

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING
HELD TUESDAY, APRIL 19, 2005 AT 7:33 P.M. IN CITY HALL**

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

Absent: Commissioner Klooster

Mayor Postma called the meeting to order at 7:33 p.m. and led the pledge of allegiance.

ITEM #4 Inquiry of Conflicts of Interest

No conflicts of interest were voiced.

CONSENT AGENDA

Commissioner Bennett inquired on the purchase of a trailer.

Administrator White stated the trailer would be used for the parks including Community Park, Rotary Skate Park, Tourist Park and the Harbor.

Motion offered by Symonds, supported by Vollbach, to approve the minutes of the regular Commission meeting dated March 15, 2005, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by Vollbach, to acknowledge receipt of the following Paid Bill Lists:

- A. March 30, 2005 totaling \$163,540.10
- B. April 13, 2005 totaling \$268,047.67

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by Vollbach, to approve the minutes of the City Commission Public Hearing dated April 5, 2005, RE: Delinquent Bills, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by Vollbach, to acknowledge receipt of Zoning Activity Report, March 2005.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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Motion offered by Symonds, supported by Vollbach, to acknowledge receipt of Funds on Hand Report, March 2005.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, supported by Vollbach, to acknowledge receipt of an Introduction to Ordinance #195 FY 2005/2006 Budget.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

- A. Fire Department, September 2004-December 2004
- B. Fire Department, January 2005
- C. EMS Department, February 2005
- D. EMS Department, March 2005

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

- A. DDA meeting, March 7, 2005
- B. ZBA meeting, January 24, 2005
- C. ZBA Public Hearing, January 24, 2005
- D. District Library, November 9, 2004
- E. District Library, December 8, 2004
- F. District Library, February 15, 2005
- G. District Library, February 20, 2005
- H. District Library, March 15, 2005
- I. Election Commission, April 12, 2005
- J. Housing Commission, March 8, 2005

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Mayor Postma introduced Dale Hull from the Crooked Tree Arts Center.

Mr. Hull presented the Commission with a proposal to display art sculptures in the City and to rotate the seven sculptures over the next 3 ½ years.

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Mark Robinson, Jordan River Arts Council Board Member, stated that the JRAC supports the proposed project and volunteered to work with City staff for a location to display the sculptures.

Motion offered by McNitt, supported by Symonds, to endorse the sculpture project and asked that they work with City staff to coordinate a location for the display.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

ITEM #13 East Jordan Little League request

Commissioner Bennett stated he did not feel that the fee should be waived if alcohol would be served at the event.

Commission also questioned whether the City could allow gambling in the Civic Center.

Motion offered by McNitt, supported by Symonds, to approve the rental request from the East Jordan Little League and to waive the rental fee and to allow gambling only after review by the City Attorney as to whether the City can allow gambling in a city building.

MOTION CARRIED
BY ROLL CALL VOTE
AYES: SYMONDS, MCNITT, VOLLBACH AND POSTMA
NAYS: BENNETT
ABSTAIN: TIMMONS

Commissioner Timmons stated that she would abstain from voting as she had mixed feelings regarding granting the request.

ITEM #14 Resolution #104/2005, Resolution Directing Electronic Payment of Invoices to the Municipal Employees' Retirement System

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

RESOLUTION #104/2005
RESOLUTION DIRECTING ELECTRONIC PAYMENT OF INVOICES TO THE
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

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WHEREAS, the City of East Jordan is a participating municipality in the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, pursuant to the Municipal Employees' Retirement Board requirements, effective January 1, 2004, monthly contribution payments will be required to be paid electronically, (eBill) and for those municipalities not doing so, an administrative fee will be assessed; and

WHEREAS, pursuant to 2002 PA 738 authorizing electronic transactions of public funds, the City Commission of the City of East Jordan must authorize electronic transactions; and

WHEREAS, the City of East Jordan wishes to be in compliance with the electronic payment of monthly contributions, and accordingly will initiate both the timing and which invoices it intends to pay.

NOW THEREFORE BE IT RESOLVED, that the City Commission of the City of East Jordan directs the electronic payment of future MERS invoices subject to initiation and timing of the payment as directed by authorized official, Susan R. Moreau, City Treasurer.

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

NAYS: None

ABSENT: Klooster

RESOLUTION DECLARED ADOPTED APRIL 19, 2005.

