



CITY OF IONIA
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 1, 2016
CITY HALL COUNCIL CHAMBER

CALL TO ORDER

Mayor Daniel Balice called the regular meeting of the City Council to order and led with the Pledge of Allegiance.

ROLL CALL

Roll call revealed Councilmembers John Milewski, Jeff Winters, Gordon Kelley, Ted Paton, Paul Lentz, Janice Gustafson and Mayor Balice present. Tom Millard and Kim Patrick were excused.

PUBLIC COMMENTS

Dale Parus, Ionia Community Library Director, provided Council with information regarding the upcoming millage proposition that will appear on the August 2, 2016 primary election ballot.

APPROVAL OF MINUTES

It was moved by Councilmember Paton, second by Councilmember Gustafson to approve the February 2, 2016 regular meeting minutes.

Roll Call Vote: Ayes: Milewski, Winters, Kelley, Paton, Gustafson, Lentz and Balice.

Nays: None

MOTION CARRIED

NEW BUSINESS

Confirm – Appointment of Finance Director/City Treasurer

The City Manager reported that he and Mayor Balice conducted interviews last week for the position of Finance Director/City Treasurer. The City Manager stated that the City Charter states that the Mayor appoints the City Treasurer and the City Manager appoints the Finance Director. The Mayor and City Manager requested Council approval of Chris H. Hyzer as the new City Treasurer/Finance Director for the City of Ionia

It was moved by Councilmember Lentz, seconded by Councilmember Paton to confirm the Mayor's appointment, of Chris Hyzer as City Treasurer and the City Manager's appointment of Chris Hyzer as Finance Director pursuant to Article IV of the City Charter.

Roll Call Vote: Ayes: Milewski, Winters, Kelley, Paton, Gustafson, Lentz, and Balice.

Nays: None

MOTION CARRIED

Approve – 2015 Planning Commission Annual Report

The City Manager reported that in accordance with State statute and the Planning Commission's Rules of Procedures, the Planning Commission has prepared an annual report of its activities covering calendar year 2015 for Council consideration. The City Manager, presented the report and stated that 2015 was a busy year for the Commission.

It was moved by Councilmember Kelley, seconded by Councilmember Milewski to receive and place on file the 2015 Planning Commission Annual Report.

Roll Call Vote: Ayes: Winters, Kelley, Paton, Gustafson, Lentz, Milewski and Balice.

Nays: None

MOTION CARRIED

Approve – Rail Trail Trailhead Park – Project Grant Resolution

The City Manager reported that a year ago the City applied for a Michigan Natural Resources Trust Fund grant to off-set the cost of constructing the Trailhead Park on City owned property at the corner of Adams and Dexter Streets. The City Manager stated that although the project scored well, it was not selected by the Trust Fund Board for funding during the last grant cycle. The project, which includes the construction of a restroom facility, parking lot, splash pad, play equipment and landscape/site improvements, is rooted in the City's Parks and Recreation Master Plan and continues to be supported by the Parks and Recreation Commission. The City Manager requested permission is to submit an updated grant application prior to the April 1st deadline. The cost to construct the trailhead (including engineering) is estimated at \$537,580. The City has received an \$85,000 from the MDNR through another grant funding source. The City Manager also stated that to facilitate the submittal of the grant, Council approval would be required via the adoption of a prepared Resolution.

It was moved by Councilmember Milewski, seconded by Councilmember Gustafson to adopt the following prepared Resolution:

WHEREAS, during 2010 and with the financial assistance of the Michigan Department of Natural Resources, the City purchased the property located at 206 South Dexter Street for use as a Trailhead Park to complement the Fred Meijer Grand River Valley Rail Trail which is contiguous to this property; and,

WHEREAS, the City's Five-Year Community Parks and Recreation Plan (2012-2017) identified the construction of a Trailhead Park (Page 28) as a top priority for any funding which may be available to develop parks and recreation facilities; and,

WHEREAS, the City has received a grant from the Michigan Department of Natural Resources Recreation Trails Program for \$85,000 for construction of Trailhead Park; and,

WHEREAS, the City desires to avail itself of the funding available through the Michigan Natural Resources Trust Fund to assist in funding the construction of the Trailhead Park.

