

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING
HELD TUESDAY, JUNE 19, 2007 AT 7:30 P.M. IN CITY HALL**

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

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

Enter McNitt

Motion offered by Symonds, second by Bennett, to approve the minutes of the
Regular Commission Meeting dated June 7, 2007, 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 June 14, 2007, totaling \$168,735.13.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the
Funds on Hand Report, May 2007.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the
following minutes:

- A. Jordan Valley District Library, April 25, 2007
- B. Housing Commission, May 8, 2007

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

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ITEM #8 Ameri-Corp Presentation

Amelia Nicolson, Ameri-Corp Member, presented the Commission with statistics and information regarding the 2006-2007 school year. Ms. Nicolson spent the school year working with students at East Jordan Public Schools on improving reading skills and disciplinary issues. She also organized a fundraising project with the Student Council for the Charlevoix County Humane Society, participated in "100 Hours of Power" at the Chip Ransom Nature Preserve, was the Assistant Coach for the Junior Varsity Softball Team and will be volunteering this summer with Habitat for Humanity to construct a home on Springvale Road.

The Commission thanked Ms. Nicolson for her hard work and dedication.

ITEM #9 Ordinance 200B, Budget Amendment FY 2006/2007

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

ORDINANCE #200-B
FISCAL YEAR 2006/2007 BUDGET AMENDMENT

The City of East Jordan Hereby Ordains:

That the Budget for the fiscal year beginning July 1, 2006 and ending June 30, 2007 shall be amended for operating the City of East Jordan. Ordinance #200-A Budget Appropriations Act of 2006-2007 is hereby amended as follows:

Sec 1: Adoption of Budget

GENERAL FUND 101:

	<u>ADOPTED</u>	<u>AMENDED</u>	
<u>Revenues:</u>			
445.000 Taxes-Penalties	\$9,500.	\$11,466.	(increased 1,966.)
477.000 Permits	\$4,200.	\$12,000.	(increase 7,800.)
628.000 Contracts-Fire	\$44,765.	\$46,895.	(increase 2,130.)
632.000 Copies	\$450.	\$650.	(increase 200.)
664.000 Interest	\$15,000.	\$20,000.	(increase 5,000.)
675.000 Contributions/Donations	-0-	\$35.	(increase 35.)
699.000 Operating Trans. In	\$67,000.	\$72,000.	(increase 5,000.)

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Expenditures:

Governing Body/Commission Dept. 101-101:

726.000 Supplies	\$200.	\$300.	(increase 100.)
860.000 Travel & School	\$1,000.	\$1,420.	(increase 420.)
910.000 Insurance	\$14,500.	\$13,173.	(decrease 1,327.)

Administrator Dept. 101-172:

720.000 Workers Comp	\$100.	\$200.	(increase 100.)
726.010 Dues	\$200.	\$50.	(decrease 150.)
726.011 Subscriptions/Books	\$125.	\$25.	(decrease 100.)
818.000 Contractual Services	\$4,500.	\$7,000.	(increase 2,500.)
850.000 Telephone	\$350.	\$700.	(increase 350.)
880.000 Community Promotion	\$500.	\$800.	(increase 300.)

Attorney/Counsel Dept. 101-210:

720.000 Workman's Comp	\$75.00	\$200.	(increase 125.)
726.005 Subscription/Books	\$3,700.	\$3,100.	(decrease 600.)
801.000 Professional & Contract.	\$8,000.	\$13,614.	(increase 5,614.)

Clerk Dept. 101-215:

718.000 Pension-Fringes	\$4,000.	\$5,000.	(increase 1,000.)
720.000 Workman's Comp	\$115.	\$200.	(increase 85.)
726.000 Supplies	\$2,500.	\$1,700.	(decrease 800.)
726.010 Dues	\$500.	\$215.	(decrease 285.)
900.020 Update Code of Gen. Ord	\$3,000.	\$1,700.	(decrease 1,300.)
977.001 Eqpt. Computer/Software	\$700.	\$2,000.	(increase 1,300.)

