

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

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

Absent: None

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

Commissioner Timmons asked that Item #5 be removed from the consent agenda. The remainder of the Consent Agenda was approved as follows:

Motion offered by Symonds, supported by McNitt, to approve the minutes of the Regular Commission meeting dated December 7, 2004, as submitted.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

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

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the following Public Safety Department reports:

- A. Police Department, November 2004
- B. Fire Department, September 2004

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the Housing Commission minutes dated November 9, 2004.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Motion offered by Symonds, supported by McNitt, to acknowledge receipt of the 2005 Goal Sharing notes.

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

ITEM #5 Acknowledge Receipt of Paid Bill List dated December 16, 2004 totaling  
\$209,623.86

Commissioner Timmons stated she could not agree with the item on page 4 line 6 of the Paid Bill List.

Commissioner Bennett asked the City Attorney if the fees being charged to the City for the services rendered were reasonable.

Attorney Beatty stated that he had not reviewed the bills but felt that the labor attorney was charging a fair rate.

Motion offered by Symonds, supported by Bennett, to acknowledge receipt of the Paid Bill List dated December 16, 2004 totaling \$209,623.86.

MOTION CARRIED  
AYES: SYMONDS, MCNITT, BENNETT, VOLLBACH, KLOOSTER AND POSTMA  
NAYS: TIMMONS  
ABSENT: NONE

ITEM #10 Ordinance #192A, Fiscal Year 2004/2005 Budget Amendment

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

ORDINANCE #192-A  
FISCAL YEAR 2004/2005 BUDGET AMENDMENT

The City of East Jordan Hereby Ordains:

That the Budget for the fiscal year beginning July 1, 2004 and ending June 30, 2005 shall be amended for operating the City of East Jordan. Ordinance #192 Budget Appropriations Act of 2004-2005 is hereby amended as follows:

Sec 1: Adoption of Budget

GENERAL FUND 101:

	<u>ADOPTED</u>	<u>AMENDED</u>
<u>Revenues:</u>		
675.002 Grants-Private Source	\$10,000.	\$15,340. (increase \$5,340.)

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

694.000 Miscellaneous	\$ 500.	\$5,870.20 (inc. \$5,370.20)
699.000 Operating Transfers In	\$17,500.	\$30,531. (increase \$13,031.)
699.010 Fund Balance	\$209,867.	\$224,867. (increase \$15,000)

Expenditures:

Governing Body/Commission Department 101:

818.000 Contractual Service	-0-	\$ 1,000. (increase \$1,000.)
-----------------------------	-----	-------------------------------

Administrator Department 172:

818.000 Contractual Services	\$ 500.	\$ 4,840. (increase \$4,340.)
------------------------------	---------	-------------------------------

Building and Grounds Department 265:

931.000 M&R Building	\$ 3,000.	\$11,735. (increase \$8,735.)
----------------------	-----------	-------------------------------

Police Department 301:

977.000 Eqpt. Other	\$ 1,000.	\$7,900. (increase \$6,900.)
939.000 Vehicle Maint.	\$ 4,550.	\$ 7,016.20 (inc. \$2766.20)

Department of Public Works Department 441:

818.002 Contractual Ser. Clean Up	\$15,000.	-0- (decrease \$15,000.)
-----------------------------------	-----------	--------------------------

TIFA FUND 247:

Revenues:

694.000 Miscellaneous	\$ 500.	\$ 1,500. (increase \$1,000.)
699.010 Fund Balance	\$38,077.	\$35,704. (decrease \$2,373.)

Expenditures:

880.002 Promotion	\$ 500.	\$ 1,500. (increase \$1,000.)
999.309 Transfer to DDA 2004 M-66 Bond Debt	-0-	\$ 2,373. (increase \$2,373.)

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

DDA 2004 M-66 BIKE PATH DEBT FUND 309:

Revenues:

699.000 Operating Transfers In	-0-	\$2,373. (increase \$2,373.)
--------------------------------	-----	------------------------------

Expenditures:

994.000 Debt Interest	-0-	\$2,273. (increase \$2,273.)
-----------------------	-----	------------------------------

996.000 Paying Agent Fee	-0-	\$ 100. (increase \$100.)
--------------------------	-----	---------------------------

TIFA CONSTRUCTION FUND 495:

Revenues:

699.010 Fund Balance	-0-	\$40,000. (increase \$40,000.)
----------------------	-----	--------------------------------

Expenditures:

999.000 Transfers Out	-0-	\$40,000. (increase \$40,000.)
-----------------------	-----	--------------------------------

TIFA 2004 CAPITAL IMPROVEMENT CONSTRUCTION M-66 BIKE PATH FUND 497:

Revenues:

698.000 Proceeds Fr Sale of Bond	-0-	\$89,900. (increase \$89,900.)
----------------------------------	-----	--------------------------------

699.000 Operating Transfers In	-0-	\$40,000. (increase \$40,000.)
--------------------------------	-----	--------------------------------

Expenditures:

818.000 Contractual Services	-0-	\$90,000. (increase \$90,000.)
------------------------------	-----	--------------------------------

821.000 Engineering	-0-	\$39,900. (increase \$39,900.)
---------------------	-----	--------------------------------

HARBOR FUND 509:

Expenditures:

