



# CITY OF IONIA

## CITY COUNCIL

### REGULAR MEETING MINUTES

NOVEMBER 7, 2017

CITY HALL – COUNCIL CHAMBER

#### **CALL TO ORDER**

Mayor Daniel Balice called the regular meeting of the City Council to order at 7:00 PM and led with the Pledge of Allegiance.

#### **ROLL CALL**

Roll call revealed Councilmembers Gordon Kelley, Ted Paton, Kim Patrick, Tom Millard, Paul Lentz, Janice Gustafson and Mayor Balice present. Councilmembers John Milewski and Jeff Winters were excused.

#### **PUBLIC COMMENT**

The 86<sup>th</sup> District State Representative, Thomas Albert, presented an overview of current proposed legislation being considered in Lansing.

Members of the St. John's Episcopal Church addressed the Council with concerns of parking and trees located near their church.

Peter Haefner, CPA from Vredevelt Haefner LLC, Grand Rapids presented the 2016-2017 City Audit.

Linda Curtis, DDA Director, presented a power point presentation regarding the City's Wayfinding Sign project.

#### **APPROVAL OF MINUTES**

It was moved by Councilmember Patrick, seconded by Councilmember Millard to approve the October 3, 2017 regular meeting minutes.

Roll Call Vote:           Ayes: Kelley, Paton, Patrick, Millard, Gustafson, Lentz and Balice

Nays: None

MOTION CARRIED

#### **NEW BUSINESS**

##### **Approve – FY16-17 City Audit**

As a follow-up to the audit presentation, the City Manager shared with Council that the City received a "clean" opinion regarding the City's financial reports. The City Manager congratulated staff on the clean opinion, which reflects positively on the internal control practices that are in place for handling the City's finances. He also highlighted certain notes contained in the audit report regarding the various City funds.

It was moved by Councilmember Millard, seconded by Councilmember Patrick to receive and place on file the FY16-17 City Audit and direct the City Treasurer to transmit copies of the audit to the to the appropriate State agencies and financial institutions.

Roll Call Vote:           Ayes:           Kelley, Paton, Patrick, Millard, Gustafson, and Balice.  
                              Nays:           None  
                              Abstain:       Lentz  
                              MOTION CARRIED

**Approve – 2018 City Council Meeting Schedule**

The City Manager presented a proposed City Council meeting schedule for 2018. The schedule calls for Council to continue to meet on the first Tuesday of each month at 7:00 PM at City Hall, but for April due to a conflict with Spring Break.

January 2, 2018	July 13, 2018
February 6, 2018	August 7, 2018
March 6, 2018	September 4, 2018
April 10, 2018*	October 2, 2018
May 1, 2018	November 6, 2018
June 5, 2018	December 4, 2018

\*Meeting second Tuesday of the month due to Spring Break

It was moved by Councilmember Gustafson, seconded by Councilmember Paton to approve the City Council Meeting Schedule for 2018.

Roll Call Vote:           Ayes:   Paton, Patrick, Millard, Gustafson, Lentz, Kelley and Balice  
                              Nays:   None  
                              MOTION CARRIED

**Approve – Opt-Out of PA152 for Union Dial-A-Ride Employees**

The City Manager reported that the City’s union Dial-A-Ride (DAR) employees are covered by a collective bargaining agreement that expires July 1, 2019. The agreement includes provisions regarding hospitalization insurance coverage and the level of the employee’s contribution for the term of the agreement. The City Manager stated that currently there are three employees at DAR who are eligible for employer paid health insurance coverage. All three employees subscribe to the coverage. The United States Department of Labor (DOL) has determined that the provisions of Public Act 152 of 2011 (employer/employee health insurance cost sharing legislation) violate the collective bargaining rights of public sector transit employees. As a result, federal grants for transit operations will not be approved unless the local legislative bodies of affected municipalities “opt out” of the provisions of Public Act 152 for union DAR employees. Public Act 152 requires the local legislative body to take action annually to opt out. The City Council has previously approved the opt-out for 2012, 2013, 2014, 2015 and 2016. The City Manager proposed that to protect DAR federal funding, Council take action similar to the action taken during November 2012 thru 2016.