Board of Review Dept. 101-247:

720.000 Workman's Comp.	\$115.	\$200.	(increase 85.)
860.000 Travel & School	\$250.	\$165.	(decrease 85.)

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Data Processing/Computer Dept. 101-258:

977.001 Eqpt. Computer-Software	\$1,500.	\$2,423.	(increase 923.)
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Police Dept. 101-301:

977.000 Eqpt. Other	\$3,000.	\$8,000.	(increase 5,000.)
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Fire Dept. 101-336:

801.000 Professional & Contr.	-0-	\$2,000.	(increase 2,000.)
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809.000 MIOSHA/Professional	\$2,000.	\$1,000.	(decrease 1,000.)
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818.005 Contractual Air Packs	\$1,000.	\$800.	(decrease 200.)
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818.013 Contractual Solid Waste	-0-	\$200.	(increase 200.)
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Community & Skate Park Dept. 101-751.001:

726.000 Supplies	\$1,000.	\$856.	(decrease 144.)
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927.000 Sewer&Water Bldgs.	\$19,000.	\$13,000.	(decrease 6,000.)
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977.000 Eqpt. Other	-0-	\$6,144.	(increase 6,144.)
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Civic Center Recreation Facility Dept. 101-758:

860.000 Travel & School	\$120.	\$620.	(increase 500.)
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920.000 Electric Service	\$600.	\$1,100.	(increase 500.)
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927.000 Sewer & Water	\$1,800.	\$800.	(decrease 1,000.)
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Sidewalks Dept. 101-902:

705.000 Payroll Labor	\$2,500.	\$4,000.	(increase 1,500.)
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705.010 Payroll Overtime	\$300.	\$600.	(increase 300.)
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715.000 Social Security	\$224.	\$350.	(increase 126.)
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716.000 Hospitalization	\$900.	\$1,800.	(increase 900.)
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718.000 Pension	\$50.	\$500.	(increase 450.)
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726.000 Supplies	\$900.	\$1,500.	(increase 600.)
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943.000 Eqpt. Rental	\$4,000.	\$8,000.	(increase 4,000.)
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MAJOR STREETS FUND 202:

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Revenues:

664.000 Interest	\$100.	\$3,500.	(increase 3,400.)
694.000 Misc.	\$50.	\$188.	(increase 138.)

Expenditures:

Street Maintenance Dept. 202-463:

716.000 Hospitalization	\$6,500.	\$11,000.	(increase 4,500.)
720.000 Workman's Comp	\$1,400.	\$2,186.	(increase 786.)
931.010 M&R General	\$5,000.	\$3,000.	(decrease 2,000.)
977.001 Eqpt. Computer-Software	-0-	\$300.	(increase 252.)

LOCAL STREETS FUND 203:

Revenues:

546.010 State-Winter Snow Act	\$5,000.	\$11,209.	(increase 6,209.)
684.000 Misc.	\$100.	\$200.	(increase 200.)

Expenditures:

Street Maintenance Dept. 203-463:

716.000 Hospitalization	\$7,000.	\$13,000.	(increase 6,000.)
718.000 Pension	\$1,250.	\$1,659.	(increase 409.)

TIFA FUND 247:

Revenues:

403.001 Taxes-Tifa	\$250,000.	\$251,392.	(increase 1,392.)
611.000 Commemorative Brick Prog.	\$2,880.	\$2,960.	(increase 80.)
664.000 Interest	\$3,000.	\$4,000.	(increase 1,000.)
694.000 Miscellaneous	\$100.	\$1,850.	(increase 1,750.)
699.000 Operating Trans. In	-0-	\$17,067.	(increase 17,067.)

Expenditures:

818.000 Contractual Services	\$1,000.	\$19,067.	(increase 18,067.)
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900.000 Publishing	\$600.	\$1,822.	(increase 1,222.)
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975.015 Capital Outlay/Infrastructure.-0-		\$2,000.	(increase 2,000)
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2007 GO CAPITAL IMPROVEMENT BOND DEBT FUND 301:

Revenues:

699.000 Operating Transfers In	-0-	\$1,750.	(increase 1,750.)
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Expenditures:

996.000 Paying Agent Fee	-0-	\$1,750.	(increase 1,750.)
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2007 GO CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND 401:

Revenues:

698.000 Proceeds From Sale of Bond -0-		\$173,250.	(increase 173,250.)
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Expenditures:

818.000 Contractual Services	-0-	\$173,250.	(increase 173,250.)
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BANDSHELL CONSRUCTION FUND 403:

Revenues:

675.001 Cont/Donat-Preform Art	-0-	\$2,000.	(increase 2,000.)
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Expenditures:

818/024 Cont Ser/Performing Art	-0-	\$2,000.	(increase 2,000.)
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FIRE-EMS BUILDING CONSTRUCTION FUND 405:

Revenues:

664.000 Interest	-0-	\$10.	(increase 10.)
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675.000 Contributions/Donat.	-0-	\$100.	(increase 100.)
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Expenditures:

818.000 Contractual Services	-0-	\$60.	(increase 60.)
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821.000 Engineering	-0-	\$50.	(increase 50.)
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HARBOR FUND 509:

Revenues:

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664.000 Interest	\$2,000.	\$3,500.	(increase 1,500.)
673.000 Sale of Fixed Asset	\$300.	\$475.	(increase 175.)
699.000 Operating Trans. In	-0-	\$9,825.	(increase 9,825.)

