

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

The City Clerk took the roll call:

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

Members Absent: 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.

The Mayor called for Guest – Mike Simmon's Students – Liberty Tree Project

Fifth grade students from Mr. Simmon's class at Woodview School described the Liberty Tree Project. They would like to use the maple tree at the Depot. It would be a gathering area and they would do patriotic skits. 54 students will do an interview of veterans. It would be a rallying place for citizens today.

Council Member Satterlee stated that it was an excellent idea.

Mr. Simmons stated that they would like to hold a dedication ceremony in the spring, to include music and the state legislator and they could consider a plaque on a pillar. They would like to see some red, white and blue lights, spotlights, or ribbons.

Council Member Stout stated it could really be a focal point on Bridge St. They could coordinate with the local groups.

Mr. Simmons stated they would go half on lighting. They would like to put a couple benches out there to enjoy the activities and relaxing.

The Mayor called for the Consent Agenda.

A. Approval of Minutes 11-18-08

Council Member Bunce 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, Wills, Satterlee and Husted.
Nays: None.
Abstain: Council Member Stout.

The Mayor called for Business Agenda Item A – **SIDEWALK ORDINANCE AMENDMENT – FIRST READING**

ORDINANCE NO. 506

AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF BELDING, BY AMENDING SECTION 74-1 – VIOLATION; MUNICIPAL CIVIL INFRACTION, AND ADDING SECTION 74-128 - SNOW AND ICE REMOVAL.

THE CITY OF BELDING ORDAINS:

Section 1. Amendment of Section 74-1.

Section 74-1 of the Code of Ordinances is amended to read in its entirety as follows:

Sec. 74-1. Violation; municipal civil infraction.

- (a) A person who violates any provision of the chapter, with the exception of Section 74 128, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by section 1-19(c)(2), except that the increased fine for a repeat offense shall be as follows:
- (1) The fine for any offense which is a first repeat offense shall be no less than \$1,000.00, plus costs and other sanctions.
 - (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$2,500.00, plus costs and other sanctions.
- (b) In addition to the building inspector, any authorized city official as provided by sections 1-20 through 1-24 is authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the city municipal ordinance violations bureau) for violations under this chapter.

Section 2. Addition of Section 74-128.

Section 74-128 of the Code of Ordinances is added to read in its entirety as follows:

Sec. 74-128. Snow and Ice Removal.

- (a) No occupant of any premises or owner of premises or property shall fail to keep the sidewalks in front of or adjacent to such premises or property clear of ice and/or snow, so far as to facilitate pedestrians use. When there are no sidewalks, no such occupant or owner shall fail to clear a path free from snow and ice, when such a path will provide an extension of existing sidewalk on an adjacent property.
- (b) Whenever any snow has fallen or accumulated, it shall be cleared from the entire sidewalk or pathway within twenty four (24) hours.
- (c) When ice is formed on any sidewalk, such owner or occupant shall, within twelve (12) hours after the ice has formed, cause salt, chloride or sand to be strewn on the entire sidewalk or pathway.
- (d) In the event that snow or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the owner or occupant of such premises shall within twenty four (24) hours cause enough sand or abrasive to be strewn on the sidewalk as to make travel thereon reasonably safe, and shall as soon as weather permits, cause a path in said sidewalk to be cleared in its entirety.
- (e) A person who violates any provision of Article III, Sidewalks, Sec. 74-128, Snow and Ice Removal, of this chapter, is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanctions, for each violation as provided by section 1-19(c)(1). Repeat offenses shall be subject to increased fines as provided by section 1-19(c)(2).
(Ord. No. 448, § 27, 6-16-98)

Section 3. 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 4. Repeal.

All ordinances and resolutions and parts thereof, insofar as the same conflict with the provisions of this Ordinance, are hereby repealed.

Section 5. Effective Date and Publication.

This Ordinance shall become effective _____, which will be not less than ten (10) days after publication. This Ordinance or a summary thereof shall be published in the *Greenville Daily News*, a newspaper of general circulation in the City of Belding.

Council Member Stout stated there are a lot of violations, and there has only been one 6-8 inch snow. There are a lot of vacant homes. There are a lot of scenarios. He wants a safe situation.

The ordinance means bare – free of ice and snow. He asked how they would strike a fair and equitable balance? The elderly population struggles. It is a judgment call. They have to tighten some of the things up. He expressed concern that he could shovel at 3 a.m. and then the dubdowns would be filled in when the plows go through.

Mayor Husted stated it was open to interpretation by Roger.

DPW Director Thomas stated there could be a line to excuse dubdowns that the city plowed in.

Zoning Administrator May stated they are after the safety issue, not the money.

