the southwest corner of the rear yard.

Mr. and Mrs. Fox were present and spoke in favor of the variance.

92-368-A. Williamson-Frakie. That this Commission, acting as the Zoning Board of Appeals, approve the request of William and Nora Fox, 1608 Sherman Street SE, to allow construction of an in-ground swimming pool six feet from the property lines rather than the required minimum ten feet, and four feet from the residence rather than the required minimum of ten feet. The pool to be located in the southwest corner of the rear yard.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-369. A zoning variance hearing was held to consider the request of Christian Vandenberg, 975 Plymouth Road SE, to allow construction of a privacy fence six feet in height, rather than the required maximum of three feet, along the south property line abutting Alexander Road.

Elizabeth Neubig, the wife of Christian Vandenberg, was present and spoke in favor of the variance.

92-369-A. Edison-Swain. That this Commission, acting as the Zoning Board of Appeals, approve the request of Christian Vandenberg, 975 Plymouth Road SE, to allow construction of a privacy fence six feet in height, rather than the required maximum of three feet, along the south property line abutting Alexander Road, to a point eight feet east of the driveway and then diagonally 45 degrees northwest eight feet, then directly north along the rear property line.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-370. A Truth-In-Taxation public hearing was held. No public comment was made. The hearing was adjourned to Monday, June 15, 1992, at 7:30 p.m., in the City Commission Chambers, Municipal Offices, 750 Lakeside Drive SE.

92-371. Consideration of a request to award a contract to Maney's Aquatic Weed Harvesting, at a cost of \$100 per hour not to exceed \$6,000, for the first 1992 weed cutting in Reeds Lake.

92-371-A. Williamson-Edison. That a contract be awarded to Maney's Aquatic Weed Harvesting, at a cost of \$100 per hour not to exceed \$6,000, for the first 1992 weed cutting in Reeds Lake.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-372. Consideration of a request to award a contract to TNT Concrete Construction, the low bidder, in the amount of \$17,645, for the 1992 sidewalk construction program.

92-372-A. Williamson-Frakie. That a contract be awarded to TNT Concrete Construction, the low bidder, in the amount of \$17,645, for the 1992 sidewalk construction program.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

92-373. Consideration of a request to adopt a Joint Facilities Agreement between the City of East Grand Rapids and the East Grand Rapids Board of Education was taken from the table.

92-373-A. Vote taken on previous motion 92-359-B to adopt a Joint Facilities Agreement, as amended.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-374. Consideration of a request to approve the Community Development Block Grant Program Agreement for 1992-93, and deleting the Historic Preservation Project and the Recreation Needs Study from the approved project list.

92-374-A. Williamson-Edison. That the Community Development Block Grant Program Agreement for 1992-93 be approved, and to delete the Historic Preservation Project and the Recreation Needs Study from the approved project list.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

92-375. Consideration of a request to adopt reimbursement resolutions related to the Water & Sewer and Special Assessment Bonds proposed in the FY 1993 Manager Recommended Budget.

92-375-A. Edison-Frakie. That this Commission adopt a Resolution to Declare Official Intent to Reimburse Expenditures With Bond Proceeds for the 1992 sewer and water improvements, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Williamson - 6.
Nays: Deems - 1.

92-375-B. Edison-Swain. That this Commission adopt a Resolution to Declare Official Intent to Reimburse Expenditures With Bond Proceeds for 1992 street paving, as set forth on Exhibit "B" attached hereto.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Williamson - 6.
Nays: Deems - 1.

92-376. The preliminary minutes of the Traffic Commission meeting held March 19, 1992 were received.

92-377. The preliminary minutes of the Traffic Commission meeting held May 21, 1992 were received.

92-378. The minutes of the Joint Facilities Committee meeting of May 13, 1992 were received.

92-379. Roger Laninga presented himself to the City Commission as a candidate for the Kent County Drain Commissioner position.

County Commissioner Lorch was present and expressed his confidence to the City Commission that their concerns relating to the branch library, including its operating hours, would be appropriately addressed.

92-380. Mayor Deems distributed to the City Commission a recycling proposal developed by the Kent County Board of Public Works, which proposal is to be acted on by the County Board on June 3, 1992.

92-381. The meeting was adjourned subject to the call of the Mayor until June 15, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held June 15, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Mehney.

Also Present: City Manager Allard; City Attorney Huff; County Commissioner Lorch; Public Safety Director Gallagher; City Services Director Baragar; Streets & Utilities Supervisor Sterkenburg; and Controller-Clerk-Treasurer Chase.

92-382. The minutes of the regular meeting held June 1, 1992 were approved.

92-383. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from Margit Sarne, 647 Lovett SE, regarding branch library hours of operation.

92-384. Frakie-Edison. That disbursement vouchers in the amount of \$127,944.10, and payroll disbursements in the amount of \$125,055.76, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-385. A continuation of the June 1, 1992 Truth-In-Taxation public hearing was held. No public comment was made.

92-386. A public hearing was held pertaining to the General Fund budget for fiscal year 1992-93. No public comment was made.

92-387. The City Commission discussed insurance coverage for the July 4th fireworks display. The Commission directed the City Manager and City staff to investigate insurance requirements for future applicants to ensure that they appropriately satisfy the insurance criteria of the City.

92-388. Consideration of a request that Public Safety Director Gallagher be authorized to attend a three-month Federal Bureau of Investigation National Training Academy at the Quantico Marine Base in Virginia, beginning January, 1993.

92-388-A. Edison-Walton. That this Commission authorize Public Safety Director Gallagher's attendance at a three-month Federal Bureau of Investigation National Training Academy, beginning January, 1993.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-389. Consideration of a request to adopt a resolution pertaining to Section 3.71 of the Kent County Library System Policies and Procedures, and a resolution pertaining to branch library hours of operation.

Kent County Commissioner Lorch was present and expressed his disagreement with the action taken by the Kent County Library System Board. He stated that he was in favor of adopting the proposed resolutions.

92-389-A. Frakie-Williamson. That this Commission adopt a resolution urging the Kent County Library Board to revoke the amendment to Section 3.71 of the Kent County Library System Policies and Procedures which was made at the May 20, 1992 Board meeting, and reinstate the wording of Section 3.71 which had been in effect since April 18, 1984, and that this Commission adopt a resolution pertaining to branch library hours of operation, as follows:

RESOLUTION NO. 1

The East Grand Rapids City Commission makes the following findings:

1. Since April 18, 1984, Section 3.71 of the Kent County Library System Policies and Procedures stipulated that branch library hours were to be set and changed only by mutual agreement between the local government unit and the Kent County Library, except where schedules were determined by existing County policy such as holiday observances.
2. On May 20, 1992, the Kent County Library Board amended Section 3.71 to give the County Library Board the sole authority to set and change branch hours without local government approval.
3. Local governmental units in which branch libraries are located own and maintain their respective branch library facilities and provide for the cost of operations through the Kent County Library funding formula, and are in the best position to determine local citizen wishes with respect to hours.
4. Local governmental units in which branch library facilities are located have a strong vested interest in the scheduling of branch library hours to serve their citizens.

Based on these findings, the East Grand Rapids City Commission adopts the following resolution:

BE IT RESOLVED that the East Grand Rapids City Commission strongly urges the Kent County Library Board to revoke the amendment

to Section 3.71 of the Kent County Library System Policies and Procedures which was made at the May 20, 1992 Board meeting, and reinstate the wording of Section 3.71 which had been in effect since April 18, 1984.

RESOLUTION NO. 2

The East Grand Rapids City Commission makes the following findings:

1. The library is a public service whose hours should be set to meet the needs of its community.
2. Saturday is a busy day at the East Grand Rapids library, especially for reference materials, video and AV material.
3. Sunday is the busiest day at the East Grand Rapids library when it is the only library open in the Kent County Library System.
4. The Kent County System has increasing numbers of families where two parents work, leaving Saturday and Sunday as crucial days for family library use and for others whose work schedules only allow them time on the weekend to visit the library.
5. The proposed closings do not result in any cost savings in the library system.
6. The recommendation only attempts to address the staff stress problems by reducing library hours, rather than investigating a variety of ways to solve the problem which would have less negative impact on library users.
7. The recommendation is not equitable since all other branch libraries would be closed for 7-1/2 hours per weekend for the summer while the East Grand Rapids library would be closed for 11-1/2 hours per weekend.
8. The recommendation proposes that all libraries be closed at the same time rather than staggering the closed hours so that some libraries in the system would be open at all times.
9. The recommendation does not allow each community to pick the hours during which it will be closed, thus allowing them to close during their slowest hours.
10. The recommendation depends on the Grand Rapids Library System to service our library users, a system over which we have no control, rather than using the flexibility which our system allows to cover all hours.
11. Mondays are already very busy days at the East Grand Rapids library and closing the library all weekend will only make Mondays more stressful for the library staff since the library does not have enough computers to be used by extra staff to help ease the workload.
12. Earlier reduced hours in other branches in the Kent County Library System did not lessen the number of books circulated, but eventually resulted in approximately the same number of books handled by staff in fewer hours, thus potentially increasing staff stress during those hours.
13. Staff would bear the brunt of the negative impact in the community as library users complained about reduced hours and therefore increase staff stress.
14. Library users may believe that the closing of all libraries on weekends is a punishment for the recent unsuccessful bid for the district library.
15. Elected officials of the local governments may see this action as unresponsive to the needs of their individual communities and question the future responsiveness of an independent district library board.
16. Our primary function at the library is to provide service to our citizens, and we must strive to meet that goal.

Based on these findings, the East Grand Rapids City Commission adopts the following resolution:

BE IT RESOLVED that the East Grand Rapids City Commission urges the Kent County Library Board to reject the recommendations of the Kent County Library administrative staff, and to work with the local governments which comprise the system to develop a plan which addresses the staff problems and is agreeable to all entities in the Kent County Library System.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

92-390. The preliminary minutes of the Recreation Commission meeting held May 11, 1992 were received.

92-391. The Building Inspection report for the month of May, 1992 was received.

92-392. The Public Safety report for the month of May, 1992 was received.

92-393. Commissioner Edison commented on phone calls he received from residents who were concerned about the parking problem due to construction around the Manhattan Recreation Area. He stated that we should notice area residents before beginning construction projects of this nature.

92-394. The meeting was recessed for the purpose of conducting a FY 93 budget work session.

92-395. The meeting was reconvened following the FY 93 budget work session.

92-396. Williamson-Edison. To add to the agenda the introduction of an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

92-397. Introduction of an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids.

92-397-A. Williamson-Edison. To introduce an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids, as set forth on Exhibit "A" attached hereto.

92-398. The meeting was adjourned subject to the call of the Mayor until July 6, 1992.

City Clerk

UNOFFICIAL
Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 6, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Frakie.

Also Present: City Manager Allard; City Attorney Huff; County Drain Commissioner Bittrick; Public Safety Director Gallagher; City Services Director Baragar; Engineering Services Supervisor Kadzban; and Community Service Supervisor Yukon.

93-1. The minutes of the regular meeting held June 15, 1992 were approved.

93-2. The minutes of the special meeting held June 15, 1992 were approved.

93-3. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence commending the City's Public Safety Officers for assisting in the arrest of a suspect wanted in Kentwood and Wyoming for rape.
- (b) Correspondence regarding the crime statistics for Kent County showing East Grand Rapids as the only community having a decrease in major crime over the past five years.

93-4. Swain-Edison. That disbursement vouchers in the amount of \$218,719.45, payroll disbursements in the amount of \$136,663.65, and disbursements to County and Schools in the amount of \$1,018.18, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-5. Consideration of a request to approve Alternative No. 1 as a method for special assessment of properties for the improvements to Hodenpyl Road, and that the City Commission set a date for hearing on adoption of the assessment roll.

