

**APPROVED MINUTES OF THE
COMMITTEE OF THE WHOLE**

November 17, 2020

Zoom Meeting (electronically)

5:30 P.M.

Present: Commissioners: Mayor Pro-Tem Robert Coughlin (5:50), Betsy Artz, Emily Bridson, Ron Draayer, Maurice Groce, Thomas McKelvey, and Mayor Stephen Kepley. Staff Present: I.T. Director Matt Anderson, City Engineer Brad Boomstra, Engineering & Inspections Director Tim Bradshaw, Deputy Finance Director Bhama Cairns, Finance Director Tom Chase, Human Resources Director Gail Dewey, Economic Development Planner Lisa Golder, Public Works Director John Gorney, City Clerk Dan Kasunic, Fire Chief Brent Looman, Deputy Administrator Mark Rambo, Police Chief Richard Roberts, Parks and Recreation Director Val Romeo, Community Development Director Terry Schweitzer, City Treasurer Laurie Sheldon, Fire Department Administrative Assistant Nancy Shane, and City Attorney Jeffrey Sluggett, Sabo PR Lisa Taylor and two residents.

CITY ENGINEER'S OFFICE:

A. KENTWOOD ACRES POND DISCUSSION.

City Commissioner Draayer recused himself from the Committee discussion because he was one of the homes affected.

City Engineer Boomstra provided a presentation that went in conjunction with the commission packet reviewing the minimum building opening ordinance in 1980, noting this action was prior to the permitting and construction of the homes in the Kentwood Acres development. City Engineer Boomstra noted these homes are below the minimum opening and displayed the covenants and restrictions of the development that had been recorded at the County. He provided important dates of the permitting and construction and the lack of certificates of Occupancy for some of the homes including a letter sent to one homeowner regarding being below the allowed opening. City Engineer Boomstra provided a drawing demonstrating how the detention pond was constructed and how it is supposed to drain. He displayed three possible potential improvements with different outcomes noting the sidewalk had been reconfigured to match the elevation of the roadway. He did note there is one house that has a floodwall but is currently below the required elevation. The commission inquired about meeting requirements. City Attorney and City Engineer Boomstra explained at the time of construction the city did not require certification to meet code, since then it is required to have a certified Land Surveyor sign off on elevation. Engineer Boomstra informed the committee with the adjacent development the risk of flooding will be reduced.

The discussion was opened to residents for comments or questions. One homeowner who purchased in 2001 wanted to know if the only way to obtain a certificate of occupancy is to build a floodwall and what is the formula for the

city's contribution for construction of wall. City Engineer Boomstra explained at the time of floodwall construction the amount paid was the cost of cleaning the easement and no formula was developed. Resident Draayer express his thoughts the city should pay. His belief is the city is responsible for enforcement of codes. Mayor Kepley stated the code allows an administrative closing of permits for certain reasons but the only recourse for the city at the time is not to issue a certificate of occupancy. Engineer Boomstra stated with his background at the drain Commission the floodwall is the only solution, and costs vary depending on the amount of wall that would need to be installed. The committee asked several questions pertaining to the ordinance and builder. Mayor Kepley asked what the next step should be, with fairness to all. City Attorney explained public funds can not be used for private benefit; however, this may remove claims against the city and would require indemnification along with other requirements. Mayor Kepley requested City Attorney Sluggett to provide language tied to the deeds, bring it back to the Committee of the Whole including a proposed resolution and for staff to provide any additional information needed for the Commission.

PLANNING DEPARTMENT:

A. DIVISION UNITED UPDATE (RAPID)

Community Development Director Schweitzer and Economic Planner Golder provided an update on the Division United Project. They stated the project began October of 2019. The partnership with Wyoming, Grand Rapids and the Rapid to undertake a study of the Division Avenue Corridor was a data gathering and outreach to the community effort. They noted how the Form Based Code had problems for developers such as too much required parking and how the focus was on smaller community developers who are committed to the area. They noted a workshop will be set up to provide opportunities to interact with the community. Director Schweitzer stated they expect the study to be completed in February.

The meeting was adjourned at 6:39 P.M.

Dan Kasunic
City Clerk

Robert Coughlin
Mayor Pro-Tem