Expenditures:

927.000 Sewer & Water Bldg.	\$12,000.	\$9,500.	(decrease 2,500.)
977.023 Eqpt.-Gas Pump	-0-	\$14,000.	(increase 14,000.)

TOURIST PARK FUND 545:

Revenues:

664.000 Interest	\$1,000.	\$2,000.	(increase 1,000.)
671.002 Services-Sewage Pump out	-0-	\$20.	(increase 20.)
699.000 Operating Transfer In	-0-	\$8,500.	(increase 8,500.)

Expenditures:

927.000 Sewer & Water Bldg.	\$9,500.	\$11,000.	(increase 1,500.)
976.976 Dredging	-0-	\$1,500.	(increase 1,500.)
821.000 Engineering	\$17,000.	\$23,520.	(increase 6,520.)

SEWER FUND 590:

Revenues:

644.000 Utilities-Services	\$275,000.	\$304,117.	(increase 29,117.)
648.000 Penalties	\$7,000.	\$8,500.	(increase 1,500.)
664.000 Interest	\$10,000.	\$18,000.	(increase 8,000.)
694.000 Miscellaneous	\$2,000.	\$2,150.	(increase 150.)

Expenditures:

705.010 Payroll-Overtime	\$2,000.	\$5,000.	(increase 3,000.)
716.000 Hospitalization Ins.	\$20,000.	\$23,000.	(increase 3,000.)
718.000 Pension-Fringes	\$4,500.	\$7,000.	(increase 2,500.)
720.000 Workman's Comp.	\$900.	\$1,500.	(increase 600.)

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726.000 Supplies	\$3,500.	\$4,000.	(increase 500.)
818.001 Cont. Testing& Analysis	\$11,000.	\$15,000.	(increase 4,000.)
821.000 Engineering	\$6,000.	\$10,000.	(increase 4,000.)
850.000 Telephone	\$900.	\$1,000.	(increase 100.)
943.000 Eqpt. Rental	\$35,000.	\$38,000.	(increase 3,000.)
975.012 Capital Outlay Sewer Repla.	\$70,000.	\$70,500.	(increase 500.)
977.001 Eqpt. Computer & Software	\$1,000.	\$1,500.	(increase 500.)
999.247 Transfers to Tifa Fund	-0-	\$17,067.	(increase 17,067.)

ROLL CALL VOTE:

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

NAYS: TIMMONS

ABSENT: NONE

ABSTAIN: NONE

ADOPTED: JUNE 19, 2007

PUBLISHED: JUNE 27, 2007

EFFECTIVE: JULY 4, 2007

ITEM # 10, Ordinance 201A, Budget Amendment FY 2007/2008

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

**ORDINANCE #201-A
FISCAL YEAR 2007/2008 BUDGET AMENDMENT**

The City of East Jordan Hereby Ordains:

That the Budget for the fiscal year beginning July 1, 2007 and ending June 30, 2008 shall be amended for operating the City of East Jordan. Ordinance #200 Budget Appropriations Act of 21007-2008 is hereby amended as follows:

Sec. 1: Adoption of Budget

GENERAL FUND 101:

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ITEM # 11 Ordinance 202, An Ordinance to Amend Section 26-55.1. of the City of East Jordan Code of Ordinances Entitled Appeal of Liability Finding to City Administrator

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

ORDINANCE 202
AN ORDINANCE TO AMEND SECTION 26-55.1. OF THE CITY OF EAST
JORDAN CODE OF ORDINANCES ENTITLED APPEAL OF LIABILITY
FINDING TO CITY ADMINISTRATOR

The City of East Jordan Ordains:

Sec. 26-55. Repairs of pipes, meters; freezing of service.

