

REGULAR MINUTES  
PERE MARQUETTE DEPOT  
Tuesday, September 15, 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, September 15, 2009.

The City Clerk took the roll call:

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

Members Absent: Council Member Stout.

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

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

Nays: None.

Mayor Wills 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.

City Manager DeBruine thanked the Labor Day Committee for their efforts over the past weekend. He stated that it takes almost a year to plan the event and they put in many hours over the weekend.

Mayor Wills inquired about the timeframe for the M-44 project.

City Manager DeBruine stated paving should be complete by October 15<sup>th</sup>, with the entire project finished by November 15<sup>th</sup>. The timeframe for the lights may have to be extended.

The Mayor called for **Public Hearing – Final grant application for wastewater system improvements to the MEDC Infrastructure Capacity Enhancement Program (ICE)**

Mayor Wills opened the public hearing at 7:08 p.m.

City Manager DeBruine stated the public hearing was for public comment on the grant for wastewater improvements. The public hearing was advertised. The city will contribute 20%, or \$149,200.00 of the cost associated with removal of the residuals from ponds 1 and 2, and the two lift stations. One lift station is located near the Candlestone and the other is on Stocking Street, on the west side of town.

There was no public comment.

Mayor Wills closed the public hearing at 7:10 p.m.

The Mayor called for the Consent Agenda.

- A. Approval of Minutes 9/1/09
- B. Construction Board of Appeals Appointment – Braman
- C. Construction Board of Appeals Appointment – Cooper
- D. Property Maintenance Code Board of Appeals – Braman

Council Member Satterlee 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, Belding, Satterlee and Wills.  
Nays: None.

Following are the resolutions contained in the Consent Agenda.

**B. CONSTRUCTION BOARD OF APPEALS APPOINTMENT – BRAMAN**

RESOLUTION NO. 2009-09-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING LARRY BRAMAN TO THE CONSTRUCTION BOARD OF APPEALS.

WHEREAS, the term of office for Larry Braman on the Construction Board of Appeals will expire; and

WHEREAS, Mr. Braman has indicated that he is willing to continue to serve on the board; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Larry Braman be appointed to the Construction Board of Appeals with a term to expire on 9/15/12.

**C. CONSTRUCTION BOARD OF APPEALS APPOINTMENT – COOPER**

RESOLUTION NO. 2009-09-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING JOSEPH COOPER TO THE CONSTRUCTION BOARD OF APPEALS.

WHEREAS, the term of office for Joseph Cooper on the Construction Board of Appeals will expire; and

WHEREAS, Mr. Cooper has indicated that he is willing to continue to serve on the board; and  
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan  
that Joseph Cooper be appointed to the Construction Board of Appeals with a  
term to expire on 09/15/12.

**D. PROPERTY MAINTENANCE CODE BOARD OF APPEALS – BRAMAN**

RESOLUTION NO. 2009-09-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
APPOINTING LARRY BRAMAN TO THE PROPERTY MAINTENANCE CODE BOARD  
OF APPEALS.

WHEREAS, the term of office of Larry Braman on the Property Maintenance Code Board  
of Appeals will expire; and

WHEREAS, Mr. Braman 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 Larry Braman be appointed to the Property Maintenance Code Board of  
Appeals with a term to expire on September 15, 2012.

The Mayor called for Business Agenda Item A – **WASTEWATER IMPROVEMENTS  
MEDC GRANT APPLICATION**

The City Clerk read the preamble to the resolution.

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

RESOLUTION NO. 2009-09-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
AUTHORIZING THE CITY MANAGER TO SUBMIT AN MEDC GRANT FINAL  
APPLICATION IN THE AMOUNT OF \$596,800 TO MAKE IMPROVEMENTS TO THE  
WEST ELLIS (CANDLESTONE) AND THE STOCKING STREET LIFT STATION AND  
ALSO TO REMOVE THE RESIDUALS FROM PONDS ONE AND TWO AT THE  
WASTEWATER TREATMENT FACILITY.