910.000 Insurance	\$3,000.	\$2,900. (decrease \$100.)
-------------------	----------	----------------------------

977.000 Eqpt. Other	-0-	\$100. (increase \$100.)
---------------------	-----	--------------------------



**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

NAYS: NONE

ABSENT: NONE

ADOPTED: DECEMBER 21, 2004

PUBLISHED: JANUARY 5, 2005

EFFECTIVE: JANUARY 12, 2005

ITEM #11 Resolution #118/2004, Performance Resolution for Governmental Bodies

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

RESOLUTION #118/2004  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
PERFORMANCE AND INDEMNIFICATION RESOLUTION

RESOLVED WHEREAS, the City of East Jordan hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Department of Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the DEPARTMENT according to a maintenance contract:
  - a. from any and all claims and losses occurring or resulting to any and all persons, firms or corporations furnishing or supplying work, services, materials or supplies to the GOVERNMENTAL BODY in connection with the presence of the GOVERNMENTAL BODY's facilities and/or its installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right of ways; and
  - b. from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

damage or degradation, and from attorney's fees and related costs arising out of, under or by reason of the presence of the GOVERNMENTAL BODY's facilities and/or its installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT performing permit activities.

- c. from any and all claims made by any and all persons, firms or corporations furnishing or supplying materials, supplies, work or services on, over and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY's failure to move or otherwise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.
2. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. The GOVERNMENTAL BODY shall take no wrongful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities and duties under the PERMIT which results in claims being asserted against or judgement being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officer, agents and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.
4. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY's facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the COMPANY requires insurance on its own or its contractor's it shall also require that such

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT and all officers, agents and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name	And/or	Title
Bill Breakey Larry Chew	or	Public Works Superintendent Crew Leader

AYES: Klooster, Vollbach, Timmons, Bennett, McNitt, Symonds and Postma

NAYS: None

ABSENT: None

Resolution declared adopted December 21, 2004.

ITEM #12 Sno-Blast 2005 requests

Motion offered by McNitt, supported by Symonds, to approve the Sno-Blast Committee requests upon staff review and approval.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

(copy of letter of requests attached and made a part of these original minutes)

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

ITEM #13 Board Appointments and Renewals

Motion offered by Symonds, supported by McNitt, to appoint or reappoint the following persons to the various Boards and Commissions of the City:

JORDAN VALLEY DISTRICT LIBRARY BOARD 1 vacancy 4 year term

Alina Craig (fill vacancy term expires 7/2006)

ELM POINTE COMMISSION 1 vacancy 3 year term

Harry Watson

HOUSING COMMISSION 5 Year Term

Brian Olszewski

PLANNING COMMISSION 3 Year Term

Don Timmons

DDA BOARD 4 Year Term

Sharon Jackson  
Jennifer Aenis

BROWNFIELD REDEVELOPMENT 3 Year Term

Chip Hansen

BOARD OF APPEALS 3 Year Term

Amy Sherman

BOARD OF REVIEW 2 Year Term

Tom Fender  
Susan Rock

David Campbell

TOURIST PARK ADVISORY BOARD 3 year term

Lynn Carson

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

ITEM #14 DDA Update

No items to report.

ITEM #15 Administrator's Report

ADMINISTRATOR'S REPORT  
DECEMBER 21, 2004

1. The two major economic development projects continue to move forward. Regarding the proposed motel, unstable soil at the preferred location is requiring that additional engineering be undertaken for the foundation. This work will be completed and any gap in the financing will need to be addressed with possible State or DDA help. The concept of a business incubator at the Dura building continues to be finalized. Ongoing negotiations for the private purchase of the building continue. I expect both projects to become more finalized during the first quarter of 2005.
2. At the last meeting the status of the Kids Fishing Pond in Sportsman's Park was brought up. The DPW Superintendent has had some discussions with the project managers and they continue to move forward as funding allows. A fishing platform has been constructed with more proposed in the spring. As stated this project needs to be completed, City staff will keep monitoring the progress and as we receive new information I will keep the Commission up to date.
3. I would like to wish the City Commission and our citizens a very safe and joyous Holiday Season. There has been much accomplished in 2004 and the future for 2005 looks bright. Happy Holidays to all!

Administrator White introduced Parks Director Tom Cannon to the City Commission.

Parks Director Tom Cannon addressed the Commission regarding his goals and ideas to improve the parks. He discussed the Tourist Park Advisory Committee with the Commission also.

Mayor Postma will be asking the Tourist Park Advisory Committee Chairperson, Dan Miller to attend the January Commission meeting.

ITEM #16 Mayor's Report

Mayor Postma wished everyone Happy Holidays.

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, DECEMBER 21, 2004 AT 7:30 P.M. IN CITY HALL**

ITEM #17 Attorney's Report

Attorney Beatty informed Commission that he will be absent from the January 18, 2005 Commission meeting. He also wished everyone Happy Holidays.

Beatty informed Commission of a pending zoning issue for Jeff Dean at 494 Edward Street. He stated that the new structure built on at this address was built too close to the road and encroaches on the street right-of-way. He noted that the Zoning Board of Appeals will be addressing the zoning portion of the issue.

Beatty also stated that the City's engineer has reviewed the area and recommends that a portion of the right-of-way should be vacated and feels that the street can still be developed in the future.

ITEM #18 Commissioners

Commissioner Symonds wished everyone Happy Holidays.

Commissioner McNitt wished everyone Happy Holidays. He also thanked the Fire Department for their quick response and professionalism to the fire at his residence.

Commissioners Bennett, Timmons and Vollbach wished everyone Happy Holidays.

Commissioner Klooster complimented the Santa Parade and wished everyone Happy Holidays.

ITEM #19 Speaker Requests

No speaker request slips were received.

Mayor Postma adjourned the meeting at 8:16 p.m.

Respectfully,

---

Mark Postma, Mayor

---

Lori M. Campbell, City Clerk