

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 6, 2012

Mayor Seibold called the meeting to order at 5:03 p.m. in the City Commission Chamber at the Community Center.

Present: Commissioners Dills, Goebel, Graham, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

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

2012-91. Skaggs-Dills. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Goebel, Graham, Johnson, Skaggs and Seibold – 6
Nays: -0-

2012-92. The meeting recessed at 5:04 p.m. to conduct the Executive Session.

2012-93. Commissioner Miller arrived.

2012-94. The meeting resumed at 6:00 p.m.

Mayor Seibold led the audience in the Pledge of Allegiance.

2012-95. No public comment was received.

2012-96. Commissioner Skaggs encouraged everyone to vote in the primary election on August 7, 2012.

2012-97. Public Safety Director Herald officially promoted PSO Eric Smith to the rank of Sergeant. City Clerk Brower administered the Oath of Office to Public Safety Officers John Corrigan and Scott Grams.

2012-98. A zoning variance hearing was held regarding the request of Vincent & Jenie Altruda of 405 Cambridge to allow the construction of an addition to the rear of the home creating a setback of 25.3' from the west property line instead of the required 44.'

Zoning Administrator Faasse explained the request and the issue of a double frontage lot.

Joel Peterson of Insignia Homes and Vin Altruda of 405 Cambridge were present to answer questions.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Gordon Jones, 325 Rosewood Felt the owners should have received permission for the addition before cutting down a healthy evergreen tree.
- Steve Ratliff, 435 Cambridge In favor of granting the variance.

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

- A. Dills-Miller. That the request of Vincent & Jenie Altruda of 405 Cambridge to allow the construction of an addition to the rear of the home creating a setback of 25.3' from the west property line instead of the

required 44' be approved.

Commissioner Dills noted there are many homes similar to the applicant's on this street and expressed his support for the variance request.

Commissioner Graham noted many surrounding homes have made similar changes to accommodate vehicles. He felt removing the unsightly carport and replacing with a garage addition would benefit the entire area.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

2012-99. Mayor Seibold announced the zoning variance request of David & Mary Jablonski, prospective buyers of 1516 Andover, had been withdrawn by the applicants.

2012-100. Consider request to approve the division of land at 2801 Lake Drive.

A. Johnson-Graham. Motion to take this request from the table for consideration.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

Zoning Administrator Faasse reviewed the proposal to divide the property into three separate parcels. He noted the receipt of a letter from King & MacGregor giving their opinion that the retention area was not a regulated wetland. Mr. Faasse recommended any approval given to this request be subject to the conditions suggested in his staff report.

Frederick Kruer, 2801 Lake Drive, stated his ultimate goal was to sell the entire property as one parcel, but needed the flexibility to sell as separate parcels if absolutely necessary. He asked for approval of the lot split with sufficient time to attempt to market the entire property.

Mayor Seibold reopened the public hearing. The following people were present to express their opinions:

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| - Richard Raubolt, 2735 Woodcliff Circle | Confused about how the applicant was currently trying to market the property and/or lots. Believed ownership question should be answered. |
| - Linda Raubolt, 2735 Woodcliff Circle | Had researched deeds and was still uncertain who owned the property and whether Mr. Kruer had authority to apply for the variance or to sell the property. City Attorney Huff stated the property was owned by a Limited Liability Corporation and that Mr. Kruer was purchasing the property on land contract. He stated the officers of the LLC had consented to Mr. Kruer's land division application request to the City; therefore the City recognized Mr. Kruer as having standing to apply for the lot split. Mrs. Raubolt was very concerned about this situation and possible future implications. |

No new communications were received at City Hall concerning this variance request. No other public comment was received. Mayor Seibold closed the public hearing.

B. Graham-Dills. That the request of Frederick Kruer, 2801 Lake Drive, to divide the property into three parcels as outlined on the submitted applications materials, be approved with the following conditions:

1. Approval of the land division is not effective until the existing house on Parcel A is repositioned on a new foundation parallel to Lake Drive as illustrated in the application, and the certificate of occupancy is issued, which must be accomplished on or before August 5, 2013;

2. The Commission's approval of this land division application expires in its entirety on August 5, 2013. Transfer and recording of the relevant deeds or land contracts(s) with the Kent County Register of deeds must be accomplished on or before that date;
3. Relocation of utility services for the home on Parcel A or recorded easements for the same, as appropriate, must be completed before the City will issue a certificate of occupancy for the home relocation;
4. Construction of the proposed storm water management and drainage facility must be complete before the City will issue a certificate of occupancy for the relocated home on Parcel A, or new homes on Parcels B or C;
5. The split complies with the surveys presented in the land division application;
6. Any and all easements that are proposed as a part of this land division must be created and recorded before or at the time of any property transfer.

Commissioner Graham questioned how long the relocation and restoration of the home would take. Mr. Krueer stated the majority of the moving and restoration process was estimated to take six weeks with the rear addition proceeding after that. He intended to wait to move the house until someone put a substantial deposit on one of the lots to allow the most time possible to sell the entire property.

