

REGULAR MINUTES  
PERE MARQUETTE DEPOT  
Tuesday, August 19, 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 19, 2008.

The City Clerk took the roll call:

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

Members Absent: Council Member Husted.

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

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

Nays: None.

Mayor Protem Wills delivered the invocation.

Item G was added to the agenda - Special Liquor Permit for the VFW.

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

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

The Mayor Protem called for the Consent Agenda.

- A. Approval of Minutes 8-5-08
- B. Belding Housing Commission Appointment – Jackson
- C. Building Authority Appointment – Thomas
- D. DDA Appointment – Demchuk
- E. DDA Appointment – Outman
- F. Tree Grant Application
- G. Special Liquor License – Olsen-Kiste Post 4406

Council Member Stout made a motion to approve 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, Stout, Satterlee and Wills.

Nays: None.

Following are the resolutions contained in the Consent Agenda.

**B. BELDING HOUSING COMMISSION APPOINTMENT – JACKSON**

RESOLUTION NO. 2008-08-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING MIKE JACKSON TO THE BELDING HOUSING COMMISSION.

WHEREAS, the term of office of Mike Jackson on the Belding Housing Commission expired on August 18, 2008; and

WHEREAS, Mr. Jackson has indicated his willingness to serve another term on the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Mike Jackson be appointed to the Belding Housing Commission with a term of office to expire on June 30, 2013.

**C. BUILDING AUTHORITY APPOINTMENT – THOMAS**

RESOLUTION NO. 2008-08-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING ERNEST THOMAS TO THE BUILDING AUTHORITY.

WHEREAS, the term of office for Ernest Thomas on the Building Authority has expired; and

WHEREAS, Mr. Thomas has indicated that he is interested in serving another term on the authority.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Ernest Thomas be appointed to the Building Authority with a term to expire on 06/30/11.

**D. DDA APPOINTMENT – DEMCHUK**

RESOLUTION NO. 2008-08-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING KAREN DEMCHUK TO THE DDA BOARD.

WHEREAS, the term of office of Karen Demchuk on the DDA Board has expired; and

WHEREAS, Ms. Demchuk has indicated her willingness to serve another term on the board.

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

that Karen Demchuk be appointed to the DDA Board with a term of office to expire on June 30, 2012.

**E. DDA APPOINTMENT - OUTMAN**

RESOLUTION NO. 2008-08-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING RICHARD OUTMAN TO THE DDA BOARD.

WHEREAS, the term of office of Richard Outman on the DDA Board has expired; and

WHEREAS, Mr. Outman has indicated his willingness to serve another term on the board.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Richard Outman be appointed to the DDA Board with a term of office to expire on June 30, 2012.

**F. TREE GRANT APPLICATION**

RESOLUTION NO. 2008-08-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN SUPPORTING THE CITY OF BELDING'S SUBMISSION OF AN APPLICATION FOR A MDNR COMMUNITY FORESTRY TREE PLANTING GRANT.

WHEREAS, the MDNR – Urban and Community Forestry Program offers tree planting grants for Michigan communities; and

WHEREAS, the City of Belding is committed to improving the quality of life in our community; and

WHEREAS, funds have been budgeted for a tree planting program, and the grant will allow for a more comprehensive tree planting program.

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

supports the submission of an application to the MDNR – Urban and Community Forestry Program, for a tree planting Grant.

**G. SPECIAL LIQUOR LICENSE – OLSEN KISTE POST 4406**

RESOLUTION NO. 2008-08-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN GRANTING PERMISSION FOR A SPECIAL BEER, LIQUOR, WINE AND FOOD LICENSE TO THE BELDING V.F.W. POST #4406.

WHEREAS, a request has been received from the Belding V.F.W. Post #4406 for the City Council's permission to apply for a special beer, liquor, wine and food license for August 30, 2008 and September 1, 2008; and

WHEREAS, the purpose of this license is for the sale of beer, liquor, wine and food on the premises of the Belding V.F.W. Post #4406, located at 114 N. Bridge in the City of Belding, County of Ionia, Michigan; and

WHEREAS, this activity will be held during the Labor Day weekend.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that permission is hereby granted to the Belding V.F.W. Post #4406 to apply for a special beer, liquor, wine and food license for August 31, 2008 and September 1, 2008.

BE IT FURTHER RESOLVED that Police Chief Dale Nelson is hereby authorized to execute the special license application which shall be submitted to the Michigan Liquor Control Commission.