The following residents were present and stated their questions and concerns regarding the special assessment methods being considered by the City Commission:

Peter Kobs, 2727 Reeds Lake Boulevard SE
Daniel Hunsberger, 223 Pioneer Club Road
Carolyn Gaston, 300 Hodenpyl SE
Richard Martin, 322 Hodenpyl SE
Dann Mc Keraghan, 194 Hodenpyl SE

Commissioner Edison advised the residents that Alternative No. 1 was derived by: (1) reviewing previously assessed properties to see how they were done; (2) reviewing setback requirements and codes to establish front footage for the house; and (3) if the frontage of a house has not yet been determined by the above methods, then reviewing the physical frontage of the house.

93-5-A. Williamson-Swain. That this Commission approve Alternative No. 1 as the special assessment method used on properties for the improvement to Hodenpyl Road, and that the date for a public hearing on adoption of the assessment roll be scheduled for July 20, 1992.

Yeas: Mehney, Swain, Walton, Williamson and Deems - 5.

Nays: Edison - 1.

93-6. Consideration of a request to approve a two-year extension of deferred sidewalk agreements entered into between the City of East Grand Rapids, Mr. Ed Zaagman (Andover Plat), and Albert Builders and Visser Brothers (Arundel Road Plat).

Ed Zaagman, owner of lots on the Andover Plat, was present and spoke in favor of the two-year extension.

93-6-A. Edison-Mehney. That a one-year extension on the deferred sidewalk agreements for the Andover and Arundel Road Plats be approved.

93-6-B. Edison-Mehney. To amend motion 93-6-A to allow for a one-year extension on the sidewalk agreement between the City of East Grand Rapids and Ed Zaagman for the Andover Plat only.

Yeas: Edison, Mehney, Swain, Walton, and Deems - 5.

Nays: Williamson - 1.

Vote on motion 93-6-A, as amended.

Yeas: Edison, Mehney, Swain, Walton, and Deems - 5.

Nays: Williamson - 1.

93-6-C. Williamson-Walton. That a two-year extension on the deferred sidewalk agreement between the City of East Grand Rapids and Albert Builders and Visser Brothers for the Arundel Road Plat be denied.

Yeas: Edison, Mehney, Swain, Walton, Williamson - 5.
Nays: -0-
Abstain: Deems - 1.

93-7. Introduction of an ordinance amending Sections 8.603, 8.605 and 8.606 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to BOCA plumbing codes.

93-7-A. Walton-Williamson. To introduce an ordinance to amend Sections 8.603, 8.605 and 8.606 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids, as set forth on Exhibit "A" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-8. Introduction of ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 50, 53, 84, 92 and 96 of the City Code due to the consolidation of the Engineering Services Department and the Public Service Department into the new department of City Services, and because of the discontinuance of the position of City Engineer.

93-8-A. Williamson-Walton. To introduce ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 50, 53, 84, 92 and 96 of the Code of the City of East Grand Rapids, as set forth on Exhibit "B" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-9. Introduction of an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to zoning variance application fees.

93-9-A. Edison-Walton. To introduce an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, as set forth on Exhibit "C" attached hereto.

93-10. Consideration of a request to authorize trade-in of the 1955 American La France fire truck (Engine No. 52) to West Shore for equipment to be placed on the previously-authorized mini-pumper vehicle in the Public Safety Department, which trade-in price totals \$7,506.

93-10-A. Williamson-Swain. That the trade-in of the 1955 American La France fire truck (Engine No. 52) to West Shore for equipment to be placed on the previously-authorized mini-pumper vehicle in the Public Safety Department, which trade-in price totals \$7,506, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-11. Consideration of a request to approve the agreement between the City of East Grand Rapids and the Kent County Health Department for animal control services for fiscal year 1992-93.

93-11-A. Walton-Edison. That the agreement between the City of East Grand Rapids and the Kent County Health Department for animal control services for fiscal year 1992-93 be approved.

Yeas: Edison, Mehney, Walton, Williamson and Deems - 5.
Nays: Swain - 1.

93-12. Consideration of a request to adopt a resolution to confirm the City's participation in a regional multi-participant Geographical Information System (GIS) study.

93-12-A. Williamson-Edison. That this Commission adopt a resolution to participate in the Geographical Information System study, as follows:

RESOLUTION

WHEREAS, the Kent County Geographical Information System (GIS) Committee, established by the Kent County Board of Commissioners, has issued a report entitled "Final Recommendations for Regional Multi-Participant Geographical Information System;" and

WHEREAS, a Geographical Information System is a computerized database management system for capture, storage, retrieval, analysis and display of spatial (map based) data;

NOW, THEREFORE, BE IT RESOLVED that the City of East Grand Rapids accepts the report of the Kent County GIS Committee; and

BE IT FURTHER RESOLVED that the City of East Grand Rapids supports a regional, multi-participant GIS; and

BE IT FURTHER RESOLVED that the City of East Grand Rapids commits a not to exceed amount of \$1,525 to retain a GIS consultant, said final amount is dependent on number of other participants and actual consultant costs; and

BE IT FURTHER RESOLVED that the City of East Grand Rapids directs its City Manager to appoint a contact person who will serve as the City's representative to the Kent County GIS Committee.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.
Nays: Mehney - 1.

93-13. Consideration of a request to adopt a resolution

granting pension credits for previous municipal employment for the City Assessor, Recreation Director and Public Safety Director.

93-13-A. Mehney-Williamson. That this Commission adopt a resolution granting pension credits for previous municipal employment for the City Assessor Norman, Recreation Director Rhodes, and Public Safety Director Gallagher, as follows:

RESOLUTION

As provided by Act 427, Public Act of 1984, as amended, the East Grand Rapids City Commission hereby resolves to grant pension credits for previous municipal employment for the following individuals as noted below:

City Assessor Shirley Norman	6 months
Recreation Director William Rhodes	6 months
Public Safety Director Peter Gallagher	1 year

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-14. Consideration of a request to approve the FY 1992-93 committee appointment list.

93-14-A. Edison-Mehney. That the committee appointment list for FY 1992-93 be approved, with the following amendments:

- (a) Removing Commissioner Stephen Edison from the Board of Review and replacing him with Commissioner Robert Swain.
- (b) Eliminating the Community Advisory Board from the appointment list.
- (c) Placing Commissioner Stephen Edison on the Recreation Commission.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-15. Consideration of a request to adopt a resolution appointing William Baragar as the City's Street Administrator.

93-15-A. Edison-Mehney. That the resolution appointing William Baragar as the City's Street Administrator be adopted, as set forth on Exhibit "D" attached hereto.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-16. Consideration of a request to appoint William Sterkenburg as the City's Traffic Engineer.

93-16-A. Edison-Swain. That the appointment of William Sterkenburg as the City's Traffic Engineer be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-17. Consideration of a request to authorize the City Services Department to solicit bids for both the Manhattan lift station and the Pioneer Club Road improvements.

93-17-A. Edison-Swain. That the request for the City Services Department to solicit bids for both the Manhattan lift station and the Pioneer Club Road improvements be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-18. Consideration of a request to approve the purchase and installation of office furnishings for the upper level Municipal Offices from Custer Office Environments, in the sum of \$47,460.79.

93-18-A. Edison-Swain. That the purchase and installation of office furnishings for the upper level Municipal Offices from Custer Office Environments, in the sum of \$47,460.79, be approved.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.
Nays: -0-
Abstain: Walton - 1.

93-19. Consideration of a request to adopt a resolution authorizing a severance package for Civil Engineer Jeffrie Kocsis, and to approve a budget amendment transferring \$9,800 from the Undesignated General Fund balance to the City Services Salary account.

93-19-A. Williamson-Edison. That a resolution authorizing a severance package for Civil Engineer Jeffrie Kocsis be adopted as set forth below, and that a budget amendment transferring \$9,800 from the Undesignated General Fund balance to the City Services Salary account be approved.

RESOLUTION

RESOLVED that the City Commission authorizes a severance package for Civil Engineer Jeffrie Kocsis consisting of the following:

That Mr. Kocsis' salary continue at the rate of pay in effect at the time of his termination on a payroll-by-payroll basis, for a period of three months; That a stipend of \$80 per month, payable on the first day of each month, be provided to cover the cost of major medical and dental coverage for Mr. Kocsis and his wife, under the terms of his wife's health care plan associated with her employer, and that this stipend be

discontinued at such time as Mr. Kocsis becomes gainfully re-employed, but in no event is it to continue beyond the three-month period; and

That Mr. Kocsis be paid for unused sick leave on the same formula basis as what applies to retirees.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.

Nays: Walton - 1.

93-20. Nomination of President of City Commission for fiscal year 1992-93.

93-20-A. Walton-Williamson. That Commissioner David Mehney be nominated for the position of President of the City Commission for fiscal year 1992-93.

93-20-B. Walton-Edison. Motion to close the nomination.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.

Nays: -0-

Abstain: Mehney - 1.

Vote on motion 93-20-A.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.

Nays: -0-

Abstain: Mehney - 1.

93-21. The Schedule of City Commission meeting dates for FY 1992-93 was received.

93-22. The preliminary minutes of the Library Commission meeting held May 26, 1992 were received.

93-23. The preliminary minutes of the Joint Facilities Committee meeting held June 11, 1992 were received.

93-24. Barry Bittrick, Kent County Drain Commissioner, was present and requested the support of the City for his re-election in the upcoming election. Commissioner Bittrick also made himself available for questions or comments from the City Commission pertaining to the Oakwood/Beechwood storm drain project.

93-25. Commissioners Mehney, Edison, Walton and Mayor Deems commended the Recreation Department and the Public Safety Department for their fine efforts with the Reeds Lake Run event and the 4th of July events.

Commissioner Walton announced that there will be a meeting on July 7, 1992 at St. Nicholas Church pertaining to the Metropolitan Hospital parking issue.

The Commission discussed the Rose's Popcorn Shoppe matter which will be coming before the Planning Commission in the near future. The request that the Planning Commission discuss the following matters in its consideration of the matter:

- Consideration of parking requirements and needs.
- Consideration of hours of operation, especially as it relates to a liquor license on the premises.
- Consideration of making the restroom facilities accessible from the outside of the premises.

93-26. The meeting was adjourned subject to the call of the Mayor until July 20, 1992

City Clerk

ROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 20, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Public Safety Director Gallagher; City Services Director Baragar; Engineering Services Supervisor Kadzban; Community Service Coordinator Yukon; Public Safety Officer Brown; Public Safety Officer Metternich; Administrative Secretary Marr; ; and Controller-Clerk-Treasurer Chase.

93-27. The minutes of the regular meeting held July 6, 1992 were approved, as amended.

93-28. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from Barbara Lundeen, 1257 Lake Drive SE, thanking the City's Public Safety Officers for their assistance in handling a health emergency at her parent's home.

93-29. Edison-Swain. That disbursement vouchers in the amount of \$542,190.01 and payroll disbursements in the amount of \$19,650.11 for fiscal year 1991-92, and disbursement vouchers in the amount of \$16,382.04 and payroll disbursements in the amount of \$111,680.13 for fiscal year 1992-93, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

Commissioner Mehney arrived.

93-30. Introduction of newly-hired Public Safety Officers Troy Brown and Jeff Metternich, and Administrative Secretary Myrna Marr. Public Safety Officers Brown and Metternich were sworn in by City Clerk Chase.

93-31. A zoning variance hearing was held to consider the request of Jean and David Hagens, 2146 Anderson SE, to allow the construction of a two-stall detached garage and driveway to be located one foot from the west side yard property line, rather than the required three-foot minimum as set forth in the zoning ordinance.

