

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

Present: Mayor Postma
Commissioners Symonds, McNitt, Bennett, Vollbach and Klooster

Absent: Commissioner Timmons

Mayor Postma called the meeting to order at 7:30 p.m. and led the pledge of allegiance.

ITEM #3 Inquiry of Conflicts of Interest

No conflicts of interest were voiced.

CONSENT AGENDA

Motion offered by Symonds, supported by McNitt, to approve the minutes of the regular Commission meeting dated May 4, 2004, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the Paid Bill List dated May 13, 2004, totaling \$146,235.97.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the Police Department Monthly report, April 2004.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the Funds on Hand report, April 2004.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the Zoning Activity report, April 2004.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the minutes from the following Boards and Commissions:

- A. DDA, March 15, 2004
- B. Planning Public Hearing, April 8, 2004
- C. Planning, April 8, 2004
- D. Housing, April 13, 2004

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

ITEM #10 Ordinance #193, An Ordinance to Amend Chapter 25 of the City of East Jordan Code of Ordinances Entitled Traffic and Motor Vehicles

The following ordinance was offered for adoption by Symonds, supported by Vollbach:

**ORDINANCE #193
AN ORDINANCE TO AMEND CHAPTER 25 OF THE CITY OF EAST JORDAN
CODE OF ORDINANCES ENTITLED TRAFFIC AND MOTOR VEHICLES**

THE CITY OF EAST JORDAN ORDAINS:

ARTICLE I. IN GENERAL

Sec. 25-2. SNOWMOBILE REGULATIONS.

(b) The City hereby authorizes the following streets as a non-snowmobile designated route of travel: Main Street from Mill Street to Williams Street. Snowmobiles may travel on any street within the city with the exception of the previously listed location.

ARTICLE II. UNIFORM TRAFFIC CODE

Sec. 25-21. CODE ADOPTED.

*(1) **Adoption of the Uniform Traffic Code.** The Uniform Traffic Code for Cities, Townships and Villages promulgated by the Commissioner of State Police on January 14, 1958, and published in Supplement No. 13, as amended on February 14, 1961, and published in Supplement No. 25, on February 26, 1968, and published in Supplement No. 54, on July 20, 1976, and published in Supplement No. 88 and as last amended February 10,*

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

1978, and published in Supplement No. 94, all of said Supplements being to the 1954 Michigan Administrative Code, and in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Chapter modified. All future amendments of the Uniform Traffic Code for Cities, Townships and Villages may be adopted by resolution of the City Commission of East Jordan.

- (2) **Adoption of the Michigan Motor Vehicle Code.** *The Michigan Motor Vehicle Code, Public Act 300 of 1949, as amended, being MCL 257.1 to 257.923, is hereby adopted by reference by the City of East Jordan. All references in the Michigan Motor Vehicle code to "local authorities" shall be construed as referencing the City of East Jordan.*

Sec. 25-22. PURPOSE OF THE MOTOR VEHICLE CODE.

The purpose of the Michigan Motor Vehicle Code is to provide for the following:

- A. The regulation of certain vehicles operated upon the public highways of the State of Michigan or any other place open to the public or generally accessible to motor vehicles and distress vehicles within the State of Michigan;*
- B. The regulation of use of streets and highways within the State of Michigan;*
- C. Penalties and sanctions for violation of the Michigan Motor Vehicle Code;*
- D. Civil liability of owners and operators of vehicles and service of process on residents of the State of Michigan and nonresidents;*
- E. Enforcement of the motor vehicle code;*
- F. The creation and specifications of the powers and duties of certain state and local authorities and agencies.*

Sec. 25-23. Notice of Availability of Copy of Motor Vehicle Act.

Notice is hereby given that a complete copy of the Michigan Motor Vehicle Code, PA 300 of 1949, as amended, being MCL 257.1 to 257.923, is available to the public for inspection at the office of the City Clerk. This shall also serve as notice that the City shall not enforce any provision of the Michigan Motor Vehicle Code having a maximum period of imprisonment greater than ninety-three (93) days.

Sec. 25-24. Severability.

If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the City intends said portion to be disregarded, reduced and/or

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

ARTICLE IV. BICYCLES

Sec. 25-61. The following provisions of Article IV *Bicycles*, Sec 25-61, *Not to be ridden on sidewalks* of the Code of Ordinances for the City of East Jordan are amended as follows:

ARTICLE IV. BICYCLES, SCOOTERS, ROLLER BLADES OR SKATEBOARDS

Sec. 25-61. *Not to be ridden on sidewalks.*

It shall be unlawful for any person to ride a bicycle, scooter, roller blades or skateboards upon any of the sidewalks in the Central Business District or any prohibited area so signed within the corporate limits of the city.

Roll Call Vote:

Ayes: Symonds, McNitt, Bennett, Vollbach, Klooster and Postma
Nays: None
Absent: Timmons

Adopted: May 18, 2004
Published: May 26, 2004
Effective: June 2, 2004

ITEM #11 Ordinance #194, An Ordinance to Amend Chapter 22 of the City of East Jordan Code of Ordinances Entitled Sales

The following ordinance was offered for adoption by Symonds, supported by McNitt:

**ORDINANCE #194
AN ORDINANCE TO AMEND CHAPTER 22 OF THE CITY OF EAST JORDAN
CODE OF ORDINANCES ENTITLED SALES.**

THE CITY OF EAST JORDAN ORDAINS:

**ARTICLE II. GARAGE SALES
DIVISION 1. GENERALLY**

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

The following provisions of Article II, *Garage Sales* Division 1. *Generally*, Sec 22-28, *Duration* and Division 2. *Permit* Sec. 22-54, *Responsible party*. of the Code of Ordinances for the City of East Jordan are amended as follows:

ARTICLE II. GARAGE SALES, DIVISION 1. GENERALLY

Sec. 22-28. *Duration*.