WHEREAS, the City of Belding is proposing for improvements to the waste water system  
throughout the City of Belding and is requesting \$596,800 through the Michigan  
Economic Development Corporation's Michigan Community Development Block  
Infrastructure Capacity Enhancement (ICE) Grant Program with a local match of  
\$149,200.00 from the City Sewer Fund, and

WHEREAS, Belding's wastewater system is to a point where excessive sludge deposits uses up existing treatment capacity therefore limiting the City's future growth and ability to expand the tax base by using up this expensive capacity, and

WHEREAS, by upgrading and improving the wastewater components proposed in the MEDC applications, a more reliable wastewater infrastructure is provided that benefits the whole community by providing safe public health conditions, and

WHEREAS, the improvements also will upgrade system components reducing operation & maintenance costs, thus providing a more cost effective operation benefiting the whole community by keeping wastewater rates at reasonable prices for both the average residential user and commercial/industrial users, and

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

WHEREAS, the contractor who is awarded the construction project will be required to meet state and federal WBE/DBE requirements as part of their bid, and

WHEREAS, the proposed project would not displace any people of low or moderate income or result in a loss of housing units, and

WHEREAS, once complete, the improvements will benefit the entire community, which therefore benefits the entire low to moderate-income residents of the City of Belding, and

WHEREAS, local costs (other than engineering 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 Economic Development Corporation,

NOW, THEREFORE, BE IT RESOLVED, that the City of Belding hereby authorizes Randall DeBruine, City Manager, to submit the Michigan CDBG Infrastructure Capacity Enhancement (ICE) Program final grant application, and

FURTHERMORE, Randall DeBruine, City Manager, is authorized to sign the application forms and all grant related documents and to serve as environmental review certifying officer,

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

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

The Mayor called for Business Agenda Item **B – PERSONNEL POLICY AMENDMENT – CELLULAR PHONE USAGE**

The City Clerk read the preamble to the resolution.

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

RESOLUTION NO. 2009-09-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
AMENDING THE BELDING PERSONNEL POLICY AND PROCEDURE MANUAL.

WHEREAS, the Personnel Policy and Procedure Manual is in place to set policy and standards for employees of the City of Belding; and

WHEREAS, staff has reviewed the proposals and recommends that such change will be for the best interest of the City, and of its employees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan approves the following amendment to the Belding Personnel Policy and Procedure Manual:

Addition of Section 4.28 – Cellular Phone Usage, to read in its entirety as follows:

1. Frequent or repeated use of cellular telephones (either city-owned or employee-owned) for personal calls during normal working hours may result in revocation of City-owned cellular telephone and/or disciplinary action. Employees are encouraged to utilize their breaks or lunch periods to make or receive personal calls.
2. Cellular telephones (either city-owned or employee-owned) shall not be used while operating City-owned vehicles or equipment.

Council Member Satterlee asked if there were any issues?

Police Chief Nelson stated cell phones were used a lot by him and his staff. It is more convenient to use the phone in the car. It is a proven fact that it is a hazardous distraction. There has been a lot of discussion on the topic. There have been issues, with cell phone use being a safety issue for employees and residents. Overall it will be a good thing. Staff will all have to be retrained.

City Manager DeBruine stated the Dial-A-Ride service transports passengers. Staff cannot be on the phone while transporting passengers. The issues all came to the surface for the policy.

Council Member Belding asked if there would be disciplinary action?

Police Chief Nelson stated there would be progressive action, first a warning, then more severe.

Council Member Satterlee asked if it could be extended to citizens?

Police Chief Nelson stated some communities have the regulation. They will set the example for the residents.

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

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

The Mayor called for Citizen Comments.

There were no citizen comments.

The Mayor called for Council Comments.

Council Member Bunce congratulated the Labor Day Committee. It was a great weekend and fireworks. The Twilight Parade was awesome. It is a lot of hard work.

Council Member Belding had no comments.

Council Member Satterlee extended a thank you to the Labor Day Committee. She stated it was her favorite time of year in Belding. She looks forward to it. They always pull it together and do a great job.

Mayor Wills stated he was personally thankful for the Labor Day Committee, their leadership and what they do every year. He thanked them for all they do.