It shall be the responsibility of the owner and user to keep all water pipes and fixtures connected therewith in good repair and protected from frost at the owner's expense and they will be held liable for all damages which may result from their failure to do so. The city shall not be responsible for any loss sustained by the freezing of pipes, leakage of either metered or unmetered water, or any other damage caused by the failure of the owner or use or keep his water system in good repair. No deduction in the water bill shall be made for leakage of metered water under any circumstances. If any user has notice or knowledge that his meter is not registering properly it shall be his duty forthwith to report the same to the administrator. Failure to so report shall be deemed a violation of this article and the violator, on conviction, shall be subject to the penalties provided in section 1-15 of this Code. Upon receipt of such report it shall be the duty of the administrator or the administrator's authorized agent to test the meter and if it is found that it is more than five percent inaccurate either way an adjustment shall be made on the water bill by estimating the amount of water actually used during like periods in previous years. The city shall not be obligated to thaw out any frozen pipes on private property. (Comp. Ords. 1985, §26.009; Ord. of 12-5-95; Ord. of 4-2-96)

Sec. 26-55.1. Appeal of liability finding to city administrator.

Notwithstanding the provisions of section 26-55 of this Code, an owner held to be liable for expense under section 26-55 shall be entitled for good cause, to appeal to the city administrator his liability for damages under that section only if the liability resulted from an **undetectable** leak occurring between the meter and the building being served. **Any owner taking an appeal under this ordinance shall first make a claim under the owner's property insurance and document to the city administrator the claim made and the insurance response as a condition precedent to taking the appeal. Additionally the owner must make a good faith attempt to secure reimbursement from the owner's insurance for the expense under section 26-55.** Such appeal must

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be made within **30** business days after the date upon which the owner is notified of such liability. The city administrator shall have the power and ability, if he finds good cause to be shown and if the cause of such liability has been remedied, to adjust the owner's responsibility, which decision shall be made within 15 business days after the date on which the city administrator receives the owner's appeal. The adjustment, if found to be warranted shall be as follows:

(1) If the property affected has a service billing history immediately prior to the adjustment, the liability shall be determined by averaging the prior three billing periods.

(2) If the property has no prior billing history the liability shall be abated by 50 percent.

(Ord. No. 181, 3-5-02)

Sec. 26-55.2. Appeal of city administrator's decision to city commission.

In the event of a decision unfavorable to the owner on the owner's appeal to the city administrator claiming good cause not to be held liable under provisions of section 26-55, the owner may then within 15 business days appeal to the city commission to consider the owner's liability under section 26-55.

The city commission shall consider whether or not to hear that appeal and if the city commission decides to hear the appeal, it may, for good cause, adjust the owner's liability in accord with the prior section.

(Ord. No. 181, 3-5-02)

ROLL CALL VOTE:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ADOPTED: JUNE 19, 2007

PUBLISHED: JUNE 27, 2007

EFFECTIVE: JULY 4, 2007

ITEM # 12 Resolution 118-2007, Resolution to Levy Tax Mills for 2007

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The following resolution was offered for adoption by Symonds, second by Klooster:

**RESOLUTION 118-2007
RESOLUTION TO LEVY TAX MILLS FOR 2007**

WHEREAS, the Millage Reduction Fraction for the City of East Jordan has been received from the City's Assessor and the 2007/2008 Fiscal Year Budget has been adopted.

THEREFORE BE IT RESOLVED, the 2007 Tax Mills for the City of East Jordan are:

General Operations	17.7953
Fire Equipment	.4448

Roll Call Vote:

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

Nays: None

Absent: None

Resolution declared adopted June 19, 2007.

ITEM # 13 Appoint MERS Officer Delegate and Alternate

Motion offered by McNitt, second by Bennett, to appoint City Treasurer Susan Moreau as the Officer Delegate and City Clerk Lori Campbell as Officer Alternate, to the 2007 MERS Annual Meeting.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #14 DDA Update

No items to report.

ITEM #15 Administrator's Report

ADMINISTRATOR'S REPORT
JUNE 19, 2007

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1. I am happy to report that the engraved bricks which were purchased to be placed along M-32 have arrived and are being put in place. The supervisor from the M-32 project told me the bricks were in the general contractor's yard. The supervisor has left the employment of the general contractor so he is not at the company to contact about the bricks. I contacted Belder brick, the supplier who worked backwards to find the bricks and have them delivered to the DPW Garage.
2. As we finish up our budget year some needed projects are being completed with funds not used. One example of this is the intersection at 4th and Mill which was over used during the M-32 project and needs to be redone. This work will be done before the end of the current fiscal year.
3. A contract is being entered into with the contractor to remove the corner market. We are waiting on a report from our environmental consultant so that we can proceed. I have given permission to the contractor to begin internal salvage of the property of those items not attached to the structure.
4. The Corp of Engineers has our harbor dredge permit out for public comment after that period, a permit can be issued. The funding from the state is now unencumbered but not forth coming. We are also approaching the time when we cannot dredge because of the fish population. I will continue to keep the commission up to date.