NOW, THEREFORE, BE IT RESOLVED that the City of Ionia City Council hereby:

1. Authorizes the City Manager to submit an application to the Michigan Natural Resources Trust Fund for funding to assist with the construction of the Trailhead Park with said grant request to be for \$221,765.
2. Upon receiving notification that the grant has been awarded, agrees to allocate an aggregate amount of at least \$230,815 from the City's Fiscal Year 2016-2017 and Fiscal Year 2017-2018 budgets to act as a match for the grant to construct the Trailhead Park.
3. Agrees to construct the Trailhead Park consistent with Michigan Natural Resources Trust Fund grant guidelines.

Roll Call Vote: Ayes: Paton, Gustafson, Lentz, Milewski, Winters, Kelley and Balice.

Nays: None

MOTION CARRIED

Approve – Robinson Park – Project Grant Resolution

The City Manager reported that the City's Capital Improvement Plan calls for improvements to Robinson Park (M- 66 North) during Fiscal Years 17-18 and 18-19. Improvements proposed by the Parks and Recreation Master Plan include the construction of a park shelter, resurfacing of the basketball court, edging/safety surface replacement around the existing play equipment and site amenities. The City Manager stated that to off-set a portion of the cost for completing the improvements, it is proposed that the City submit an application to the MDNR Land and Water Conservation Fund grant program. Applications are due by April 1st. The City Manager also reported that to facilitate the submittal of the grant, Council approval is required via the adoption of a prepared Resolution.

It was moved by Councilmember Gustafson, seconded by Councilmember Milewski to adopt the following prepared Resolution:

WHEREAS, Robinson Park is a community park that serves the City of Ionia and provides recreation amenities such as a picnic area, basketball court, open space for sports fields and play equipment; and,

WHEREAS, the City's Five-Year Community Parks and Recreation Plan (2012-2017) identified improvements to Robinson Park (Pages 25 and 26) as a top priority for any funding which may be available to improve parks and recreation facilities; and,

WHEREAS, the City desires to avail itself of the funding available through the Michigan Department of Natural Resource's Land and Water Conservation Fund grant program to assist in funding improvements to Robinson Park.

NOW, THEREFORE, BE IT RESOLVED that the City of Ionia City Council hereby:

1. Authorizes the City Manager to submit an application to the Michigan Department of Natural Resources for funding from the Land and Water Conservation Fund to finance improvements to Robinson Park, including the resurfacing of the basketball court and replacing the backboards/rims, adding a picnic pavilion with a unisex restroom, a drinking fountain and picnic tables, installing edging and safety surfacing around the existing playground equipment, replacing the park sign, installing new benches, litter receptacles, one bicycle rack and adding a barrier free walkway to connect the playground equipment with the sidewalks along Forest Street and Chapman Street with said request being for \$74,300.
2. Upon receiving notification that the grant has been awarded, agrees to allocate at least \$74,300 from the City's budget to act as a match for the grant to complete the improvements to Robinson Park.
3. Agrees to complete the improvements to Robinson Park in a manner consistent with Michigan Department of Natural Resources grant guidelines.

Roll Call Vote: Ayes: Gustafson, Lentz, Milewski, Winters, Kelley, Paton and Balice.

Nays: None

MOTION CARRIED

Approve – Revision to Policy No. 1-014A Yard Meters

The City Manager reported that General Policy No. 1-014 A, adopted by Council in 2008, establishes the operational parameters associated with the City's yard meter program. Pursuant to the policy, utility customers have the option of installing a second water meter which is used to meter "outside" water consumption (lawn, pool, garden, etc). Those customers with a yard meter are charged for the amount of water used through the meter with no sanitary sewer or water debt service charges applied. Currently, the policy requires reading the meter once, annually, during the fall so that the yard meter bill is mailed around November 1st. The City Manager stated that to improve efficiency, it is proposed that the policy be revised to reflect that the yard meter bill is mailed around January 1st, which is consistent with the meter reading/bill generating schedule for the fourth calendar quarter for regular water meter reading.

It was moved by Councilmember Milewski, seconded by Councilmember Paton to approve a revised General Policy No. 1-014A entitled Water/Sewer Bill Collection Policy – Yard Meter dated March 1, 2016.