ITEM #15 Resolution #105/2005, Resolution to Exclude Temporary Employees from Membership in MERS

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

RESOLUTION # 105/2005
RESOLUTION TO EXCLUDE TEMPORARY EMPLOYEES FROM
MEMBERSHIP IN MERS

In accordance with Section 3(2) of the MERS Plan Document, as amended, the City Commission of the City of East Jordan does hereby elect to EXCLUDE effective April 19, 2005, for:

All Divisions

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TEMPORARY EMPLOYEES who are employed in positions normally requiring less than six (6) months of work from membership in the Municipal Employees' Retirement System (MERS). The said employees will be notified in writing by the City of East Jordan that they are excluded from membership.

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

NAYS: None

ABSENT: Klooster

RESOLUTION DECLARED ADOPTED APRIL 19, 2005.

Attorney Beatty stated that he had reviewed the Code of Ordinances regarding gambling and that the Commission should not grant permission to the Little League for gambling at their fundraiser to be held in the Civic Center.

ITEM #16 Resolution #106/2006, Resolution to Place Delinquent Bills on 2005 Summer Tax Roll for Collection

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

Offered by: Symonds
Supported by: Bennett

RESOLUTION #106/2005
RESOLUTION TO PLACE DELINQUENT BILLS ON 2005 SUMMER TAX ROLL
FOR COLLECTION

WHEREAS, on March 1, 2005, at a Regular City Commission meeting, the City Commission for the City of East Jordan publicly made known its intent to place delinquent bills on the 2005 summer tax roll by scheduling a Public Hearing to receive objections on the City's intent, and

WHEREAS, the City Clerk has notified the delinquent property owners of the City's intent by certified mail, and

WHEREAS, on April 5, 2005 at 7:30 p.m. a Public Hearing on the City's intent to place delinquent bills on the 2005 summer tax roll was held, with no objections received.

THEREFORE BE IT RESOLVED THAT the City Clerk is hereby directed to certify to the City's Tax Assessor to enter the following delinquent accounts, plus a 10% collection fee, upon the 2005 summer tax roll for collection:

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1. 708 Prospect (water/sewer services) 15-053-581-002-00

E.J. 438 R1 STONE'S ADD TO VILL S LAKE LOTS 2&3 BLK G

Owners of Record: TCIF REO I LLC
3815 S WEST TEMLE
SALT LAKE CITY, UT 84115

Amount: \$873.04

2. 307 Third (water/sewer services) 15-053-380-005-00

E.J. 145 R 1 NICHOLL'S FIRST ADD TO VILL S LAKE E 1/2 LOTS 5&6
BLK 10

Owner of Record: BEAL BANK SSB #SV35
400 COUNTRYWIDE WAY
SIMI VALLEY, CA 93065-6398

Amount: \$1,366.55

3. 306 Bridge (water/sewer services) 15-053-676-012-00

306 BRIDGE ST R2 S G ISAMAN'S ADD TO VILL S ARM LOT 12 BLK B

Owner of Record: PATRICK SECRETAN
306 BRIDGE STREET
EAST JORDAN MI 49727

Amount: \$238.71

4. 717 Maple (water/sewer services) 15-053-025-005-00

EJ 892-4 892-4-1 COM ON W LI SEC 25 T32N R7W 500 FT N OF INTER
OF W SEC LI WI N1/8 LI TH E 333 FT TH N 100 FT TH W 333 FT TO
SEC LI TH S 100 FT TO POB BEING PT OF NW1/4 OF NW1/4 SEC 25-
32-7

Owner of Record: EDWARD & MITZI GIBBARD
4612 PAPER BIRCH LANE
TRAVERSE CITY MI 49684

Amount: \$123.92

5. 307 Williams (water/sewer services) 15-053-379-001-00

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E.J. 128 R1 NICHOLL'S FIRST ADD TO VIL S LAKE INCORP PT CITY
OF EJ E1/2 LOTS 1&2 BLK 9

Owner of Record: KENNETH & DEBORAH LAVAKE
PO BOX 49
EAST JORDAN MI 49727

Amount: \$358.07

6. 410 Dickens (water/sewer services) 15-053-023-063-00

DDA R4 COM AT NE COR OF NW1/4 OF SW1/4 SEC 23 T32N R7W TH
W 18 RDS TH N 24 RDS TH W 211FT FOR POB TH CONT W 65FT TH
N TO SH LK CX TH ELY AL SD SH TO A PT N OF POB TH S TO POB
BEING PT OF GOV LOT 7 SEC 23 T32N R7W

