

REGULAR MINUTES
PERE MARQUETTE DEPOT
Tuesday, December 16, 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 16, 2008.

The City Clerk took the roll call:

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

Members Absent: None.

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.

Council Member Bunce delivered the invocation.

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

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

Council Member Stout stated that the project should be referred to as the M-44 Corridor Enhancement Project, as the pathway is only a small portion of the project.

Council Member Wills stated that the Rec Board has tried to come up with a solution to the safety issue of the bridge approach and crossings.

City Manager DeBruine stated that the intention was to have sidewalk from Hall to Broas. The bridge is the safety issue.

Council Member Stout stated that the best opportunity may be to wait on that portion, as there may be other solutions with the railroad railway project.

Council Member Stout made a motion to reaffirm that the pathway remain on the north side of M-44, between Orchard and Water Streets, supported by Council Member Satterlee.

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

Nays: None.

Council Member Bunce asked for a stimulus package update.

City Manager DeBruine stated that it was gaining steam and there is lots of talk about it. There

are no specifics or details at this time. They won't know until it is voted on by the legislators and the president signs it. He will send projects to the Region 8 Director and legislators.

Council Member Stout stated that Carl Koivisto from Howard City TSC is including the M-44 project.

The Mayor Protem called for the Consent Agenda.

- A. Approval of Minutes 12-2-08
- B. Board of Review Appointment – Marjorie Hansen
- C. Board of Review Appointment – David Mierendorf
- D. Board of Review Appointment – Doug Lamborne
- E. Zoning Board of Appeals Appointment – David Scheid
- F. Library Board Appointment – Jeffery Wittung

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, Stout, Satterlee and Wills.
Nays: None.

Following are the resolutions contained in the Consent Agenda.

B. BOARD OF REVIEW APPOINTMENT – MARJORIE HANSEN

RESOLUTION NO. 2008-12-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING MARJORIE HANSEN TO THE BOARD OF REVIEW.

WHEREAS, the present term of office of Marjorie Hansen on the Board of Review will expire on 01/01/09; and

WHEREAS, Marjorie Hansen has indicated her willingness to serve another term on the Board of Review.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Marjorie Hansen be appointed to the Board of Review with a term of office to expire on 01/01/10.

C. BOARD OF REVIEW APPOINTMENT – DAVID MIERENDORF

RESOLUTION NO. 2008-12-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN

APPOINTING DAVID MIERENDORF TO THE BOARD OF REVIEW.

WHEREAS, the present term of office of David Mierendorf on the Board of Review will expire on 01/01/09; and

WHEREAS, Mr. Mierendorf has indicated his willingness to serve another term on the Board of Review.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that David Mierendorf be appointed to the Board of Review with a term of office to expire on 01/01/10.

D. BOARD OF REVIEW APPOINTMENT – DOUG LAMBORNE

RESOLUTION NO. 2008-12-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING DOUGLAS LAMBORNE TO THE BOARD OF REVIEW.

WHEREAS, the present term of office of Douglas Lamborne on the Board of Review will expire on 01/01/09; and

WHEREAS, Mr. Lamborne has indicated his willingness to serve another term on the Board of Review.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Douglas Lamborne be appointed to the Board of Review with a term of office to expire on 01/01/10.

E. ZONING BOARD OF APPEALS APPOINTMENT – DAVID SCHEID

RESOLUTION NO. 2008-12-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING DAVID SCHEID TO THE ZONING BOARD OF APPEALS.

WHEREAS, a vacancy exists on the Zoning Board of Appeals; and

WHEREAS, David Scheid has indicated an interest in serving on the Zoning Board of Appeals.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that David Scheid be appointed to the Zoning Board of Appeals with a term to expire on 12/16/11.

F. LIBRARY BOARD APPOINTMENT – JEFFERY WITTUNG

RESOLUTION NO. 2008-12-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN APPOINTING JEFFERY A. WITTUNG TO THE BELDING LIBRARY BOARD.

WHEREAS, the City Council of the City of Belding, Michigan, desires to fill the expired term of Michael W. Bolton; and,

WHEREAS, the City Council desires to appoint Jeffery A. Wittung as a member of the Library Board; and,

WHEREAS, the Alvah N. Belding Library Board members have recommended the appointment of Jeffery A. Wittung to this board; and,

WHEREAS, City Council has determined that Jeffery A. Wittung meets the eligibility requirements for appointment to the Library Board as set forth in the City Charter, Section 4.4(f).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Belding, Michigan that Jeffery A. Wittung be, and the same hereby is, appointed as member of the Library Board with a term commencing immediately and to expire on December 31, 2013.

The Mayor Protem called for Business Agenda Item A – **COUNTY BROWNFIELD PLAN APPROVAL RESOLUTION**

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.

