

**MINUTES OF THE EAST JORDAN CITY COMMISSION REGULAR MEETING
HELD TUESDAY, SEPTEMBER 18, 2007 AT 7:30 P.M. IN CITY HALL**

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

Absent: Commissioner Timmons

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 Vollbach, to approve the minutes of the Regular Commission meeting dated September 4, 2007, as submitted.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Vollbach, to acknowledge receipt of the Paid Bill List dated September 13, 2007, totaling \$229,084.48.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

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

- A. Housing Commission, August 14, 2007
- B. DDA, August 6, 2007

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Motion offered by Symonds, second by Vollbach, to acknowledge receipt of the Monthly Police Department Report, August 2007.

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MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

REGULAR AGENDA

ITEM #10 Gerald Haan PILOT Discussion

Gaery Haan reviewed his request for a 4% PILOT ordinance. He presented the Commission with several impact studies created by the National Association of Home Builders.

Joel Evans, community resident and past business owner, addressed the Commission regarding the proposed project stating he felt it would be an economic benefit to the City.

Commissioner Symonds questioned the exact request for the project.

Mr. Haan stated he is only asking for the 4% PILOT ordinance and the property rezoning.

Commissioner Bennett stated he would like to see a graduated percentage over the term of the agreement.

Mr. Haan stated the rent is based on the median income. He has heard of a PILOT as low as 0% to as high as 10%. He expects to be 93% occupied in the first six months.

Commissioner Vollbach questioned where the residents would be coming from.

Mr. Haan stated the marketing study shows they would be from East Jordan.

Commissioner McNitt stated the projected additional income received by the City would not cover the cost of the additional strain on the police and fire departments.

Mr. Haan stated the project would be assisting in the retirement of city debt.

Vollbach stated the water and sewer bonds do not fund the police or fire departments.

Speaker Request-Butch Breakey, neighboring property owner and DPW Superintendent.

Mr. Breakey stated his concerns regarding the request for consideration of four tap fees versus the required 32. He noted that in the past developers have been required to pay a tap fee for each unit.

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Speaker Request-Anna Taylor, neighboring property owner.

Ms. Taylor reviewed information from the studies presented by Mr. Haan. She felt the market studies and comparisons should cover the same areas. (i.e. city or county) She also felt the City should be bringing in business and money not giving money away.

Consensus of the Commission was to review the information presented and place the proposed project on the next Commission agenda for further discussion.

Commissioner Bennett stated that he did not feel the City should allow the project to pay four tap fees; he felt the tap fees should be negotiated.

ITEM #11 DDA Update

No items to report.

ITEM #12 Administrator's Report

ADMINISTRATOR'S REPORT
SEPTEMBER 18, 2007

1. The ISO company is in town reviewing our water system and fire department to see if an adjustment to our fire insurance rating is warranted. Our last ISO rating was in 1990 and both the water system and the fire department have had many upgrades since then. Mr. John Shipman, the ISO reviewer, told me that once he has all his information we should receive a report and rating in 3 to 6 months. The fire rating a community has is one of the factors used to set fire insurance rates on residential and commercial property.
2. The Tip of the Mitt Watershed Council received grants to install rain gardens in each of the cities in Charlevoix County. The city will help prepare the ground and provides soil as needed. The Tip of the Mitt provides the plants and the planters to complete the project. Rain gardens collect rain water and run off and filter it before it goes into a lake or stream. The location for the East Jordan rain garden is in the grass area between the main harbor dock and the back of the M-32 right of way. This area is hard to keep picked up and maintained. The rain garden will add some color to the area and help solve a long standing maintenance problem. The rain garden will require some ongoing maintenance which the Tip of the Mitt is talking to local organizations to see if they will help in that area. Work on the rain garden should be starting in the next few weeks. As always I will be happy to answer any questions Commissioners may have.

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Administrator White informed the Commission that the Rain Garden project is delayed as they have found additional rip rap buried in the area.