Amend to read:

Each sale is not to exceed four consecutive days.

Sec. 22-52. *Display; posting of signs*.

Remove the following wording:

or within the public right-of-way.

Sec. 22-54. *Responsible party*.

Amend to read:

The owner(s) or occupant of the property where a sale is conducted shall be the responsible party affected by this division.

Roll Call Vote:

Ayes: Klooster, Vollbach, Bennett, McNitt, Symonds and Postma
Nays: None
Absent: Timmons

Adopted: May 18, 2004
Published: May 26, 2004
Effective: June 2, 2004

ITEM #12 Administrative Policy #136, Solid Waste Dumping

Motion offered by Symonds, supported by Bennett, to adopt Administrative Policy #136, Solid Waste Dumping.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL

Commission discussed the actual cost to the City to allow the dumping and possibly amending the fee in the future.

ITEM #13 Matt & Cara Bishop Lot Split Application

Motion offered by McNitt, supported by Symonds, to approve Matt and Cara Bishop's lot split request described in the description and boundary survey dated May 11, 2004, parcel #15-053-024-079-00.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #14 Freedom Festival requests

Clerk Campbell reviewed the Freedom Festival requests with the Commission. (copy of letter attached and made a part of the original minutes)

Motion offered by Symonds, supported by Klooster, to approve the Jordan Valley Freedom Festival requests for June 24 – June 27, 2004.

MOTION CARRIED
BY ROLL CALL VOTE
AYES: KLOOSTER, VOLLBACH, MCNITT, SYMONDS AND POSTMA
NAYS: NONE
ABSENT: TIMMONS
ABSTAIN: BENNETT

Commissioner Bennett abstained from voting on the Freedom Festival requests, as he is a paid contractor for the Freedom Festival activities.

ITEM #15 Northwest Lower Promotions request

Motion offered by Symonds, supported by Vollbach, to approve the requests from Northwest Lower Promotions with the stipulation that all items are removed and the park is clean on Sunday for the Memorial Day services on Monday. (copy of letter attached and made a part of the original minutes)

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #16 DDA Update

Administrator White informed the Commission of the interest in our area for development.

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR
MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL**

ITEM #17 Administrator's Report

ADMINISTRATOR'S REPORT
MAY 18, 2004

1. It is time to be Cool, last week the City submitted a Cool Cities grant for \$20,000 to be used toward construction of the bandshell. Over 200 grants were submitted for various projects the grant awards are to be announced the first week of June. I will keep the Commission up to speed.
2. The economic development of downtown continues to show a lot of development and redevelopment taking place. One new shop opens May 25th Café Casa and Galleria with work starting or continuing on Jan's Corner Café, Lumberjack Grill and the yet unnamed building. Interest continues for the Main Street retail and Dura as well as the motel project. 2004 is shaping up to be a busy summer.
3. Our meeting with MDOT and the DNR on a snowmobile crossing across the M32 bridge went very well. MDOT will be working with representatives of the Snowmobile Council, City and DNR to design a way to safely get snowmobiles across the bridge. The ways of crossing in the past will change and reeducation will be needed. Until the ideas of a new crossing are finalized that is all the information I have. As I receive more I will be sharing it with the Commission.

Administrator White informed the Commission that the Tourist Park does not currently have cable tv available for the campers. The City is currently working on an agreement with the cable company.

White also noted that the City's website is currently off line during the switch to the new internet service provider.

White informed Commission that 670 cubic yards were collected during the citywide clean up. He noted that the invoice would be over the budgeted amount and he would be presenting a budget amendment to borrow the additional amount from the Rehab fund.

ITEM #18 Mayor's Report

Mayor Postma thanked Deputy Mayor Klooster for conducting the meeting on May 4 during his absence.

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR
MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL**

Postma also informed Commission that Senator Allen will be the Memorial Day service speaker, in addition to speaking he will be assisting in the release of the floats from Jordan Valley Glassworks and has been invited to participate in the Memorial Day parade with the veterans.

ITEM #19 Attorney's Report

Attorney Beatty reviewed the lease with the Senior Center.

Motion offered by Symonds, supported by McNitt, to authorize Administrator White to enter into a three year lease with the Charlevoix County Commission on Aging subject to the terms and conditions determined by counsel and the City Administrator.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #20 Commissioners

Commissioner McNitt questioned whether there would be a price break at Tourist Park due to the lack of cable access.

Administrator White stated the campers are notified when making their reservations that cable is not currently available.

Consensus of the Commission was to not offer a price break as campers are notified in advance.

Commissioner Bennett informed that the flag that was removed from the lake side of the East Jordan Iron Works building is being repainted and will be placed some time near the end of July.

Commissioner Klooster questioned whether we would be getting the grease dumpster on Mill Street relocated before the summer months.

Administrator White stated both properties have been sold and he would be working on a resolution when both parties have taken ownership of their properties.

ITEM #21 Speaker Requests

No speaker request slips were received.

Mayor Postma adjourned the meeting at 8:18 p.m.

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR
MEETING HELD TUESDAY, MAY 18, 2004 AT 7:30 P.M. IN CITY HALL**

Respectfully,

Mark Postma, Mayor

Lori M. Campbell, City Clerk