

REGULAR MINUTES  
PERE MARQUETTE DEPOT  
Tuesday, July 7, 2009

A meeting of the City Council of the City of Belding, Michigan was convened in open and public session at 7:00 p.m. on Tuesday, July 7, 2009.

The City Clerk took the roll call:

Members Present: Council Members Bunce, Stout, Wills and Satterlee.

Members Absent: Council Member Husted.

Council Member Stout made a motion to excuse Council Member Husted from the meeting, per Section 4.5(f) of the City Charter, supported by Council Member Bunce.

Ayes: Council Members Bunce, Stout, Wills and Satterlee.

Nays: None.

Mayor Protem Wills delivered the invocation.

The Mayor Protem led the audience in the Pledge of Allegiance.

The Mayor Protem called for the City Manager's Report – noted and filed.

City Manager DeBruine stated that the city received grant funds in the amount of \$124,000 for heating and cooling at the depot, decorative lights on Depot and Bridge Streets, and fire suppression at the Front St. garage. The funds are 100% federal and state money.

The railroad is taking up the ties, steel, plates and spikes throughout the city.

The bids for the M-44 project are due on July 22. MDOT is doing the bidding process and will award the bid. He will email city council with the price of the project. The project should begin mid August.

Bids are due this Friday for the Bridge and Main Streets project. The contract will be awarded at the next council meeting.

The DAAC is meeting tomorrow night and the DDA will be meeting Thursday at noon. He will ask for input on pursuing the Main Street Program at this time, or postponing it.

He thanked the staff for their work the last two weeks. No major issues arose.

Council Member Bunce asked if the DDA had approved a plan for the Main Street improvements?

City Manager DeBruine stated that the project had been designed and the DDA approved it. The bump out was moved back to allow for a larger turning radius.

The Mayor Protem called for the Consent Agenda.

- A. Approval of Minutes 6-16-09
- B. Museum Advisory Board Appointment – Mason
- C. Planning Commission Appointment – Curler
- D. Budget Amendment – FY 2008/09
- E. DART FY 2009 Federal Earmark
- F. Consumers Energy – Change in Streetlighting Contract

Council Member Bunce made a motion to approve Item A of the consent agenda, supported by Council Member Satterlee.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Wills and Satterlee.  
Nays: None.  
Abstain: Council Member Stout.

Council Member Stout made a motion to approve Items B-F of the consent agenda, supported by Council Member Bunce.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
Nays: None.

Following are the resolutions contained in the Consent Agenda.

**B. MUSEUM ADVISORY BOARD APPOINTMENT**

RESOLUTION NO. 2009-07-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
APPOINTING JILL MASON TO THE MUSEUM ADVISORY BOARD.

WHEREAS, the term of office for Jill Mason on the Museum Advisory Board will expire on July 18, 2009, and

WHEREAS, Jill Mason has indicated that she is interested in serving another term on the board; and

WHEREAS, the Museum Advisory Board members have recommended the appointment of Jill Mason to the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Jill Mason be appointed to the Museum Advisory Board with a term to expire on July 7, 2012.

**C. PLANNING COMMISSION APPOINTMENT – CURLER**

RESOLUTION NO. 2009-07-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING DEB CURLER TO THE PLANNING COMMISSION.

WHEREAS, the term of office of Deb Curler on the Planning Commission will expire on July 18, 2009; and

WHEREAS, Ms. Curler has indicated that she is interested in serving another term on the commission.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Deb Curler be appointed to the Planning Commission with a term to expire on July 7, 2012.

**D. BUDGET AMENDMENT – FY 2008/09**

RESOLUTION NO. 2009-07-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AMENDING THE FISCAL YEAR 2008/09 BUDGET.

WHEREAS, on the 20th day of May, 2008, the Council of the City of Belding, Michigan adopted its 2008/09 Fiscal Year Budget for the administration of all funds and activities; and,

WHEREAS, unanticipated revenues and expenditures are projected which may exceed budget appropriations listed in said budget; and,

WHEREAS, the Fiscal Year 2008/09 Budget must be changed to reflect these adjustments;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the Fiscal Year 2008/09 Budget be amended pursuant to the attached worksheet shown on the staff report.