Commissioner Symonds asked if there were plans for the Rain Garden that could be reviewed.

White stated that Parks Director Cannon has a hand drawn plan and he will get a copy to the Commission for review.

**RESOLUTION #125/2007
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING
LICENSES**

At a regular meeting of the East Jordan City Commission called to order by Mayor Postma on September 18, 2007 at 7:30 P.M.

The following resolution was offered:

Moved by Commissioner McNitt and supported by Vollbach:

That the request from CARE AND SHARE of EAST JORDAN, COUNTY OF CHARLEVOIX, ASKING THAT THEY BE RECOGNIZED AS A NON-PROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE, be considered for APPROVAL.

APPROVAL		DISAPPROVAL	
Yeas:	Symonds, McNitt, Bennett, Vollbach, Klooster and Postma	Yeas:	
Nays:	None	Nays:	
Absent:	Timmons	Absent:	

RESOLUTION DECLARED ADOPTED.

Motion offered by Vollbach, second by Bennett, to rescind Resolution 123-2007, Local Governing Body Resolution for Charitable Gaming Licenses, due to incorrect information.

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

White informed the Commission that the City would receive more points on the grant application for improvements at the Tourist Park if handicap accessible improvements are included in the plans. He noted the handicap improvements

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would come from City funds already budgeted and would not be required if the grant is not received.

Motion offered by Vollbach, second by Klooster, to authorize the addition of handicap accessible improvements to the Tourist Park upgrade plans, in conjunction with the DNR grant application; City funds and City labor will be utilized for the installation of the improvements.

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

ITEM #13 Mayor's Report

Mayor Postma felt a transcript should be typed of the Special Commission meeting held August 28, 2007 regarding the referendum resolution.

Commissioner Symonds asked if any Commissioner had been approached for clarification regarding the referendum petitions.

Commissioner McNitt asked Attorney Beatty about the wording on the petitions warning against false information.

Attorney Beatty stated the wording referred to the petition language.

Commissioner Bennett noted that none of the petition circulators asked for clarification prior to circulating the petitions.

Postma stated the article in the Citizen Journal was very helpful in clearing up the confusion.

Attorney Beatty stated that communication is a two-way street.

Consensus of the Commission was to have the Clerk's Department type a transcript of the recording from the Special Commission meeting of August 28, 2007.

ITEM #14 Attorney's Report

Attorney Beatty requested a closed session at the end of the agenda to discuss pending Michigan Tax Tribunal litigation.

ITEM #15 Commissioners

No items to report.

ITEM #16 Speaker Requests

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Speaker Request-Cheryl Butler, Ameri-Corp worker assigned to East Jordan Family Health Center.

Ms. Butler stated she has met with Jack Messer and Jay Peck regarding the City's emergency plan and was informed that the City does not have a resolution to link to the three county plan and names specific positions or offices for specific tasks. She noted that Jay Peck stated he was willing to take the lead in getting the City's plan in place.

Administrator White stated the City has an existing emergency plan and he would verify the connection to the county plan.

White also stated he would request the 911 Emergency Coordinator to attend the next Commission meeting to discuss the City's Emergency Plan.

Commissioner McNitt discussed the statement regarding the City Commission hurrying through the agenda at meetings. He noted the agenda is distributed to the Commissioners in advance of the meeting which gives them time to review the information and ask questions or for clarification prior to the meeting.

Attorney Beatty felt the Commission was prepared to address the issues on the agenda and this allows for an efficient meeting. He also noted the Commission is very receptive to public input.

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

MOTION CARRIED ALL AYES
BY ROLL CALL VOTE

Commission entered into closed executive session at 8:34 p.m.

Commission reconvened open session at 8:52 p.m.

Mayor Postma reported that Michigan Tax Tribunal litigation was discussed with no action taken.

Mayor Postma adjourned the meeting at 8:53 p.m.

Respectfully,

Mark Postma
Mayor

Lori M. Campbell, CMC
City Clerk