



**BAY CITY
CITY COMMISSION**

**Regular Meeting
Official Proceedings**

**Bay City, Michigan
December 21, 2015**

The Commission met at 7:30 PM at City Hall, Commission Chambers, 301 Washington Avenue and was called to order by Mayor Kathleen Newsham.

Invocation was given by the Deputy City Clerk.

The Commission and others present offered the Pledge of Allegiance.

Commissioners Present: Lynn Stamiris, David Terrasi, Andrew Niedzinski, Brentt Brunner, James Irving, John Davidson, Kerice Basmadjian, Ed Clements, Larry Elliott, 9.

Absent: None.

Commissioner Niedzinski moved to allow public input on the consent agenda. There was no objection. No one came forward.

On motion, minutes of the December 7, 2015, regular meeting, reported correct by the Deputy City Clerk, were approved without reading.

PROCLAMATION!

Whereas, Santa House is named in honor of Nate and Mary Ida Doan; and

Whereas, Nate Doan played the role of Santa in Bay City for many years; and

Whereas, Nate and Mary Ida Doan both graduated from and eventually ran the Santa Claus School; and

Whereas, Nate and Mary Ida Doan are both members of the International Santa Claus Hall of Fame in Santa Claus, Indiana; and

Whereas, the Santa House is celebrating its twenty-fifth season,

Now, Therefore, I, Kathleen Newsham, Mayor of the City of Bay City, do hereby proclaim December 22, 2015, as

SANTA HOUSE DAY

in Bay City and thank Nate and Mary Ida Doan and all of their helpers for twenty-five sparkly and bright seasons.

In Witness Whereof I have hereunto set my hand and caused the Seal of the City of Bay City to be affixed this 21st day of December in the year of Our Lord two thousand fifteen.

Kathleen Newsham, Mayor
City of Bay City, Michigan
Commissioner Davidson moved to receive with approval the Proclamation acknowledging Santa House Day. Adopted unanimously.

PRESENTATION

Award presentation to Christmas Lighting Contest winners.

PUBLIC HEARING

Commissioner Elliott moved to allow citizens to address the Commission regarding the Application of Cambron Engineering, for a 12-year Industrial Facilities Exemption Certificate in the amount of \$46,939.15 for new equipment and building improvements or any item on the agenda or any other matter. There was no objection.

Bruce Eckhart, 810 Germania Street, voiced concerns with the City spending \$79,505 on an empty lot and feels the City should look at how it is spending its money.

SPECIAL ORDER

Of Commission as a Whole:

Whereas, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing on December 7, 1992, the Bay City City Commission by resolution established an Industrial Development District for the property at 3800 Wilder Road as requested by Cambron Engineering; and

Whereas, after duly noticed public hearings on September 27, 1993 and August 6, 2007, the Bay City City Commission by resolutions amended the Industrial Development District for the property at 3800 Wilder Road as requested by Cambron Engineering; and

Whereas, Cambron Engineering has filed an application for an Industrial Facilities Tax Exemption Certificate with respect to the acquisition of new equipment and real property improvements at 3800 Wilder Road; and

Whereas, before acting on said application, the Bay City City Commission held a hearing on December 21, 2015, at City Hall, 301 Washington Avenue, Bay City, Michigan 48708 at 7:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

Whereas, installation of the new equipment and building improvements had not begun earlier than six (6) months before November 11, 2015, the date of acceptance of the Application for an Industrial Facilities Tax Exemption Certificate; and

Whereas, the investment in new equipment will have the reasonable likelihood to retain employment in Bay City; and

Whereas, the aggregate SEV of real and personal property exempt from ad valorem taxes with the City of Bay City, after granting this certificate, will exceed

5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

Whereas, the Bay City City Commission specifically finds and determines that the granting of this Industrial Facilities Tax Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under P.A. 198 of 1974, as amended and P.A. 146 of 2000 shall not have the effect of substantially impeding the operation of the City of Bay City, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Bay City; and

Whereas, the City of Bay City was provided with all necessary documents required to accompany the application; and

Whereas, all requirements of Act 198 of the Michigan Public Acts of 1974, as amended, have been complied with;

Now Therefore Be It Resolved that the Industrial Facilities Tax Exemption Certificate application for Cambron Engineering, Inc., be approved for 12 (twelve) years for new equipment and real property improvements in the amount of \$46,939.15.

Commissioner Elliott moved to allow public input. There was no objection. No one came forward.

Commissioner Elliott moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

PETITION

Of Michigan Liquor Control Commission: Requesting action on request to support the application by The Tri City Brewing Company for a new Small Wine Maker license, to be located at 3020 N. Water Street.

