

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD
TUESDAY, MAY 16, 2006 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

Motion offered by Symonds, second by McNitt, to approve the minutes of the Regular Commission meeting dated May 2, 2006, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by McNitt, to acknowledge receipt of the Paid Bill List dated May 11, 2006, totaling \$220,115.37.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by McNitt, to acknowledge receipt of the Funds on Hand Report, April 2006.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by McNitt, to acknowledge receipt of the following Public Safety Monthly Reports:

- A. Police Department, April 2006
- B. EMS Department, April 2006
- C. Fire Department, October 2005 to March 2006

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

- A. Charter Review Committee, April 13, 2006

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B. Housing Commission, April 11, 2006

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by McNitt, to acknowledge receipt of the Zoning Activity Report, April 2006.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

ITEM #10 Andy Hayes, Northern Lakes Economic Alliance

Andy Hayes updated the Commission on the projects at the Northern Lakes Economic Alliance that covers Antrim, Emmet and Charlevoix counties. He also reviewed the new Brownfield Assessment Project. This project is to identify possible Brownfield sites based on past use and to conduct tests to determine if the property is a Brownfield and the level of contaminations. These properties would then be eligible for funding or tax credits to offset the cost of clean up. He stated that a group of individuals meets on a regular basis to identify properties and asked the Commission to submit forms for any properties that they feel may be contaminated. The property owners would then be contacted for approval to test the site. He also noted that there are many investors who purchase only Brownfield sites.

Mr. Hayes also thanked the Commission for their continued support of the Northern Lakes Economic Alliance.

ITEM #11 Ordinance #199, Ordinance to Amend Chapter 11, Article IV. Open Burning of the City of East Jordan Code of Ordinances

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

ORDINANCE 199
AN ORDINANCE TO AMEND CHAPTER 11, ARTICLE IV.
OPEN BURNING
OF THE CITY OF EAST JORDAN
CODE OF ORDINANCES

ARTICLE IV. OPEN BURNING

Sec. 11-71. Purpose.

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The City of East Jordan hereby finds the burning of rubbish, household waste, leaves and other yard wastes, to be a matter of public health concern. The burning of these materials results in the production of air pollution and is offensive to the senses. The city finds that these deleterious effects can be mitigated by the prohibition of burning. The regulation of open burning has been deemed to be in the interest of the preservation of public health, safety and welfare.

(Ord. of 10-1-96)

Sec. 11-72. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Household waste means any and all waste products generated in the day-to-day operations of a household, excluding human waste which is disposed of through a sanitary sewer or septic system.

Open burning means a fire from which the product of combustion are emitted directly into the open air without passing through a stack or chimney.

Rubbish means unwanted or useless material including food, paper and building debris.

Yard waste includes leaves, brush, tree stumps and limbs, vine growth, vegetation, yard clippings and paper.

(Ord. of 10-1-96)

Sec. 11-73. Prohibited open burning.

No person, firm or corporation shall cause, allow or maintain any open burning of any rubbish or household waste material in any incinerator, barrel, can, pit or similar container or enclosure.

No person, firm or corporation shall permit or engage in the act of burning leaves or other yard wastes within the corporate limits of the city.

(Ord. of 10-1-96)

Sec. 11-74. Permissible open burning.

The following open fires shall be permitted:

- (1) Preparation of food in open pits or conventional charcoal or gas grills.

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- (2) Campfires in authorized pits.
- (3) Controlled fires for training of firefighters.
- (4) Personal use of smoking materials.
- (5) Use of matches for lighting authorized fires.
- (6) Burning of charcoal, kiln-dried lumber scraps or nonash producing fuel for the heating of building materials at construction sites or for the warmth of worker when such burning occurs in metal containers located no less than 15 feet from other combustible material.
- (7) Approved and properly installed heating units such as fireplaces and wood stoves.
- (8) Properly permitted fires as addressed in section 11-75.

(Ord. of 10-1-96)

Sec. 11-75. Burning allowed by permit.

No person, firm or corporation shall kindle or maintain any bonfire, yard waste or rubbish fire without a permit from the fire chief. The application for such authorization shall be initiated through the office of the city clerk.

The fire chief may issue a permit for a bonfire, yard waste or rubbish fire only after making findings of fact that:

- (1) The fire is not likely to cause substantial amounts of air pollution;
- (2) The benefits of the fire outweigh the overall detriment of the health, safety and welfare of the city; and
- (3) Atmospheric conditions or local circumstances do not make such fire hazardous.

(Ord. of 10-1-96)

Sec. 11-76. Enforcement.

The police department is authorized to enforce the provisions of this article.