**E. DART FY 2009 FEDERAL EARMARK**

RESOLUTION NO. 2009-07-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN

APPROVING PROJECT AUTHORIZATION 2007-0173/Z6 BETWEEN THE CITY OF BELDING AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Belding, Dial-A-Ride submitted an application for a federal section 5309 earmark for capital projects at the Depot, and Bus Garage; and,

WHEREAS, the Michigan Department of Transportation desires to have project authorization 2007-0173/Z6 reviewed and approved; and,

WHEREAS, the Michigan Department of Transportation has submitted project authorization 2007-0173/Z6 for the designated amount of \$124,450.00; and,

WHEREAS, the City of Belding is required to conform to the conditions stated in project authorization 2007-0173/Z6 with the Michigan Department of Transportation.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Belding, Michigan, that the Mayor is hereby authorized to sign project authorization 2007-0173/Z6 between the City of Belding, and the Michigan Department of Transportation.

**F. CONSUMERS ENERGY – CHANGE IN STREETLIGHTING CONTRACT**

RESOLUTION NO. 2009-07-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING A CHANGE IN THE STANDARD STREETLIGHTING CONTRACT WITH CONSUMERS ENERGY.

WHEREAS, it is deemed advisable to authorize Consumers Energy to make changes in the streetlighting service as provided in the Standard Streetlighting Contract between the Company and the City of Belding, dated November 11, 1976 in accordance with the Authorization for Change in Standard Streetlighting Contract dated June 24, 2009, heretofore submitted to and considered by this Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the City Manager and City Clerk be and are authorized to execute such authorization for change on behalf of the City of Belding.

The Mayor Protem called for Business Agenda Item A – **INDUSTRIAL PRETREATMENT PROGRAM ORDINANCE AMENDMENT – ADOPTION**

The City Clerk read the preamble to the ordinance.

Council Member Bunce moved the adoption of the ordinance and the motion was supported by

Council Member Stout.

**ORDINANCE NO. 507**

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 86 OF THE CODIFIED ORDINANCES OF THE CITY OF BELDING BY AMENDING ARTICLE V, DIVISION 2, WHICH REGULATES DISCHARGES TO THE POTW**

**THE CITY OF BELDING ORDAINS:**

**Section 1. Amendment of Section 86-234.**

Section 86-234 of the City Code is hereby amended to read in its entirety as follows:

**Sec. 86-234. Abbreviations.**

The following abbreviations shall have the designated meanings:

TABLE INSET:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
ERP	Enforcement response plan
l	Liter
LOD	Level of detection
MAIL	Maximum allowable industrial loading
MAC	Michigan Administrative Code
mg	Milligrams
mg/l	Milligrams per liter
MRP	Mercury reduction plan
NPDES	National Pollutant Discharge Elimination System
PCBs	Polychlorinated biphenyls
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids
WWTP	Wastewater treatment plant

**Section 2. Amendment of Section 86-246.**

Section 86-246 of the City of Belding Code of Ordinances ("City Code") is hereby amended to read in its entirety as follows:

**Sec. 86-246 Discharge Prohibitions**

(a) *General prohibition.* No user shall contribute or cause to be contributed, directly or indirectly, to the POTW, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. This general prohibition and the specific discharge prohibitions which follow in this section shall apply to every user whether or not the user is subject to other pretreatment standards or requirements.

(b) *Specific Prohibitions.* No user shall contribute any of the substances listed below in this section to the POTW. This Section sets forth the minimum requirements for users' discharges to the POTW. Additional or more restrictive requirements may be required of particular users under a Wastewater Discharge permit, or as otherwise authorized or required by this Chapter or other applicable laws and regulations. Specific limitations for individual industrial users are available for public review at the City of Belding WWTP during normal business hours.

(1) Specific local limits for conventional pollutants.

(A) No User shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the daily maximum or monthly average concentrations below in this subsection.

(B) At the discretion of the Superintendent, a surcharge may be applied to discharges above the Surcharge Threshold and up to the Daily Maximum. If allowed by the Superintendent, discharges exceeding the Surcharge Threshold, but less than Daily Maximum limits (and which do not violate any other applicable prohibitions, limitations, or requirements), are not considered violations of this Chapter, but are subject to surcharges as provided by this Chapter. All exceedances of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements shall constitute a violation of this Chapter, subject to applicable fines, penalties, and other enforcement actions. In no event shall the imposition of a surcharge for a discharge which does not meet the user applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this chapter.

