

CITY OF NORTON SHORES
CITY COUNCIL WORK SESSION

January 27, 2015

AGENDA 6b
DATE 2.3.15

A regular work session of the Norton Shores City Council was held on Tuesday, January 27, 2015 at 5:30 p.m. at the Norton Shores Branch Library, 705 Seminole Road.

Present: Mayor Nelund, Council Members Beecham, Dolack, Flanders, Hylland, Jurkas, Martines, Moulatsiotis and Ostrom; also Mark Meyers, Carrie Larks, Mike Huston, Jerry Bartoszek, Jon Gale, Bob Gagnon, Lynne Fuller, Susan Franklin and Doug Hughes

1. Solid Waste Proposals

At City Council's direction, Public Works Director Jerry Bartoszek solicited proposals from solid waste disposal companies for solid waste management throughout the city. Services requested included weekly residential collection of garbage, recycling on a weekly basis and yard waste (seasonal) for a five-year term. Proposals for additional services were requested including waste collection at City parks and facilities and a spring and fall clean up event. The primary services focused on residential collection. Companies had the option of submitting proposals for the entire city and/or four smaller zones within the city. Four contractors submitted proposals for various services and areas of the city. A large variety of options were proposed and a condensed analysis was prepared for Council's review to determine whether the City should contract with a single waste hauler, either for the whole city or by zone. If Council decides to contract services with a single solid waste hauler an amendment to the Solid Waste ordinance is necessary to require the use of the City selected provider. Republic Services offers full service at the lowest cost.

Mayor Nelund noted that this issue has been discussed for many years with no information as to the potential cost/savings for residents. Council Member Dolack asked 1) Will residents still be able to utilize the Muskegon County Landfill; 2) How would yard waste be collected for those residents who have a large amount; 3) Would the provider be allowed to add administration fees or fuel increases to the monthly cost? Mr. Bartoszek said continued use of the landfill would be a Council decision, yard waste would have to be bagged or in a container no matter how much is collected, and although none of the vendors indicated there would be an administrative fee, two vendors indicated fuel increases if prices go up to \$4.00-\$4.10 per gallon. Mr. Dolack also asked if the City could require the chosen vendor to use the Muskegon County Landfill and what effect would a single hauler have on neighborhoods such as Windflower Bay and Fairway Farms that have contracts for trash collection.

Mr. Bartoszek said that landfill use was not included in the request for proposals so the City could not require the use of a specific landfill. Existing contracts between neighborhoods and haulers other than the one contracted by the City could remain in effect until the contract expires.

Council Member Flanders thanked staff for compiling the detailed information for Council but as a representative of Ward I his constituents have made it clear they do not agree with the single hauler concept. He asked how the residents would be protected if the City contracts with a hauler that encounters financial difficulty and goes out of business. City Attorney Doug Hughes said that would be addressed in the contract between the City and the hauler.

Council Member Ostrom continues to believe that if the City were to contract with a single hauler the City should be responsible for the service and charges should be part of the tax collection process. Residents who have contacted Mr. Ostrom are overwhelmingly against the concept of a single hauler and he sees no reason to change the status quo.

Council Member Jurkas has not had any positive comments on the subject. She is concerned about the companies and families that would be affected if smaller companies go out of business and is not in favor of a single hauler.

Council Member Hylland feels that in order for government to restrict competition there must be overwhelming evidence of a compelling reason such as road construction.

Council Member Moulatsiotis asked if this question could be placed on a ballot for the voters to decide. Mr. Hughes said there is no avenue for that type of ballot proposal. Previous court decisions have made it clear that matters of administration are for the elected officials to decide.

Council Member Beecham also represents Ward I and has heard no positive comments. She has experienced an overwhelmingly negative reaction. She thanked staff for providing Council with the necessary facts to make an informed decision.

Council Member Jurkas asked if the issue had to move forward to a formal vote. City Administrator Mark Meyers explained that Council authorized the solicitation of proposals for a single hauler. The City has the right to reject any and all of the proposals received and that should be done at a regular Council meeting.

Council Member Martines reiterated that a majority of citizens responding to a city-wide survey were in favor of a single refuse hauler. He said that statistics show that people who are opposed to an issue are very vocal but those that don't feel strongly one

way or another or are in favor do not express their opinions and the Council should seriously consider the survey results.

Mayor Nelund said that although the science behind the concept is good, it's not popular. He feels that some of the issues such as damage to the roadway edge can be resolved through education and discussions with haulers. He also stressed the importance of staff's work and information because it can be used to decide the issue.

Council Member Ostrom hopes that in the future there is an opportunity for the City to take on the responsibility of refuse collection. This matter will be presented to Council at the next regular meeting for disposition.