David Hagens was present and spoke in favor of the variance. Mr. Hagens submitted to the Commission two letters from Mary T. Cody, 2138 Anderson, and Scott Wilkening, 2150 Anderson, supporting the request for a variance.

93-31-A. Walton-Frakie. That this Commission, acting as the Zoning Board of Appeals, approve the request of Jean and David Hagens, 2146 Anderson SE, to allow the construction of a two-stall detached garage and driveway to be located one foot from the west side yard property line, rather than the required three-foot minimum as set forth in the zoning ordinance.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-32. A zoning variance hearing was held to consider the request of Malcolm and Mara Fenton, 1748 Vesta Lane SE, to allow for the construction of a two-story addition on the rear of their residence to be located 16 feet from the rear property line, rather than the required 25 feet as set forth in the zoning ordinance.

Malcolm Fenton was present and spoke in favor of the variance. Mr. Fenton submitted to the Commission a petition signed by thirteen neighbors supporting the request for a variance.

93-32-A. Walton-Edison. That this Commission, acting as the Zoning Board of Appeals, approve the request of Malcolm and Mara Fenton, 1748 Vesta Lane SE, to allow for the construction of a two-story addition on the rear of their residence to be located 16 feet from the rear property line, rather than the required 25 feet as set forth in the zoning ordinance.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-33. A public hearing was held regarding the special assessment roll for the proposed improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard.

The following residents were present and expressed their questions and concerns pertaining to the special assessment roll:

Peter Kobs, 2727 Reeds Lake Boulevard SE
Patricia Hickey, 239 Pioneer Club Road SE
Daniel Hunsberger, 223 Pioneer Club Road SE
Geoffrey Hughes, 260 Hodenpyl SE

The public hearing was closed.

93-33-A. Williamson-Swain. Motion to adopt the resolution confirming assessment roll pertaining to the proposed improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard, as follows:

RESOLUTION CONFIRMING ASSESSMENT ROLL

RESOLVED that a public hearing having been duly held on the special assessment roll for the improvement consisting of removal of existing base, installation of storm drainage system, sanitary sewer repair, water service replacement, combination curb and gutter, construction of 26-foot-wide roadway including 12-inch sand sub-base, 6-inch gravel base, and 2-inch asphalt surface, tree replacement, restoration and other work on Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard, and all persons having been given the opportunity to be heard with regard thereto and this City Commission having considered all written or oral objections thereto, and it appearing that said special assessment roll does not require any changes or corrections, this City Commission does confirm such special assessment roll and does order that the Clerk endorse the date of confirmation upon special assessment roll and transmit the same to the Treasurer for collection.

The Hodenpyl Drive Special Assessment Roll is as set forth on Exhibit "A" attached hereto.

93-33-B. Walton-Mehney. Motion to table this matter until such time as Patricia Hickey, 239 Pioneer Club Road SE, has an opportunity to state her concerns to the City Commission relating to the assessment roll.

A roll call vote was taken.

Yeas: Mehney and Walton - 2.

Nays: Edison, Frakie, Swain, Williamson and Deems - 5.

Vote on motion 93-33-A.

Yeas: Frakie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Edison - 1.

93-34. Consideration of a request to authorize the City Services Department to solicit bids for the improvement of Hodenpyl Drive, from Rexford Drive to Reeds Lake Boulevard.

93-34-A. Williamson-Mehney. That this Commission authorize the City Services Department to solicit bids for the improvement of Hodenpyl Drive.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-35. Consideration of the Agreement to Purchase Real Estate between the City of East Grand Rapids and Reeds Lake Place, a Michigan limited partnership.

The following residents were present and spoke in favor of the City's purchase of the property:

Dr. Alfred Swanson, 2945 Bonnell SE
Julie Stoneman, representative for WMEAC
Peter Kobs, 2727 Reeds Lake Boulevard SE
Geoffrey Hughes, 260 Hodenpyl SE
Joan Wolfe, 2127 Durant SE

Colleen Jarvis, 900 San Lucia SE, was present and spoke in opposition to the City's purchase of the property.

93-35-A. Swain-Williamson. That this Commission approve the Agreement to Purchase Real Estate between the City of East Grand Rapids and Reeds Lake Place, a Michigan limited partnership, pertaining to the purchase of the Gilmore property. This approval is contingent upon a satisfactory title insurance commitment, Exhibit "B" to the Agreement, being received by the City.

A roll call vote was taken.

Yeas: Edison, Swain, Williamson and Deems - 4.

Nays: Frakie, Mehney and Walton - 3.

93-36. Final reading of an ordinance amending Sections 8.603, 8.605 and 8.606 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids pertaining to BOCA plumbing codes.

93-36-A. Williamson-Swain. That an ordinance amending Sections 8.603, 8.605 and 8.606 of Chapter 86 of Title VIII of the Code of the City of East Grand Rapids, as set forth on Exhibit "B" attached hereto, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-37. Final reading of ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 42, 50, 53, 84, 92 and 96 of the City Code due to the consolidation of the Engineering Services Department and the Public Service Department into the new department of City Services, and because of the discontinuance of the position of City Engineer.

93-37-A. Edison-Swain. That ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 42, 50, 53, 84, 92 and 96 of the Code of the City of East Grand Rapids, be approved.

93-37-B. Frakie-Williamson. Motion to table the adoption of ordinance amendments pertaining to the consolidation until such time as the City Attorney modifies these ordinance amendments to include only references to the City Services Department, eliminating references to intra-departmental titles.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6.

Nays: Swain - 1.

93-38. Final reading of an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to zoning variance application fees.

93-38-A. Walton-Edison. That an ordinance amending Section 5.172 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, as set forth on Exhibit "C" attached hereto, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-39. The preliminary minutes of the Recreation Commission meeting held June 8, 1992 were received.

93-40. The Building Inspection Report for the month of June, 1992 was received.

93-41. The Public Safety Report for the month of June, 1992 was received.

93-42. Commissioner Walton stated that the Planning Commission discussed the Rose property matter at its last meeting. He advised the City Commission that this matter would be referred back to them in order to clarify questions of the Planning Commission.

Commissioners Walton and Edison advised that the removal of weeds and the repair of the fence on Arundel Road has still not been taken care of by the developers.

Commissioner Swain inquired as to the status of the waterfront overlay zone being discussed by the Planning Commission. Commissioner Walton advised that the matter has been deferred until a future date due to a heavy Planning Commission agenda.

Commissioner Mehney inquired as to the status of a water billing question by James Conway, 2060 Robinson Road SE. Controller-Clerk-Treasurer Chase responded that the matter was being investigated and that a copy of the resulting correspondence would be forwarded to Commissioner Mehney.

Mayor Deems stated that the Traffic Commission would be considering the St. Nicholas variance request on August 7, 1992, and that he was anticipating bringing this matter before the City Commission at its regular meeting on August 17.

93-43. Williamson-Mehney. To enter into executive session to discuss the performance evaluation of the City Manager in accordance with Section 8(a) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Frakie - 1.

93-44. The meeting was adjourned subject to the call of the Mayor until August 3, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 3, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Mehney.

Also Present: City Manager Allard; City Attorney Huff; Public Safety Director Gallagher; Engineering Services Supervisor Kadzban; Community Service Coordinator Yukon; Administrative Clerk Stulp; and Controller-Clerk-Treasurer Chase.

93-45. The minutes of the regular meeting held July 20, 1992 were received.

93-46. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from a resident thanking the City's Public Safety Officers for the assistance they provided with the resident's stalled car.
- (b) Correspondence from a resident thanking the City for voting to obtain the Gilmore property.
- (c) Correspondence from a resident expressing his opposition to the City's decision to purchase the Gilmore property.

93-47. Introduction of newly-hired Administrative Clerk II Leanne Stulp.

93-48. Frakie-Edison. That disbursement vouchers in the amount of \$98,596.02, payroll disbursements in the amount of \$110,844.98, and disbursements to County and Schools in the amount of \$534,902.56, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-49. The Kent County Residential Recycling Plan was discussed. Doug Wood, Director of Solid Waste Operations, Kent County Department of Public Works, was present and summarized the plan for the City Commission.

93-50. Final reading of ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 42, 50, 53, 84, 92 and 96 of the City Code due to the consolidation of the Engineering Services Department and the Public Service Department into the new department of City Services, and because of the discontinuance of the position of City Engineer.

93-50-A. Edison-Frakie. That ordinances amending Chapters 21, 22, 23, 24, 32, 35, 41, 42, 50, 53, 84, 92 and 96 of the Code of the City of East Grand Rapids, as set forth on Exhibit "A" attached hereto, be approved.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-51. Consideration of a request to approve the purchase of two 1992 Chevrolet Caprice police package vehicles from Berger Chevrolet, at the state bid price of \$14,851.40 per unit, for a total of \$29,702.80.

93-51-A. Edison-Williamson. That the purchase of two 1992 Chevrolet Caprice police package vehicles from Berger Chevrolet, at a total cost of \$29,702.80 be approved, and that this Commission authorize the trade-in of the Public Safety Department's unit 11-7 vehicle.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-52. Consideration of a request to adopt a resolution granting pension credits for previous municipal employment for the City Manager.

93-52-A. Williamson-Frakie. That this Commission adopt a resolution granting pension credits for previous municipal employment for the City Manager, as follows: RESOLUTION

As provided by Act 427, Public Act of 1984, as amended, the East Grand Rapids City Commission hereby resolves to grant pension credits for previous municipal employment for the City Manager for a period of six (6) months.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-53. Consideration of a request to appoint Thomas Chase as the City's officer delegate at the Municipal Employees Retirement System annual business meeting of October 8 and 9, 1992, and that Shirley Norman serve as the alternate officer delegate.

93-53-A. Walton-Frakie. That this Commission appoint Thomas Chase as the City's officer delegate at the Municipal Employees Retirement System annual business meeting of October 8 and 9, 1992, and that Shirley Norman serve as the alternate officer delegate.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-54. Consideration of a request that a voting delegate and an alternate voting delegate be designated for purposes of casting the City's vote at the Michigan Municipal League annual business meeting.

93-54-A. Edison-Swain. That this Commission appoint City Manager Timothy Allard as the City's voting delegate for purposes of casting the City's vote at the Michigan Municipal League annual business meeting.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 5.
Nays: Frakie - 1.

93-55. The 1992 Construction Progress Report was presented to the City Commission.

93-56. Consideration of a request to appoint Mary Mast, 833 Orchard Avenue SE, to the Recreation Commission as a replacement for Lynne Pope.

93-56-A. Williamson-Edison. That Mary Mast, 833 Orchard Avenue SE, be appointed to the Recreation Commission to replace Lynne Pope.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-57. The preliminary minutes of the Library Commission meeting held June 23, 1992 were received.

93-58. The preliminary minutes of the Traffic Commission meeting held June 17, 1992 were received. City Attorney Huff was directed to prepare appropriate ordinance amendments pertaining to increased parking fines that were approved by the Traffic Commission.

93-59. Tony LaMonico and Tom VanKlempton of the Vietnam Veterans of America were present. They requested that the City of East Grand Rapids fly a POW/MIA flag over the City on a permanent basis.

Commissioners Williamson and Edison requested that this matter be placed on the August 17, 1992 City Commission agenda for discussion.

93-60. Commissioner Walton introduced Marsha Wilcox, candidate for the State of Michigan House of Representatives.

93-61. The meeting was adjourned subject to the call of the Mayor until August 17, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 17, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Traffic Commission Chairperson Priscilla Frakie; Public Safety Director Gallagher; City Services Director Baragar, Streets and Utilities Superintendent Sterkenburg, Building Inspector Turcotte; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-62. The minutes of the regular meeting held August 3, 1992 were received.