\*

<i>Parameter</i>	<i>Surcharge Threshold Concentration (mg/l)</i>	<i>Daily Maximum Concentration (mg/l)</i>
Ammonia – N	20	65 (or 40 lbs/day)*
BOD <sub>5</sub>	300	1,500 (or 590 lbs/day)*
Total Suspended Solids	300	1,000 (or 360 lbs/day)*
Fats, Oils, & Grease	N/A	150
Total Phosphorus as P	10	25 (or 15.2 lbs/day)*

Special Discharge Allocation: A non-domestic user may, at the time of application for an IPP discharge permit, request that the uniform

concentration limits for BOD<sub>5</sub>, Total Suspended Solids, Ammonia Nitrogen, and Total Phosphorus be increased for that permit. Such Special Discharge Allocation is expressed as a total daily pound limitation. Approval of a Special Discharge Allocation shall be subject to the following provisions:

1. The user requests a special Discharge Allocation through the permit application process, and this request must include a written acknowledgement whereby the user consents to comply with all terms and conditions which may be imposed by the POTW.
2. The POTW makes a determination that adequate treatment capacity allowing for the Special Discharge Allocation exists within the City of Belding Maximum Allowable Industrial Loading (MAIL) shown below:

<b><i>Parameter</i></b>	<b><i>MAIL</i></b>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	2,963 lbs/day
Ammonia Nitrogen (NH <sub>3</sub> -N)	200 lbs/day
Total Phosphorus (TP)	76 lbs/day
Total Suspended Solids	1,808 lbs/day

3. The Special Discharge Allocation is within the MAIL as found above and would not result in the POTW receiving pollutants in excess of its ability to treat. Notwithstanding the forgoing, the Special Discharge Allocation does not confer any right to any particular amount of capacity in future periods. In addition, the POTW reserves the right to institute a review of any previously permitted Special Discharge Allocation at any time, pursuant to which the POTW in its discretion, upon notice and the opportunity for a hearing, may reduce or eliminate a user's previously permitted or approved Special Discharge Allocation.
4. The Special Discharge Allocation for any one industrial user may not exceed 20% of the MAIL for the City of Belding WWTP.

(2) Specific local limits for nonconventional and organic pollutants.

No industrial user under the City of Belding Industrial Pretreatment Program shall discharge or contribute to the POTW, directly or indirectly, pollutants in concentrations that exceed the daily maximum concentrations below in this subsection:

<b><i>Nonconventional Pollutants</i></b>	<b><i>Daily Maximum Concentration (mg/l)</i></b>
Arsenic	0.071
Cadmium (Cd)	0.092
Chromium (total)	1.71
Copper (Cu)	2.07

Cyanide (Cn) (total)	0.223
Lead (Pb)	0.43
Mercury (Hg)	LOD*
Nickel (Ni)	1.60
Silver (Ag)	0.027
Zinc (Zn)	1.48

<b>Organic Pollutants</b>	<b>Daily Maximum Concentration (mg/l)</b>	<b>Monthly Average Concentration (mg/l)</b>
1, 1 – Dichloroethane	1.0	-
1, 1 – Dichloroethene	1.0	-
1, 1, 1 – Trichloroethane	1.0	-
Carbon Tetrachloride	1.0	-
Chloroform	1.0	-
cis-1,2 – Dichloroethane	1.0	-
Tetrachloroethane	0.83	-
Toluene	1.0	-

\* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the POTW. Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The LOD developed in accordance with the procedure specified in 40 CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

1. A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
2. A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
3. A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

(3) Mercury reduction plans.

To ensure that the maximum allowable mercury loading to the POTW is not exceeded, the POTW may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a Mercury Reduction Plan (MRP). The MRP may be required by permit if the nondomestic user has not violated the local limit for mercury, but the POTW has determined that a reasonable potential for such a violation may exist. MRP's may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approvable MRP shall contain the following:

- a. A written commitment by the nondomestic user to reduce all nondomestic discharges of mercury to levels below the LOD within three (3) years of the MRP's original approval date;
- b. Within 60 days of notification by the POTW that a MRP is required, the nondomestic user shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;
- c. Specific strategies for mercury reduction with reasonable time frames for implementation, capable of ensuring that mercury discharges will be below the specified LOD within three (3) years;
- d. A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with EPA Method 245.1;
- e. A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified LOD. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g. mercury discharges are near LOD), the demonstration should incorporate the following:
  1. Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g. A program of regular monitoring of sink traps where mercury-containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds);
  2. Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods referenced in applicable U.S. EPA Federal Register Notices. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 **and** collected at the appropriate compliance measurement location.

3. Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- f. A semiannual report on the status of the mercury reduction efforts. At a minimum, these reports shall:
  1. identify compliance or noncompliance with specific reduction commitments in the MRP;
  2. summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;
  3. provide all applicable analytical data;
  4. provide an evaluation of the effectiveness of actions taken to date;
  5. provide updates to the initial list of mercury-containing compounds discharged to the sanitary sewer; and
  6. propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.
- g. Any other conditions that the POTW deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant noncompliance in accordance with this Section, and will result in publication as a significant violator.

A MRP may be evaluated for adequacy at any time by the POTW. If such an evaluation determines that the MRP is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes noncompliance. In the event of violations, the POTW will follow its Enforcement Response Plan (ERP) to ensure that corrective actions are taken.

A nondomestic user may request a release from MRP requirements if:

1. All samples of the discharge for a period of one year are less than the specified LOD;
2. The nondomestic user has complied with the minimum monitoring frequency of quarterly sampling events; and
3. The POTW deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation.

The POTW shall notify the nondomestic user of any release from MRP requirements in writing.

If the MRP requirement is waived by the POTW, the nondomestic user remains subject

to the local limitations for mercury in accordance with the requirements of this Section.

Re-discovery of mercury in the nondomestic user discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the ERP.

- (c) Solvent extractibles, including, without limitation, oil, grease, wax, or fat, whether emulsified or not, in excess of 100 mg/l (daily maximum or monthly average); or other substances that may solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit in amounts that may cause obstruction to the flow in sewers or other interference with the operation of the POTW.
- (d) Any wastewater having a pH less than 6.5 or greater than 9.5 (instantaneous minimum and maximum limitation), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (e) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees Fahrenheit (40 degrees Centigrade). No discharge to the POTW shall have a temperature less than 32 degrees Fahrenheit or greater than 150 degrees Fahrenheit.
- (f) Any liquids, solids or gases which, by reason of their nature or quantity, may either alone or by interaction with other substances create a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the POTW, including, without limitation, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which may create a fire or explosion hazard or otherwise be injurious to the system.
- (g) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise result in interference with the operation of the POTW such as, but not limited to, grease; garbage with particles greater than one-half inch (1/2") in any dimension; animal guts or tissues; paunch manure; bones; hair; hides or fleshings; entrails; whole blood; feathers; ashes; cinders; sand; spent lime; stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; wastepaper; wood; plastics; gas; tar; asphalt residues; residues from refining or processing of fuel or lubricating oil; mud; or glass grinding or polishing wastes.
- (h) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (i) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- (j) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (k) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or otherwise interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; under the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; or any more stringent State or local regulations, as applicable.
- (l) Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- (m) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (n) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration (including a slug load) which will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the user's average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (o) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by applicable State or Federal regulations.
- (p) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (q) Trucked or hauled pollutants, except those introduced into the system at discharge points designated by the POTW, subject to the prior approval of the WWTP Superintendent and issuance of a wastewater discharge permit.
  - (1) The WWTP Superintendent shall determine whether to allow the discharge of trucked or hauled pollutants based on the particular nature or quantity of the proposed discharge in accordance with the discharge prohibitions, limitations and requirements provided by this Chapter.
  - (2) The WWTP Superintendent may impose any conditions on the discharge determined necessary to ensure compliance with this Chapter, including, without limitation, conditions regarding the time, place, and manner of discharge, restrictions on the quantity and quality of the discharge, and sampling requirements.
  - (3) The discharge shall not commence without prior notice to, and authorization from, the WWTP Superintendent, and a representative of the POTW shall be present at all times during the discharge.

