

REGULAR MINUTES
PERE MARQUETTE DEPOT
Tuesday, August 18, 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, August 18, 2009.

The City Clerk took the roll call:

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

Members Absent: None.

Council Member Stout delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

Oath of Office – Andrea Belding

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

The Mayor called for the Consent Agenda.

- A. Approval of Minutes 8-4-09
- B. Approval of Minutes 8-11-09
- C. Museum Advisory Board Appointment – Bruce Feuerstein
- D. Museum Advisory Board Appointment – Jan Mehney
- E. ZBA Alternate Member – Shelley Gladding
- F. DART – Amendment to Controlled Substance and Alcohol Policy

Council Member Bunce made a motion to approve Items A and B of the Consent Agenda, supported by Council Member Stout.

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

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

Council Member Bunce made a motion to approve Items C-F of the Consent Agenda, supported by Council Member Stout.

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

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

Following are the resolutions contained in the Consent Agenda.

C – MUSEUM ADVISORY BOARD APPOINTMENT – BRUCE FEUERSTEIN

RESOLUTION NO. 2009-08-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING BRUCE FEUERSTEIN TO THE MUSEUM ADVISORY BOARD.

WHEREAS, the term of office for Bruce Feuerstein on the Museum Advisory Board will expire; and

WHEREAS, Bruce Feuerstein has indicated that he is interested in serving another term on the board; and

WHEREAS, the Museum Advisory Board members have recommended the appointment of Bruce Feuerstein to the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Bruce Feuerstein be appointed to the Museum Advisory Board with a term to expire on 8/18/12.

D – MUSEUM ADVISORY BOARD APPOINTMENT – JAN MEHNEY

CITY OF BELDING
RESOLUTION NO. 2009-08-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING JAN MEHNEY TO THE MUSEUM ADVISORY BOARD.

WHEREAS, the term of office for Jan Mehney on the Museum Advisory Board will expire; and

WHEREAS, Jan Mehney 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 Jan Mehney to the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Jan Mehney be appointed to the Museum Advisory Board with a term to expire on 8/18/12.

E – ZBA ALTERNATE MEMBER – SHELLEY GLADDING

RESOLUTION NO. 2009-08-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING SHELLEY GLADDING AS AN ALTERNATE MEMBER TO THE ZONING BOARD OF APPEALS.

WHEREAS, a seat is available on the Zoning Board of Appeals for an alternate member; and

WHEREAS, Shelley Gladding has indicated her interest in serving as an alternate member on the Zoning Board of Appeals.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Shelley Gladding be appointed as an alternate member to the Zoning Board of Appeals with a term to expire on August 18, 2012.

F – DART – AMENDMENT TO CONTROLLED SUBSTANCE AND ALCOHOL POLICY

RESOLUTION 2009-08-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, APPROVING AMENDMENTS TO THE 2008 CITY OF BELDING, DIAL-A-RIDE'S CONTROLLED SUBSTANCES, AND ALCOHOL TESTING POLICY.

WHEREAS, the City of Belding desires to comply with the regulations of the Federal Transit Administration for controlled substances, and alcohol testing for public transportation; and,

WHEREAS, new Federal Transit Administration regulations, and ruling require amendments to our policy which was adopted in September of 2008; and,

WHEREAS, the amendments will keep us current with the Federal regulations, for controlled substances, and alcohol testing; and,

WHEREAS, the mayor of the City of Belding is authorized to sign the amendments to the City of Belding, Dial-A-Ride's, controlled substances, and alcohol testing policy; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan, that the amendments to the City of Belding, Dial-A-Ride's controlled substances, and alcohol testing policy are hereby adopted.

The Mayor called for Business Agenda Item **A – LABOR DAY CELEBRATION**

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. 2009-08-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN GRANTING PERMISSION TO THE BELDING HOMECOMING COMMITTEE FOR THE USE OF CITY PROPERTY AND TO APPROVE EVENTS, GRANT NOISE VARIANCE AND A WAIVER OF ORDINANCE #424 TO VENDORS IN THE EAST MALL PARKING LOT AND CENTRAL RIVERSIDE PARK.

WHEREAS, the Belding Homecoming Committee requests permission from the City of Belding for the use of the East Mall Parking Lot and Depot Street from Bridge St. to Broas Street for the Labor Day weekend from Thursday, September 3, 2009 at 4 p.m. through Tuesday morning, September 8, 2009; and,

WHEREAS, permission is requested to use Central Riverside Park for the Classic Car Show, Fireworks Spectacular, an Old Fashioned Day and Carnival Personnel Camping from Thursday, September 3, 2009 to Tuesday, September 8, 2009; and,

WHEREAS, permission is requested to use Depot St. from Bridge Street to Broas Street to accommodate the mid-way rides and two entertainment stages from Thursday, September 3, 2009 to Tuesday, September 8, 2009; and

WHEREAS, permission is requested for a permit for a fireworks display for the Annual Labor Day Celebration, to be held on city owned property at Central Riverside Park; and,