Commissioner Graham asked Mr. Krueer to clarify that he intended to list the entire parcel as one unit and then hold off doing anything with moving the home until necessary to complete the project by the end of the one-year window. Mr. Krueer stated he already listed the property as a whole and would not do any moving until one of the lots was under contract. He stated it was not his intention to wait until the last possible moment because he would be out a substantial amount of money if the project were not completed in time. He hoped to be able to sell the lots by the end of the year, giving him enough time to complete the moving of the home before the one-year deadline.

Commissioner Graham was not inclined to give approval of the lot split prior to the moving of the home.

Commissioner Dills felt all of the items requested by Mr. Krueer—marketing the house/lots and moving the house—could take place right now without the lot split. He stated because the house had not been moved, he was considering the merits of the lot split request as the home stood right now, oriented toward the other properties. He did not feel this met Section 5.406(3) of the Code. He could not support approving the lot split without the relocation taking place first.

Commissioner Johnson also expressed concern about meeting Section 5.406(3)d regarding the relationship of the home to other parcels. She worried all of these proposed events would take longer than 12 months and that it would be in the best interest of the City for the applicant to move the home first and then approve the lot split. She agreed there was sufficient land to divide, but felt the possibility existed to create a situation not harmonious with other properties if all events did not happen as proposed. She stated she would look at the request differently if the home were already moved.

Commissioner Skaggs agreed with Commissioners Dills and Johnson. He also agreed with the neighbor's assertion that this situation should be viewed as affecting a much narrower area than the ordinance's 500 foot rule and that Parcel C would be much smaller than lots in the immediate vicinity.

Commissioner Miller agreed it was difficult to approve the lot split with assurances of how things would look in the future when the home is moved. He felt it would not be harmonious with the house as it is currently located and that he would be more comfortable looking at this proposal after the home was moved.

Commissioner Goebel agreed the ordinance standards were not currently met and he did not have confidence the house can and would be moved. He stated there were many things that could fall apart and he could not support without the building being moved first.

Commissioner Graham questioned whether the land could be divided without the moving of the home. City Attorney Huff indicated the City Commission could still consider the orientation of the home as creating disharmony in the neighborhood and deny a lot split based on such a proposal not meeting the requirements of Section 5.406(3). Commissioner Graham stated he would be inclined to approve the request as long as the many conditions enumerated by City staff were met. He felt the first condition stating the land division is not effective until the existing home is repositioned was sufficient to assure the home was moved and restored before any new lots would be created and sold. With this condition in place, he would vote to approve.

Mayor Seibold stated she had reviewed each provision of the ordinance in regards to this proposal. She stated several items in subsection 3 were bothersome, including harmony with parcels, the floodplain issues, and relationships of front/side/rear yards. She noted Mr. Kruer has agreed the position of the home is not conducive for the lot split. She stated this is a very complex proposal with many possible pitfalls. Mayor Seibold stated it would be hard to deny once the home were moved, but she was very hesitant to approve because she was not sure everything could be accomplished as proposed. She stated she would not be voting in favor of the motion.

Commissioner Dills asked if it would be legal to use a buyer's deposit on one parcel to move the home on the other parcel. Mr. Huff noted Mr. Kruer has not represented that he would be using the deposit as funding for the move of the home. Mr. Huff believed he could use the deposit/contract to leverage other financing. Mr. Huff also noted financing ability is not normally considered by the Commission when making decisions on these types of requests.

Commissioner Johnson felt there were many different links in this proposed chain that take longer than anticipated or fall through entirely to derail the entire project. She preferred to look at the proposal after the home is moved.

Yeas: Graham – 1

Nays: Dills, Goebel, Johnson, Miller, Skaggs and Seibold – 6

2012-101. Consider request to adopt a resolution supporting new legislation for pension flexibility.

City Manager Donovan asked the City Commission to formally support proposed legislation that would give municipalities like East Grand Rapids options currently unavailable in structuring and funding pension plans. He felt the legislation would allow East Grand Rapids to avoid jeopardizing other operations because of unnecessarily short timeframes for funding the former defined benefit plan.

- A. Miller-Johnson. That a resolution supporting Senate Bills 1129 and 1171 and House Bills 5725 and 5726 giving additional options for municipal pensions be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Johnson agreed the current mandated funding schedule was a financial burden and this legislation would ease that burden.

Commissioner Skaggs felt the new legislation would save taxpayer dollars for needed services while keeping the promises made the employees.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2012-102. Johnson-Goebel. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held July 16, 2012.
- B. Payroll disbursements of \$203,871.85; county and school disbursements of \$2,270,999.83, and total remaining disbursements of \$284,836.39.
- C. The purchase of soil conditioning equipment for the grounds maintenance operations from Carleton Equipment in the amount of \$5,620.20.
- D. The purchase of five patrol rifles and accessories for the Public Safety Department from Michigan Police Equipment in Lansing at a cost of \$10,333.50.
- E. The quarterly financial report for the period ending June 30, 2012.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

The meeting adjourned at 7:16 p.m., subject to the call of the Mayor until August 20, 2012.

Karen K. Brower, City Clerk

Attachments: A – Resolution supporting Senate Bills 1129 and 1171 and House Bills 5725 and 5726.

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