(Ord. of 10-1-96)

IT IS PROPOSED THAT THE STATUTE BE AMENDED AS FOLLOWS:

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ARTICLE IV. OPEN BURNING

Section 11-71. Purpose.

The City of East Jordan hereby finds the burning of rubbish, household waste, leaves and other yard wastes, to be a matter of public health concern. The burning of these materials results in the production of air pollution and is offensive to the senses. The city finds that these deleterious effects can be mitigated by the prohibition of burning. The regulation of open burning has been deemed to be in the interest of the preservation of public health, safety and welfare.

(Ord. of 10-01-96)

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For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Household waste means any and all waste products generated in the day-to-day operations of a household, excluding human waste which is disposed of through a sanitary sewer or septic system.

Open burning means a fire from which the product of combustion are emitted directly into the open air without passing through a stack or chimney.

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(Ord. of 10-01-96)

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No person, firm or corporation shall permit or engage in the act of burning leaves or other yard wastes within the corporate limits of the city.

(Ord. 10-01-96)

Sec. 11-74. Permissible open burning

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The following open fires shall be permitted and all permissible open burning must be attended at all times:

- (1) Preparation of food in open pits or conventional charcoal or gas grills
- (2) Campfires not exceeding three (3) feet in diameter and flames three (3) feet in height.
- (3) Controlled fires for training of firefighters
- (4) Personal use of smoking materials
- (5) Use of matches or lighters for lighting authorized fires.
- (6) Burning of charcoal, kiln-dried lumber scraps or nonash producing fuel for the heating of building materials at construction sites or for the warmth of worker when such burning occurs in metal containers located no less than 15 feet from other combustible material.
- (7) Approved and properly installed heating units such as fireplaces and wood stoves.

(Ord. of 10-1-96)

Sec. 11-75. Reserved.

Sec. 11-76. Enforcement.

The police department is authorized to enforce the provisions of this article.

(Ord. of 10-1-96)

AYES: SYMONDS, MCNITT, TIMMONS, VOLLBACH, KLOOSTER AND
POSTMA

NAYS: BENNETT

ADOPTED: MAY 16, 2006

PUBLISHED: MAY 24, 2006

EFFECTIVE: MAY 31, 2006

ITEM #12 DDA Update

No items to report.

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ITEM #13 Administrator's Report

ADMINISTRATOR'S REPORT
MAY 16, 2006

1. On May 10th the Charlevoix Board of Commissioners voted to place on the August primary ballot a proposal for a 1 mill countywide road millage. The funds would be used on all primary roads in the County, except the three cities and the Village of Boyne Falls. The money generated in the cities and village would be returned to the cities and villages to be used on their major street system. Under state law an agreement must be drawn up between the Road Commission and the cities for the total funding to be returned. Pat Harmon of the road commission has stated that would not be a problem. One mill in the City of East Jordan would raise at this years SEV approximately 71,000. The Road Commission is asking for support from the City Commission for this proposal. I would be happy to answer any questions the Commission may have.
2. The public information meeting with MDOT has been set. The meeting is May 24th from 11:00 a.m. until 2:00 p.m. at the Civic Center. The project manager and other MDOT officials will be present to answer any and all questions. It is my understanding that MDOT, the Chamber and the City will be getting the word out. The information is on our website and the Chamber has sent one item out already. If you are able to attend please do so for this very important project in our city this summer.
3. A date of June 10th has been given to us by Waste Management for the Spring Cleanup. They have provided two options using either 30-40 yard roll off containers or 25-30 yard rear load packer trucks. Staff is reviewing both options to get the most trash hauled for the amount we have budgeted. The drop off locations have been set up at the Transfer Station and Community Park. As this progresses I will keep the Commission up to date.
4. This Summer I will have an Intern in my office Ms. Katie Grice from Central Michigan University. Katie's main project will be doing the research that is required so the first two blocks of Main Street from Mill to Williams will qualify for a Historical District. As you may recall the City received a grant from the Community Foundation to hire Rick Neumann to prepare the application to the State Historic Office. Katie will also be learning about all city operations as she is looking to work in government after graduation. I have also asked Katie to attend a future commission meeting.

Administrator White asked that a letter be sent to the East Jordan Little League to thank them for the new dugouts at Murphy Field.

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Motion offered by Bennett, second by Symonds, to issue a letter of appreciation to the East Jordan Little League for the construction of new dugouts at Murphy Field.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

White reviewed the proposed 1 mill road millage levy request from the Charlevoix County Road Commission. He noted that the cities would be receiving the monies generated to maintain major streets within their municipalities.