Mayor Husted stated it would give Roger an enforcement tool for those that do nothing within 24 hrs. It puts a little teeth in it. If it was too restrictive, it might lose the judgment issue. The residents will have to be informed and educated.

Council Member Stout stated it should be sent to each home.

City Manager DeBruine stated it could be highlighted on the website. The Daily News could run an article. A mailing could be done highlighting the basics.

The Mayor called for Citizen Comments.

Lynn Mason, Ionia County Commissioner, wished happy holidays to all. The Board of Commissioners organizational meeting has been changed to January 6, at which time they will decide when the meetings will be held. The plans for the animal shelter are progressing. There is a donation schedule for people wishing to contribute. A new Central Dispatch Director has been hired. They are dealing with budget amendments and a \$300,000 deficit. The Substance Abuse Committee is looking for input.

The Mayor called for Work Session – Potential Stimulus Grant

City Manager DeBruine stated that there may be opportunities for funding of infrastructure projects, as there is serious discussion coming out of Washington. There is a high likelihood this may happen, and they could be drafting this stimulus bill. If a project was ready to go out to bid, it would have a greater likelihood of being funded. There is \$300,000 in lift station improvements that have been designed and are ready to go now. The priority 3-6 sewer improvement projects would cost approximately \$700,000 for construction. To design the improvements now would be minimal, approximately \$21,000. The city would have \$1M in projects ready to go. He would highly recommend they proceed at a minimum with that.

The second project for design would be infrastructure improvements to High and May Streets and the side streets between, with a design cost of \$178,000.

High Street, between N. State and Bridge would be a \$1.4M project. The bank is destabilized, the road is in bad shape, and watermain and stormsewer improvements are needed. It doesn't qualify for federal aid because it is designated as a local street. Design engineering for that

project would be \$67,000, of which \$50,000 would come from the CIP Fund and \$17,000 from the Water Fund.

The May Street design would be \$41,000.

The street reconstruction design for the side streets between High and May would be \$69,000.

York St. reconstruction would put in a new watermain to connect the two water towers. It is the #1 priority on the Water Master Plan. It would be very beneficial to the water system. The project would include storm sewer, curb and gutter and sidewalks. Design would be \$35,000, with water paying a large share of that.

If they do the sewer projects, High Street and the project on York St., funds would come out of the CIP Fund and Water and Sewer Funds. It would be a good cross section of sewer, water and street projects.

He asked that they think about it over the next two weeks. He would like to take action at the next council meeting.

Council Member Bunce asked if the sewer projects would include the ponds?

City Manager DeBruine stated that pond 1 needs to be cleaned out, but that is more of a maintenance issue. On Merrick and Crawford, the city can get \$375,000 through MDOT. High St. would not qualify for grant funds.

Council Member Stout stated there are not local opportunities, so they should target those areas.

Council Member Wills stated he agreed on the lift stations.

City Manager DeBruine stated he would need authority to hire engineers to do the design work. He would have resolutions at the next meeting to approve the work for the projects. He would like to design projects the city would have to do anyway in the next 5-15 years. The sewer work would be done in the next 5 to 15 years, and the water work would be done in the next 5 to 10 years. He doesn't know how High Street would be funded, but it needs to get done.

Mayor Husted asked how long the design engineering details would be good for?

Steve VandenBrink stated that things change over time. It would normally be approximately 5 to 10 years, but it may need extra survey work if conditions had changed. Any additional costs would be minimal.

Mayor Husted stated he struggles with spending this kind of money on a speculation that Washington will have a stimulus package. If they had more evidence this would happen, he would say yes. He will not be at the next meeting.

City Manager DeBruine stated that they should do the \$21,000 design for the sewer work for

sure.

DPW Director Thomas stated with the project on High St., they would know how much it would cost for stabilization.

City Manager DeBruine asked that council let him know their thoughts. He would need \$60,000 – \$65,000 from CIP, and the other funds from sewer and water.

Mayor Husted asked if they would short other areas on speculation of a stimulus grant?

City Manager DeBruine stated that it would not.

The Mayor called for Council Comments.

Council Members Satterlee, Bunce and Stout had no comments.

Council Member Wills asked, when they give a tax break for company equipment and they say they put in a certain number of jobs, is the original number of jobs listed?

City Clerk Thomas stated it was on the IFT application.

Mayor Husted stated that he would be absent on December 16, as he is picking his son up from the Army. He hopes everyone has a happy and safe Christmas.

The Mayor called for a motion to adjourn the meeting.

ADJOURNMENT

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

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

Mayor Husted adjourned the meeting at 8:15 p.m.

Shane T. Husted, Mayor

Kareen J. Thomas, City Clerk