2. Winnetaska Road Width – Fire and Municipal Code Requirements

Fire Chief Bob Gagnon updated the Council on the Winnetaska private road improvement project. The issue is that the current private portion of Winnetaska Road lacks sufficient width, required turnaround points and driveway width requirements outlined in the adopted 2009 International Fire Code. This matter was initially addressed in 2006 by former Fire Chief Dave Purchase. At that time residents were informed of the restricted building activities due to the insufficient access for emergency vehicles. Two other areas within the city have since made the necessary improvements and are in compliance with the Code. No improvements have been made in the Winnetaska area.

Recently Chief Gagnon and Fire Marshal Ted Karnitz have been meeting with residents following an inquiry from a Winnetaska resident who is selling his home. They also met with representatives of the Department of Environmental Quality who indicated that the scope of the project to widen the road as it relates to permit fees would depend on the impact to the surrounding dunes. DEQ representative Nancy Cuncannan requested that a plan be developed and submitted to the City for approval before being forwarded to the DEQ. No formal plan has been submitted to the City so far. Chief Gagnon and Fire Marshal Karnitz also drove a fire engine the entire length of Winnetaska Road identifying to residents the areas of concern such as trees, road improvements and turn around points. They also provided alternative solutions to minimize the dune and financial impacts. Chief Gagnon recommended that the established minimum requirements consistent with nationally recognized practices should be maintained to provide a reasonable level of life safety and property protection. The minimum 20' width is to allow two fire apparatus to pass side by side. Since there is no water supply to the area a tanker shuttle system would have to be used to provide water for fire suppression.

Council Member Dolack asked if improvements could be made by the residents themselves by removing trees. Chief Gagnon said the concern is not just the removal of trees but proof that the substructure of the ground is capable of accommodating a 75,000 pound apparatus is vital. Mayor Nelund asked how a fire can be suppressed without city water. Chief Gagnon explained that fire suppression could be accomplished with a well but an emergency backup generator would be necessary.

Council Member Hylland asked if the fast attack vehicles help with this issue. Chief Gagnon said those vehicles are meant to access areas with little area to maneuver, but those vehicles are the first to respond to medical calls and a tanker would still be necessary to supply water.

Mayor Nelund reiterated that property owners were notified in 2006 and is only an issue if a property owner requests a building permit to rebuild or add on to their home. This would be most difficult in the case of the catastrophic loss of someone's home. He also reminded Council of the Fire Code Board of Appeals. Anyone denied a building permit can appeal to the board. The board would then determine if the Fire Chief is applying the code appropriately.

Council Member Hylland expressed his concern that a resident would not be able to reconstruct their home in the event of a catastrophe. He also asked if these same problems exist for other private roadways and/or City streets. Chief Gagnon explained that other areas of concern would be addressed in the same manner through the building permit process. He also stressed that in any of these areas staff is willing to work with residents to provide appropriate access to ensure the safety of residents and firefighters, meeting minimum code requirements whenever possible. He appreciates the concern of the residents about the rustic nature of the neighborhood but feels the alternatives offered are more than fair when taking the minimum standards into account. Staff will continue to work with the residents but the protection of the residents and firefighters remains a priority.

Mayor Nelund asked how the area was platted and Chief Gagnon stated it was originally platted for 20' wide roadways. Council members agreed that it is not unreasonable to expect the roadways to be restored to their platted widths. Council Member Martines said Council needs to rely on staff, support them and respect their years of experience.

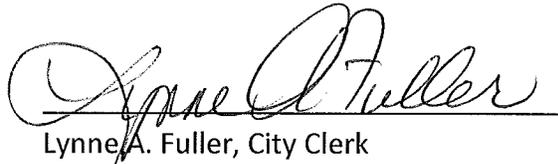
Mr. Meyers suggested that staff could revisit the 2008 internal memo and review the list of allowed and restricted activities. The current code allows discretion on the part of fire officials. Council could amend the ordinance or staff could continue to use discretion and work within the existing fire code.

Council Member Ostrom said it seems as though there are simple things that could be done to bring the area closer to compliance with the ordinance. If the property owners choose not to make the improvements the homes are not sellable.

It was the consensus of Council that staff should revisit the permit restrictions from 2008 and continue to work with the residents to improve the road.

Mr. Meyers thanked the Fire Chief and Fire Marshal for the time spent with residents to resolve this issue. He also thanked Public Works Director Jerry Bartoszek and his assistant, Tara Smith, for the work done on the solid waste management issue that provided the information necessary for the Council to review the issue thoroughly.

Meeting adjourned at 7:10 p.m.



Lynne A. Fuller, City Clerk