

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 16, 2018

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 Duncan, Favale, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Parks & Recreation Director Bunn; Finance Director Mushong; City Clerk Brower; Communications Specialist Greenleaf; Zoning Administrator Mizikar

2018-41. No public comment was received.

2018-42. Commissioner Miller noted that the snowmelt system in Gaslight Village was apparently still in good working order as it was melting all of the late season snow.

Commissioner Walters and Mayor Seibold thanked the members of the Public Works Department for all their work combating the ice, sleet, freezing rain and snow during the last week.

2018-43. Master Plan input.

Deanna Eckert, 2827 Reeds Lake Blvd, had several suggestions for encouraging pedestrian use of the trail system, adding foliage, enhancing access to public lakefront areas and possibly adding additional demographic information to the charts already included.

2018-44. Request to approve the division of land at 340 Gracewood.

Zoning Administrator Mizikar explained the request to divide the property into two lots, one containing the existing home and a second parcel of vacant property. Both parcels will meet the size and setback requirements for the zoning district. Mr. Mizikar reviewed the standards in the ordinances and the size of the surrounding parcels. He noted that King & MacGregor had performed a preliminary analysis that concluded a home could be constructed on the higher elevations of the proposed lot without impacting the wet area. Mr. Mizikar stated the purchaser is willing to look at seeking a wetland delineation opinion from the DEQ as part of the redevelopment of the lot.

Assistant City Manager LaFave noted the DEQ does not have a required building setback from any wetland area. He also stated that a drainage plan is part of every building permit review and stormwater and drainage issues would have to be satisfactorily addressed before a building permit is issued.

Commissioner Walters asked City Attorney Huff whether the commission should be looking at the standard in 5.406A(3)c regarding wetlands and drainage. Mr. Huff stated that if the wetlands determination is already in place, the commission can use it in their discussion, but the ordinance does not require a written determination ahead of time.

Commissioner Hamrick questioned whether the DEQ could determine the lot isn't buildable at some point in the future. Assistant City Manager LaFave stated this was possible and the applicant would have to come back to the city or state with a variance request if that happens.

Joel Peterson, 654 Croswell, stated he had worked with many waterfront and wetland situations and was familiar with the regulations. He showed the tentative location for a walkout home and noted he would taking

all necessary steps to build the home, including obtaining a wetlands determination, a soil erosion permit, and hooking the house drains into the storm sewer. He further noted the home would be built into the hill on the higher portion of the hill and would not require changes to the overall grade of the lot.

Mayor Seibold opened a public hearing. The following people spoke concerning this request:

- Ed Millermaier, 2851 Reeds Lake Blvd Opposed because of detrimental environmental impact due to the standing water, the number of trees that would have to be removed, and future storm water issues to surrounding properties. He felt a new home would not fit into the area and would disrupt wildlife paths through the woods.
- Benjamin Lane, 345 Manhattan Opposed. Having two small homes on small lots would not conform to a neighborhood which has a number of very large lots with mature trees in the area.
- Katherine & Johanna Balingit, 337 Manhattan Very concerned about the wildlife that would have to relocate if a human home was built on top of their habitat.
- Diana Klein, 128 El Centro Felt this area was different because they valued nature more than other parts of the city. Worried about the damage to the wetlands and the confusion of the deer herd in the area. Felt this would set a bad precedent.
- Chad Edwards, 128 El Centro Noted there was no guarantee the environment would be taken care of or the wetland contained on this property. Asked further study be done before granting.
- Jennifer Clary, 337 Manhattan Disagreed with the idea the neighborhood would not be harmed because no one can know the future. Stated people move to this area because it's special. Asked that more time be taken to consider the request.
- Patrick Walsh, 2841 Reeds Lake Blvd While the split meets the technical requirements, it doesn't take the neighbor's feelings into account. Other properties with wetland area are not at all comparable to this property.
- Deanna Eckert, 2827 Reeds Lake Blvd Spoke about the ecology of the wetlands and the issues with shallow aquifers and drainage pipes. Felt the character of the area would suffer if a new home is built and asked that the city acquire this land for an extension of the trail and parkland. Asked the lot split be denied until a smaller home with larger setbacks and restricted height be proposed or until the property is donated to the city.
- Greg Artz, 340 Gracewood Showed map with stream noted as being 90' from the proposed home.
- Kristi Artz, 340 Gracewood Reported they had appealed their assessment to the tax tribunal and was told it was a buildable lot.
- Mike Lewis, 361 Manhattan Asked the commission to delay a decision until they could come out and walk the area and use common sense to deny the request.
- Dick Gauthier, 2863 Reeds Lake Blvd Opposed because it would impede drainage for surrounding properties. Stated his yard is currently flooded and water would flood his house if any other drainage impairment were added.
- Glenn Hefner, 325 Hodenpyl Stated this street was mesmerizing with all the trees and space between houses. This proposed home was an acrobatic attempt to fit a new home where it doesn't belong.