93-63. Mayor Deems advised the City Commission of communications received, as follows:

(a) Correspondence from Willard and Joan Wolfe, 2127 Durant SE, thanking the City for purchasing the Gilmore property.

93-64. Swain-Edison. That disbursement vouchers in the amount of \$210,656.02, payroll disbursements in the amount of \$123,697.88, and disbursements to County and Schools in the amount of \$1,950,527.84, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-65. Announcement of Excellence in Storage Award to be presented to the City by the Salt Institute for its salt storage facility located at the Public Service Complex.

93-65-A. Swain-Frakie. Motion to override the City Manager's decision to send a City staff member to Boston, Massachusetts to accept this award.

A roll call vote was taken.

Yeas: Frakie, Mehney, Swain and Walton - 4.

Nays: Edison, Williamson and Deems - 3.

93-66. Consideration of a request by the Vietnam Veterans of America that the POW/MIA flag be flown over the City on a continuous basis.

93-66-A. Frakie-Edison. That the request by the Vietnam Veterans of America that the POW/MIA flag be flown over the City on a continuous basis be approved.

93-66-B. Swain-Williamson. To amend motion 93-66-A to state that the POW/MIA flag may be flown at the City Manager's discretion, and not necessarily on a continuous basis.

Yeas: Edison, Mehney, Swain, Walton, Williamson - 5.

Nays: Frakie - 1.

Mayor Deems did not vote.

93-66-C. Walton-_____. Motion to table issue until such time as the City Attorney determines whether, by granting this request, the City has created a standard which must be adhered to with all flag-flying requests that may come before the City Commission.

Motion fails due to lack of a second.

Vote on motion 93-66-A as amended.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-67. The Traffic Commission minutes for the meeting held August 7, 1992 were received.

93-68. A public hearing was held on the request of St. Nicholas Church, 2148 Boston Street SE, to allow the church parking lot to be used by employees of Metropolitan Hospital and the professional medical building adjacent to the hospital.

The following correspondence was received at City Hall regarding this matter:

Ann and Philip Ammond, 1640 Oxford, SE - opposed
William F. Hoyt, Planning Director for City of Grand Rapids - in favor
Michael R. Karolle, St. Nicholas Parish Council - in favor
Arthur C. Spalding, attorney for BOLE Neighborhood Association - opposed
Robert J. Larson, 2121 Boston SE - opposed

The following persons were present and spoke in favor of the variance request:

Michael Karolle, 1320 Woodshire SE
William Busch, 2545 Frederick SE
Frank McCarthy, President of Metropolitan Hospital
William Cunningham, 1940 Lake Drive SE
George Zimmerman, 1320 Plymouth SE
Terry Mawhinney, 1531 Lenox
James Cherry, 2217 Boston SE
George Ignatiev, 925 Rosewood SE
Scott Smith, Attorney for St. Nicholas Church
Dr. Thomas Bander, 616 Manhattan Road SE
Jan English, Community Relations Director for Metropolitan Hospital
Barb Seiloff, 4849 Reimen, Kentwood (Councilwoman for St. Nicholas Church)

The following persons were present and spoke in opposition of the variance request:

Art Spaulding, Attorney representing the BOLE Neighborhood Association
Michael Smith, 1640 Laurel SE
David Whitehouse, 1627 Oxford SE
Joseph Corey, 1636 Laurel SE
Robert Larson, 2121 Boston SE
Don Novack, 1711 Oxford SE
Kathryn Corey, 1636 Laurel SE

Mike Smith of M.C. Smith & Associates was also present. Mr. Smith was requested by St. Nicholas Church to explain to the City Commission the screening plan which was previously presented to the neighborhood residents for their consideration.

The Mayor closed the public hearing.

City Attorney Huff set forth the standards of review to be used by the City Commission.

93-68-A. Edison-Walton. That this Commission interpret the term "hospitals" as used in Section 5.24(3) of the City Code to not include a hospital parking lot which is not adjacent to, attached to, or part of the same lot as the hospital entity so that special use approval is not possible, and to therefore further rule that the St. Nicholas Church parking lot cannot be used for hospital parking unless a variance is approved.

93-68-B. Frakie-_____. Motion to table matter until the City Commission has an opportunity to further evaluate the issues before them.

Motion fails due to lack of a second.

Vote on motion 93-68-A.

Yeas: Edison, Mehney, Swain and Walton - 4.
Nays: Frakie and Williamson - 2.
Abstain: Deems - 1.

93-68-C. Edison-Walton. Motion to deny the variance request of St. Nicholas Church, 2148 Boston Street SE, to allow the church parking lot to be used by employees of Metropolitan Hospital and the professional medical building adjacent to the hospital.

Yeas: Edison, Frakie, Mehney, Walton and Williamson - 5.
Nays: Swain - 1.
Abstain: Deems - 1.

93-69. Introduction of an ordinance amending Sections 5.4(21) and Section 5.142 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to site condominium projects.

93-69-A. Williamson-Edison. That the ordinance amending Sections 5.4(21) and Section 5.142 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, as set forth on Exhibit "A" attached hereto, be introduced.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-70. Consideration of a request to award a contract to Lodestar Construction, the low bidder, in the amount of \$120,284.60, for Pioneer Club Road improvements and the Manhattan Lift Station.

93-70-A. Edison-Swain. That a contract be awarded to Lodestar Construction, the low bidder, in the amount of \$120,284.60, for Pioneer Club Road improvements and the Manhattan Lift Station.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-71. Consideration of a request to amend the street lighting contract with Consumers Power Company to allow for a streetlight relocation and upgrade at the corner of Pioneer Club Road and Reeds Lake Boulevard cutoff.

93-71-A. Williamson-Walton - That the street lighting contract with Consumers Power Company be amended to allow for a streetlight relocation and upgrade at the corner of Pioneer Club Road and Reeds Lake Boulevard cutoff.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-72. Consideration of a request to award a contract to Velting Contractors, the low bidder, in the amount of \$129,870.50, for the Hodenpyl Road improvement project.

93-72-A. Frakie-Edison. That a contract be awarded to Velting Contractors, the low bidder, in the amount of \$129,870.50, for the Hodenpyl Road improvement project.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-73. Consideration of a request to approve the continuation of weed harvesting on Reeds Lake and to award the remainder of the 1992 weed cutting contract to Maneys Aquatic Weed Harvesting, in the sum of \$6,000.

93-73-A. Williamson-Edison. That the continuation of weed harvesting on Reeds Lake be approved, and that the remainder of the 1992 weed cutting contract be awarded to Maneys Aquatic Weed Harvesting, in the sum of \$6,000.

Yeas: Edison, Frakie, Mehney, Walton, Williamson and Deems - 6.
Nays: Swain - 1.

93-74. Consideration of a request to award the 1992 sidewalk construction program contract to VanderGalien Company, in the amount of \$17,926, and that the bid award to TNT Concrete Construction, in the amount of \$17,645, be rescinded.

93-74-A. Edison-Frakie. That the 1992 sidewalk construction program contract be awarded to VanderGalien Company, in the amount of \$17,926, and that the bid award to TNT Concrete Construction, in the amount of \$17,645, be rescinded.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-75. The preliminary minutes of the Planning Commission meetings held June 9 and July 14, 1992 were received.

93-76. The preliminary minutes of the Recreation Commission meeting held July 13, 1992 were received.

93-77. The Building Inspection Report for the month of July, 1992 was received.

93-78. The Public Safety Report for the month of July, 1992 was received.

93-79. Commissioner Edison expressed his appreciation for the Commission lists included with his agenda packet. He also requested that City staff investigate the possibility of publishing these lists in the newsletter. Mayor Deems directed City staff to check into this option.

Commissioner Frakie commended City Attorney Huff for the job he did on the St. Nicholas Church parking lot matter.

93-80. The meeting was adjourned subject to the call of the Mayor until September 8, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 8, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Public Safety Director Gallagher; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-81. The minutes of the regular meeting held August 17, 1992 were received.

93-82. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Correspondence from William H. Weir, 1728 Breton Road SE, thanking Building Inspector Turcotte for his prompt handling of a situation regarding dead trees on the Weir property.
- (b) Correspondence from Eric Loyd, 858 Floral SE, expressing his thanks and appreciation to Officer Brian Williams for the speed and professionalism demonstrated in recovering Mr. Loyd's vehicle.
- (c) Correspondence from the EGR Board of Education thanking the City Commission for allowing the use of the Commission Chambers for School Board meetings.

93-83. Edison-Swain. That disbursement vouchers in the amount of \$309,458.15, payroll disbursements in the amount of \$103,200.76, and disbursements to County and Schools in the amount of \$3,843,318.91, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-84. The Uniform Crime Report for 1991, published by the Federal Bureau of Investigation, was received.

Commissioner Mehney arrived.

93-85. The City Commission was notified of Public Safety Officer Brian Williams' promotion to the rank of Public Safety Sergeant.

93-86. Consideration of a request to authorize the purchase of eight self-contained breathing apparatus cylinders from West Shore Fire Equipment, in the amount of \$3,664, for use by the Public Safety Department.

93-75-A. Williamson-Frakie. That the purchase of eight self-contained breathing apparatus cylinders from West Shore Fire Equipment, in the amount of \$3,664, for use by the Public Safety Department, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-87. The City Commission was provided information regarding the H. Brown Superfund Site in Walker, Michigan, and the terms of the settlement agreement presented by the Environmental Protection Agency were discussed.

93-88. The financial reports for the year ended June 30, 1992 were received.

93-89. Mr. Tony LaMonico and Mr. Tom Van Putton, of the Vietnam Veterans of America, were present and repeated their request to the City Commission that the MIA/POW flag be flown over the City on a continuous basis, and not just on special occasions.

93-90. Mayor Deems announced that the EGR Public Schools would be holding a "Community Kickoff of Strategic Planning" on September 14, 1992, from 7:00 p.m. to 8:30 p.m., in the High School Cafeteria.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 21, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Public Safety Director Gallagher; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Engineering Services Supervisor Kadzban; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-91. The minutes of the regular meeting held September 8, 1992 were received.

93-92. Mayor Deems advised the City Commission of communications received, as follows:

- (a) Memorandum commending Acting Sgt. Gadbois for the excellent job he did in coordinating the Public Safety Department's activities during the Reeds Lake Triathlon.
- (b) Correspondence from Garth Hillebrand, 1426 Lake Grove SE, expressing his approval of the City's decision to purchase the Gilmore property.
- (c) Correspondence from Catrina Patterson thanking PSO Metternich for the friendly assistance he provided when Ms. Patterson's vehicle broke down.

93-93. Frakie-Edison. That disbursement vouchers in the amount of \$254,136.78, payroll disbursements in the amount of \$212,253.99, and disbursements to County and Schools in the amount of \$333,708.12, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-94. A public hearing was held concerning the ordinance amendment containing site condominium review procedures. No public comment was made.

93-95. Final reading of an ordinance amending Sections 5.4(21) and Section 5.142 of Chapter 50 of Title V of the Code of the City of East Grand Rapids pertaining to site condominium projects.

93-95-A. Mehney-Edison. That the ordinance amending Sections 5.4(21) and Section 5.142 of Chapter 50 of Title V of the Code of the City of East Grand Rapids, be adopted, as follows:

AN ORDINANCE TO AMEND SECTION 5.4(21) AND SECTION 5.142
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Subsection 21 of Section 5.4 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended to read in full as follows:

(21) Lot of record (also referred to herein at times as "lot"): shall include the following:

- (a) A parcel of land, the dimensions of which are shown on a document or maps on file with the county register of deeds or in use by the city or city officials, and which actually exist as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof, whether platted or described by metes and bounds.
- (b) Any condominium or site condominium unit or dwelling unit or any portion of a condominium project (as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended) designed and intended for separate ownership and use or occupancy.