Commissioner Davidson moved approval of request.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

ACCOUNTS, CLAIMS, INVESTMENTS & WIRE TRANSFERS

Of City Manager:

Accounts and Claims in the amount of \$663,028.78 and Investments and Wire Transfers in the amount of \$168,890.13 (12/14/15) and Accounts and Claims in the amount of \$414,784.14 and Investments and Wire Transfers in the amount of \$416,915.25 (12/21/15) have been examined, found correct, and are hereby referred to you for your approval.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

PAYROLL

Of City Manager:

Reporting payroll in the amount of \$817,541.12 (12/17/15) and recommending payment of same.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

REPORTS OF OFFICERS

Of City Manager:

It is recommended that the purchase of a 7.66 acre vacant lot located at 4676 Wilder Road from Saginaw Bay Proper-

ties, LLC, in the amount of \$79,505 be approved.

Commissioner Elliott moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, 8.

No, Commissioner Elliott, 1.

Of City Manager:

It is recommended that Change Order No. 3 to the contract with Rohde Brothers Excavating, Inc., Saginaw, MI, for Uptown at River's Edge Riverwalk Phase II in the decreased amount of \$70,110.82 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of City Manager:

It is recommended the following Ordinance amendment be received for first reading and referred to next meeting for second reading and possible adoption.

Of Commission as a Whole:

Ordinance No. 2015-16

Be It Ordained by the City of Bay City that the Code of Ordinances of the City of Bay City, Chapter 2, Administration, Division 2, Purchases, Sections 2-278 through 2-282, be amended to read as follows:

DIVISION 2. - PURCHASES

Sec. 2-278. - General duties.

It shall be the duty of the purchasing agent to purchase all materials, supplies, equipment and services, except provided herein, required by the city on approved or otherwise authorized departmental requisitions and to take care of all materials, supplies, equipment and services purchased by the city until received by the head of the department for whom they are intended, and to account for all unexpendable property owned by the city and in the custody of the purchasing agent and other department heads.

Sec. 2-279. - Purchase Orders.

Every city official, agent, or employee requiring materials, supplies or equipment for use in his/her department shall make purchase order for the same of the purchasing agent in such form as shall be prescribed by the city manager or designee.

Sec. 2-280. - Purchases by other than purchasing manager prohibited.

It shall be unlawful for any official, employee or agent of the city to purchase any materials, supplies, equipment or services for and on behalf of the city without authorization of the purchasing agent. This section shall not apply to professional services agreements.

Sec. 2-281. - When bids are required.

Whenever it is practical to do so, the purchasing agent shall purchase all materials, supplies, equipment and services required by the city with purchases:

- (1) Between \$1,500.00 and \$3,499.00 requiring a minimum of two or more phone quotes;
- (2) Between \$3,500.00 and \$24,999.00 requiring a minimum of two or more written

quotes;
(3) \$25,000.00 or more requiring sealed bids.

This section shall not apply to professional services agreements. Any other exceptions shall require written justification by the requesting department and prior written approval of the city manager or designee.

Sec. 2-282. - Purchases from local dealers.

Whenever it is practical and economical to do so, the purchasing agent shall purchase all materials, supplies, equipment and services required by the city from manufacturers, retailers, wholesalers, or service providers in this city.

Sees. 2-283-2-295. - Reserved.

Commissioner Elliott moved to receive for first reading and refer to the next meeting for second reading and possible adoption.

There was no objection. Received and referred to the next meeting for second reading and possible adoption by unanimous consent.

Of City Manager:

It is recommended that budget amendments in the amount of \$92,978 for the Fiscal Year 2015/2016 budget be approved.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmdjian, Clements, Elliott, 9.

No, None.

Of City Manager:

It is recommended that the contract with Davey Tree Expert Company, Kent, OH, for the comprehensive right-of way

GIS tree inventory in the amount not to exceed \$70,000 be approved.

It is further recommended that the Mayor and Clerk be authorized and directed to execute on behalf of the City of Bay City.

Commissioner Elliott moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Basmadjian, Clements, Elliott, 8.

No, None.

Abstain, Commissioner Davidson, 1.

Of City Manager:

It is recommended that the purchase of a Wacker Neuson WL-32 articulating compact loader equipped with a universal attachment plate and four attachments from Fredrickson Supply, Grand Rapids, MI, in the amount of \$79,600 be approved.

Commissioner Elliott moved to allow public input. There was no objection. No one came forward.

Commissioner Irving moved adoption of recommendation.

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of City Manager:

It is recommended that the Traffic Control Orders #2015.0004 located at Washington Avenue and Sixth Street, #2015.0005 located at Saginaw Street and Columbus Avenue, #2015.0006 located at Fifth Street and #2015.0007 located at Fourth Street be approved.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of City Manager:

It is recommended that the purchase of three 2016 Chevrolet Silverado 1500's, Four Wheel Drive, Double Cab pickups for the Electric Department from Berger Chevrolet, Inc., Grand Rapids, MI, through the State of Michigan Extended Purchasing Program, in the total amount of \$81,882 be approved.

