

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 2, 2017

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

Present: Commissioners Dills, Duncan, Hamrick, Miller, Schad, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; Zoning Administrator Faasse; City Clerk Brower

2017-140. No public comment was received.

2017-141. Commissioner Zagel reported that a new store, About Face, had opened in Gaslight Village. He also noted that an Asian restaurant would soon open in the old Biggby location.

Mayor Seibold conveyed her sympathies for those involved in the tragedy in Las Vegas and sent the thoughts and prayers of all our citizens to the friends and families of the victims.

2017-142. A zoning variance hearing was held regarding the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow:

- a. a retaining wall and fence in the city right-of-way instead of the required 1' setback.
- b. a 4' fence in the front yard instead of the allowed 3.'

Zoning Administrator Faasse reported a survey had been completed showing the retaining wall was on the property line in some areas and within the city right-of-way in others.

2017- -A. Dills-Miller. That the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow a retaining wall and fence in the city right-of-way instead of the required 1' setback be taken from the table for consideration.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

Nays: -0-

2017-125-A. Dills-Zagel. That the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow a retaining wall and fence in the city right-of-way instead of the required 1' setback be approved.

Laurel Ratering, owner of 1064 Lakeside, apologized for constructing the fence prior to being made aware of the ordinance regulations. She stated the wall was installed to address issues with drainage and mowing the slope down to the sidewalk. They extended the existing wall and added the fence without knowing it was in violation of the fence ordinance. She asked that the wall and fence be allowed to remain as it would be expensive to remove and replace.

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

- Scott Zochowski, 1058 Lakeside

Told the commission to do the right thing and approve this variance because it was only a few inches and the applicants shouldn't have to incur additional cost. Noted the retaining wall has kept soil off the sidewalk used by children to walk to school.

- Doug Walker, 1063 Lakeside

Felt the retaining wall and fence improved the property and did not cause any problems and should be allowed to stay.

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

- Keri Kilpatrick, 1052 Lakeside In Favor.
- Valerie Williams, 1128 Lakeside In Favor.
- Kathleen Plockmeyer, 1124 Lakeside In Favor.
- Joee Kam, 1053 Orchard In Favor.
- Mike Murray, 1039 Lakeside In Favor.

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

City Attorney Huff stated that legal issues such as insurance, liability and the possible future removal of the retaining wall would need to be addressed in a licensing agreement if the city commission was interested in approving the request. He noted the city commission had required at least two retaining walls to be removed from the right of way, but had allowed two other property owners to erect pillars near their driveways using a license agreement.

Commissioner Miller noted that he struggled with this request because while the wall is very nice and has eliminated the soil and mud on the sidewalk, it is in violation of the rules that were in place for quite some time. He felt it was important to be fair and consistent in the enforcement of the rules for all those who live in the community.

Commissioner Schad agreed the wall and fence have improved the drainage and empathized with the applicant because they did not intend to encroach on city property. She did not have a problem with the height of the fence, but stated the issue was the wall being on city property.

Commissioner Hamrick noted the wall could cause damage to snowplow equipment and would expose the city to liability for injury to personnel or could cause issues with access to any underground utilities.

Mayor Seibold reiterated that the commission has denied other requests to allow retaining walls to remain in the right of way due to snowplowing and liability issues. She also noted that the aesthetic value and the approval of neighbors should not influence the decision. She stated that she could not support the variance because it would not be fair to others and would set a precedent for future requests.

Commissioner Dills agreed that while it was a difficult decision, it came down to being fair and consistent regardless of the extenuating circumstances.

Yeas: -0-

Nays: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

2017- -B. Miller-Hamrick. That the request of Kurt & Laurel Ratering, owners of 1064 Lakeside, to allow a 4' fence in the front yard instead of the allowed 3' be approved.

Zoning Administrator Faasse noted the front yard was defined as the area from the front property line to the home and that fences in the front yard were limited to a height of 3' or less.