WHEREAS, permission is requested to conduct the Night Parade on Friday, September 4, 2009 at 9:30 p.m. and the Annual Labor Day Parade to be held on September 7, 2009 at 11:00 a.m.; and,

WHEREAS, permission is requested for a noise variance until 12:00 a.m. from September 4, 2009 through September 7, 2009; and,

WHEREAS, permission is granted for a waiver of Ordinance #424 to vendors in the East Mall Parking Lot and Central Riverside Park.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that permission is hereby granted to the Belding Homecoming Committee for the use of the East Mall Parking Lot for mid-way attractions; and

BE IT FURTHER RESOLVED that permission is granted to use Central Riverside Park for the Classic Car Show, Fireworks Spectacular, an Old Fashioned Day and Carnival Personnel Camping for the Labor Day weekend, September 3, 2009 through September 8, 2009; and.

BE IT FURTHER RESOLVED that permission is granted to use Depot St. to house two stages and mid-way rides from Thursday, September 3, 2009 to Tuesday, September 8, 2009; and

BE IT FURTHER RESOLVED that permission is granted for a permit for a fireworks display for the Annual Labor Day Celebration, to be held on city owned property at Central Riverside Park.

BE IT FURTHER RESOLVED that permission is granted to conduct the Night Parade on September 4, 2009 at 9:30 p.m. and the Annual Labor Day Parade on September 7, 2009 at 11:00 a.m.

BE IT FURTHER RESOLVED that permission is granted for a noise variance until 12:00 a.m. for September 4, 2009 through September 7, 2009.

BE IT FURTHER RESOLVED that permission is granted for a waiver of Ordinance #424 to vendors in the East Mall Parking Lot and Central Riverside Park.

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

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

The Mayor called for Citizen Comments.

Jon McGowan, 105 E. Main, Belding Bros. Café, stated that he had a vision for outdoor seating. If asked if there was anything that would prohibit putting small café seating on the sidewalk? He was told he would have to add the city as an additional insured, which they have done.

City Manager DeBruine stated he thought it would have to go to city council, but it will not, because the area is in the right of way. The new concrete between the curb and building is city right of way. Jon needs to get permission from the city to do that. He has named the city as an additional insured, as they requested. They are working through the safety issue. He will have more information after tomorrow's staff meeting. He will call Jon after the staff meeting.

The Mayor called for Council Comments.

Council Member Belding stated she had a really great week, and thanked the council for their welcome. She was impressed with the tour and really appreciated it.

Council Member Stout stated that outdoor eating areas were very prevalent in downtowns. They should maintain 8 ft. of sidewalk space. The sketch is a good idea. There is no set formula. No two sidewalk cafés are the same. There is more than ample room to do something.

Mr. McGowan stated that the contractors have been just great. They are genuinely concerned about access to the building. They check with them a couple times a day. They would be highly

recommended.

Council Member Bunce congratulated Council Member Belding on her appointment.

The Mayor called for Work Session Agenda Item A – **SHAWLEY DRAIN PRESENTATION**

City Manager DeBruine stated that the drain issue was strictly county related, not tied in to the city. Ionia County Drain Commissioner John Bush will administer the project. The city will have to pay a portion of the cost. He described the path of the drain. The total cost could be \$100,000 to \$150,000. The city portion could be about 17%-20%, from \$26,000 to \$35,000. It could be spread out over 10 years, in payment to the county.

Drain Commission Bush stated after 1973, a permit is required through the DEQ. People petitioned for the drainage district and then petitioned for the drain. The process started back in 2007. If the committee decides to proceed, they are done with it. The decision can be appealed in court within 30 days. It will come back to the drain commissioner to construct. A wetlands study had to be done. There is no place to mitigate the wetland being destroyed. The city will be assessed for street drainage. He will use the same formula used by MDOT. A pre bid walk through was held. The letting will be done next Tuesday, and the bid will be awarded. A letter will be sent out to all those in the district. The date picked was September 2, 2009, as they want it on this year's assessment rolls. There will be 10 days to appeal the assessment. Money will be borrowed to finance the project. They may not have a preconstruction meeting. He ran the assessment roll today, using a project cost of \$150,000.

Council Member Stout stated this issue had been mentioned in the past. This is the only way to establish a district and do an assessment. There are no funds to do the improvements.

Drain Commissioner Bush stated each drain has its own drain fund. The drain can sue or be sued. It is its own entity. Hopefully, there is enough money left to do maintenance on the drain.

DPW Director Thomas stated whenever staff does repairs or maintenance, a bill is given to John that he does not pay, and the city develops a credit. The drain will be very beneficial for the city, for development and to deal with current problems. It will be a good thing for the residents in the district.

Mayor Wills asked where the money would come from, to pay the assessment to the city?

City Manager DeBruine stated it would come from the C.I.P. fund, from \$3,000 to \$4,000 a year.

The Mayor called for a motion to adjourn the meeting.

ADJOURNMENT

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

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

Mayor Wills adjourned the meeting at 7:53 p.m.

Roger Wills, Mayor

Kareen J. Thomas, City Clerk