- (4) All trucked or hauled wastes to be discharged to the POTW must be accompanied by a completed waste manifest form signed by the permittee and the hauler as provided by the minimum requirements of this section. The permittee shall certify in writing on the manifest as to the source of all wastes in the load proposed to be discharged and that the wastes have been pretreated as required by applicable pretreatment standards and requirements. The hauler shall certify in writing on the manifest that no wastes other than those listed on the manifest have been accepted by the hauler. The manifest must be reviewed by the WWTP Superintendent prior to commencing discharge of the load. Failure to accurately record every load, falsification of data, or failure to transmit the form to the WWTP Superintendent for review prior to discharge shall constitute a violation of the permit and may result in revocation of the permit and/or the imposition of fines and penalties as provided by this Chapter.
  - (5) The permittee's discharge of hauled wastes shall be subject to sampling by the POTW at any time, including, without limitation, prior to and during discharge. The WWTP Superintendent may require the permittee to refrain from, or suspend, discharging until the sample analysis is complete.
  - (6) Trucked or hauled pollutants will be accepted only if transported to the POTW in compliance with state and federal hazardous waste and liquid industrial waste laws.
  - (7) Each discharge of trucked or hauled pollutants will be accepted only after payment to the city treasurer of a trucked or hauled pollutant discharge fee to cover the city's administrative expenses and any additional treatment, handling or inspection expenses incurred by the POTW in connection with the discharge. The fee shall be established, paid, and collected as provided by Section 86-272 of this Chapter. This discharge fee shall be in addition to any fees otherwise required by this Chapter.
- (r) Any pollutant that results in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Superintendent, is a nuisance in the treatment process.
  - (s) Any unpolluted water, non-contact cooling water, storm water, surface water, groundwater, roof runoff or subsurface drainage (except to a storm sewer or a combined sewer as authorized by this Chapter and other applicable laws and regulations and subject to the prior approval of the Superintendent).
  - (t) Any medical or infectious wastes, as defined by part 138 of the Public Health Code, Act No. 368 of the Public Acts of 1978, MCL 333.13801 to 333.13831.
  - (u) Any wastewater containing polychlorinated biphenyls (PCBs).
  - (v) Any contaminated groundwater or landfill leachate determined by the Superintendent to have a reasonable potential to adversely affect the operation of the POTW, to result in pass through or interference, or to violate any pretreatment standard or requirement.
  - (w) Any pollutant, substance, or wastewater that, either directly or indirectly:
    - (1) Creates a chemical reaction with any materials of construction to impair the strength or durability of sewer structures;

- (2) Causes a mechanical action that will damage or destroy sewer structures;
- (3) Impedes or restricts the hydraulic capacity of the POTW;
- (4) Interferes with normal inspection or maintenance of sewer structures;
- (5) Places unusual demands upon the wastewater treatment equipment or processes by biological, chemical or physical means; or
- (6) Causes a hazard to human life or creates a public nuisance.

**Section 3. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 4. Effective Date.**

This Ordinance becomes effective ten (10) days after its adoption and upon publication in a newspaper of general circulation.

The question on the ordinance was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
Nays: None.

The Mayor Protem called for Business Agenda Item **B – WATER RATE MODIFICATION**

The City Clerk read the preamble to the resolution.

Council Member Stout moved the passage of the resolution and the motion was supported by Council Member Bunce.

RESOLUTION NO. 2009-07-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
ESTABLISHING RATES TO BE CHARGED FOR WATER AND SEWAGE DISPOSAL  
SERVICE IN THE CITY OF BELDING.

WHEREAS, pursuant to Section 86-172 of Chapter 86 of the City Code of the City of Belding,

the City Council of the City of Belding, Michigan may from time to time review, modify, and revise the rates to be charged for water and sewage disposal service in the City of Belding; and,

WHEREAS, City Staff has completed a water and sewer rate analysis and made recommendations to the Belding City Council for revisions in current rates to be charged for water and sewer disposal services provided by the City of Belding; and,

WHEREAS, the City Council of the City of Belding, Michigan has reviewed the current rates to be charged for water and sewer disposal service in the City of Belding and desires to establish a new rate schedule and additional regulations.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Belding, Michigan that the following rates shall be charged for water and sewage disposal service in the City of Belding for Fiscal Years 2009/10 – 20013/14 as outlined below, and that said rates shall become effective with the October 2009 billing and the annual adjustments shall take effect on the July billings of each subsequent year.

		WATER			Effective Date
<u>Water Fees (Resolution 7-7-09)</u>					
FY 09/10	Commodity Charges	1.00			
	First 1,000 Cubic Feet		0.92	per 100 Cubic feet	9/30/09 billing
	Next 19,000 Cubic Feet		1.35	per 100 Cubic feet	9/30/09 billing
	Next 80,000 Cubic Feet		0.76	per 100 Cubic feet	9/30/09 billing
	Over 100,000 Cubic Feet		0.66	per 100 Cubic feet	9/30/09 billing
FY 10/11	Commodity Charges	1.03			
	First 1,000 Cubic Feet		0.95	per 100 Cubic feet	6/30/10 billing
	Next 19,000 Cubic Feet		1.39	per 100 Cubic feet	6/30/10 billing
	Next 80,000 Cubic Feet		0.78	per 100 Cubic feet	6/30/10 billing
	Over 100,000 Cubic Feet		0.68	per 100 Cubic feet	6/30/10 billing
FY 11/12	Commodity Charges	1.03			
	First 1,000 Cubic Feet		0.98	per 100 Cubic feet	6/30/11 billing
	Next 19,000 Cubic Feet		1.43	per 100 Cubic feet	6/30/11 billing
	Next 80,000 Cubic Feet		0.80	per 100 Cubic feet	6/30/11 billing
	Over 100,000 Cubic Feet		0.70	per 100 Cubic feet	6/30/11 billing
FY 12/13	Commodity Charges	1.03			
	First 1,000 Cubic Feet		1.01	per 100 Cubic feet	6/30/12 billing
	Next 19,000 Cubic Feet		1.47	per 100 Cubic feet	6/30/12 billing
	Next 80,000 Cubic Feet		0.82	per 100 Cubic feet	6/30/12 billing
	Over 100,000 Cubic Feet		0.72	per 100 Cubic feet	6/30/12 billing
FY 13/14	Commodity Charges	1.03			
	First 1,000 Cubic Feet		1.04	per 100 Cubic feet	6/30/13 billing
	Next 19,000 Cubic Feet		1.51	per 100 Cubic feet	6/30/13 billing
	Next 80,000 Cubic Feet		0.84	per 100 Cubic feet	6/30/13 billing
	Over 100,000 Cubic Feet		0.74	per 100 Cubic feet	6/30/13 billing