It was moved by Councilmember Millard, seconded by Councilmember Patrick to approve the following prepared resolution:

**WHEREAS,** the Publicly Funded Health Insurance Contribution Act or Public Act 152 of 2011 mandated certain cost sharing obligations for public employee health insurance premiums and costs; and,

**WHEREAS,** Section 8 of the Act permits the “governing body” of a “local unit of government” to exempt itself from the requirements of this act for the next succeeding year by two-thirds vote of the governing body; and,

**WHEREAS,** the City has learned that federal transit grant dollars that the City utilizes to operate Dial-A-Ride are in jeopardy if the City does not opt out of the requirements of Public Act 152 of 2011 for union Dial-A-Ride employees.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ionia hereby exercises its rights pursuant to Section 8 of Public Act 152 of 2011, the Publicly Funded Health Insurance Contribution Act, by exempting its union Dial-A-Ride employees from the provisions of the Act for calendar year 2018.

Roll Call Vote:           Ayes: Patrick, Millard, Gustafson, Lentz, Kelley, Paton and Balice  
                                  Nays: None  
                                  **MOTION CARRIED**

**Approve – Extension to Berlin Township Sanitary Sewer Maintenance Contract**

The City Manager reported that since July 1, 2006 the City has maintained Berlin Township’s sanitary sewer collection system in accordance with the Sanitary Sewer Maintenance Agreement between the City and Township, expiring on December 31, 2017. The City Manager stated that in the past this agreement has been renewed in two-year increments and proposed that the City continue its arrangement with the Township by extending the existing agreement until December 31, 2019. Under the provisions of the agreement the City is responsible for reviewing extensions to the Township’s system, inspecting these extensions as well as service connections and completing on-going sanitary sewer system maintenance and repair. The City Manager also stated that the Township continues to handle setting the rates and billing the sewer customers in their Township and collecting connection fees. Berlin Township officials feel the relationship has worked well and will be asked to approve the extension at an upcoming meeting.

It was moved by Councilmember Paton, seconded by Councilmember Patrick to approve the amendment to the Sanitary Sewer Maintenance Agreement between the City and Berlin Township and authorize the City Manager to sign the agreement on behalf of the City.

Roll Call Vote:           Ayes: Millard, Gustafson, Lentz, Kelley, Paton, Patrick and Balice  
                                  Nays: None  
                                  **MOTION CARRIED**

**Accept – Bid for Dial-A-Ride Bus Tablets**

The City Manager reported that the City has received a grant to purchase tablets for the Dial-A-Ride buses. The tablets will be equipped with the dispatch/scheduling software which will permit the drivers to have their passenger manifests electronically. Passengers will

be “checked in” using the tablets which will reduce the repetitive work of printing paper manifests and entering the information post-shift at the DAR offices.

Bids were recently solicited for the purchase of nine tablets along with associated chargers, docking stations, vehicle mounts, etc., with the following bids received:

IT Right	\$15,993.09
PC Trans	\$16,665.00
CDW-G	\$20,606.10

The City Manager stated that after review of the bids with MDOT, it is recommended that the bid submitted by IT Right for \$15,993.09 be accepted. The grant will cover the entire cost of the purchase.

It was moved by Councilmember Millard, seconded by Councilmember Gustafson to accept the bid submitted by IT Right for \$15,993.09 for the Dial-A-Ride bus tablet project and authorize the City Manager to sign the necessary contract documents.