Owner of Record: ANNA GIPPERICH TRUST
410 DICKENS DRIVE BOX 391
EAST JORDAN MI 49727

Amount: \$33.88

7. 615 Main (sidewalk assessment) 15-053-023-005-10

95 SP 0794 FTM 023-005-00 BEG ON W LI MAIN ST 273FT S OF N LI
SEC 23 TH AL SD ST LI S 48 FT TH S87DEG39'44" W 130.19FT TH N
48 FT TH E TO POB BEING PT GVE LOT 1 SEC 23-32-7

Owner of Record: DOTTIE H BARNETT
615 MAIN STREET
EAST JORDAN MI 49727

Amount: \$466.75

8. 615 Main (sidewalk assessment) 15-053-023-004-00

EJ 737 B1 COM ON W LI OF MAIN ST 193 FT S OF N LI OF SEC 23 W
137 FT SLY 80 FT E 133 FT N 80FT TO POB PT GOV LOT 1 SEC 23
T32N R7W

Owner of Record: DOTTIE H BARNETT
615 MAIN STREET
EAST JORDAN MI 49727

Amount: \$819.65

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9. 511 Main (sidewalk assessment) 15-053-023-007-00

E.J. 740 B1 ALL THAT PT LOT 1 SEC 23 T32N R7W COM ON WLY LI
OF MAIN ST 393 FT S OF INT OF SD WLY LI WI N LI SD SEC TH SLY
60 FT TH W 145 FT TH N 60 FT TH E 145 FT TO POB

Owner of Record: MARY ANN NEWLIN
PO BOX 651
EAST JORDAN MI 49727

Amount: \$596.96

10. 509 Main Street (sidewalk assessment) 15-053-023-008-00

509 MAIN ST B1 COM ON W LI OF MAIN ST 453 FT S OF N LI OF SEC
23 TH W 124 FT TH SLY 60 FT TH E 121 FT TH N 60 FT TO POB PT
GOV LOT 1 SEC 23 T32N R7W

Owner of Record: DONALD R ANDERSON
801 MAIN STREET
EAST JORDAN MI 49727

Amount : \$399.74

Roll Call Vote:

Ayes: Vollbach, Timmons, Bennett, McNitt, Symonds and Postma

Nays: None

Absent: Klooster

RESOLUTION DECLARED ADOPTED APRIL 19, 2005.

ITEM #17 Administrative Policy #141, Unauthorized Release of Department of
State Information

Motion offered by Symonds, supported by Vollbach, to adopt Administrative
Policy #141 as presented. (copy attached and made a part of these original
minutes)

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #18 Waterline Extension, Edward Street

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Motion offered by Bennett, supported by McNitt, to authorize the extension of the waterline to Edward Street and to allow a loan of \$25,000 from the Rehab Fund with payback from the water fund.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #19 Tourist Park Reservations

Motion offered by McNitt, supported by Bennett, to adopt the revised Tourist Park reservation policy as submitted. (copy attached and made a part of these original minutes)

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #20 American Cancer Society, Relay for Life requests

Motion offered by Bennett, supported by McNitt, to approve the following requests from the American Cancer Society for a local Relay for Life event:

- Permission for fundraising in a City park (Section 18.2 and 18.16)
- A camping rate of \$20 per night per site (regular rate is \$24 per night)
- A block of camp sites held for Relay campers (site #22-31 & 33-40) sites will be utilized Friday and Saturday, some may also stay on Thursday
- Permission to line a walking track for the safety of walkers
- Permission to display a banner announcing the event on the berm
- Use of the Beach House and waiver of the rental fee for Friday & Saturday

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #21 Lady Biker Day request

Motion offered by McNitt, supported by Vollbach, to approve the Lady Biker Day request to close the north end of Civic Center Lane and added the closing of the Civic Center parking lot.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #22 Jordan Valley Freedom Festival request

Motion offered by Bennett, supported by McNitt, to approve the Jordan Valley Freedom Festival requests as amended by City Staff. (copy of letter attached and made a part of these original minutes)

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MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #23 Jordan River Sportsman's Club request

Motion offered by Symonds, supported by Vollbach, to approve the Jordan River Sportsman's request for use of the Civic Center and to waive the rental fee; and to not allow smoking in the building.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #24 DDA Update

No items to report.

