

REGULAR MINUTES  
PERE MARQUETTE DEPOT  
Tuesday, September 2, 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, September 2, 2008.

The City Clerk took the roll call:

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

Members Absent: Council Member Stout.

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

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

Nays: None.

Council Member Satterlee delivered the invocation.

The Mayor led the audience in the Pledge of Allegiance.

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

Council Member Wills inquired about the children at the day care.

City Manager DeBruine stated that they are children of those that are taking training.

Council Member Wills stated it seemed when they walked through the parade that they were stacked deep and it seemed very positive.

Council Member Bunce stated that they thought it was the best ever night parade. He felt the fireworks were awesome.

The Mayor called for the Consent Agenda.

- A. Approval of Minutes 8-19-08
- B. DART 2008 Drug and Alcohol Policy

Council Member Satterlee made a motion to approve Item A – Minutes of 8/19/08, supported by Council Member Wills.

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 Husted.

Council Member Bunce made a motion to approve Item B – DART 2008 Drug and Alcohol Policy, 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, Satterlee and Husted.  
Nays: None.

Following are the resolutions contained in the Consent Agenda.

B. DART 2008 Drug and Alcohol Policy

RESOLUTION NO. 2008-09-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
ADOPTING THE 2008 REVISION OF THE CITY OF BELDING, DIAL-A-RIDE'S  
CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY.

WHEREAS, the City of Belding wishes to comply with the regulations of the Federal Transit Administration for the controlled substances and alcohol testing policy for the Dial-A-Ride program; and,

WHEREAS, the regulations requires a written policy dealing with substance abuse and random testing policy and procedures, the program is designed to deter and detect the use of controlled substances, and alcohol in the workplace; and,

WHEREAS, the policy have been designed to ensure that the employees of the Dial-A-Ride department are treated equally as employees of the City of Belding.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan, that the revised DOT Controlled Substances, and Alcohol Testing Policy for the City of Belding, Dial-A-Ride be adopted and incorporated into the Personnel Policies and Procedures.

The Mayor called for Business Agenda Item **A – MSHDA CBDG GRAND APPLICATION SUBMISSION**

The City Clerk read the preamble to the resolution.

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

CITY OF BELDING  
RESOLUTION NO 2008-09-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING THE CITY MANAGER TO SUBMIT A MSHDA COMMUNITY DEVELOPMENT BLOCK GRANT FINAL GRANT APPLICATION IN THE AMOUNT OF \$180,000 FOR A DOWNTOWN STREETScape PROJECT AT MAIN & BRIDGE STREETS.

WHEREAS, the City of Belding is proposing to construct streetscape enhancements at the Main and Bridge Street intersection and is requesting funds through the Michigan State Housing Development Authority CDBG 2008 Downtown Infrastructure Initiative; and,

WHEREAS, the City of Belding desires to encourage redevelopment projects in the Downtown area and the DDA district removing blight and creating jobs; and,

WHEREAS, the proposed project is consistent with the local community development strategic plan as described in the application; and

WHEREAS, to the maximum extent possible the proposed grant will benefit at least 51% low and moderate income persons; and

WHEREAS, local costs and other funds to be invested in the project have not yet been expended and will not be expended prior to a formal grant award, completion of the environmental review procedures, and formal written authorization is received from the Michigan State Housing Development Authority; and

WHEREAS, the total project cost will be approximately \$198,000, of which the grant will be \$180,000 and the city's portion \$18,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan authorize the City Manager to submit the grant application to MSHDA, and

FURTHERMORE, that the City Manager is authorized to sign the application forms and act as the Certifying Officer for the Environmental Review.

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

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

The Mayor called for Business Agenda Item **B – WOOD BOILER ORDINANCE – ADOPTION**

Council Member Wills made a motion to remove Ordinance No. 504 from the table, supported by Council Member Bunce.