Roll Call Vote:           Ayes:           Millard, Gustafson, Kelley, Paton, Patrick and Balice  
                              Nays:           None  
                              Abstain:       Lentz  
                              MOTION CARRIED

**Accept – Bid for Dump/Plow Truck for DPW**

The City Manager reported that the FY17-18 Central Garage Fund budget contains funds to purchase a new dump/plow truck for the Department of Public Works. The new truck will replace a 1994 model (ST8). The City Manager stated that as in the past, it is proposed that the purchase occur in two steps. The first step is the purchase of the chassis (which is the subject of this staff report). The second step is to prepare specifications and accept bids for the equipping of the chassis (dump box, underbody scrapper, front plow mounts, etc). A similar purchase was authorized by Council during the last fiscal year at which time bids were solicited. The City Manager reported that two bids were received with Freightliner of Grand Rapids the low bid (\$5,000 less than the International bid). Freightliner has advised that they will honor their bid price from last year for this year’s purchase. The City Manager recommended that this year’s truck be purchased from Freightliner (a 2018 Freightliner M2-108SD) for \$77,638.00 (2017 pricing).

It was moved by Councilmember Kelley, seconded by Councilmember Paton to accept the bid submitted by Freightliner of Grand Rapids, for \$77,638.00 for a 2018 dump truck chassis for the Department of Public Works and authorize the City Manager to sign the necessary purchase documents.

Roll Call Vote:           Ayes:           Gustafson, Kelley, Paton, Patrick, Millard and Balice  
                              Nays:           None  
                              Abstain:       Lentz  
                              MOTION CARRIED

### **Approve – Resolution Regarding Date for Filing Election Petitions**

The City Manager reported that the State legislature recently amended the State election law to reflect a due date for nominating petitions 15 weeks prior to an election. Previously, the deadline was 12 weeks. The new 15 week deadline supersedes local charter provisions. In terms of our City Charter, this new deadline affects those who may want to run for Mayor, Council or City Clerk on a non-partisan basis. Although, as mentioned, this change in election law supersedes our local City Charter requirements, both the State Election Bureau and the Michigan Municipal League have recommended that a city codifier annotate the section of the local charter that addresses the filing deadline to reflect the 15 week requirement. The City Manager provided Council with a prepared Resolution that if approved, directs the City Clerk to work with the city's codifier regarding this recommendation and provides the proposed language to be added.

It was moved by Councilmember Kelley, seconded by Councilmember Patrick to approve the following prepared Resolution regarding the annotating of the City Charter.

**WHEREAS**, to be in compliance with State Election Law (Act 116-1954-XXVIII; Sect. 168.644e), it is recommended that cities note in their charters a change in the filing date of nominating petitions for candidates without political party affiliation for the regular city elections; the new date now being 15 weeks prior to an odd-year November election day; and,

**WHEREAS**; notwithstanding any charter provision, a city may provide by resolution a change or annotation in any charter election provision that is consistent with State Election Law, 1954 PA 116, MCL 168.1 to 168.992; and,

**WHEREAS**; charter language pertaining to the filing of nominating petitions for a regular city election is superseded by State Election Law MCL 168.644e as amended under PA 276 of 2012 with the candidate nominating petition filing deadline now being 4:00 p.m., the 15th Tuesday prior to an odd-year November election day.

**NOW THEREFORE BE IT RESOLVED** that the City Clerk shall instruct the City's Codifier to annotate Section 6.02(d)(2) of the City Charter with the following language (in bold) as contained in MCL 168.644e:

#### **City Charter**

##### **Section 6.02. Candidates Without Political Party Affiliation**

(d) Qualifying Petition; Filing; Time; Filing Notice of Withdrawal.

(1) A qualifying petition for an office will be filed with the City Clerk.