Section 2. Section 5.142 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended to read in full as follows:

Sec. 5.142. Scope.

Site plan review and approval shall be required for the following uses and circumstances.

- (a) Multi-family buildings or uses.
- (b) Commercial buildings or uses.
- (c) PUD projects or developments as established under Article XIII.A.
- (d) Condominium or site condominium projects.

- (e) Where three (3) or more lots or condominium units are created or developed from or out of a common parcel or lot within a five (5) year period.
- (f) Any private park, common area or jointly-used property which is used or designed for recreational use or lake or stream access and which is designed, use or available for use by the owner or occupants of any other lot of record.
- (g) Any change, alteration to or expansion of any of the above.

The building inspector shall not issue a building permit for any of the above-mentioned uses or changes thereto until a site plan has been reviewed and approved as required by this Article. No use or project requiring site plan review and approval shall occur or be commenced until the required site plan has been reviewed and final approval has been given. For the uses listed in subsections (a) and (b) (and (g) where applicable), above, the planning commission shall review and act upon preliminary and final site plans. For the uses listed in subsections (c), (d), (e) and (f) (and (g) where applicable), above, final approval for a site plan shall be done by the city commission after the planning commission has completed its preliminary and final site plan review.

Section 3. This ordinance shall be effective on October 2, 1992.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-96. Consideration of a request to adopt a resolution approving the Kent County Mutual Police Assistance Agreement.

93-96-A. Williamson-Edison. That this Commission adopt a resolution approving the City's participation in the Kent County Mutual Police Assistance Agreement, as follows:

A RESOLUTION APPROVING THE CITY'S PARTICIPATION
IN THE KENT COUNTY MUTUAL POLICE ASSISTANCE AGREEMENT

WHEREAS Act 236 of the Public Acts of 1967, as amended, being MCLA 123.811 *et seq.*; MSA 5.3323 *et seq.* provides for the establishment of Mutual Police Assistance Agreements among and between the municipalities for the provision of mutual police assistance to one another in the case of emergencies; and

WHEREAS the City of East Grand Rapids has encountered, and reasonably anticipates it will continue to encounter emergencies and other situations that require resources beyond that possessed by its Public Safety Department; and

WHEREAS the City of East Grand Rapids recognizes the mutual advantages and benefits of entering into a Mutual Police Assistance Agreement with the other cities and villages within Kent County for the express purpose of rendering supplemental police services to one another.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The City of East Grand Rapids hereby approves entering into the Kent County Mutual Assistance Agreement.
2. The Mayor and City Clerk are hereby authorized and directed to execute the Kent County Mutual Police Assistance Agreement on behalf of the city.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-97. Consideration of a request to authorize payment to River City Electronics Company, in the amount of \$4,503.50, for the emergency repair of water pump no. 1.

93-97-A. Swain-Edison. That payment to River City Electronics Company, in the amount of \$4,503.50, for the emergency repair of water pump no. 1, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-98. Consideration of a request to adopt a resolution concerning payment of preliminary costs of the Silver Creek drain project.

93-98-A. Edison-Swain. That this Commission adopt a resolution allowing the Silver Creek Drainage Board to borrow up to \$500,000 for preliminary engineering and property acquisition for the Chapter 20 Silver Creek drainage project.

93-98-B. Edison-Williamson. Motion to table this matter.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-99. Consideration of a request to approve the purchase of a street sweeper for use in the City Services Department.

93-99-A. Williamson-Frakie. That the purchase of one Broom Type Street Sweeper from Bell Equipment, the low bidder, in the amount, net of trade-in, of \$63,122, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-100. Consideration of a request to award contracts to Dave Cole Decorators, in the amount of \$47,200, for the repair, cathodic protection, and exterior painting of the elevated water storage tank, and Dixon Engineering, in the amount of \$3,645, for related consulting and engineering.

93-100-A. Edison-Swain. That contracts be awarded to Dave Cole Decorators, in the amount of \$47,200, for the repair, cathodic protection, and exterior painting of the elevated water storage tank, and Dixon Engineering, in the amount of \$3,645, for related consulting and engineering.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-101. Consideration of a request to appoint Debra Walsh Kay, 1155 Idema Drive SE, to the Planning Commission as a replacement for Robert Olson.

93-101-A. Mehney-Frakie. That Debra Walsh Kay, 1155 Idema Drive SE, be appointed to the Planning Commission to replace Robert Olson.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-102. Consideration of a request to appoint Mayor Nyal Deems as the City's representative to the Grand Valley Metropolitan Council for a two-year term effective October 1, 1992.

93-102-A. Williamson-Edison. That this Commission appoint Mayor Nyal Deems as the City's representative to the Grand Valley Metropolitan Council for a two-year term effective October 1, 1992.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.
Nays: -0-

93-103. The preliminary minutes of the Recreation Commission meeting held August 10, 1992 were received. Commissioner Edison discussed the inquiry by the Yacht Club regarding possible City use of the Club's facilities.

93-104. The Building Inspection Report for the month of August, 1992 was received.

93-105. The Public Safety Report for the month of August, 1992 was received.

93-106. Commissioners Walton and Edison commended Robert Olson for his outstanding contributions while serving on the Planning Commission.

Commissioner Swain advised of the tour he took of the City in a Public Safety patrol vehicle, and described the experience as positive and professional. He encouraged the Commission to participate in a tour, as well.

Mayor Deems announced that the EGR Schools is hosting a strategic planning meeting on October 4 and 5, 1992. He advised that a City representative has been invited to participate, and opened this invitation up to the City Commissioners.

93-107. The meeting was adjourned subject to the call of the Mayor until October 5, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 5, 1992

The meeting was called to order by President Mehney.

Present: Coms. Edison, Frakie, Mehney, Swain and Williamson.

Absent: Com. Walton and Mayor Deems.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Streets & Utilities Superintendent Sterkenburg; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-108. The minutes of the regular meeting held September 21, 1992 were received.

93-109. Swain-Edison. That disbursement vouchers in the amount of \$418,444.81, payroll disbursements in the amount of \$103,459.39, and disbursements to County and Schools in the amount of \$26,033.58, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain and Williamson - 5.

Nays: -0-

93-110. Consideration of a request to adopt a resolution concerning payment of preliminary costs of the Silver Creek drain project.

93-110-A. Edison-Swain. That this Commission adopt a resolution allowing the Silver Creek Drainage Board to borrow up to \$500,000 for preliminary engineering and property acquisition for the Chapter 20 Silver Creek drainage project, as follows:

RESOLUTION CONCERNING PAYMENT
OF PRELIMINARY COSTS OF
SILVER CREEK DRAIN

WHEREAS, the City of Grand Rapids and the City of East Grand Rapids have each filed a petition with the Kent County Drain Commissioner pursuant to Chapter 20 of the Drain Code, Act No. 40, Public Acts of Michigan, 1956, as amended, requesting the construction of an intracounty drain to be known as the Silver Creek Drain (the "Project") to alleviate drainage problems in said cities; and

WHEREAS, the Drainage Board for the Silver Creek Drain has issued its final order of determination establishing the Silver Creek Drain and determining that the City of Grand Rapids, the City of East Grand Rapids, and the State of Michigan (on account of drainage of state highways) will each be specially assessed to pay its share of the cost of the Project; and

WHEREAS, the Drainage Board has been presented with preliminary plans for the Project and is in the process of acquiring lands and easements as necessary; and

WHEREAS, the Drainage Board intends to issue bonds of the Silver Creek Drain Drainage District in early 1993 in the amount of not to exceed \$10,000,000 (the "Bonds") in anticipation of the collection of special assessments assessed against the City of Grand Rapids, the City of East Grand Rapids and the State of Michigan to finance the cost of the Project; and

WHEREAS, prior to the issuance of the Bonds it is necessary that the acquisition of the necessary lands be completed; and

WHEREAS, the Drainage board intends to issue notes of the Drainage District in the amount of not to exceed \$500,000 (the "Notes") under Section 479 of the Drain Code to obtain the monies needed from time to time to pay preliminary engineering costs and the costs of appraisals and land acquisition for the Project, until such time that the Bonds are delivered and the proceeds thereof are available to pay for such costs; and

WHEREAS, the Notes will mature not later than one year from the date of issuance thereof and will be repaid to the holder thereof out of Bond proceeds when and as soon as available; and

WHEREAS, the City of East Grand Rapids is authorized under Section 471 of the Drain Code to contract with the Drainage Board in respect to the payment of all or part of the cost of the Project, and, by adopting this resolution, is consenting to the issuance of the Notes and agreeing to pay 19.3% of the amount thereof and interest thereon and the administrative and legal costs of the Drainage District in connection with the issuance of the Notes in the event the Bonds are not sold to finance the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF EAST GRAND RAPIDS, as follows:

1. The Drainage Board is hereby requested to issue and sell the Notes in the aggregate amount not to exceed Five Hundred Thousand Dollars (\$500,000) payable in not to exceed one year from date thereof and bearing interest at not to exceed seven percent (7%) per annum and to use the proceeds of the Notes to pay for the expenses of preliminary engineering, the costs of acquiring land required for the Project and other costs of the Project.
2. If for any reason the Drainage District is unable to issue and sell the Bonds in an amount at least equal to the unpaid principal of and/or interest due on the Notes, the City shall nevertheless and forthwith pay to the Drainage District, pursuant to Section 471 of the Drain Code, for the benefit only of the holder of the Notes outstanding and unpaid 19.3% of the amount unpaid and due thereon, and in addition shall pay to the Drainage District 19.3% of the its administrative and legal expenses incurred in connection with the issuance and sale of the Notes.
3. All resolutions and parts of resolutions, insofar as the same are in conflict herewith, are hereby rescinded.

Yeas: Edison, Frakie, Mehney and Swain - 4.
Nays: Williamson - 1.

93-111. Consideration of a request to approve a contract award to Pitometer Associates of Chicago, Illinois, in the amount of \$21,800, for a City-wide leak detection survey of the water distribution system.

The City Commission requested that City staff investigate a more cost-effective way to perform leak detection within the City. It was suggested that area municipalities be surveyed as to their interest in a cooperative effort for the purchase of leak detection equipment.

93-111-A. Williamson-Edison. That the request to approve a contract award to Pitometer Associates of Chicago, Illinois, in the amount of \$21,800, for a City-wide leak detection survey of the water distribution system, be approved.

Yeas: Edison, Frakie, Mehney, Swain and Williamson - 5.
Nays: -0-

93-112. Consideration of a request to retain the Superior Environmental Corporation of Muskegon, Michigan, in the amount of \$2,800, to perform soil sampling and clean closure activities associated with the planned removal of a 300-gallon underground fuel storage tank located beside the Public Safety Building.

93-112-A. Williamson-Edison. That this Commission approve the request to retain the Superior Environmental Corporation of Muskegon, Michigan, in the amount of \$2,800, to perform soil sampling and clean closure activities associated with the planned removal of a 300-gallon underground fuel storage tank located beside the Public Safety Building.

Yeas: Edison, Frakie, Mehney, Swain and Williamson - 5.
Nays: -0-

93-113. Consideration of a request that the City Commission rescind Section A-3 of the Grounds Maintenance Contract awarded to Larry's Lawn Service and Snow Plowing, Ltd., and that Most Enterprising, the second low bidder for Section A-3 of the contract, be retained to service the Remington and Manhattan Fields for the remainder of the current season for the specified sum of \$1,783.