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

## **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.     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.

Merrill Russell, Chairman of the Planning Commission, stated that he would like to mention that the Planning Commission was not trying to make problems for council. He stated that they could always call Roger for information. They could also call him for discussion. Council tabled the issue without talking to anyone from the Planning Commission. This is a health issue. There are a lot of people in the community that can't take smoke. Homes take air in from the outside. If you go 100-500 ft. from the apparatus, with the chimney being 2 ft. about the highest house, can you imagine what it would look like. There are a lot of city lots that are 66 ft. x 100 ft. There isn't room for the setbacks. It would be confusing for staff to address. There are about 35 units that may fit the criteria. The unit cost is approximately \$8,000 to \$10,000. There are four existing units. Not one had a permit, but they do now. The Planning Commission would recommend the proposal they made. The decision was unanimous on the Planning Commission.

Council Member Wills asked, when the unit fails, it cannot be replaced?

City Manager DeBruine stated that the ZBA could look at a particular case.

Council Member Bunce stated that the unit would not be 300 ft. from another property. He thinks it would be easier to say, if they fit the criteria, do it instead of going through the ZBA. The units are now more efficient and the chimneys are higher.

Mr. Russell stated they want to make it easy for the public. If they don't have restrictions, it would be hard to enforce.

Charles Berthume, 870 Water St., stated he is a member of the Planning Commission. Wood piles draw rats, which is a health hazard. The city has no regulations on storing wood. It is another factor to consider.

Ron Gunderson, 410 E. Washington, Co-chair of the Planning Commission, stated that several of them took classes from MSU. They reminded them of the health, safety and welfare issues of the community. It is a health issue and a safety issue. People are tightening up their houses and bringing in air from the outside. His opinion is from being a Planning Commission member and being a citizen. They spent many months on this and looked at options from other communities. He would ask that city council adopt it as is, without stipulations.

Art Perkins stated that he was very much opposed to wood burners and the smoke it causes. He thinks there is a better way to heat your home. Several years ago he asked if they would ban pit fires. In his area, through the weeks and weekends, there is a cloud of blue smoke. Some people want to get rid of trash, paper or cardboard, using gasoline or oil to start it with. They should consider the health of everyone in the community.

Council Member Bunce stated if people are burning trash, he should call someone.

Mr. Perkins stated that the Fire and Police Departments have been there several times, but it continues.

Council Member Bunce stated there are a lot of residents that burn wood in their fireplaces. There are more wood piles.

Mayor Husted stated that there would be rodents with wood piles. The idea is these chimneys are so low. When his neighbors burn, there is a smoke smell in their neighborhood. When they talked about pit fires, there were people on both sides. There are four that started out with outdoor boilers without permits. He doesn't know if they were installed properly or not. With a ban, it would give residents an avenue to appeal to the ZBA. All neighbors of the residence would be noticed to give comments. If they place restrictions on, it would become too difficult for staff to monitor. An outright ban is easier to monitor. The other issue is, they will have to buy wood someplace. There will be some expense. The units only last 8-10 years. They smolder. He doesn't want that smoke in his house. The furnace has to draw outside air in as the house is tight. He would not like it at his home. It is a health and safety issue. There will be complaints on those that are already existing.

Council Member Wills stated if they go over a 12 months period, the amount of heating days is limited. There will be smoldering when the outside air is warmer. He supports the total ban as is. It would be too difficult to enforce. The majority of people don't have this problem – it is just a minor problem.

Mayor Husted stated that they could put a burner within their house and get a permit. Wood pellets are astronomical. There had not been any comments until the last meeting. The Planning Commission has been working on it since last July.

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

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

The Mayor called for Citizen Comments.

There were no citizen comments.

The Mayor called for Council Comments.

Council Satterlee had no comments.

Council Member Bunce wished to thank Mike and the Labor Day Committee for all their hard work on the last weekend. Belding's fireworks are the best in the State. He and his family enjoyed the weekend.

Council Member Wills had no comments.

Mayor Husted echoed the comments of the city manager and thanked the Labor Day Committee – Mike, Ernie and Josh. Everyone involved did a wonderful job. People were very impressed. The town looked great. Several loved the banners, vegetation and trees. He thanked everyone very much. It was the 103<sup>rd</sup> celebration. That is the celebration of the year.

The Mayor called for a motion to adjourn the meeting.

#### ADJOURNMENT

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

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

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

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Shane T. Husted, Mayor

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Kareen J. Thomas, City Clerk