

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING HELD
TUESDAY, JULY 17, 2007 AT 7:30 P.M. IN CITY HALL**

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

Absent: Commissioner McNitt

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 June 19, 2007, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to approve the minutes of the Special Commission Meeting dated July 10, 2007, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the following Paid Bill Lists:

- A. June 29, 2007, totaling \$208,795.95
- B. July 2, 2007, totaling \$45,589.25
- C. July 12, 2007, totaling \$273,874.06

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the Monthly Zoning Activity Report, June 2007.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to acknowledge receipt of the Monthly Police Department Reports:

- A. May 2007
- B. June 2007

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MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

- A. DDA, June 4, 2007
- B. DDA, July 9, 2007
- C. Jordan Valley District Library, May 23, 2007
- D. Appointments Committee, July 10, 2007

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Bennett, to approve the Anita Pentecost's Civic Center rental request, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

ITEM #11 City Easement off Elizabeth Street

Commission held discussion regarding the city owned property abutting Elizabeth Street that is deeded for street or roadway use.

Consensus of the Commission was to proceed with a non-exclusive license to use the property for access to the rear of the properties on North Lake Street.

ITEM #12 Gaery Haan, PILOT Program proposal

Gaery Haan presented the Commission with a proposal for a PILOT ordinance for a multiple family development at 340 South Lake Street. He reviewed the Michigan State Housing Development Authorities requirements for funding on this project.

Administrator White stated the property is currently in the DDA district and there would be no financial impact on the General Fund if a PILOT ordinance was adopted.

Consensus of the Commission was to refer this issue to staff and the City Attorney.

ITEM #13 213 Main Street property agreement

Commission was presented with the purchase agreement for the property located at 213 Main Street for their review.

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ITEM #14 Appointments Committee

Commissioner Symonds informed the Commission that the Appointments Committee would like to recommend the appointment of Bart Adams to the Board of Review and the Planning Commission as long as the City Attorney did not feel there would be a conflict with him serving on both boards.

Attorney Beatty stated, without research, he was unaware of a potential conflict.

Motion offered by Bennett, second by Symonds, to appoint Bart Adams to the Board of Review and the Planning Commission.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #15 Lot Split Application, Gaery Haan

Administrator White asked that the lot split application be tabled until the certified survey and legal description were received.

ITEM #16 Lot Split Application, James Slough

Motion offered by Symonds, second by Vollbach, to approve James Slough's lot split request described in the description and boundary survey dated July 14, 2007, parcel #15-053-026-025-00.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #17 DDA Update

DDA has scheduled a meeting for budget review on Thursday, July 19, 2007.

Mayor Postma informed the Commission that Rodney Benson, Economic Development Coordinator, is currently in the hospital.

ITEM #18 Administrator's Report

Administrator White informed the Commission that bids have been received by Floyd Wright on the hotel project.

Dr. John Richter presented the Commission with a letter from the Friends of the Jordan to the EPA regarding the proposed non-hazardous waste injection well to dispose of toxic leachate in Alba. He reviewed the aquifer location and its flow which directly affects the Jordan River as well as many other northern Michigan water sources. He

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informed the Commission that the comment period has been extended and will end on July 27, 2007.

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

Resolution 119-2007

Resolution Opposing the Proposed Injection Well in Star Township, Antrim County, Michigan

WHEREAS, the City of East Jordan is aware of CMS Energy's proposed Non-Hazardous Waste Injection Well in Star Township, Antrim County, Michigan, a region surrounding Alba that lies atop an enormous, pristine freshwater aquifer that is the source of our local river system, the Jordan River, as well as many others in the area and

WHEREAS, long before Bay Harbor Resort was developed, scientists reported toxic leachate seeping from the CKD waste piles at the then abandoned Penn Dixie Cement Plant, and

WHEREAS, CMS Energy must be fully accountable for their choice to cover the piles with top soil and build over it, hoping the problem would go away, and

THEREFORE BE IT RESOLVED, CMS Energy and Bay Harbor should be required to cap and encapsulate the CKD piles and make them impermeable to moisture. The City feels CMS Energy and Bay Harbor Resort should act responsibly, clean up their mess and not try to dump their toxic waste elsewhere;

BE IT FURTHER RESOLVED, the City of East Jordan opposes the proposed injection well in Star Township, Antrim County, Michigan and the transport of the toxic waste.

ROLL CALL VOTE:

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

NAYS: NONE

ABSENT: MCNITT

RESOLUTION UNANIMOUSLY ADOPTED JULY 17, 2007.

ITEM #19 Mayor's Report

No items to report.

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ITEM #20 Attorney's Report

Attorney Beatty updated the Commission regarding the lease agreements with the Jordan River Arts Council and Charlevoix County Commission on Aging. He reviewed the Commission desire for an extended lease not to exceed 10 years. He has completed the lease and it is currently being reviewed by both entities. Beatty stated the proposed lease is for three years that will automatically renew for an additional seven years if the Lessee meets the capital improvement investment amount.

Beatty also informed the Commission of a meeting regarding the M66 sewer extension into South Arm Township. All parties and representatives met and have come to an agreement. The proposed agreement will be presented to the Commission for approval when finalized.

ITEM #21 Commissioners

Commissioner Bennett reminded Administrator White of the need for repair to Vance Street.

Commissioner Vollbach questioned when the trees on Nicholls Street would be removed as the limbs have all been cut off.

Administrator White stated the City contracts the removal of stumps which usually takes place in the fall.

Commissioner Klooster was happy to see the demolition at 102 Water Street.

ITEM #22 Speaker Requests

No speaker request slips were received.

ITEM #23 Executive Session

Executive Session was removed from the agenda.

Mayor Postma adjourned the meeting at 8:49 p.m.

Respectfully,

Mark Postma
Mayor

Lori M. Campbell, CMC
City Clerk