ITEM #25 Administrator's Report

ADMINISTRATOR'S REPORT
APRIL 19, 2005

1. On April 15 the old Dura plant was sold and renamed Lake Street Center. Plans are to lease subdivided manufacturing space to interested companies and work with the DDA, City and Northern Lakes Economic Alliance on a business incubator with an education component to be provided by North Central Michigan College. Plans for the incubator and college participation are still being finalized and as they become more solidified I will keep the Commission up to date. I would like to thank Mr. Floyd Wright and partners for being such an integral part of our Economic Development team in East Jordan.
2. Plans for the new motel project continue to move forward on Friday, April 15th representatives of the MEDC met with the developer and City representatives to discuss the total motel project and the public/private participation. I will provide to the Commission an update of our meeting with the MEDC at the Commission meeting on the 19th.
3. The grade inspection for the M32 Bike Path took place on April 13. The grade inspection is the last requirement of MDOT before the project is bid. MDOT requested some plan changes once those changes are approved the project will be set to bid. Mr. Beatty is working to finalize the easement for the stream relocation. A late spring early summer construction date is expected. As this project progresses I will keep the Commission up to date.

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Administrator White presented the Commission with a lot split request from Agnes Clark for property located at 205 Water Street.

Motion offered by McNitt, supported by Bennett, to approve Agnes Clark's lot split request described in the description and boundary survey dated April 18, 2005, parcel #15-053-627-003-00, 15-053-627-004-20, 15-053-627-05-10.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Administrator White presented the Mayor with an award received from the Michigan Historic Preservation Network for the Main Street Center building.

Administrator White also requested a closed session for the discussion on a possible land purchase.

ITEM #26 Mayor's Report

Mayor Postma presented Commission with a request from M & M Outdoor for the placement of a buck pole.

Consensus of the Commission was to allow a buck pole behind the building at 112 South Lake Street.

Mayor Postma thanked the Commissioners for their support and visits during his recent hospital stay.

ITEM #27 Attorney's Report

No items to report.

ITEM #28 Commissioners

Commissioner McNitt stated that the pedestrian sign at the corner of M32 and M66 is still not working.

McNitt also questioned the status of the purchase of playground equipment for which the City received a grant.

Administrator White informed Commission that Parks Director Cannon is in the process of purchasing the playground equipment.

McNitt also requested that the Civic Center rental form be corrected regarding the allowance of smoking.

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Commissioner Bennett stated that he felt it was very gratifying to be a part of the press conference for the purchase of 117 South Lake Street.

Mayor Postma thanked the Commissioners for their attendance.

Commissioner Timmons questioned whether the new gas station on Water Street was required to remove the old sign advertising Arnold's gas station as they are not operating under that name.

Administrator White stated that he would review the code regarding this matter.

Timmons also asked that the Commission reconsider allowing the Lions Club to sell ice in the Tourist Park as she has received concerns from local business owners.

Timmons also questioned the deadline for nominating petitions for the expiring Commission seats.

Clerk Campbell stated the deadline is May 10, 2005 at 4:00 p.m.

Commission held discussion on allowing the Lions Club to sell fire wood and ice in the park.

Administrator White will discuss some of the issues with a representative of the Lions Club.

Commissioner Vollbach asked if a gate could be installed at the Elm Pointe drive to keep traffic out during the night hours.

Police Chief Reece stated that the gate was removed for emergency purposes.

Motion offered by Symonds, supported by McNitt, to enter into closed session for the purpose of discussion on a possible land purchase.

**MOTION CARRIED ALL AYES
BY ROLL CALL VOTE**

Commission entered into closed executive session at 8:47 p.m.

Mayor Postma reconvened Regular Session at 9:07 p.m. and reported that the purchase of 102 Water Street was discussed with no action taken.

Administrator White stated that he has written a backup offer for the property located at 102 Water Street for \$285,000 with the City assuming the land contract. He noted that Commissioner Symonds will be acting as the agent for the purchaser.

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Motion offered by McNitt, supported by Vollbach, to approve the offer for the purchase of 102 Water Street in the amount of \$285,000 with the assumption of the land contract.

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

Commissioner Symonds abstained from voting as he is the purchaser's agent regarding this transaction.

Commissioner Vollbach requested that the city not block the Farmer's Market site with the placement of the art sculptures.

Mayor Postma adjourned the meeting at 9:10 p.m.

Respectfully,

Mark Postma, Mayor

Lori M. Campbell, City Clerk