CITY OF BELDING
RESOLUTION NO. 2008-12-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN CONCURRING WITH THE PROVISIONS OF A BROWNFIELD PLAN THAT RELATES TO PROPERTY LOCATED WITHIN THE CITY OF BELDING TO BE APPROVED BY THE IONIA COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Ionia County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has established the Ionia County Brownfield Redevelopment Authority (“ICBRA”) to facilitate the cleanup and redevelopment of Brownfields within Ionia County’s Communities; and

WHEREAS, certain properties located at 100 E. Main Street, Belding, Michigan, Tax Parcel Identification Number 34-401-050-000-716-00; 200 S. Bridge Street, Belding, Michigan,

Tax Parcel Identification Number [34-403-180-000-390-00](#); and 201 S. Bridge Street, Belding, Michigan, Tax Parcel Identification Number [34-403-180-000-382-00](#), are within Ionia County and the City of Belding and is Eligible Property as that term is defined under Michigan's Brownfield Redevelopment Financing Act because it is a facility as defined in the Act; and

WHEREAS, a Brownfield redevelopment plan for the ICBRA (the "Plan") is to be approved by the County Board of Commissioners; and

WHEREAS, the Ionia County Brownfield Redevelopment Authority, pursuant to and in accordance with Section 13 of the Act, has recommended that the Ionia County Board of Commissioners approve the proposed Plan to be carried out within Ionia County relating to the redevelopment of the Property; and

WHEREAS, following appropriate notice to the public, the City of Belding Council considered the matter during a regular meeting on December 16, 2008 at 7 p.m. in the Council Chambers.

NOW, THEREFORE, BE IT RESOLVED, with respect to the Property located within the City of Belding, the City Council has reviewed the plan and hereby concurs with the provisions of the Plan.

BE IT FURTHER RESOLVED that the City Council hereby consents to the approval of the Plan by the Ionia County Board of Commissioners and the implementation of the Plan by the Ionia County Brownfield Redevelopment Authority.

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Diane Smith, ICEA Director, stated that the properties in the city have captured over \$129,000, due to the efforts of Randy and the business owners. They want to hire AKT to put together a Brownfield Plan for the City of Belding.

Dave VanHaaren, AKT Peerless, stated with \$61,000 of the previous assessment grant funds, three properties, including the Gibson building, Breimayer building and Bargain Corner received Phase 1 & 2, the Breimayer building was demolished, and a storage tank was removed. The Brownfield includes other jurisdictions and a base plan is provided for each of the sites. They need local and county approval of the Brownfield Plan. Any future developer could go for a Michigan Business tax credit. There is tax increment financing for these sites. It could reimburse the county for monies spent previously on these sites during the last grant process. They could take the plan to the developer, as the sites are ready for development.

The question on the resolution 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 Business Agenda Item **B – SIDEWALK ORDINANCE AMENDMENT – ADOPTION**

The City Clerk read the preamble to the ordinance.

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

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 December 29, 2008, 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 Satterlee stated that special consideration should be taken for the elderly, ill, and out of towners. The city will not run out to be mean or bad to citizens. There have been a lot of questions from the community. They will use the best judgment. There are a lot of out of work people that may want to shovel.

City Manager DeBruine stated that they would need insurance.

Zoning Administrator May stated that those shoveling are in the city right of way. If the city contracts with them, the city is liable. Homeowners can hire someone. There is a list of people that can be referred to them. If the city contracts it out, it has to be an insured individual.

Council Member Bunce asked, when the snow falls for three days, should they be out there every 12 hours?

Zoning Administrator May stated they expect them to keep up. They can't say shovel when it stops, because it doesn't stop between December and March. In the past, he dealt with it on a complaint basis. They will always get a warning, on a pink or red paper. Then they have 24 hrs. to clear the ice or snow. It is more of an ice issue. They follow up on the warning. Consideration is given if an effort was made. If no effort was made, enforcement action will start.

Council Member Stout stated first it was a walkable community, now there is sanding and salting. He understands the premise. With the pathways and amount of plowing the city does, the city will have a hard time maintaining it. It is a lot to ask. This ordinance needs more work. He is uncomfortable with the language. He knows what the intent is. It is one of those gray areas that people wrestle with and there is never a good answer to it. He doesn't know if it is possible to have the sidewalks bare. Some communities level a small millage to keep the sidewalks clear. If it is open ended, then it can't be enforced.

Police Chief Nelson stated that it would put an extra burden on city staff on the weekends to fall within the 24 hr. removal time. Of consideration is that there is a liability issue for property owner to not remove snow and ice. A warning will be given. They must have someone shovel the sidewalks.

Council Member Stout asked why he should shovel it and then get it down to ice? He might as well leave it for more snow cover, for less risk of ice. It is a shame they have to protect from slip and falls on their own property.

Zoning Administrator May stated the only thing different is the time frame.

Chief Nelson asked what they would do for their fellow man? They should provide a walkable surface. They need the verbiage of free and clear, or the property owners would interpret. The

snow will eventually become a traction issue for the walker. The ordinance is designed to take care of problem issues, those that don't shovel. They should consider the pedestrian safety of the students that are walking, as they walk in the road when the sidewalk is not shoveled. They put themselves in harms way. This would encourage residents to maintain a walkable sidewalk in front of their property.