Motion offered by Symonds, second by Vollbach, to support the Charlevoix County Road Commission millage levy proposal to be placed on the August ballot.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

White also presented Commission with a request from EMS Director Peck to allow the bid process to be waived and to purchase stryker power pro cots at a discounted price prior to the 2006/2007 Budget year.

Motion offered by Symonds, second by McNitt, to waive the bid process and authorize the purchase of stryker power pro cots.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

White discussed the letter received from the Women's Softball League requesting permission to place a soda machine at the Men's/Women's ball field.

Consensus of the Commission was to deny the request from the Women's Softball League to place a soda machine at the Men's/Women's ball field.

ITEM #14 Mayor's Report

Mayor Postma informed that LexaMar will be leasing 44,000 square feet at the Lake Street Center and creating approximately 15 new jobs, with additional positions possible later.

Postma stated that the Lake Street Center houses 56 full time jobs and 38 part time jobs; this number includes the City's EMS Department.

Postma also informed the Commission that Representative Kevin Elsenheimer visited East Jordan with the new Chairperson of the Waterways Commission Todd Wyett.

ITEM #15 Attorney's Report

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No items to report.

ITEM #16 Commissioners

Commissioner McNitt stated that the Tourist Park beach was looking very nice this year.

McNitt also inquired on the status of the request for use of the Band Shell for the Vintage Boat Show.

Clerk Campbell stated that the request has been approved administratively as there were no special requests.

McNitt also stated that he may not be in attendance at the next meeting and if he is he will be arriving late.

Commissioner Bennett thanked the Administrator for contacting the Charlevoix County Road Commission to remove the gravel from the road side.

Commissioner Vollbach questioned the status of 102 Water Street.

Administrator White informed that the inventory is being sold and then the Commission needs to hold discussion on the future plans for the property. He noted the Waterways Chairperson stated that the City would be required to provide matching funds for a grant application and that the purchase price of the property could be used as an in-kind match.

Commissioner Klooster wanted to be sure that the City would be willing to receive a proposal from the local churches for use of 102 Water Street as a Youth Center.

ITEM #17 Speaker Requests

Larry MacEachern addressed the Commission regarding his proposal from October 2005 to exchange property on Depot Street for the Elm Pointe property from Monroe Creek to the north property line and asked for a decision.

Joyce VanderZee, Elm Pointe Commission member, addressed the Commission regarding the property exchange proposal and stated that she is a past caretaker of Elm Pointe. She felt that Mr. MacEachern was asking to receive property worth \$2.5 million in exchange for property purchased for \$17,000. She noted that the subject property is used as a parking area and felt the exchange would take away from the remaining property.

Harry Watson, Elm Pointe Commission member, addressed the Commission regarding the property exchange proposal and stated that the letter he received from Mr. MacEachern stated that the property could be used for a condominium development and felt that Mr. MacEachern should proceed with the development and ask the City for

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a tax reduction instead of an exchange for Elm Pointe property. He noted that the last three times the City has considered selling Elm Pointe it was placed on the ballot which he felt may have created precedence.

Mr. MacEachern stated that Ms. VanderZee may have a point regarding the exchange of property that he paid \$17,000 and property received by the City at no cost. He noted that Mr. Watson's idea for condominiums was also good as the property was properly zoned for that use. He also noted the benefits of the City owning the Depot property as it is located in the City limits in the downtown area. He stated that the property north of Monroe Creek is vacant land covered with poison ivy and a portion is used as an overflow parking area during the Portside Arts Fair. He was agreeable to a deed restriction that allowed parking on the property during the annual arts fair. He felt the City would benefit more from having property in the City that contains the original Railroad Depot building instead of property covered with poison ivy. He felt this was a good deal for the City and asked the Commission for a decision.

Mayor Postma stated that in October 2005 no one on the Commission was interested enough in the property exchange proposal to make a motion. He asked if any Commissioner would like to make a motion regarding the proposal at this time.

Motion offered by Vollbach, second by Bennett, to reject the offer from Larry MacEachern to exchange property located on Depot Street for property at Elm Pointe from Monroe Creek to the north property line.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Commissioner Vollbach stated that he would not be willing to accept a building in need of repair for a pristine piece of property. He stated that if the property were improved the City may consider an exchange. He noted that the City would not be willing to invest the money needed to repair the Depot property.

Mayor Postma stated his concern would be dividing the property at Elm Pointe. He noted it was a resource for the future and acknowledged that there was value to the Depot property but not enough to warrant an exchange of the proposed property.

No additional speaker requests were received.

Mayor Postma adjourned the meeting at 8:36 p.m.

Respectfully,

Mark Postma
Mayor

Lori M. Campbell, CMC
City Clerk