- Ann Lowry, 3500 Hidden Lane SE Former owner of 340 Gracewood. Stated a new home would block the view from the existing house.
- Joel Peterson, 654 Crosswell Didn't feel the Manhattan lots should be considered as the same neighborhood as the lot to be divided as they fronted on a street some distance away. Noted the city may need to inspect the drain in question to see if cleaning was needed.

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

- Dale Hovenkamp/Patrick Walsh, 2841 Reeds Lake Blvd Opposed
- Chris Eckert, 2827 Reeds Lake Blvd Opposed.
- Ann Saltsman, 2905 Reeds Lake Blvd Opposed.
- Emilie Collins, 2817 Reeds Lake Blvd. Opposed.
- Jan & Ed Millermaier, 2851 Rees Lake Blvd Opposed.
- Jennifer Clary, 337 Manhattan Opposed.
- Johanna Balingit, 337 Manhattan Opposed.
- Katherine Balingit, 337 Manhattan Opposed.
- Todd & Helen Smith, 324 Gracewood Opposed.

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

2018-44-A. Zagel-Hamrick. That the request of Gregory and Kristi Artz, owners of 340 Gracewood, to divide the property into two conforming parcels with the northern parcel containing the existing home measuring 125' wide by 144' long containing 18,072 square feet of property, and creating a new southern parcel of undeveloped land with a width of 174.25,' a northern side length of 144' a southern side length of 158.5' and approximately 23,636 square feet be approved, with the following conditions:

1. The split complies with the surveys and legal descriptions presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

City Attorney Huff noted that for purposes of considering how the split will affect the area, the ordinance defines neighborhood as a 500' radius from the property in question. He stated the standards were put into place after city lost a court decision involving a lot split denied by the city because of the size of the lot.

Commissioner Zagel agreed it was beneficial to look at a larger area. He reported the Board of Review did determine the Gracewood lot was buildable according to size. He expressed concern about the proposed home's proximity to the existing home as this was not the norm in this neighborhood.

Mayor Seibold noted that 340 Gracewood was originally platted as four lots. She stated that all zoning ordinance standards are created to set minimum distances and measurements and to have factual, not emotional, discussions.

Commissioner Favale felt this was a unique area and stated she would like the wetlands issue addressed before approving a lot split.

Commissioner Duncan questioned the reference to 350 Manhattan in one of the resident letters. City Attorney Huff noted that was a different type of situation in that it was a land division proposal that was denied because it would have created a flag-shape lot with one lot behind another lot with only a driveway-width of frontage.

City Manager Donovan stated the City Commission has denied lot split requests where variances were required because the resulting lots would not meet zoning requirements. Lot splits are generally approved if the resulting lots meet all the zoning requirements.