Commissioner Williamson stated a conflict of interest in this matter, and departed the City Commission Chambers.

Larry Ditkof, owner of Larry's Lawn Service, was present and expressed his thoughts on the matter. Mr. Ditkof stated that he did not contest the termination of his contract, but only the amount he is to be paid. He stated that, according to the contract, he should be paid in full through September, 1992, with no monies being withheld by the City for restoration or differential costs, as proposed by the City Manager.

93-113-A. Frakie-Edison. Motion to table this matter until such time as the City Attorney presents a legal opinion on the matter for consideration by the City Commission.

Yeas: Edison, Frakie and Mehney - 3.
Nays: Swain - 1.
Abstain: Williamson - 1.

93-114. The preliminary minutes of the Traffic Commission meeting held September 18, 1992 were received.

93-115. Mr. John (Jack) Uhl, 933 Pinecrest SE, was present and expressed his dissatisfaction with the trimming done to trees on his property by Consumers Power.

Dr. Swanson, 2945 Bonnell SE, was also present and stated his concerns regarding the Consumers Power tree trimming/removal project. Ms. Karen Maupin, also expressed her dissatisfaction with the project.

Mr. Edward Doss of the Consumers Power Company presented the proposed tree trimming/removal plan to the City Commission and answered questions of the public and City Commission.

93-116. Williamson-Edison. To enter into executive session to discuss collective bargaining agreement negotiations in accordance with Section 8(c) of the Open Meetings Act, and to discuss real estate land acquisition in accordance with Section 8(d) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Frakie, Mehney, Swain and Williamson - 5.
Nays: -0-

93-117. The meeting was adjourned subject to the call of the Mayor until October 19, 1992.

City Clerk

ROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 19, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Streets & Utilities Superintendent Sterkenburg; Engineering Services Supervisor Kadzban; Building Inspector Turcotte; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-118. The minutes of the regular meeting held October 5, 1992 were received.

93-119. Edison-Swain. That disbursement vouchers in the amount of \$242,062.32, payroll disbursements in the amount of \$109,852.52, and disbursements to County and Schools in the amount of \$58,103.08, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-120. Consideration of a request that the City Commission ratify the termination of the grounds maintenance contract for Remington and Manhattan Fields, retroactive to September 30, 1992, which was previously awarded to Larry's Lawn Service and Snowplowing, Ltd., and approve the withholding of \$1,050 from this contract for repair work to Remington Field and remaining services to the fields for the remainder of the season.

Commissioners Walton and Williamson stated a conflict of interest in this matter, and disqualified themselves from the matter.

Larry Ditkof, owner of Larry's Lawn Service, was present and expressed his thoughts on the matter. Mr. Ditkof contested any monetary withholding from his contract, and stated his desire to repair the damage to Remington Field, as opposed to another contractor being retained by the City to do so.

93-120-A. Edison-Frakie. That the City Commission ratify the termination of the grounds maintenance contract for Remington and Manhattan Fields, retroactive to September 30, 1992, which was previously awarded to Larry's Lawn Service and Snowplowing, Ltd., and approve the withholding of \$1,050 from this contract for repair work to Remington Field and remaining services to the fields for the remainder of the season.

Yeas: Edison, Frakie, Swain and Deems - 4.

Nays: Mehney - 1.

Abstain: Walton and Williamson - 2.

93-121. Presentation by BDO-Seidman of the audited financial statements for fiscal year ended June 30, 1992, along with a Management Recommendation letter and information related to the conduct of the audit.

93-122. Consideration of a request to approve a modification of Chapter 21, Section 2.10, Regulation No. 4, and Chapter 78, Section 7.88.1, Regulation No. 5, of the City Code pertaining to lawn contractor regulations on leaf disposal.

The following persons were in attendance and expressed their opposition to the proposed modification of the regulations:

Representative of Grand Rapids Landscape
Maintenance Association
Representative of Boer Exterior Services
Representative of S&S Lawn Care
Representative of Larry's Lawn Service
Representative of Procure Landscape Management
Representative of Witte Lawn Maintenance
Representative of Trust-Cutt Lawn Care
Mr. Kal Owen, 1927 Wealthy SE
Mr. Gerald Strahan, 1161 Orchard Avenue SE
Mr. Michael Traidman, 1945 Wealthy SE

93-122-A. Frakie-Mehney. That the request to modify Chapter 21, Section 2.10, Regulation No. 4, and Chapter 78, Section 7.88.1, Regulation No. 5, of the City Code pertaining to lawn contractor regulations on leaf disposal, be denied.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-123. Consideration of a request that the Michigan Municipal Liability and Property Pool (MMLPP) insurance renewal, including coverage enhancements described in the memorandum, and the related premium of \$141,511 be approved.

93-123-A. Frakie-Edison. That the Michigan Municipal Liability and Property Pool (MMLPP) insurance renewal, including coverage enhancements, and the related premium of \$141,511, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton and Deems - 6.

Nays: Williamson - 1.

93-124. Consideration of a request to award the annual tree contract to Tepper Nursery, the low bidder, in the amount of \$6,165 based upon an estimated 105 deciduous trees, and to approve a charge of \$30 per tree for individual tree orders by residents.

93-124-A. Edison-Mehney. That the request to award the annual tree contract to Tepper Nursery, the low bidder, in the amount of \$6,165 based upon an estimated 105 deciduous trees, and to authorize a charge of \$30 per tree for individual tree orders by residents, be approved.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-125. The preliminary minutes of the Planning Commission meeting held September 14, 1992 were received.

93-126. The preliminary minutes of the Recreation Commission meeting held September 14, 1992 were received.

93-127. The Building Inspection Report for the month of September, 1992 was received.

93-128. The Public Safety Report for the month of September, 1992 was received.

93-129. Commissioner Walton advised that Mayor Gerald DeRuiter is leaving the City of Kentwood, and he commended Mr. DeRuiter for his dedication and outstanding public service.

Mayor Deems advised that the City/School dinner tentatively is scheduled for November 30, 1992. He requested the Commissioners to mark this date on their calendars.

Mayor Deems also stated that, during the presidential visit to the City, there was an extensive amount of Public Safety overtime incurred. He advised that the local communities are expected to pay for this, and no campaign funds are available for this use.

93-130. The meeting was adjourned subject to the call of the Mayor until November 2, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 2, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; Streets & Utilities Superintendent Sterkenburg; City Services Director Baragar; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-131. The minutes of the regular meeting held October 19, 1992 were received.

93-132. Frakie-Edison. That disbursement vouchers in the amount of \$276,939.88, and payroll disbursements in the amount of \$152,588.32, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Walton, Williamson and Deems - 5.

Nays: -0-

Commissioners Mehney and Swain arrived.

93-133. A zoning variance hearing was held to consider the request of Dr. Christian Vandenberg, 975 Plymouth SE, to allow for an elevated playhouse which has been constructed to remain in the southwest portion of the side yard, rather than the rear yard as required by City Code, to allow its location to be 2 feet from the property line, rather than the required minimum of 3 feet, and to allow its location within 60 feet from Alexander Road SE, in violation of the City Code.

The following persons were present and spoke in favor of the zoning variance:

Dr. Christian Vandenberg, 975 Plymouth SE
Russell Hohman, 955 Plymouth SE
Barbara Hohman, 955 Plymouth SE
Leonard Slott, 952 Plymouth SE

The following persons were present and expressed their opposition to the zoning variance:

Jill Ringenberg, 1025 Plymouth SE
Marland Ringenberg, 1025 Plymouth SE
Jane Kravitz, 959 Santa Barbara SE
Jon Bachelder, 1040 Plymouth SE

The following correspondence/telephone calls were received pertaining to the zoning variance:

Thomas S. Fox, 942 Plymouth SE - in favor
Edwin F. Kremer, 2011 Argentina, SE - in favor
Ellen and Bob Nelson, 922 Plymouth, SE - in favor
Jeane Daane, 1030 Plymouth, SE - opposed

The following additional communications were submitted to the City Commission by Dr. Vandenberg:

Letter from Oliver D. W. Grin, M.D., 3310 Eagle Park Drive - in favor
Letter from Dr. and Mrs. E. Fitzgerald, 945 Plymouth - in favor
Letter from Marjorie Yardley, Fletcher Realty Company - in favor
Letter from William O. Vandenberg, M.D., 942 Bellclaire - in favor
Petition signed by forty-one area residents - in favor

93-133-A. Swain-Edison. That this Commission, acting as the Zoning Board of Appeals, approve the request of Christian Vandenberg, 975 Plymouth Road SE, to allow for an elevated playhouse which has been partially constructed in violation of the City Code, to remain.

93-133-B. Mehney-Swain. Motion to table matter until a compromise can be reached with the area neighbors.

A roll call vote was taken.

Yeas: Mehney, Swain and Walton - 3.

Nays: Edison, Frakie, Williamson and Deems - 4.

Vote on motion 93-133-A.

A roll call vote was taken.

Yeas: Edison, Swain and Deems - 3.

Nays: Frakie, Mehney, Walton and Williamson - 4.

93-134. A public hearing was held regarding the request of Rose's Building Company, to approve a planned unit development rezoning of

properties located at 540 and 550 Lakeside Drive SE.

Gregory Gilmore, of Rose's Building Company, presented the proposed project to the City Commission.

Arthur Spalding, attorney for Lakewood Hills Apartments, was present and expressed opposition to the proposed plan. He discussed the concerns of his client and requested that the petition signed by Lakewood Hills Apartment tenants in opposition to the development, and his letter addressing the subject, be incorporated into the record.

Ms. Colleen Jarvis, 900 San Lucia SE, was present and spoke in favor of the planned unit development. Also, Ms. Carol Singer, 2311 Wealthy SE, expressed her concerns pertaining to parking and lighting at the site.

After further comments by the Mayor and City Commissioners, the hearing was closed.

93-135. Introduction of an ordinance to amend Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE.

93-135-A. Williamson-Edison. That an ordinance to amend Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE, be introduced as follows:

AN ORDINANCE TO AMEND SECTION 5.190
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended by changing the map for District 2 to indicate that the following described parcels are zoned PUD - Planned Unit Development, as shown on the attached revised map, and in accordance with and subject to the conditions of approval and the final required site plan adopted by the City Commission on November ____, 1992.

PARCEL 1:

Lot 60 and N 16-2/3 feet of Lot 59, Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan.

PARCEL 2:

N 37-1/2 feet of Lot 58 and S 33-1/3 feet of Lot 59 Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan.

Section 2. This ordinance shall be effective on November ____, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-136. Consideration of a request to approve a project agreement with the Michigan Department of Natural Resources (MDNR) related to the Gilmore property acquisition grant.

93-136-A. Williamson-Mehney. Motion to table this matter until negotiations are completed with the MDNR pertaining to its request that the adjacent City-owned lake frontage property be restricted to recreational use only.

Yeas: Frakie, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: Edison - 1.

93-137. Consideration of a request to award a contract to Velting Contractors in the amount of \$14,000 for the repair of an 8-inch sanitary sewer main at the intersection of Greenwood Avenue and Wealthy Street, and that a budget amendment be granted in the amount of \$10,000, from the Water and Sewer Fund Retained Earnings, to partially offset this project.

93-137-A. Frakie-Williamson. That the request to award a contract to Velting Contractors, the low bidder, in the amount of \$14,000 be approved, and that a budget amendment be granted in the amount of \$10,000, from the Water and Sewer Fund Retained Earnings, to partially offset this project.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-138. Consideration of a request to grant an easement to Consumers Power Company, along John Collins Park and the City-owned lakeside property immediately east of Reeds Lake Boulevard, for the installation of new underground electrical cable and the placement of an above-ground switching enclosure.