The Mayor called for Work Session A – **GIBSON BUILDING DISCUSSION – GENE HOPKINS**

City Manager DeBruine stated the situation had been publicized to a large degree. The DDA, Planning Commission, City Council and newspaper representatives took a tour of the building. The purpose of the tour was to get public input on what to do with the building. Does the city put money into it to stabilize it or let it fall in on itself? The property owner, Bob Tol, will not put any more money into the building. The bank with the mortgage is not foreclosing, and is not willing to put in any more money. The city has the right under the International Property Maintenance Code to tell the property owner to bring it up to code. If he chooses not to, the city could bring it up to code. There are issues with the roof and windows, as well as structural issues. Once those issues are fixed, the cost could be placed as a special assessment on his property taxes. It would be placed on the July, 2010 taxes as a special assessment. In March of 2011, those taxes probably wouldn't be paid. If that continued until March, 2013, the property would go up for tax sale. If there were no buyers, it would go to the city or county land bank. If that occurred, the city would not receive anything back on the stabilization funds spent. If the city would take ownership and found a buyer, the new owner would pay off the special assessment. The bank has offered to donate the property to the city, but the city has not

accepted. There are pros and cons to all things. He asked if the building should be stabilized? It has been part of the community for over a century. It is an icon and the public talks about it all the time. He wanted as much input as possible. Three or four of the Planning Commission members said to stabilize the building. The DDA consensus was to stabilize. He received phone calls and emails in favor of stabilizing the building. City council has a decision to make. A resolution was prepared to solicit bids on the four areas, including the roof, beam, boarding up the windows and masonry work. The city architect walked through the buildings last year and prepared an assessment report. He brought a structural architect through the building last week. They said the building was still salvageable. It must be stabilized to keep that.

Council Member Bunce asked if a letter had been sent to Bob Tol?

City Manager DeBruine stated another letter would be sent with a 30 day notice. Mr. Tol will not be allowed entrance after that.

Gene Hopkins stated he was asked to walk through the building a year ago. He has been a preservation architect for 35 years, and that is his area of focus and specialty. On September 11, 2008, he walked through most of the buildings. He did not tour one building at that time. From a visual assessment, they documented what they saw. He saw a building sadly in need of tender, loving care. It has character defining elements. There are four significant buildings among the twelve buildings that date back to the turn of the century. There is the main silk mill #1, and at the east end of that, another 4-story building built a few years later for administrative staff. The power house is in the middle. There is a link building running north and south, in between the main building and power house. Other buildings were added to support the manufacturing process. The building on the south side, the white mill park is 50 years old, and it is their opinion is that it is marginally historical, but it could have some use to support downtown. The silk mill was built very well, being a heavy timber and masonry building. It was used extensively and shows merits of use and wear. It responded extremely well to the conditions of manufacturing and exposure to the elements. It was greatly exposed to the weather and has roof damage. That is causing deterioration to the interior structure. The building should be stabilized to seal it up until further efforts are taken or future viability is determined. The main silk mill offers a lot of potential reuse. The lower portion is easily accessible to the street level for retail and office space. The upper floors contain all virgin wood and hardwood growth, which has been able to withstand the conditions. The building has a lot of integrity from the wood standpoint. There were areas of penetration of the walls in the masonry and some brick have fallen. Overall, the masonry is in good shape. The opportunities are great from a historic preservation standpoint. The issue here is based upon economic value. Can the building still contribute to the community? He has seen many historic assets lost in a community, and when they are gone, they are gone. You can't get back those assets of your community when they are gone. The buildings are not listed on the National Register of Historic Places. They think the structures qualify for listing. They have to meet one of four criteria. They believe it would qualify, as the silk mill is unique and represents a specific era of the county, the event of the whole silk mill industry. That is what the building architecturally represents. Any investor would want tax credits which are available from the state and federal governments. It would have a higher value with state and federal registers.

Council Member Bunce asked how it would be registered?

Mr. Hopkins stated Bob Christiansen from the State Historic Preservation Office should be contacted to walk through the property. They would issue a letter of eligibility. The city would prepare a nomination. It would include a report on the history of the structures and why that is significant. That could be done by city staff. They must line things up architecturally.

Mayor Wills asked if that would help them down the road?

Mr. Hopkins stated yes, if they consider it to be a community asset. It would set it up and make it inviting for someone to come in and do something with it.