Mayor Protem Wills stated most people do their walks anyway. They are talking about a small portion of people. It will not be real nitpicky.

Chief Nelson stated that there are a large amount of unoccupied homes. They could go back to the mortgage companies to get it done.

Council Member Bunce stated that he did salting to get through the ice. It didn't do a bit of good. It takes time to start to work.

Zoning Administrator May stated that it also includes sand, which is not an environmental issue.

Council Member Satterlee stated whenever the city is out in the community, if the sidewalks have less than the yard has, they are good with it. It is the effort being made. They do need something they can use. Other communities have this same thing, so the city is not making it harder. They have lowered the fines. It will be better.

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

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

The Mayor Protem called for Business Agenda Item **C – WASTEWATER IMPROVEMENTS DESIGN ENGINEERING AWARD**

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 Bunce.

CITY OF BELDING
RESOLUTION NO. 2008-12-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN
AUTHORIZING FLEIS & VANDENBRINK TO PERFORM DESIGN ENGINEERING
SERVICES IN THE AMOUNT OF \$21,300 FOR SEWER IMPROVEMENTS.

WHEREAS, the city developed a sewer project plan, approved by MDEQ, detailing necessary sewer improvements; and

WHEREAS, the city completed over \$4.5 million of sewer improvements detailed in the plan

but still has over \$1 million in improvements remaining; and

WHEREAS, the city requested a proposal from a qualified engineering firm for design engineering; and

WHEREAS, Fleis & VandenBrink Engineering, Inc. submitted a proposal in the amount of \$21,300.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan award the design engineering services for the sewer improvements to Fleis & VandenBrink Engineering, Inc. in the amount of \$21,300.

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

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

The Mayor Protem called for Business Agenda Item **D – HIGH STREET SURVEY AWARD**

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 Bunce.

RESOLUTION NO. 2008-12-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING FLEIS & VANDENBRINK TO PERFORM TOPOGRAPHIC SURVEY AND MAPPING SERVICES IN THE AMOUNT OF \$11,200 FOR HIGH STREET RECONSTRUCTION.

WHEREAS, High Street between North State and Bridge is in desperate need of reconstruction; and

WHEREAS, the bank along High Street needs to be stabilized; and

WHEREAS, the city requested a proposal from a qualified engineering firm for survey work; and

WHEREAS, Fleis & VandenBrink Engineering, Inc. submitted a proposal in the amount of \$11,200.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan award the survey work for High Street reconstruction to Fleis & VandenBrink Engineering, Inc. in the amount of \$11,200.

City Manager DeBruine stated that he would like to have an amendment to the resolution to ask for an extra \$10,000 to do a geotechnical study. It would help with the strategy to be used on the street. He will tell the lobbyist and planner center the city wants to do this project.

Council Member Stout stated that it would pull the soil reports log information. It would tell what the current conditions are and determine the best course of action. It would provide base information. It would not be wasted effort, as it would be laying the groundwork for the future.

Mayor Protem Wills stated that street improvement has been the #1 issue. There could be serious situations in the future.

Council Member Bunce made a motion to amend Resolution No. 2008-12-78 to authorize the city manager to negotiate up to \$10,000 to undertake a geotechnical analysis, supported by Council Member Stout.

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

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

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

The Mayor called for Business Agenda Item **E – YORK ST. RECONSTRUCTION AND WATERMAIN UPGRADES SURVEY AWARD**

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 Bunce.

CITY OF BELDING
RESOLUTION NO. 2008-12-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELDING, MICHIGAN AUTHORIZING FLEIS & VANDENBRINK TO PERFORM TOPOGRAPHIC SURVEY AND MAPPING SERVICES IN THE AMOUNT OF \$4,000 FOR WATER MAIN IMPROVEMENTS AND YORK STREET RECONSTRUCTION.

WHEREAS, the city completed in 2007 a Water Master Plan, which listed the need for a watermain upgrade on York Street and a river crossing to Park Street, in order to provide a connection between the two water towers; and

WHEREAS, York Street would be reconstructed subsequent to the installation of the new water main; and

WHEREAS, the city requested a proposal from a qualified engineering firm for survey work;
and

WHEREAS, Fleis & VandenBrink Engineering, Inc. submitted a proposal in the amount of
\$4,000.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Belding, Michigan
award the survey work for the water main improvements and York Street
reconstruction to Fleis & VandenBrink Engineering, Inc. in the amount of \$4,000.

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

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

The Mayor Protem called for Citizen Comments.

There were no citizen comments.

The Mayor Protem called for Council Comments.

Council Members Satterlee, Stout and Bunce had no comments.

Mayor Protem Wills stated that he wanted to go on record to thank Mike Bolton for all his work
over the years. He got a major project done for the community. He has been an asset to the
community.

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

ADJOURNMENT

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

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

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

Roger Wills, Mayor Protem

Kareen J. Thomas, City Clerk