The City Commission directed City Services Director Baragar to request that Consumers Power plant shrubbery around the above-ground switching enclosure.

93-138-A. Edison-Swain. That an easement to Consumers Power Company, along John Collins Park and the City-owned lakeside property immediately east of Reeds Lake Boulevard, for the installation of new underground electrical cable and the placement of an above-ground switching enclosure, be granted, contingent upon Consumers Power planting shrubbery around the above-ground switching enclosure.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-139. The financial reports for the period ended September 30, 1992 were received.

93-140. The preliminary minutes of the Recreation Commission meeting held October 12, 1992 were received.

93-141. Commissioner Walton advised that the Planning Commission is presently discussing the Waterfront Overlay District and Lakefront Keyhole ordinances. He stated that the Planning Commission planned on sending these ordinances to the City Commission for consideration by early next year.

Commissioner Edison commended the Recreation Department and all involved staff for their efforts in making the Halloween Hoot a big success.

93-142. The meeting was adjourned subject to the call of the Mayor until November 16, 1992.

City Clerk

UNOFFICIAL Reference Only

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 16, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Com. Frakie.

Also Present: City Manager Allard; City Attorney Huff; Streets & Utilities Superintendent Sterkenburg; City Services Director Baragar; Community Service Coordinator Yukon; and Controller-Clerk-Treasurer Chase.

93-143. The minutes of the regular meeting held November 2, 1992 were received.

93-144. Mayor Deems advised of the following communications received:

- (a) Letter dated October 26, 1992 from George B. Davis, 2624 Elmwood SE, expressing his appreciation for the prompt follow-up by Consumers Power regarding power outages.
- (b) Memo dated November 4, 1992 to Sgt. David Smith expressing gratitude and appreciation for the successful arrest of a subject carrying a concealed weapon.

93-145. Swain-Edison. That disbursement vouchers in the amount of \$166,901.82, payroll disbursements in the amount of \$122,913.49, and disbursements to County and Schools in the amount of \$59,985.02, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-146. A zoning variance hearing was held to consider the request of David and Cara Cassard, 840 Floral SE, to permit the installation of a hot tub in the south side yard to be situated 7 feet from the property line rather than the required 10-foot minimum.

Cara Cassard was present and spoke in favor of the zoning variance.

93-146-A. Williamson-Edison. That this Commission, acting as the Zoning Board of Appeals, approve the request of David and Cara Cassard, 840 Floral SE, to permit the installation of a hot tub in the south side yard to be situated 7 feet from the property line rather than the required 10-foot minimum.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-147. Consideration of a request to approve a blanket purchase order to Rose's Eastown Amoco, in the amount of \$22,800, for the purchase of unleaded gasoline for City vehicles.

93-147-A. Edison-Mehney. That a blanket purchase order to Rose's Eastown Amoco, in the amount of \$22,800, for the purchase of unleaded gasoline for City vehicles, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-148. Consideration of a request to approve a blanket purchase order, for a delivered price of rock salt, to the North American Salt Company, the low bidder, at a rate of \$22.81 per ton for the 1992-93 winter season.

93-148-A. Williamson-Mehney. That a blanket purchase order, for a delivered price of rock salt, to the North American Salt Company, the low bidder, at a rate of \$22.81 per ton for the 1992-93 winter season, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-149. Consideration of a request to affirm the appointment of Marilyn Failor, 953 Rosewood SE, to the Library Commission.

93-149-A. Mehney-Swain. That the request to affirm the appointment of Marilyn Failor, 953 Rosewood SE, to the Library Commission, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-150. The preliminary minutes of the Library Commission meeting held September 22, 1992 were received.

93-151. The Building Inspection Report for the month of October, 1992 was received.

93-152. The Public Safety Report for the month of October, 1992 was received.

93-153. The meeting was adjourned subject to the call of the Mayor until December 7, 1992.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 7, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: Frakie.

Also Present: City Manager Allard; City Attorney Huff; Streets & Utilities Superintendent Sterkenburg; City Services Director Baragar; Community Service Coordinator Yukon; Public Safety Director Gallagher; Recreation Director Rhodes; Public Safety Lt. Radakovitz; and Controller-Clerk-Treasurer Chase.

93-154. The minutes of the regular meeting held November 16, 1992 were received.

93-155. Mayor Deems advised of the following communications received:

- (a) Correspondence from John and Penelope Pestle, 515 Plymouth Road SE, commending PSO Charles Lark for his professionalism in dealing with a domestic altercation in their neighborhood.
- (b) Correspondence from Sara J. Smolenski, 63rd District Judge, expressing her appreciation for the action taken by Sgt. David Smith in subduing a suspect during a disruption in her courtroom.

93-156. Edison-Swain. That disbursement vouchers in the amount of \$493,084.72, payroll disbursements in the amount of \$102,698.51, and disbursements to County and Schools in the amount of \$52,571.86, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.

Nays: -0-

93-157. Presentation of 25-year employment service awards to Lt. Robert Radakovitz and PSO Martin Tuttle.

Commissioner Mehney arrived.

93-158. Consideration of a request by the Rose's Building Company to approve the revised Conditions of Approval and Findings of Fact pertaining to the PUD application for the Rose's Cafe project, located at 540 and 550 Lakeside Drive SE.

Mayor Deems advised that City Attorney Huff had submitted to the City Commission an alternate Conditions of Approval in the event the Commission decided that the house should be removed from the property. The Mayor then opened the discussion for public comment.

Messrs. John and Gregory Gilmore, of Rose's Building Company, were present and spoke in favor of the project. John Gilmore stated that they would prefer to leave the house standing for historical purposes, but that he was not opposed to tearing it down to provide for parking for the restaurant project.

Arthur Spalding, attorney for Lakewood Hills Apartments, was present and expressed opposition to the proposed plan. He reiterated the concerns of his client.

Ms. Colleen Jarvis, 900 San Lucia SE, and Mr. Geoff Hughes, 260 Hodenpyl SE, were present and expressed their opinion on the development project.

The City Commission had further discussion pertaining to fencing, lighting, Saturday deliveries, animals on the property, signage, and sound or noise originating from the property.

93-158-A. Williamson - _____. Motion to adopt the alternate Conditions of Approval, deleting Section 20 of the Conditions pertaining to animals on the property, and utilizing Site Plan C which provides 39 parking spaces.

Motion fails due to lack of a second.

93-158-B. Walton-Edison. Motion to adopt the original Conditions of Approval (removing only the garage from the property), and utilizing Site Plan B which provides 29 parking spaces.

93-158-C. Edison-Mehney. To amend motion 93-158-B to delete Section 20 pertaining to animals on the property, and to add sufficient language in Section 10 to indicate the desire for indirect lighting in all four directions.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-158-D. Walton-Edison. To amend motion 93-158-B to conform the original Conditions of Approval [Sections 1 and 2] to correspond to Site Plan B, and that the Determinations of Fact which are set forth in the proposed conditions of site plan approval be made by the City Commission.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-158-E. Swain-_____. To amend motion 93-158-B to delete Section 16 of the Conditions of Approval pertaining to signage.

Motion fails due to lack of a second.

93-158-F. Williamson-Walton. To amend motion 93-158-B to modify Section 13 of the Conditions of Approval to provide for a 6-foot fence running from the west and east walls of the house and Rose's Cafe, respectively, with shrubs approximately 3-4 feet in height running from the east and west ends of the fence to the property lines and lowering in height the shrubs next to the sidewalk, as required by City Code.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

Vote on motion 93-158-B, as amended.

A roll call vote was taken.

Yeas: Edison, Swain and Walton - 3.

Nays: Mehney, Williamson and Deems - 3.

Motion fails.

93-158-G. Williamson-Mehney. Motion to adopt the alternate Conditions of Approval (removing only the garage from the property), and utilizing Site Plan C which provides 39 parking spaces, incorporating all approved amendments to motion 158-B.

Yeas: Williamson and Deems - 2.
Nays: Edison, Mehney, Swain and Walton - 4.

93-158-H. Williamson-_____. Motion to table the matter.

Motion fails due to lack of a second.

93-158-I. Mehney-Edison. Motion to adopt the original Conditions of Approval (removing only the garage from the property), and utilizing Site Plan B, incorporating the amendments set forth in 93-158-C, 93-158-D and 93-158-F.

Yeas: Edison, Mehney, Swain and Walton - 4.
Nays: Williamson and Deems - 2.

93-159. Final reading of an ordinance to amend Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE.

93-159-A. Williamson-Walton. That an ordinance to amend Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to establish a planned unit development zone for properties located at 540 and 550 Lakeside Drive SE, as set forth below, be adopted.

AN ORDINANCE TO AMEND SECTION 5.190
OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 5.190 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended by changing the map for District 2 to indicate that the following described parcels are zoned PUD - Planned Unit Development, as shown on the attached revised map, and in accordance with and subject to the conditions of approval and the final required site plan adopted by the City Commission on December 7, 1992.

PARCEL 1:

Lot 60 and N 16-2/3 feet of Lot 59, Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan.

PARCEL 2:

N 37-1/2 feet of Lot 58 and S 33-1/3 feet of Lot 59 Boynton & Judd's Lake Addition, City of East Grand Rapids, Kent County, Michigan.

Section 2. This ordinance shall be effective on December 18, 1992.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Yeas: Edison, Mehney, Swain, Walton and Williamson 5.
Nays: Deems - 1.

93-160. Consideration of a request to conditionally approve a Class C liquor license application of the Rose's Management Company in conjunction with the Rose's Cafe restaurant project.

93-160-A. Mehney-Edison. That this Commission approve a Class C liquor license application of the Rose's Management Company pertaining to the Rose's Cafe restaurant project, subject to approval of a background check of the applicants by the Public Safety Department.

Yeas: -0-
Nays: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

93-161. Consideration of a request to approve the purchase of a base station radio from General Electric, in the amount of \$4,367.85, for use by the Public Safety Department.

93-161-A. Williamson-Edison. That the request to authorize the purchase, using drug seizure funds, of a base station radio from General Electric, the low bidder, in the amount of \$4,367.85, for use by the Public Safety Department, and necessary budget amendments, be approved.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-162. Consideration of a request to approve the Michigan Natural Resources Trust Fund Land Acquisition Project Agreement related to the Gilmore property acquisition, and to authorize related budget amendments.

93-162-A. Edison-Swain. That the Commission approve the Michigan Natural Resources Trust Fund Land Acquisition Project Agreement pertaining to the Gilmore property acquisition, and to authorize related budget amendments.

Yeas: Edison, Swain, Walton, Williamson and Deems - 5.
Nays: Mehney - 1.

93-163. Consideration of a request to accept the water rates and to adopt a resolution objecting to the sewer rates to be implemented by the City of Grand Rapids effective January 1, 1993.