Readiness to Serve Charges (Resolution 07-07-09)

	1	1.03	1.03	1.03	1.03
	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14
5/8 "	19.00	19.60	20.20	20.80	21.40
1"	26.60	27.40	28.20	29.00	29.90
1 1/4"	30.40	31.30	32.20	33.20	34.20
1 1/2"	34.20	35.20	36.30	37.40	38.50
2"	55.10	56.80	58.50	60.30	62.10
3"	209.00	215.30	221.80	228.50	235.40
4"	266.00	274.00	282.20	290.70	299.40
6"	399.00	411.00	423.30	436.00	449.10
8"	551.00	567.50	584.50	602.00	620.10
10"	712.50	733.90	755.90	778.60	802.00

Additional apartments, trailers or commercial units on a master meter shall pay a quarterly readiness to serve charge for the master meter plus 0.75 times the 3/4" x 5/8" quarterly meter charge per each additional unit.

	0.75
FY 09/10	14.25
FY 10/11	14.70
FY 11/12	15.15
FY 12/13	15.60
FY 13/14	16.05

### SEWER

#### Sewer Fees (Resolution 7-07-09)

FY	Commodity Charges			
FY 09/10	Commodity Charges	1.00		
	Commodity Charge: Each 100 Cubic Feet		2.75 per 100 Cubic feet	9/30/09 billing
FY 10/11	Commodity Charges	1.00		
	Commodity Charge: Each 100 Cubic Feet		2.75 per 100 Cubic feet	6/30/10 billing
FY 11/12	Commodity Charges	1.00		
	Commodity Charge: Each 100 Cubic Feet		2.75 per 100 Cubic feet	6/30/11 billing
FY 12/13	Commodity Charges	1.03		
	Commodity Charge: Each 100 Cubic Feet		2.83 per 100 Cubic feet	6/30/12 billing

FY 13/14 Commodity Charges 1.03  
 Commodity Charge: Each 100 Cubic Feet 2.91 per 100 Cubic feet 6/30/13 billing

Readiness to Serve Charges (Resolution 07-07-09)

	1.00 FY 09/10	1.00 FY 10/11	1.00 FY 11/12	1.03 FY 12/13	1.03 FY 13/14
5/8 "	35.50	35.50	35.50	36.60	37.70
1"	49.70	49.70	49.70	51.20	52.70
1 1/4"	56.80	56.80	56.80	58.50	60.30
1 1/2"	63.90	63.90	63.90	65.80	67.80
2"	103.00	103.00	103.00	106.10	109.30
3"	390.50	390.50	390.50	402.20	414.30
4"	497.00	497.00	497.00	511.90	527.30
6"	745.50	745.50	745.50	767.90	790.90
8"	1,029.50	1,029.50	1,029.50	1,060.40	1,092.20
10"	1,331.30	1,331.30	1,331.30	1,371.20	1,412.30

Additional apartments, trailers or commercial units on a master meter shall pay a quarterly readiness to serve charge for the master meter plus 0.75 times the 3/4" x 5/8" quarterly meter charge per each additional unit.

	0.75
FY 09/10	26.60
FY 10/11	26.60
FY 11/12	26.60
FY 12/13	27.50
FY 13/14	28.30

BE IT FURTHER RESOLVED pursuant to Section 86-27 and Section 86-186 of Chapter 86 of the City Code of the City of Belding the following fees concerning the water and sewer distribution system shall be effective for all new taps. These tap on fees also include fire suppression taps.

