

REGULAR MINUTES
PERE MARQUETTE DEPOT
Tuesday, August 5, 2008

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, August 5, 2008.

The Acting City Clerk took the roll call:

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

Members Absent: None.

Council Member Wills delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

The Mayor asked for a deviation of the agenda allowing Janie Millard to give an ambulance report.

Janie Millard gave an overview of her report that was given to the council at the beginning of the meeting.

The Mayor called for the City Manager's Report – noted and filed. City manager Debruine stated that he would not be at the August 19th meeting. He is going on vacation.

The Mayor called for the Consent Agenda.

- A. APPROVAL OF MINUTES 7-15-08
- B. DART – SECTION 5309 EARMARK APPROVAL
- C. RECREATION ADVISORY BOARD – JOHNSON
- D. PLANNING COMMISSION APPOINTMENT – RUSSELL
- E. PLANNING COMMISSION APPOINTMENT – BERTHUME
- F. GUS MACKER – USE OF CITY STREET

Council Member Stout made a motion to approve 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, Satterlee and Husted.
Nays: None.

Following are the resolutions contained in the Consent Agenda.

B. DART – SECTION 5309 EARMARK APPROVAL

RESOLUTION NO. 2008-08-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPROVING PROJECT AUTHORIZATION 2007-0173/Z4 BETWEEN THE CITY OF BELDING, AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Belding, Dial-A-Ride applied for a Section 5309 Earmark for the purchase of a new lift-equipped bus, and security cameras; and,

WHEREAS, the Michigan Department of Transportation desires to have project authorization 2007-0173/Z4 reviewed and approved; and,

WHEREAS, the Michigan Department of Transportation submitted project authorization 2007-0173/Z4 for the amount of \$58,040.00; and,

WHEREAS, the City of Belding is required to conform to the conditions stated in project authorization #2007-0173/Z4 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/Z4 between the City of Belding, and the Michigan Department of Transportation.

C. RECREATION ADVISORY BOARD – JOHNSON

CITY OF BELDING
RESOLUTION NO. 2008-08-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING JIM JOHNSON TO THE RECREATION ADVISORY BOARD.

WHEREAS, a vacancy exists on the Recreation Advisory Board; and

WHEREAS, Jim Johnson has indicated that he is interested in serving a term on the board; and

WHEREAS, members of the Recreation Advisory Board have recommended the appointment of Jim Johnson to the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Jim Johnson be appointed to the Recreation Advisory Board with a term to expire on August 5, 2011.

D. PLANNING COMMISSION APPOINTMENT – RUSSELL

CITY OF BELDING
RESOLUTION NO. 2008-08-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING MERRILL RUSSELL TO THE PLANNING COMMISSION.

WHEREAS, the term of office of Merrill Russell on the Planning Commission has expired; and

WHEREAS, Mr. Russell has indicated that he 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 Merrill Russell be appointed to the Planning Commission with a term to expire on August 5, 2011.

E. PLANNING COMMISSION APPOINTMENT – BERTHUME

CITY OF BELDING
RESOLUTION NO. 2008-08-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING CHARLES BERTHUME TO THE PLANNING COMMISSION.

WHEREAS, the term of office of Charles Berthume on the Planning Commission has expired; and

WHEREAS, Mr. Berthume has indicated that he 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 Charles Berthume be appointed to the Planning Commission with a term to expire on August 5, 2011.

F. GUS MACKER – USE OF CITY STREET

RESOLUTION NO. 2008-08-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN GRANTING PERMISSION TO GUS MACKER FOR THE USE OF A CITY STREET FOR A 3-ON-3 BASKETBALL TOURNAMENT.

WHEREAS, Gus Macker requests permission from the City of Belding for the use of the following street for a 3-on-3 basketball tournament on August 9-10, 2008:

- Broas Street from Main St. to Congress St.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that permission is hereby granted to Gus Macker for the use of a city street for the 3-on-3 basketball tournament from August 9-10, 2008.

The Mayor called for Business Agenda Item A – **ORDINANCE AMENDMENT –WOOD BOILERS**

ORDINANCE NO. 503

AN ORDINANCE TO AMEND APPENDIX B (ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE CITY OF BELDING.