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

The City Clerk read the preamble to the ordinance.

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

### **ORDINANCE NO. 503 (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. 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.

Joanie Huddleston, 550 E. State, stated that she was concerned with the ban on wood furnaces. They have 18 acres and in no way are they harming the neighbors. Smoke is not an issue. She stated that Mr. May said that he has had no complaints from citizens around wood boilers. She did research on models and the efficiency is similar to oil and wood pellets. There are units that can accommodate higher chimney stacks. The city should have guidelines similar to Maine. The set-backs vary according to the size of the property it is located on.

Council Member Bunce stated that he had reservations. It may be taking away the only way people have to heat their home. It would be taking away an alternative source of heat for homes. With the wood outside, people with fireplaces have wood piled outside. They need to look into this more, with guidelines, instead of banning.

Council Member Stout stated that they could send it back to the Planning Commission for more discussion. It is impossible to measure BTU's. If someone has a larger site, he asked if they should have some flexibility? The Planning Commission probably wrestled with the issues. The issue is the nuisance smoke. There are property rights for owners, but the smoke does not stay within the property lines. The wood piling issue is across the board.

Council Member Satterlee said with the information she brought in, there is something more they could explore before a ban.

Council Member Stout stated that he doesn't know if there is an immediate rush. They could

look at it again within 45-60 days.

Mayor Protem Wills stated about ten years ago the city instituted the leaf burning ban. It was an environmental health issue. This might be parallel to that. If there are three or four existing units, what are their options?

Zoning Administrator May stated they would be permitted to exist. They would not be allowed to replace them. The Planning Commission took nine to twelve months to review the issue. The industry is continually coming up with new things. This language was the result of a lot of research. They now produce them with taller chimneys. They are becoming more efficient. When appealing an ordinance, it would be worth it with 18 acres. The Planning Commission would be happy to revisit it again. They have put in extensive work on it. There have been a number that have complained about smoke issues, but not directly related to boilers.

Mike Scheid stated that there are three to four in a neighborhood that burn smoke. Smoke drops in certain conditions.

Council Member Stout stated maybe there should be more latitude in the language, if they have more acreage or a high efficiency stove. He would recommend it go back for discussion and more detail. To put the burden on the ZBA, a little more language would be helpful.

Council Member Satterlee asked if they had talked about State or Federal rules?

Zoning Administrator May stated that they looked at a number of municipalities. The DEQ and EPA are looking at this. It is difficult to measure emissions. Those numbers would be produced at the factory. They haven't done that yet.

Council Member Bunce stated that it should say ban or no ban. There could be loopholes.

Council Member Stout stated there is a difference depending on lot sizes. There is a balance. It is an ordinance and that can be amended. He would be comfortable in having the Planning Commission discuss it further.

Council Member Bunce made a motion to send the ordinance amendment regarding the banning of wood boilers back to the Planning Commission for revision for 45 days, 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, Stout, Satterlee and Wills.
Nays:	None.

It was mentioned that the revision may require more than 45 days.

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

The City Clerk read the preamble to the resolution.

Council Member Stout moved the adoption of the ordinance and the motion was supported by Council Member Satterlee.

**ORDINANCE NO. 504 (505)**

**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.

Arthur Perkins stated that maybe the city should look at what they are trying to conceal when putting up decorative fencing. The adjoining properties may be trashed. He should not have to look at the posts. If the city would enforce what has to be done to keep the property clean, then

those putting up fencing would put it up the proper way.

Council Member Stout stated there are two issues. One issue is code enforcement and they have tried to get on top of that. It is consistent in communities that you put the good side out. If you have neighbors that violate code enforcement, they should work with staff on getting that done. That is what is normally expected on fence installation. The good side out is the general rule.

Council Member Bunce stated that posts out may allow people to climb over.

Mayor Protem Wills stated that the general appearance is more appealing when you look at the site of the property. The value of the property would go up.

Council Member Stout asked if this was for any new fences or fences to be reconstructed?

Zoning Administrator May stated that it was.

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

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

The Mayor Protem called for Citizen Comments.

Finance Director Andres stated that they are going through the fiscal year audit and it is almost complete.