Commissioner Davidson moved adoption of recommendation.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

REPORTS OF COMMITTEES

Of Finance/Policy Committee: Presenting minutes of meeting held December 7, 2015.

Commissioner Davidson moved approval of minutes.

Approved by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of Bay City Police & Fire Retirement System: Presenting minutes of meetings held August 11 and September 10, 2015 Received.

MOTIONS AND RESOLUTIONS

Of Commission as a Whole:

Whereas, the Bay Area Community Foundation provides funds for projects and programs which benefit Bay County; and

Whereas, the City of Bay City has submitted a Beautification grant application to the Bay Area Community Foundation to obtain \$2,500 for improvements to Columbus Green Park including electrical

upgrades, installation of bike racks and a park bench; and

Whereas, the Bay City Commission support the Beautification Grant application in the amount of \$2,500 for the purpose of electrical upgrades, installation of bike racks and a park bench at Columbus Green Park,

Now Therefore Be It Resolved that the City Commission hereby supports the grant application to the Bay Area Community Foundation for a Beautification Grant in the amount of \$2,500, and, if awarded, that the Mayor and City Clerk shall be authorized to sign grant contracts, any necessary amendments to the grant contracts, and other contract related documents.

Commissioner Davidson moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stimiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of Commission as a Whole:

Whereas, the City of Bay City ("City") owns certain real estate of land located within the City ("Property") and intends to enter into an Option to Purchase Real Estate that will govern the sale to, and subsequent development of the Property to RiversEdge Development Corporation, Inc. (including its successors and assigns) ("Developer"); and

Whereas, the Bay City City Commission wishes to transfer the Property in a manner that is consistent with the City's redevelopment strategy for the Property and which best serves the interests of the City; and

Whereas, the City has prepared an Option for Purchase of Real Estate ("Option") with respect to the Property (and including the applicable legal description) that collectively will govern the sale and subsequent development of the Property; and

Whereas, pursuant to the terms of the Option, if the Option is exercised by Developer the Property and Developer meets all of the requirements set forth in the Option, the City will deed said Property to the Developer at a price which shall be not less than the appraised value of the Property; and

Whereas, pursuant to the provisions of the Option and the Covenant Deed attached to the Option, the Property may be assigned or sold to a subsequent purchaser upon the written consent of the City, and the City retains the right to re-enter and repossess the property if the Property is used for a prohibited purpose or if it is transferred to another party without the City's consent;

Now Therefore Be It Resolved that the Mayor and the City Clerk are hereby authorized and directed to execute the Option for Purchase of Real Estate and Covenant Deed and any other documents relating thereto (collectively the "Controlling Documents") or to the sale of the Property to the Developer or any approved assignees;

Be It Further Resolved that for any provision set forth in the Controlling Documents or to the sale of the Property to the Developer or any approved assignees, the City Manager, or his designee, is hereby authorized and directed to act on behalf of the City in undertaking any action (including making any approvals) that the City is authorized or required to take under the aforementioned documents;

Be It Further Resolved that the City Manager, or his designee, is hereby authorized and directed to review any assignment proposed by the Developer to determine whether a Developer-proposed assignment is consistent with the Controlling Documents;

Be It Further Resolved that the City Manager, or his designee, shall be authorized and directed to approve or reject, in writing, a proposed assignment under the Controlling Documents;

Be It Further Resolved that any assignment approved by the City Manager, or his designee, shall be made on terms and conditions that are enforceable and consistent with the terms of the Controlling Documents;

Be It Further Resolved that upon a written determination by the City Manager, or his designee, that an assignment proposed by the Developer or its successor in interest is acceptable, the Mayor and Clerk are authorized and directed to execute any documents that may be necessary or desirable to effectuate such an assignment.

Commissioner Davidson moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

Of Commission as a Whole:

Whereas, the City of Bay City did acquire title to a portion of Columbus Avenue, East Main Street, Uptown Drive and Water Street within the "Uptown" development; and

Whereas, it is necessary to furnish certain information to the State of Michigan to place these streets within the City of Bay City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

Whereas, said streets are described in Exhibit A attached hereto; now

Be It Resolved that a portion of Columbus Avenue, East Main Street, Uptown Drive and Water Street are located within the City of Bay City right of way and under the control of the City of Bay City; and

Be It Further Resolved said streets are public streets and for public street purposes; and

Be It Further Resolved said streets are accepted into the City of Bay City Local Street System and are open to the public

on December 23, 2015.

Commissioner Davidson moved adoption of resolution.

Adopted by the following vote:

Yes, Commissioners Stamiris, Terrasi, Niedzinski, Brunner, Irving, Davidson, Basmadjian, Clements, Elliott, 9.

No, None.

The Commission adjourned at 8:21 PM.

KATHLEEN NEWSHAM, MAYOR
JAMIE C. MCFARLAND, DEPUTY CITY CLERK