THE CITY OF BELDING ORDAINS:

Section 1. Addition of Section 2.27. Outdoor Boilers

A new Section 2.27 of Appendix B of the City of Belding Code of Ordinances (“City Code”) will read in its entirety as follows:

- A. Defined. An outdoor boiler is considered to be an accessory structure consisting of an above or below grade chamber or furnace constructed of metal or other non-combustible material in which wood, wood pellets, grain pellets or other combustible material is burned to heat water or other liquid which is piped aboveground or underground to provide heat or hot water for a house or other structure.
- B. Outdoor Boilers, Prohibited. Outdoor boilers are prohibited in all zoning districts until the State or Federal government enacts rules governing outdoor boilers.
- C. Outdoor Boilers, Existing. All existing outdoor boilers must be registered with the City Clerk within thirty (30) days after the effective date of this Ordinance. No replacement outdoor boilers shall be installed or put into use within the City.

Section 2. 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 the Ordinance shall not be affected thereby.

Section 3. Repeal.

Any and all Ordinances of the city or any parts or provisions thereof to the extent that they are contrary to or inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 3. Effective Date.

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

Roger May stated since the first part of the year the Planning Commission expressed a desire to ban wood burners around the city. He referenced his report given to council in their packet.

The Mayor called for Business Agenda Item **B – ORDINANCE AMENDMENT – FENCES**

ORDINANCE NO. 504

AN ORDINANCE TO AMEND APPENDIX B (ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE CITY OF BELDING.

THE CITY OF BELDING ORDAINS:

Section 1. Amendment of Section 2.3 – Fences

A new Section 2.3 (H) of Appendix B of the City of Belding Code of Ordinances (“City Code”) will read in its entirety as follows:

Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner’s premises. All fences located along a property line shall have exposed posts and/or bracing of the fence located so as to face the interior of the property.

Section 2. 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 the Ordinance shall not be affected thereby.

Section 3. Repeal.

Any and all Ordinances of the city or any parts or provisions thereof to the extent that they are contrary to or inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 3. Effective Date.

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

The Mayor called for Business Agenda Item C –**DART – TASK FORCE CONTRACT 2008**

The Acting 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. 2008-08-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPROVING PROJECT AUTHORIZATION 2007-0173/Z3 BETWEEN THE CITY OF BELDING, AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Belding, Dial-A-Ride requested funding through the Rural Task force, for smoke alarm systems, and storm windows for the Depot; and,

WHEREAS, the Michigan Department of Transportation desires to have project authorization 2007-0173/Z3 reviewed and approved; and,

WHEREAS, the Michigan Department of Transportation submitted project authorization 2007-0173/Z3 for the amount of \$40,000.00; and,

WHEREAS, the City of Belding, is required to conform to the conditions stated in project authorization 2007-0173/Z3 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/Z3 between the City of Belding, and the Michigan Department of Transportation.

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

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

The Mayor called for Citizen Comments.

Mike Scheid, 930 S. Bridge St., stated that he saw someone come out of the top floor of the TOL building. This guy was in his 20's. There should be something done with the fire escape.

Mayor Husted stated that it was probably the property maintenance guy. The police did respond to it.

Mr. Scheid stated that a lot of communities are raising their sidewalks. It seems to be fairly economical. Also pertaining to brush pickup, wouldn't it be easier to have brush pick up the first full week of the month? It would be nice to have some place to take it in between the cities set time. He felt that it needed to be an easier date to remember.

Mayor Husted stated that we have changed it so many times.

Patricia Taylor of 206 S. Demorest stated that they have been sharing a driveway. She stated that she had pictures of the neighbor parking on the city easement. The previous owner had put the driveway through there for the home. The neighbor's house could have had their driveway from Demorest. Sharing a driveway does cause problems with maintenance. She stated that she would like to clarify some form of division. The easement is wider than any other street in town and they would like to narrow it down. Ms. Taylor stated that they maintain the entire driveway during the winter. Why do the work when the neighbor doesn't do anything with the upkeep?

Mayor Husted stated that they would need to work with the city manager. This will probably be a complicated issue. Council does not specialize in something like this.

City Manager DeBruine stated that he would give them a call and set up an appointment.

The Mayor called for Council Comments.

Mayor Husted stated that he would not be at the August 19th meeting. Also remember that Macker is here this weekend. The 35th Anniversary golf outing will be Thursday and a banquet will be held on Thursday night.

The Mayor called for a motion to adjourn the meeting.

ADJOURNMENT

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

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

Mayor Husted adjourned the meeting at 7:50 p.m.

Shane T. Husted, Mayor

Elizabeth A. Wilson, Acting City Clerk