Denny Craycraft stated he was at the meeting on behalf of the VFW and American Legion. When they led the Danish Festival Parade last weekend, they had ten and lost three on the way. When the parade ran the old route, it went very well. When they do the current route, they have a hard time. If they don't change it, there will be a parade with no flags. They don't have young troops that march. They have dedicated veterans who march in the parade. A lot will not ride on a float. They have to address this as they can't make it. They have talked to Mike.

Mayor Protem Wills stated that they talked about it a year ago. The Labor Day Committee offered an option, and they could ride.

Mr. Craycraft stated that the only option was to march in the parade. They will not ride a float with the flags.

DPW Director Thomas stated that the Labor Day Committee talked about it a lot. Floats and motorized vehicles deadheaded at Front and Liberty, causing congestion. They checked with the school to end there. It offers options for units to get off the road. If they want to stop at Liberty, that is OK.

Mr. Craycraft stated that he never saw a problem going west and disbursing.

DPW Director Thomas stated that he followed the parade for 34 years, and they were not moving at Front and Liberty. The committee has not heard complaints from anyone.

Council Member Stout asked why they didn't just end it at Ann Street to disperse? Then they could go any way. There was the bridge construction which changed the route, and there have been Library and Bel improvements.

Mr. Craycraft asked how many had used the river for canoeing? He stated that is the best thing this town has. He asked if there was anything that could be done between the park and tressle? Could they get that dredged or look into it?

Council Member Stout stated that Randy could look into it.

John Geisen, 220 E. State, stated he was the oldest one at the meeting. The American Legion was started in 1917. The VFW was started between 1944 to 1945. He is a charter member of the VFW and a member of the American Legion. He has walked every parade since 1946, and is not happy with the parade route.

Carl Frisbie, American Legion, stated that he took exception to the comment that they have not voiced their opinion before. They asked last year. He almost dropped off at the Ann St. hill. He doesn't want to drop off before that. He would support stopping at Ann St.

Mr. Perkins stated that it was time that many of them give thanks to the city and Roger May for cleaning up this area. It is a big job. He hopes he has support behind him. He does it in a comfortable way for both parties.

The Mayor Protem called for Council Comments.

Mayor Protem Wills asked what was the water supply in the area of the Woodland waterman and others?

DPW Director Thomas stated when the park was designed, Park St. was the first developed. They tapped off Park with a 2" main. They then ran a 6" main. There are no records of where the taps were tied in. He has formulated a plan, and is getting a price. They have cleaned up many of the areas in town that were serviced from a small watermain. City staff has installed a lot of watermain. In the park, everyone has been switched over to the 6" main. The work requires a contractor, because of the wet conditions.

Rebecca Satterlee, stated she thinks a few months ago, they were down at the park and found writing – bad words. That should be banned from the park.

Council Member Satterlee stated that everyone should come downtown during Labor Day – it is her favorite time of year. She would love to skip the Ann St. hill. She stated that she looks forward to the weekend and hopes to see everyone downtown.

Council Member Bunce stated that he had someone complain regarding E. Riverside Park.

Someone was burning tires in the middle of the playground and turning over tables. There are words and graphic pictures – it is horrible.

Police Chief Nelson stated that those doing the vandalism were being dealt with at a later date at Juvenile Court. When they talk restitution, they may assess \$3.00 a month. They petition them into court for prosecution. The money doesn't come back as quickly. The Police Department doesn't have the staff to stand over them for community service. They have increased foot and bike patrols in the parks, but cannot be in the parks 24 hours a day. They are doing what they can with the staff and volunteer staff. City staff members report incidents in the park. They are doing their best.

Council Member Bunce stated on Washington St., by the Free Methodist Church, there are two no parking signs on the street. The overflow from the church has to park a couple more blocks away. He said Ernie explained it was because of the grant.

DPW Director Thomas stated that they have to establish 2 – 12' travel lanes when they get grant money. Washington St. is too narrow to allow on street parking.

Police Chief Nelson stated that MDOT came in and placed the signs, which are placed legally for enforcement activity. When they have been able to park in certain locations and then cannot, he understands their feelings. If they pull the signs, MDOT will not consider the city for a grant.

DPW Director Thomas stated that MDOT would come back at some time. If they see things altered, the city would not get any more grants. He recommended that maybe the parishioners could leave the first few spots open for the elderly on Pleasant St.

Council Members Stout and Satterlee had no comments.

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

#### ADJOURNMENT

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

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

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

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Roger Wills, Mayor Protem

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Kareen J. Thomas, City Clerk