Commissioner Miller spoke about balancing the laws as they are written with what people would like to see in individual situations. He agreed the wetland issue is a concern, but cautioned the neighbors that it might be a

wetland and still be buildable. He stated the lot split request could not be denied based on the size, but the split may be conditioned upon the resolution of the wetland designation and any required setbacks. He would be willing to delay a decision until the wetland discussion could take place.

Commissioner Walters noted tree removal could not be considered as a reason to deny the request. He agreed with the others about tabling this issue until a wetlands designation could be made.

2018-44-B. Walters-Miller. That the request of Gregory and Kristi Artz, owners of 340 Gracewood, to divide the property into two conforming parcels be tabled until a wetlands delineation report can be obtained for this property.

Yeas: Duncan, Favale, Hamrick, Miller, Zagal, Walters and Seibold – 7
Nays: -0-

2018-45. Durant Street Special Assessment District.

Assistant City Manager LaFave explained the last few steps that would be taken at the next meeting and answered questions from the city commission.

2018-45-A. Miller-Zagal. That a resolution setting a hearing on the assessment roll for May 7, 2018 for the Durant Street Special Assessment District be adopted as attached in Exhibit “A.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagal and Seibold – 7
Nays: -0-

2018-46. Installment Purchase Loan Agreement.

Finance Director Mushong explained the city would be taking out a five-year loan at 2.85% interest in order to complete two projects without expending the entire amount in the next year. She noted there is no penalty for paying off the loan early, so this would be an option in the future if finances allow.

Commissioner Miller stated he was originally not comfortable with adding debt, but he now supported the installment agreement as a way to even out the cash flow situation.

2018-46-A. Zagal-Hamrick. That a resolution approving the purchase of certain equipment, authorizing the execution by the City of installment purchase agreements, authorizing the limited tax, full faith and credit pledge for the payment of said agreements and approving other actions be adopted as attached in Exhibit “B.”

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagal and Seibold – 7
Nays: -0-

2018-47. Zagal-Miller. To approve the consent agenda as follows:

2018-47-A. To approve the minutes of the regular meeting held March 26, 2018.

2018-47-B. To approve payroll disbursements of \$439,649.03; county and school disbursements of \$-0-, and total remaining disbursements of \$220,823.42.

2018-47-C. Grant Administration Policy and Procedures as attached in Exhibit “C.”

2018-47-D. A Conflict of Interest Policy attached as Exhibit “D.”

2018-47-E. A contract with Central Interconnect of Grand Rapids in the amount of \$89,643.51 for the upgrade of the commission chamber audio visual system.

2018-47-F. A contract for the replacement of the municipal complex chiller with Northwest Kent Mechanical of Cedar Springs in the amount of \$119,990.00.

2018-47-G. A contract with Nagel Construction of Moline in the amount of \$429,663.50 plus a 10% project contingency for the Boston water main improvement and the Arundel storm sewer improvement.

- 2018-47-H. A contract in the amount of \$85,500.00 plus an additional 10% contingency with Behrens Limited LLC of Lowell for the replacement of the permeable roof surface on Wege Plaza.
- 2018-47-I. A contract for grind and resurfacing street improvements with Superior Asphalt of Grand Rapids in the amount of \$239,555.00, and approval for staff to add an additional \$100,000 in additional street work to this contract based on asset ratings and conditions for a total cost not to exceed \$339,555.00.
- 2018-47-J. The preliminary minutes of the Planning Commission meeting held February 13, 2018.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7
Nays: -0-

- 2018-48. The regular meeting adjourned at 8:02 for a short break. The meeting resumed at 8:15 as a budget work session to discuss the overall budget situation and to review capital improvement requests for the upcoming fiscal year.

The work session adjourned at 9:15 p.m., subject to the call of the Mayor until May 7, 2018.

Karen K. Brower, City Clerk

Attachments: A – Resolution setting a hearing on the assessment roll for the Durant Street Special Assessment District
B – Resolution approving an installment purchase agreement
C – Grant Administration Policy and Procedures
D – Conflict of Interest Policy

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