Tap on fees for new connections based on the following table:

Tap-On Fees – Water & Sewer

<u>Meter Size</u>	<u>Existing Fees</u>	<u>Proposed Tap-On Fees</u>
5/8"x 3/4"	\$ 700	\$ 700
1"	\$ 700	\$ 700
1 1/2"	\$ 1,500	\$ 1,500
2"	\$ 2,000	\$ 2,000
3"	\$ 3,000	\$ 3,000
4"	\$ 4,000	\$ 4,000
6"	\$ 6,000	\$ 6,000
8"	\$ 8,000	\$ 8,000
10"	\$ 10,000	\$ 10,000

**Unmetered users fee:** 125% times the fee charged the meter user of 2,600 cubic feet per quarter.

(Example: Sewer -  $\$2.75 \times 125\% = \$3.44$   
 $2,600 \times \$3.44 = \$89.44$  per quarter)

Water -  $\$0.92 \times 125\% = \$1.15$  per ccf for first 1,000 ccf = \$11.50  
 $\$1.25 \times 125\% = \$1.56$  per ccf for next 1,600 ccf = \$24.96  
 $\$11.50 + \$24.96 = \$36.46$  per quarter

**Outside city limits user's fee:** 150% times the fee for metered usage per quarter.

BE IT FURTHER RESOLVED that pursuant to Section 86-201 of Chapter 86 of the City Code of the City of Belding that the following fees shall be effective for all billings:

Water Shut off and Turn On Fees:

User Requested Turn On/Off \$15.00 each  
(Mon-Fri. 8:00 am. – 4:30 pm.)

User Requested Turn On/Off: \$60.00 each  
(Holidays, Weekends, and after 4:30 pm. Mon – Fri.)

Late Payment Turn On (8 a.m. to 4:30 p.m.) \$60.00

Late Payment Turn On (4:30 p.m. to 5:00 p.m.) \$75.00

Turn On for Residents absent during winter months \$00.00

The current water bill must be paid in full before service is restored.

BE IT FURTHER RESOLVED that pursuant to Section 86-246 of Chapter 86 of the City Code of the City of Belding that the following fees shall be effective **for all billings after July 31, 2009:**

BOD (in excess of 300 mg/l)	\$0.30 per excess pound
Total Suspended Solids (in excess of 300 mg/l)	\$0.30 per excess pound
Ammonia - Nitrogen (in excess of 20 mg/l)	\$0.30 per excess pound
Total Phosphorus (in excess of 10 mg/l)	\$2.75 per excess pound

BE IT FURTHER RESOLVED that pursuant to Section 86-246 of Chapter 86 of the City Code of the City of Belding that the following fees shall be effective:

Trucked in leachate from Pitsch Companies	\$0.02 per gallon
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The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
 Nays: None.

The Mayor Protem called for Business Agenda Item **C – TEMPORARY STREET CLOSURE – SILK CITY RHYTHMS EVENT**

The City Clerk read the preamble to the resolution.

Council Member Stout moved the passage of the resolution and the motion was supported by Council Member Satterlee.

RESOLUTION NO. 2009-07-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING THE REQUEST TO TEMPORARILY CLOSE DESIGNATED CITY STREETS FOR THE SILK CITY RHYTHMS EVENT.

WHEREAS, a request was received to temporarily close the following streets for the Silk City Rhythms event on July 29, 2009:

- East Ann St. James St. to Hall St.
- Charles St. East Division St. to south of Mary St.
- Wilson St. E. Washington St. to E. Center St.
- James St. E. Center St. to Ann St.

WHEREAS, the closures will allow for safe passage for drum corps members and space for parking of support vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the above mentioned streets be closed on July 29, 2009 from 2 p.m. to midnight for the Silk City Rhythms event.

Council Member Bunce stated he had problems with golf carts running on his yard.

Police Chief Nelson stated everyone would be notified before the event.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
Nays: None.

The Mayor Protem called for Business Agenda Item **D – ELECTRICAL BIDS FOR FIRE DEPARTMENT EXHAUST SYSTEM**

The City Clerk read the preamble to the resolution.

Council Member Stout moved the passage of the resolution and the motion was supported by Council Member Bunce.

RESOLUTION NO. 2009-07-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
AWARDING THE BID FOR A FIRE STATION ELECTRICAL SERVICE UPGRADE TO G  
& D ELECTRIC, INC.