Commissioner Dills noted the fence was see through and did not cause any issues with sight distance.

Commissioner Schad agreed and stated she was in favor of allowing the fence to remain in the front yard.

Commissioner Miller did not see an issue with allowing the corner and front yard fencing to remain as the ordinance allows for variances in this type of situation.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

Nays: -0-

- 2017-143. A zoning variance hearing was held regarding the request of Stephen Kusmierczak, owner of 230 El Centro, to allow the construction of a new home with a front yard setback of 16.2' instead of the required 30.0.'

Zoning Administrator Faasse noted the new home would have a greater front yard setback than the former home on this lot. Mr. Faasse also stated this lot was not subject to through lot restrictions because it was a corner lot and not an interior lot.

Bruce Heys was present to represent the property owners and answer questions if needed.

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

- Chad Edwards, 128 El Centro Supported as long as the tree line was not disturbed.

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

- 2017- -A. Zagel-Hamrick. That the request of Stephen Kusmierczak, owner of 230 El Centro, to allow the construction of a new home with a front yard setback of 16.2' instead of the required 30.0' be approved.

Commissioner Zagel supported the request because of the unusual situation with this lot and because the applicants were being very conscious of the existing trees and the greenspace.

Mayor Seibold also supported this request as the new home was more complaint than the former home.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7

Nays: -0-

- 2017-144. Resolution beginning the special assessment procedures relating to the Durant Street Improvements Special Assessment District.

Assistant City Manager LaFave reported the six of the nine properties on the street voted in favor of beginning the special assessment process using preliminary estimates. He asked the commission to adopt a resolution authorizing staff to proceed with more detailed engineering work and cost estimates that will be used in the next steps of the process, which will include additional public hearings.

Mr. LaFave addressed questions raised in a letter from one of the property owners by noting that the city ordinance provides that the owner of a corner lot will pay only 50% of the assessment because that property has already paid an assessment for the improvement to the other frontage of their lot and the remaining 50% of that assessment will be divided among the other owners. He also noted that the length of the new road would be determined during the upcoming research and public input.

Mayor Seibold opened the meeting for public comment. The following people expressed their opinions:

- Jim Proctor, 2142 Durant

Not in favor of paving the street because he would lose some of his front yard if the road were straightened out. He also objected to the last three lots paying less if the road ends at their driveway instead of the full frontage of their lots. Asked that if improvements are done they be kept to a minimum of paving only.

- Carmel Loftis, 2151 Durant

Concerned about making the older couple pay the full share of the assessments while lots at the end paid less if the road is not paved all the way to the end. Favored dividing the assessments up fairly with a concession to one property due to the age of the residents.

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

- Carl & Jane Anderson, 2145 Durant Objected to the 50% reduction for the corner property and felt the road width, sidewalks and curbs planned for this road were excessive and unwarranted.

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

2017- -A. Duncan-Hamrick. That a resolution outlining the proposed paving and improvement of Durant Street and requesting the City Manager to prepare the necessary information be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7
Nays: -0-

2017-145. Miller-Duncan. To approve the consent agenda as follows:

2017- -. The minutes of the regular meeting held September 18, 2017.

2017- -A. Payroll disbursements of \$240,237.30; county and school disbursements of \$145,243.08, and total remaining disbursements of \$1,373,304.77.

2017- -B. The extension of the contract with Corby Energy Services of Belleville, Michigan in the amount of \$115,000 plus a 10% contingency amount for the rehabilitation of sanitary and storm sewer mains using cured-in-place pipe.

Yeas: Dills, Duncan, Hamrick, Miller, Schad, Zagel and Seibold – 7
Nays: -0-

The meeting adjourned at 7:10 p.m., subject to the call of the Mayor until October 16, 2017.

Karen K. Brower, City Clerk

Attachments: A – Resolution regarding the Durant Street Improvements Special Assessment District

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