93-163-A. Williamson-Edison. That this Commission accept the water rates and adopt a resolution objecting to the sewer rates to be implemented by the City of Grand Rapids effective January 1, 1993, as follows:

CITY OF EAST GRAND RAPIDS

RESOLUTION

WHEREAS, by letter date November 18, 1992, the City of Grand Rapids submitted to the City of East Grand Rapids a preliminary report containing the annual review of water and sewer rates proposed for 1993 (the "Annual Review"); and

WHEREAS, the City of East Grand Rapids and other communities have reviewed the Annual Review and the rate-making methodology used therein; and

WHEREAS, the Annual Review and the proposed 1993 sewer rates establish thereunder include the cost of a storm and sanitary sewer separation project on the west side of Grand Rapids (the "Project") as a cost of the integrated system to be shared and paid proportionately by all communities in the system; and

WHEREAS, the inclusion of the Project as a cost of the integrated system is not consistent with the 1977 Water and Sewer Service Agreement between the City of Grand Rapids and the City of East Grand Rapids, as amended (the "Water and Sewer Agreement"), and the rate-making methodology prescribed therein;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of East Grand Rapids objects to the proposed 1993 sewer rates contained in the Annual Review; and

RESOLVED FURTHER that the City of East Grand Rapids requests the City of Grand Rapids to establish 1993 sewer rates consistent with the rate-making methodology in the Water and Sewer Agreement by recognizing the Project as a non-systemwide cost and by establishing rates accordingly; and

RESOLVED FURTHER that the City of East Grand Rapids reserves its right to pursue all legal and administrative remedies under the Water and Sewer Agreement or as otherwise provided by law.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.
Nays: -0-

93-164. A financial analysis pertaining to the period ending June 30, 1992 was received.

93-165. Introduction of an ordinance amendment to Section 1.210 of Chapter 5 of Title I of the Code of the City of East Grand Rapids pertaining to the authority of an employee of the City to act as purchasing agent.

93-165-A. Edison-_____. That an ordinance amendment to Section 1.210 of Chapter 5 of Title I of the Code of the City of East Grand Rapids be introduced.

Motion failed due to lack of a second.

93-166. Consideration of a request to authorize the replacement of computer equipment in the Departments of Public Safety, Recreation and Controller-Clerk-Treasurer.

93-166-A. Edison-Swain. That this Commission authorize the replacement of computer equipment in the Departments of Public Safety, Recreation and Controller-Clerk-Treasurer.

Yeas: Edison, Mehney, Swain, Williamson and Deems - 5.
Nays: Walton - 1.

93-167. Edison-Williamson. Motion to place a request by the Recreation Commission for the relocation of the Clothesline Art Fair on the agenda.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-168. Consideration of a request to relocate the Clothesline Art Fair to Gaslight Village on Wealthy Street.

93-168-A. Edison-Williamson. That the Clothesline Art Fair be relocated to Gaslight Village on Wealthy Street.

Yeas: Edison, Mehney, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

93-169. The minutes of the Recreation Commission meeting of November 9, 1992 were received.

93-170. The minutes of the Library Commission meeting of October 27, 1992 were received.

93-171. The minutes of the Traffic Commission meeting of November 23, 1992 were received.

93-172. Commissioner Williamson presented a proclamation to the Commission pertaining to the Mayor's singing at the annual Christmas tree lighting ceremony.

Commissioner Edison inquired as to whether the Mayor donated his "Santa Clause" suit to Goodwill Industries.

93-173. Williamson-Edison. To enter into executive session to discuss a periodic personnel evaluation in accordance with Section 8(a) of the Open Meetings Act, and to discuss strategy regarding collective bargaining agreement negotiations in accordance with Section 8(c) of the Open Meetings Act.

A roll call vote was taken.

Yeas: Edison, Mehney, Swain Walton, Williamson and Deems - 6.

Nays: -0-

93-174. The meeting was adjourned subject to the call of the Mayor until December 21, 1992.

City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 21, 1992

The meeting was called to order by Mayor Deems.

Present: Coms. Edison, Frakie, Mehney, Swain, Walton, Williamson and Mayor Deems.

Absent: None.

Also Present: City Manager Allard; City Attorney Huff; City Services Director Baragar; Community Service Coordinator Yukon; Public Safety Director Gallagher; Recreation Director Rhodes; City Assessor Norman; EGR Library Branch Manager DeYoung; and Controller-Clerk-Treasurer Chase.

93-175. The minutes of the regular meeting held December 7, 1992 were received.

93-176. Mayor Deems advised of the following communications received:

- (a) Correspondence from Linda Foster, on behalf of the Lakeside PTA, thanking the City for the installation of a flashing light on Hall Street near Lakeside School.
- (b) Correspondence thanking Sgt. David Smith, PSO Troy Brown, PSO Al Paxson and PSO Martin Tuttle for the positive and professional action taken by them in arresting a suspect and possibly preventing a more serious crime from occurring.
- (c) Correspondence from Mrs. Annette Libner, expressing her appreciation towards PSO Kenneth Ross for his courtesy and patience in dealing with a traffic incident in which she was involved.

93-177. Frakie-Edison. That disbursement vouchers in the amount of \$301,037.98 and payroll disbursements in the amount of \$107,866.27, as approved by the Finance Committee, be allowed and the Clerk be authorized to draw an order on the Treasurer for the respective amounts.

Yeas: Edison, Frakie, Swain, Walton, Williamson and Deems - 6.

Nays: -0-

Commissioner Mehney arrived.

93-178. Consideration of a request to adopt new historical room and program room use policies for the East Grand Rapids Branch Library. Library Manager Gail DeYoung presented the recommendation.

93-178-A. Frakie-Swain. That modified use policies for the historical room and program room at the East Grand Rapids Branch Library be adopted.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-179. Consideration of a request to adopt a resolution authorizing Defeasance of Water Supply and Sewage Disposal System Revenue Bonds, Series A (1983 Bonds).

93-179-A. Williamson-Edison. That this Commission adopt a resolution authorizing Defeasance of Water Supply and Sewage Disposal System Revenue Bonds, as follows:

RESOLUTION TO AUTHORIZE DEFEASANCE OF WATER SUPPLY
AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES A

WHEREAS, the City of East Grand Rapids (the "City") issued its \$300,000 Water Supply and Sewage Disposal System Revenue Bonds, Series A, dated as of June 1, 1983 (the "Revenue Bonds"); and

WHEREAS, the Revenue Bonds outstanding bear interest at the rate of 8.4% per annum and mature in full on September 1, 1993; and

WHEREAS, pursuant to the terms of City Ordinance adopted February 28, 1983 and amended June 6, 1983 (the "Bond Ordinance"), the Revenue Bonds outstanding may be defeased prior to maturity by depositing sufficient cash or government obligations in trust for payment in full of all bonds to be defeased; and

WHEREAS, it is in the best interest of the City to defease the Revenue Bonds outstanding so as to eliminate the application of certain restrictive covenants set forth in the Bond Ordinance; and

WHEREAS, the City has funds legally available to it to defease the Bonds in full; and

WHEREAS, a proposed Escrow Agreement (the "Escrow Agreement") between the City and Old Kent Bank and Trust Company as bond registrar and paying agent for the Revenue Bonds and escrow agent for the defeasance of said bonds has been presented to the City Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That it is in the best interest of the City to defease the Revenue Bonds in full so as to eliminate the application of the covenants set forth in the Bond Ordinance to the City's Water Supply and Sewage Disposal System.

2. That the Escrow Agreement in the form submitted is hereby approve and the Mayor and the Controller-Clerk-Treasurer are hereby authorized to execute the same with such immaterial additions and deletions as said Mayor and Controller-Clerk-Treasurer shall approve.

3. That the defeasance of the Revenue Bonds shall be funded by the transfer of funds to Old Kent Bank and Trust Company as the Escrow Agent under the Escrow Agreement from the City's Water Supply and Sewage Disposal System Receiving Fund-Bond and Interest Redemption Fund in the estimated amount of \$49,000.

4. That the Mayor and the Controller-Clerk-Treasurer are hereby authorized and directed to execute and deliver any and all necessary forms, applications, documents and any other instruments necessary in conjunction with the transfer of said funds or to effect the defeasance of the outstanding Revenue Bonds.

5. That all resolutions or parts of resolutions in conflict herewith are hereby rescinded.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-180. Final reading of an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids adjusting water and sewer rates and consideration of related budget amendment recommendations.

93-180-A. Edison-Swain. That an ordinance to amend Sections 2.83 and 2.83-1 of Chapter 24 of Title II of the Code of the City of East Grand Rapids adjusting water and sewer rates, be adopted, and that the requested budget amendments within the Water & Sewer Fund, excluding the transfer from the General Fund, be approved, as follows:

AN ORDINANCE TO AMEND SECTIONS 2.83 AND 2.83-1
OF CHAPTER 24 OF TITLE II OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

The City of East Grand Rapids ordains:

Section 1. Section 2.83 of Chapter 24 of Title II of the East Grand Rapids City Code is amended to read as follows:

Sec. 2.83. Water Rates

Charges for water service shall be payable every three (3) months. The charge for water service shall be a total of the consumption rate of One and 97/100 Dollars (\$1.97) per one thousand (1,000) gallons and the following quarterly meter service charge depending upon meter size:

<u>Meter Size (inches)</u>	<u>Charge</u>
1/2 - 3/4	\$ 31.41
1	53.40
1-1/4	109.94
1-1/2	109.94
2	210.45
3	471.15
4	848.07
6 & over	1,884.60"

Section 2. Section 2.83-1 of Chapter 24 of Title II of the East Grand Rapids City Code is amended to read as follows:

"Sec. 2.83-1. Sanitary Sewer Rates

Charges for sanitary sewer service shall be payable every three (3) months. The charge for sanitary sewer service shall be a total of the consumption rate of One and 46/100 Dollars (\$1.46) per one thousand (1,000) gallons of water consumption, based on water consumption for either the current billable quarter or the preceding winter quarter of each user, whichever is less, and the following quarterly service charge depending upon water meter size:

<u>Meter Size (inches)</u>	<u>Charge</u>
1/2 - 3/4	\$ 15.63
1	23.88
1-1/4	34.47
1-1/2	47.40
2	80.34
3	174.48
4	306.27
6 & over	682.80

For purposes of this section, the winter quarter shall mean the three-month period ending, as to each user, on the billing date. If the city treasurer has reasonable cause to believe that the winter quarter water consumption of a particular user is not representative of actual sewage usage, the treasurer has discretion to determine water consumption without regard to actual consumption by either referring to the schedule of average water consumption for users of the same or similar sewage service requirements prepared by the city and on file at City Hall or by taking an average of previous consumption figures for the particular user. Any determination of water consumption by the city treasurer may be appealed by the user to the city commission. Such appeal shall follow the procedure set out in Section 9.4 of this Code."

Section 3. This ordinance shall be effective on December 31, 1992.

Section 4. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

93-180-B. Williamson-Mehney. To amend motion 93-180-A to adopt the ordinance amendment, but to deny all requested budget amendments until such time as the Finance Committee and Infrastructure Committee can meet for further consideration of the matter.

Yeas: Frakie, Mehney, Walton, Williamson and Deems - 5.

Nays: Edison and Swain - 2.

Vote on original motion 93-180-A, as amended.

Yeas: Edison, Frakie, Mehney, Swain, Walton, Williamson and Deems - 7.

Nays: -0-

93-181. The minutes of the Planning Commission meetings of October 27, 1992, November 10, 1992 and December 8, 1992 were received.

93-182. The minutes of the Library Commission meeting of November 24, 1992 were received.

93-183. The Building Inspection Report for the month of November, 1992 was received.

93-184. The Public Safety Report for the month of November, 1992 was received.

93-185. Ms. Lou Wiggins, 334 Woodmere SE, Grand Rapids, was present to speak on an American City Project being offered to the City which would reduce crime and negative social factors within the community. Ms. Wiggins was requested to present a written proposal to the City Commission for consideration.

Ms. Colleen Jarvis, 900 San Lucia SE, inquired as to the status of the pending lawsuit filed by Lakewood Hills Apartments pertaining to the Rose's Cafe PUD. City Attorney Huff presented an update of the matter.

The Commission meeting was interrupted due to the appearance of an officious intermeddler from the North Pole (Mayor Deems as Santa Claus).

93-186. The meeting was adjourned subject to the call of the Mayor until January 4, 1993.

City Clerk