Roll Call Vote: Ayes: Lentz, Milewski, Winters, Kelley, Paton, Gustafson and Balice.

Nays: None

MOTION CARRIED

Accept – Wastewater Treatment Plant Re-Roof Project

The City Manager reported that the FY15-16 IRUA Fund budget contains funds to replace the roof coverings on most of the wastewater treatment plant buildings. The FY15-16 Water Fund budget contains funds to replace the roof covering on the Cyrus Street ground storage tank. With the assistance of FTCH, bid specifications for the roof project were recently prepared and distributed to roofing contractors. Bids were opened on Wednesday, February 17th with three bids received ranging from a low of \$99,848 to a high of \$117,300, for the base bid. There were also several alternate bid options in terms of additional work to be completed. The low bid was submitted by Arrow Roofing & Supply, Grand Rapids. The City Manager stated that FTCH has recommended that the low bid from Arrow be accepted along with Alternate 1, which, in addition to the base bid, involves reroofing the northernly-most area of the flat roof on the WWTP Secondary Complex (\$29,476). FTCH has also recommended that Alternate 3, included as part of the bid documents, be accepted (\$5,848). Alternate 3 involves placing a new membrane roof over the existing roof on the southernmost part of the Administration Building. In total, with the base bid and two alternates, the City Manager stated that the total project cost is \$135,172, below the engineer's original estimate of \$150,000. Work is to begin as soon as the weather permits with substantial completion by June 1, 2016.

It was moved by Councilmember, Paton seconded by Councilmember Milewski to accept the bid submitted by Arrow Roofing & Supply, Grand Rapids, dated February 17, 2016 for completing roof replacement work at the wastewater treatment plant and Cyrus Street ground storage tank for \$135,172 and authorize the City Manager to sign the necessary contract documents.

Roll Call Vote: Ayes: Milewski, Winters, Kelley, Paton, Gustafson, Lentz and Balice.

Nays: None

MOTION CARRIED

Approve – Entering into Closed Session – Litigation Strategy

The City Manager reported that the Michigan Open Meetings Act permits Council to enter into Closed Session for the purpose of discussing trial/settlement strategy associated with litigation. The City Manager requested that Council enter into Closed Session for such purpose.

It was moved by Councilmember Lentz, seconded by Councilmember Kelley as permitted by the Michigan Open Meeting Act, to enter into Closed Session for the purpose of discussing trial/settlement strategy associated with litigation at 7:43 pm.

Roll Call Vote: Ayes: Winters, Kelley, Paton, Gustafson, Lentz, Milewski and Balice.

Nays: None

MOTION CARRIED

It was moved by Councilmember Winters, seconded by Councilmember Lentz to return to regular session at 9:19 pm.

Roll Call Vote: Ayes: Winters, Kelley, Paton, Gustafson, Lentz, Milewski and Balice.

Nays: None

MOTION CARRIED

Approve – Medical Marihuana Business Moratorium

The City Manager reported that a Resolution has been prepared by Attorney Andria Ditschman who has assisted the City in the past with medical marihuana zoning ordinance related matters. The City Manager stated that Attorney Andria Ditchman has recommended that Council consider establishing a moratorium on medical marihuana distribution and grow facilities in the City while Council (and the Planning Commission) conduct a review of current zoning ordinance language/regulations.

It was moved by Councilmember Lentz, seconded by Councilmember Milewski to approve the following prepared Resolution:

WHEREAS, the People of the State of Michigan adopted, by initiative, the Michigan Medical Marihuana Act (the Act), Initiated Law 1 of 2008, MCL 333.26421 *et seq.*; and,

WHEREAS, the Act authorizes qualifying patients to have access to marihuana for medical purposes and primary caregivers to assist qualifying patients in the Medical Use of Marihuana; and,

WHEREAS, the operation of dispensaries, grow facilities, and other medical marihuana related businesses that sell, dispense or grow marihuana are not regulated nor addressed in the Act; and,

WHEREAS, throughout the State there are increasing numbers of dispensaries, cooperatives, and other medical marihuana related businesses being formed for the growing, sale or accommodation of medical marihuana; and,