(2) A qualifying petition for an office elected at the general November election shall be filed not later than 4:00 p.m. on the first Monday of August of odd numbered years. A qualifying petition for an official elected at an election other than the general November election shall be filed not later than the deadline established by statute for filing a partisan petition or certificate of nomination for the office or at least 90 days before that election, whichever is later. **[NOTE: The Charter language pertaining to filing nominating**

**petitions for the regular city election is superseded by Michigan Election Law MCL 168.644e as amended under PA 44 of 2010 and PA 276 of 2012. The candidate nomination petition filing deadline is 4:00 p.m., 15<sup>th</sup> Tuesday prior to odd-year November election.]**

(3) A candidate who files a qualifying petition shall not be permitted to withdraw his or her candidacy unless a written notice of withdrawal is filed with the City Clerk. The notice shall be filed not later than 4:00 p.m. of the third day after the last day for filing a qualifying petition.

(e) Providing Blank Qualifying Petition Forms. Upon request, the City Clerk shall provide blank qualifying petition forms to a person who wishes to appear as a candidate on a ballot in the Clerk's jurisdiction as a candidate without political party affiliation. The City Clerk is the only officer required to supply qualifying petition forms for circulation.

(f) Applicability of Certain Provisions; Canvass; Hearing; Certification.

(1) The City Clerk shall canvass a qualifying petition filed with the City Clerk and shall make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election.

(2) A filing officer who receives a qualifying petition from a candidate who has met the requirements of this Charter shall certify to the proper board or boards of election commissioners the candidate's name, post office address, and office sought not later than 60 days before the election.

Roll Call Vote:           Ayes: Kelley, Paton, Patrick, Millard, Gustafson, Lentz and Balice  
                              Nays: None  
                              MOTION CARRIED

**Approve – Mayor’s Appointment to Various Boards and Commissions**

The Mayor has requested that Council confirm the following reappointments to the referenced board or commission:

Downtown Development Authority

Reappoint Jenny Dinehart and Jim Killion for terms to expire December 31, 2021.

Housing Commission

Reappoint Pat McCrackin, 104 West Lytle Street, for a term to expire December 31, 2022.

Income Tax Board of Review

Reappoint Brian Talbot, 242 Oakwood Court, for a term to expire December 31, 2020.

Ionia Regional Utilities Authority

Reappoint Kim Patrick as delegate, Gordon Kelley as alternate, for terms to expire December 31, 2021.

Local Officers Compensation Commission

Reappoint Kevin Miller, 236 East Main Street, for a term to expire December 31, 2022.

Parks and Recreation Commission

Reappoint Scott Pischa, 501 Skyview Drive, for a term to expire Dec. 31, 2020.

Reappoint Lori Tooker, 940 Southview Drive, for a term to expire Dec. 31, 2020.

Planning Commission

Reappoint Tim Lee, 132 West Lytle Street, for a term to expire December 31, 2020.

Reappoint Boomer Hoppough, 1006 Prairie View Drive, for a term to expire December 31, 2020.

Central Dispatch Board of Directors (City Representative):

Reappoint Troy Thomas for a term to December 31, 2020.

It was moved by Councilmember Gustafson, seconded by Councilmember Paton to confirm the Mayor's appointments to various boards and commissions.

Roll Call Vote:           Ayes: Kelley, Paton, Patrick, Millard, Gustafson, Lentz and Balice

Nays: None

MOTION CARRIED

**MAYOR AND COUNCILMEMBER COMMENTS**

Balice: Commented that long-time City Attorney John McNamara and long-time City employee Bill Warner Sr. both recently passed away. He also shared that Sparrow Ionia Hospital remains busy. And, that the Chili Dawg Challenge was well attended.

Lentz: Stated that he would soon be resigning from City Council due to a conflict of interest.

Millard: Commented that Harvest Festival/Chili Dawg Challenge went well. He also stated that there are a number of holiday events downtown during the month of December.

Patrick, Paton, Kelley: All commented that they have enjoyed serving on City Council with Paul Lentz.

**ADJOURNMENT**

It was moved by Councilmember Paton, seconded by Councilmember Millard to adjourn the meeting at 8:50 PM

By Voice Vote:           MOTION CARRIED

Respectfully submitted:

Lynn E. Lafler, Clerk