WHEREAS, the Belding Fire Department was awarded a 2008 Department of Homeland Security, Assistant to Firefighters Grant in the amount of \$9,975.00 for upgrading the station's current electrical service, with funding from 95% Federal funds and 5% City funds; and

WHEREAS, bids were solicited from qualified vendors for the electrical service upgrade for the fire department; and

WHEREAS, G & D Electric, Inc. submitted the most responsible bid in the amount of \$7,553.00.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that the bid for upgrading the fire station's current electrical service be awarded to G & D Electric, Inc. in the amount of \$7,553.00.

Council Member Stout asked if the concerns about boring the line were shared with Fritz?

Fire Chief Moore stated they were not.

Council Member Stout stated with no specs, he would have a problem with not going back for clarification. Fritz should consider the directional bore or withdraw.

Council Member Stout made a motion to table Resolution No. 2009-07-46, in order to clarify the bid with Fritz Electric, supported by Council Member Bunce.

The question on the motion was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
Nays: None.

The Mayor Protem called for Business Agenda Item **E – APPLICATION TO DEPARTMENT OF HOMELAND SECURITY FOR FIRE STATION REMODELING GRANT**

The City Clerk read the preamble to the resolution.

Council Member Stout moved the passage of the resolution and the motion was supported by Council Member Bunce.

RESOLUTION NO. 2009-07-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN SUPPORTING THE CITY OF BELDING'S SUBMISSION OF AN APPLICATION FOR DEPARTMENT OF HOMELAND SECURITY'S ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT PROGRAM FUNDS FOR THE CONSTRUCTION OF NEW ADDITION TO THE BELDING FIRE STATION.

WHEREAS, the Belding Fire Department is currently in need of additional space for a variety of uses; and

WHEREAS, Department of Homeland Security's Assistance to Firefighters Grant Program is providing funds for construction-based projects in the fire service; and

WHEREAS, the cost of the new addition to the fire station would have no local match contribution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan

supports the City of Belding's submission of a grant application for Department of Homeland Security's Assistance to Firefighters Station Construction Grant Program funds for the construction of a new addition to the Belding Fire station.

City Manager DeBruine stated he received a cost estimate of \$954,000 from Gene Hopkins today. The project does not address the long term needs of city hall, just the fire station. He is proposing a 20% match, or \$200,000.

Mayor Protem Wills asked where the money would come from?

City Manager DeBruine stated it would come from the \$300,000 that they talked about before.

He had always wanted to use those funds for apparatus.

Fire Chief Moore stated they would start to award the grants within the next two months. An application would get more points if the applicant was prepared and could get the project finished quickly.

The question on the resolution was called and the result of the voting is as follows:

Ayes: Council Members Bunce, Stout, Wills and Satterlee.  
Nays: None.

The Mayor Protem called for Citizen Comments

There were no citizen comments.

The Mayor Protem called for Council Comments

Council Member Bunce asked for an update on the grant for the Gibson building?

City Manager DeBruine stated notification would take place in mid July, at the earliest. They are behind in reviewing the applications.

Council Member Bunce stated they had talked about the tracks in front of the depot. The city could pay scrap steel prices to keep the rails and put them in storage, enough to put a caboose on.

City Manager DeBruine stated they could keep the track where it was or move it more to the west. They could locate a caboose. There would be a fund raising campaign by the community.

Council Member Bunce stated the caboose could be used as a concession stand for the soccer fields.

Council Member Stout stated there were a lot of logistics to consider with the health department and utilities. It may be a bigger project than anyone is aware of at the moment. The investment could triple. The area where the tracks have been removed could be used as somewhat of a walking path, as it will be a while before it will be paved. He asked with pulling up the rails, what were they doing at the bridges to limit access on the old trestles, or would people just be able to go out there?

Police Chief Nelson stated they just take the rails off, it is not barricaded.

City Manager DeBruine stated if the city has to do precautions, that could be done.

Council Member Satterlee had no comments.

Mayor Protem Wills stated anyone wishing to seek city council petitions have from July 2

through August 11, 2009. There are three openings.

The Mayor Protem called for a motion to adjourn the meeting.

#### ADJOURNMENT

Council Member Bunce moved to adjourn the meeting, supported by Council Member Stout.

Ayes:	Council Members Bunce, Stout, Wills and Satterlee.
Nays:	None.
Absent:	None.

Mayor Protem Wills adjourned the meeting at 8:03 p.m.

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Roger Wills, Mayor Protem

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Kareen J. Thomas, City Clerk