WHEREAS, there remains a great deal of uncertainty among municipalities as to how to best regulate the collective and business aspect of dispensing and cultivation of medical marihuana; and,

WHEREAS, in 2010 the City modified its Zoning Ordinance to recognize the medical use of marihuana as an accessory use to residential uses for patients and caregivers and prohibited the use of a facility for cultivation or dispensing in all zoning districts; and,

WHEREAS, in 2014 after the *TerBeeke v City of Wyoming* court case, the City modified its regulations for conformity with the court's decision; and

WHEREAS, the City has received an inquiry and has been involved in litigation regarding the location, permitting, regulation, establishment and operation of the use of multiple caregivers and patients growing marihuana for medical purposes on a simple parcel of land in a commercial district; and;

WHEREAS, in order to address both community and state concerns regarding the establishment of medical marihuana facilities, including grow facilities, it is necessary for the City to reassess its current regulations, the potential impact such facilities may have in the City on public health, safety and welfare, and how to best regulate such uses in the future, which may require amending the Zoning Ordinance and or business licensing regulations; and,

WHEREAS, the City Council intends to take into consideration the public health, safety, and welfare of its citizens while complying with the rights and protections afforded by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq.*; and,

WHEREAS, it is the City Council's desire that no dispensaries, grow facilities or other medical marihuana related businesses that sell, dispense or grow marihuana be established in the City while the City studies and possibly modifies its regulations; and,

WHEREAS, based upon the foregoing, the City Council finds issuing zoning permits, occupancy permits or other applicable entitlements providing for the establishment and or operation of medical marihuana facilities, such as, but not limited to dispensaries and grow facilities prior to the City's study and determination is not in the best interests of the public health, safety and welfare and therefore a temporary moratorium on the issuance of such permits, approvals or acquiescence in such uses is necessary.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Ionia that commencing on the effective date of this Resolution and unless extended or repealed prior thereto, and terminating on August 31, 2016, the City imposes a moratorium on the establishment and/or operation of a marihuana dispensary or grow facility or other marihuana business that sells, dispenses or grows marihuana within the City and further the City shall not consider or approve to any person, entity or premises, any request for a medical marihuana related business/facility that sells, dispenses or grows marihuana within the City; that the purpose of the moratorium is to study the potential impacts and legality of amending the City's ordinances or business licensing regulations or other ordinances and to explore a comprehensive plan for the development of land within the City for marihuana facilities.

BE IT FURTHER RESOLVED, that this Resolution shall become effective on the date of adoption by the City Council due to the City's need for such study before proceeding with any approvals.

Roll Call Vote: Ayes: Kelley, Paton, Gustafson, Lentz, Milewski, Winters and Balice.

Nays: None

MOTION CARRIED

Approve – Entering into Closed Session – Consider Purchase of Real Property

The City Manager reported that the Michigan Open Meetings Act permits Council to enter into Closed Session for the purpose of discussing the possible acquisition of real property. The City Manager requested that Council enter into Closed Session for such purpose.

It was moved by Councilmember Winters, seconded by Councilmember Milewski as permitted by the Michigan Open Meeting Act, to enter into Closed Session for the purpose of discussing the possible acquisition of real property at 9:21 pm.

Roll Call Vote: Ayes: Paton, Gustafson, Lentz, Milewski, Winters, Kelley and Balice.

Nays: None

MOTION CARRIED

It was moved by Councilmember Paton, seconded by Councilmember Milewski to return to regular session at 9:38 pm.

Roll Call Vote: Ayes: Paton, Gustafson, Lentz, Milewski, Winters, Kelley and Balice.

Nays: None

MOTION CARRIED

MAYOR AND COUNCILMEMBER COMMENTS

Balice: Stated the new lights on the River Trail Bridge looked very nice.

Gustafson: Reminded those in attendance of the upcoming Expo on Saturday, March 5th, at the Ionia High School.

Paton: Stated that many people have made favorable comments about the new overhead bridge on M-66.

ADJOURNMENT

It was moved by Councilmember Winters, seconded by Councilmember Milewski to adjourn the meeting at 9:45 pm.

Respectfully submitted:

Lynn E. Lafler, Clerk