

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD  
TUESDAY, AUGUST 1, 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 Bennett, to approve the minutes of the Regular Commission meeting dated July 18, 2006, as submitted.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the Paid Bill List dated July 26, 2006, totaling \$683,893.17.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

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

- A. ZBA Public Hearing, April 24, 2006
- B. ZBA, April 24, 2006
- C. Board of Review, July 18, 2006
- D. Appointments Committee, July 18, 2006
- E. Election Commission, July 18, 2006

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

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

- A. Police Department, June 2006
- B. Fire Department, April 2006
- C. Fire Department, May 2006
- D. Fire Department, June 2006

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MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

**REGULAR AGENDA**

ITEM #8 Maureen Radke, Charlevoix County Community Foundation

Ms. Radke was not in attendance.

ITEM #9 MML Annual Meeting, Voting Delegate

Motion offered by Bennett, second by Vollbach, to appoint David White, City Administrator as the voting delegate to represent the City of East Jordan at the Michigan Municipal League 2006 Annual Meeting.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

ITEM #10 Resolution #110/2006, Resolution to Authorize a Representative for All Activities Associated with the State and Division Street Project

City Administrator White asked that this item be removed from the agenda and placed on the August 15, 2006 agenda.

ITEM #11 Appointments Committee

Motion offered by Symonds, second by McNitt, to accept Bonnie Thomas' resignation from the Zoning Board of Appeals and to appoint Mike Baier to the vacancy.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

ITEM #12 DDA Update

No items to report.

ITEM #13 Administrator's Report

ADMINISTRATOR'S REPORT  
AUGUST 1, 2006

1. I had received a response back from Red Development after I presented the Commission's consensus to them. They have stated without substantial help from the City they can not do the development. They will hold any decision on the property until mid-August I am reviewing the numbers and will continue upon my return to see if there is any additional help the City can provide. At

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this point I can not recommend the City do infrastructure work on the development site. I will have additional information for the Commission to consider at their next meeting.

2. The MDOT project is going well, we have had a few issues that have come forward and they have been addressed. Every Thursday there is a progress meeting to discuss any problems or concerns. This meeting works well to address issues early before they become real problems. The work on the bridge is still slated for late-August early September. On a related MDOT topic the manhole at Echo and Water Street has been turned in again to MDOT and they have assured me it will be addressed. When, that's another question.
3. Regarding other street projects the Division/State Street projects are out for bids by MDOT. Copies of the plans and bid specs are in my office for anyone to look at. The bids are slated to be opened in mid to late August. At this time I do not know the letting date or when construction will begin. As I get more information I will pass it on to the Commission.

ITEM #14 Mayor's Report

No items to report.

ITEM #15 Attorney's Report

Attorney Beatty informed the Commission that the property exchange involving the City, School and Library has been completed. He also requested a closed session to discuss pending litigation.

ITEM #16 Commissioners

Commissioner McNitt asked if the property exchange included a reverter clause.

Attorney Beatty stated that the deed to the Library includes a reverter but the deed to the City does not.

McNitt also asked that the Tourist Park refund policy be placed on the next agenda for review and asked that Parks Director Cannon be in attendance.

Commissioner Bennett also inquired on upgrades to Murphy Field and the softball field.

Commissioner Vollbach asked if the signs had been placed at the basketball courts.

Mayor Postma stated that the signs have not yet been completed.

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Commissioner Klooster asked that the lights be replaced at the softball field and also inquired why water is wasted in the restrooms at the Tourist Park during flushing.

This item will be discussed with Parks Director Cannon at the next meeting.

ITEM #17 Speaker Requests

No speaker request slips were received.

Motion offered by McNitt, second by Vollbach, to enter into closed session to discuss pending Tax Tribunal litigation.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Commission entered into closed session at 7:46 p.m.

Mayor Postma reconvened open session at 8:08 p.m.

Attorney Beatty reported that two pending Tax Tribunal cases were discussed in closed session. Regarding the first case, he asked for permission to enter into a consent judgment allowing the East Jordan Family Health Center's appeal if the City is presented with suitable evidence that the Health Center meets the criteria set by the Supreme Court in the case of Wexford vs. the City of Cadillac.

Motion offered by Vollbach, second by Symonds, to authorize City Attorney Beatty to enter into a consent judgment allowing the East Jordan Family Health Center's appeal to the Michigan Tax Tribunal if the City is presented with suitable evidence that the Health Center meets the criteria set by the Supreme Court in the case of Wexford vs. the City of Cadillac.

MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Beatty stated the second case involved Michigan Consolidated Gas Company vs. the City of East Jordan. He noted that MichCon has reached a settlement with the Michigan Department of Treasury and its 16 largest taxing jurisdictions. He noted that the settlement is being used as the prototype for settlements throughout the State and asked that the Commission allow him to enter into the proposed stipulation. (copy attached and made a part of these original minutes).

Motion offered by Vollbach, second by McNitt, to allow City Attorney Beatty to enter into a stipulation for consent judgment with the Michigan Consolidated Gas Company on behalf of the City of East Jordan and allow the City Assessor and City Treasurer to execute the stipulation.

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MOTION CARRIED ALL AYES  
BY ROLL CALL VOTE

Commissioner Klooster asked that the wires on the backstop fence at the ball field be repaired.

Mayor Postma adjourned the meeting at 8:13 p.m.

Respectfully,

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Mark Postma  
Mayor

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Lori M. Campbell, CMC  
City Clerk