Administrator White informed the Commission that the engraved bricks have arrived and have been put in place on Mill Street.

White stated he has received the report from Saggaser regarding asbestos at 102 Water Street and there are no environmental concerns listed. He will be finalizing the demolition contract with the City Attorney.

White informed the Commissioners the early retirement incentive program submitted to those eligible was not accepted by any of the parties and other options will be looked into.

White submitted copies of the work schedules for the EMS, Parks and Police Departments to the Commissioners as requested by Commissioner Bennett.

Commissioner Klooster inquired about the schedules and why the Commission was receiving these copies.

Commissioner Bennett stated he had requested these schedules as he wanted to know what kind of schedules and hours employees were putting in to see if they could get away without having to replace the police officer who was fired.

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Commissioner Symonds questioned how long the Corp of Engineers dredging permit process usually takes.

Administrator White stated it takes 30-60 days.

Commissioner Timmons inquired about the demolition of 102 Water street and if the materials would be taken to the landfill.

White stated he was told that Mr. Warner would be getting dumpsters and they would be going to the landfill.

ITEM #16 Mayor's Report

Mayor Postma felt the meeting of July 3, 2007 should be cancelled due to the Independence Day holiday. He noted a Special Meeting needed to be scheduled for July 10th, 2007 for the appointment of members to board vacancies. The Appointments Committee will meet at 7:15 p.m. and the special commission meeting at 7:30 p.m.

Motion offered by McNitt, second by Bennett, to cancel the meeting of July 3, 2007 and schedule an Appointments Committee meeting at 7:15 p.m. and a special commission meeting for 7:30 p.m. on July 10, 2007.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Postma informed the Commission of a request from the Charlevoix County Sheriff's Department to dock a patrol boat in the East Jordan Municipal Harbor for the summer at no charge.

Motion offered by Bennett, second by Vollbach, to authorize the Parks Director to allow the Charlevoix County Sheriff's Department to occupy one boat slip at no charge for the 2007 summer season.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Mayor Postma updated the Commission regarding the proposed PILOT program for 340 South Lake Street presented by Gaery Haan.

Postma stated he would like to discuss this issue at the July 17, 2007 meeting and invite Mr. Haan to answer any questions the Commission has.

ITEM # 17 Attorney's Report

No items to report.

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ITEM #18 Commissioners

Commissioner Klooster inquired regarding the vacant lot next to T & R Yamaha and the status of this property.

Clerk Campbell stated she believed that the agreement would expire on July 7, 2007.

Administrator White briefed the Commission regarding the history of this lot and noted that the purchase included a clause if this property was not developed by the end of the agreement period, the City would pay the purchaser of the property or his successor their purchase price paid for the property in 2000 and the city would again own the lot.

Commissioner Vollbach read a statement from Reader's Digest regarding faucet leaks as put out by the EPA. Commissioner Vollbach thought that information would be a good fact for the newsletter.

Vollbach also stated East Jordan was selected by Susan Ager of the Detroit Free Press as one of her cities to visit this summer. Vollbach read the article to the Commission.

Commissioner Timmons stated Mr. Merrill wanted to thank the City for all of their efforts regarding his water issue.

Commissioner McNitt questioned the dredging and how often that would need to be done.

Administrator White stated probably another four years if the water levels continue to be very low.

ITEM #19 Speaker Request

Gary Roberts- Mr. Roberts addressed the Commission regarding the city's easement off of Elizabeth Street near the Yettaw property.

Attorney Beatty addressed Mr. Roberts' concerns and felt Mr. Roberts was requesting feedback from the City Commission regarding the City's easement and how the City felt about having a license with the property owners that about the easement that they may use the easement that would be non-exclusive and other people could use it also. The property owners would be responsible for maintaining and developing it as well.

Commissioner McNitt felt it was a good idea to allow a non-exclusive easement.

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Commissioner Symonds stated that easement is used by snowmobiles in the winter for snowmobilers to get into town and over to the trail that leads to Charlevoix.

Attorney Beatty stated that this easement should have a lease with the Trails Council for use by snowmobiles.

Attorney Beatty asked that the current agreement, if one exists, with the Trails Council be given to the City Commissioners and himself for review and this item be placed on the agenda for July 17, 2007.

Mayor Postma adjourned the meeting at 8:58 p.m.

Respectfully,

Mark Postma
Mayor

Lori M. Campbell, CMC
City Clerk