Lynn Mason stated that Mr. Hopkin's comments were refreshing. The building is special to the community. It seems he is thinking future oriented.

Mr. Hopkins stated he asks what is in the best interest of the community and that site. It is such an ideal site with an iconic building. It has such great potential. Right now it is struggling on life support. This is an important decision, and they should look at it from all sides. It is a long term commitment to how people feel, being a part of the history and assets of the community.

Bob Wuelfing, W. Ellis, stated he worked in there and wants it saved. He would volunteer for a committee to help save it.

Mike Hamp, 628 Morton, stated there is no doubt they want to save the silk mill. They should focus on what they would do with the other buildings. Have a scenario. The whole structure has been a pain to council since the 80's and 90's. They should make it a priority and decide where they are headed and how they will get there. Put their heads down and go.

Kathy Lehman stated she appreciated the input and them taking their time on this. She would like to see it preserved.

Charles Barker, 1590 Louva Ct., stated he thinks it is of iconic value, historically. He was here when the streets went away. They thought the mall was for the betterment of Belding. They should focus on the historic value and identity of the community. They have preserved some of it. Some of the outlying buildings should be gone, and let the other building breathe. It is very important that council make a good decision. It is decaying, and they should take care of what they have.

Mayor Wills stated the aesthetics are a good thing. He asked what it would take to stabilize it, possibly \$25,000 from the Capital Improvements Funds, which does not have much of a budget. If those funds were used, they would give up street improvements or local projects. It would be real tight. It would come from the city budget. They would have to decide where the money would come from.

City Manager DeBruine stated they were looking at \$15,000 to \$30,000. The funds would come from the CIP fund. The city has a 6-Year CIP Plan. This would be a new item to the plan,

which would be added to the plan. Two mills are levied every year to fund street improvements, park improvements, city buildings, or any other large expenditures. It does not include water or sewer. It could include fire trucks. There is \$150,000 a year to work with. This city does a lot with the little money that they have, compared to other cities. There is money in the fund, but something else may not get done.

DPW Director Thomas asked if they were not able to levy x amount of mills yet?

City Manager DeBruine stated the city currently levies 16.95 mills, and could go up to 18.4 mills. He would not recommend a millage increase, due to the current economy.

DPW Director Thomas stated they must stabilize the building and clean up the site. They could earmark those funds for cleaning up the property.

City Manager DeBruine stated the city would have to own the property, and he would not be inclined to do that at this time. The city applied for a grant this spring. There may be other opportunities, and they could explore grants over the next few years. All they are looking to do at this time is to secure the building from the elements. They are not talking about redevelopment of the site.

Mayor Wills stated \$40,000 to \$60,000 was needed for an environmental study.

Mr. Hopkins stated it would definitely have to have a Phase 1 and Phase II. Because of the chemicals that were in the building, there would be issues that need abatement. You want to be careful moving forward on this. They could stabilize the building to protect it and leave the options open. If the city would start looking at the potential of taking it over for redevelopment, it should not go through city ownership. That would get into issues with the tax code and encumber the property with more red tape. Move very strategically with the next steps, so every step doesn't limit the options for the next step.

The City Clerk read the preamble to the resolution.

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

#### RESOLUTION NO. 2009-09-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN  
AUTHORIZING THE SOLICITATION OF BIDS FOR THE STABILIZATION OF THE  
GIBSON BUILDING.

WHEREAS, the Gibson Building is currently condemned and in violation of City of Belding Codes; and

WHEREAS, the bank and owner of the building have indicated that they will not be expending any additional funds to stabilize the building; and

WHEREAS, it may be in the best interest of the city to expend funds to stabilize the building, to prevent further deterioration of the structure; and

WHEREAS, staff wishes to solicit bids from qualified vendors for the needed stabilization of the building for council consideration.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that authorization is granted to solicit bids from qualified vendors for the stabilization of the Gibson Building.

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

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

The Mayor called for a motion to adjourn the meeting.

#### ADJOURNMENT

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

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

Mayor Wills adjourned the meeting at 8:10 p.m.

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Roger Wills, Mayor

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Kareen J. Thomas, City Clerk