



**CITY OF IONIA**  
**CITY COUNCIL - REGULAR MEETING AGENDA**  
**7:00 PM, TUESDAY – JULY 2, 2019**  
**CITY HALL – COUNCIL CHAMBER**

**CALL TO ORDER**

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

**ROLL CALL**

Roll call revealed Councilmembers John Milewski, Jeff Winters, Gordon Kelley, Tim Lee, Kim Patrick, Tom Millard, Troy Waterman and Mayor Balice present. Councilmember Janice Gustafson was absent.

**PUBLIC HEARING**

Mayor Balice opened the Public Hearing to receive comments on proposed Ordinance No. 542 which codifies the ordinances enacted since November 7, 2017. No comments were received.

**PUBLIC COMMENTS**

Mayor Balice called for public comments. No comments were offered.

**APPROVAL OF MINUTES**

It was moved by Councilmember Patrick, seconded by Councilmember Millard to approve the June 4, 2019 regular meeting minutes.

Roll Call Vote:           Ayes: Milewski, Winters, Kelley, Lee, Patrick, Millard, Waterman and Mayor  
Balice  
Nays: None  
MOTION CARRIED

**OLD BUSINESS**

**Approve – Second Reading/Adoption – Ordinance No. 542 – Codification**

The City Manager reported that, annually, staff has the City’s codifier codify the ordinances enacted by Council covering approximately the previous year’s period. Ordinances are codified via a codification ordinance and ordinances enacted by Council since November 7, 2017 need to be codified. Council reviewed proposed Ordinance No. 542 at the June meeting at which time the Public Hearing regarding the ordinance was scheduled for this meeting. Notice of the Public Hearing was published in the June 8, 2019 edition of the *Sentinel-Standard Weekender*. No comments have been received.

It was moved by Councilmember Kelley, seconded by Councilmember Milewski to remove from the table the matter of Ordinance No. 542 and permit the record of the July 2, 2019 meeting to reflect the second reading and adoption of Ordinance No. 542, the Codification Ordinance, with said ordinance effective upon publication in the July 6, 2019 edition of the *Sentinel-Standard Weekender*.

Roll Call Vote: Ayes: Milewski, Winters, Kelley, Lee, Patrick, Millard, Waterman and Mayor Balice  
Nays: None  
MOTION CARRIED

**CITY OF IONIA**  
**Ordinance No. 542**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH**

**WHEREAS,** American Legal Publishing Corporation has completed its most recent updating and revision of the Codified Ordinances of the City;

**WHEREAS,** various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (November 7, 2017) have been included in the Codified Ordinances of the City;

**THE CITY OF IONIA ORDAINS:**

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

Ord. or <u>Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
537	6-5-18	214.05
Res. Unno.	3-5-19	214.06
539	3-5-19	1240.11, 1286.10, 1289.01 to 1289.12

Section 2. If any section, clause or phrase of this ordinance is declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. This ordinance shall be published and recorded as provided in the City Charter and shall take effect upon publication, but not less than ten (10) days after adoption by the City Council.

## **NEW BUSINESS**

### **Approve – Introduction and First Reading – Ordinance No. 543 – Fireworks**

The City Manager reported that Michigan Public Act 256 addressing consumer use of fireworks took effect in 2011. Public Act 635 amends Public Act 256 and became effective on December 28, 2018. The 2011 act allowed for 30 specific dates that municipalities could not restrict the use of consumer fireworks. The 2018 act reduced the number of days protected by this restriction.

With the 2018 amendment, the statute currently reads as follows:

If a local unit of government enacts an ordinance under this subsection, the ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the following days after 11:00 a.m.:

- (1) December 31 until 1:00 a.m. on January 1.
- (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

It was moved by Councilmember Milewski, seconded by Councilmember Winters to permit the record of the July 2, 2019 meeting to reflect the introduction and first reading of Ordinance No. 543, an amendment to the General Offenses Code of the City Code regarding Fireworks, and to schedule a Public Hearing regarding the proposed ordinance for 7:00 PM, Tuesday, August 6, 2019 at City Hall.

Roll Call Vote :           Ayes: Winters, Kelley, Lee, Patrick, Millard, Waterman, Milewski and  
Mayor Balice

Nays: None

**MOTION CARRIED**

### **Approve – Resolution to Adopt a “Local Pavement Warranty Program”**

The City Manager reported that the 2015 Transportation Funding Package (PA 175 of 2015) requires that each local road agency in the State of Michigan adopt a “Local Pavement Warranty Program” acceptable to MDOT. With the assistance of the Michigan Municipal League and other stakeholder partners, a “Local Agency Pavement Warranty Program” has been prepared and accepted by MDOT as meeting the requirements of PA175 of 2015. The accepted format addresses warranty requirements for jointed concrete paving and hot mix asphalt surfaces.

Each local road agency is required to adopt the warranty program no later than September 18, 2019 and every local road agency must consider a warranty on each project utilizing state or federal funding that includes \$2 million or more in pavement related components. As part of the program, each local road agency must annually report on projects with \$2 million or more in pavement related items.

The goal of the local pavement warranty program is to have one standardized method for applying pavement warranties on local road projects which will provide consistent standards that contractors understand and can successfully implement.

It was moved by Councilmember Patrick, seconded by Councilmember Winters to approve the following prepared Resolution adopting a Local Pavement Warranty Program as required by Michigan Compiled Law (MCL) Section 247.663.

**WHEREAS**, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and,

**WHEREAS**, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018; and,

**WHEREAS**, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs; and,

**NOW THEREFORE BE IT RESOLVED**, the City Council of the City of Ionia hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663.

Roll Call Vote:           Ayes: Kelley, Lee, Patrick, Millard, Waterman, Milewski, Winters and  
                                  Mayor Balice  
                                  Nays: None  
                                  MOTION CARRIED

**Approve – Resolution to Implement a “Local Pavement Warranty Program”**

The City Manager reported that the City will consider utilizing the warranty program on pavement projects that may exceed \$2 million or more in pavement related items and utilize state or federal funding.

It was moved by Councilmember Patrick, seconded by Councilmember Millard to approve the following prepared Resolution regarding the implementation of a Local Pavement Warranty Program as required by Michigan Compiled Law (MCL) Section 247.663.

**WHEREAS**, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and,

**WHEREAS**, the City Council adopted the Michigan Local Agency Pavement Warranty Program on July 2, 2019; and,

**WHEREAS**, the City agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; and,

**WHEREAS,** the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

**WHEREAS,** the City agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City's adopted Implementation Policy defines the City's intent of its pavement warranty program;

**NOW THEREFORE BE IT RESOLVED,** the City hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Roll Call Vote:                      Ayes: Lee, Patrick, Millard, Waterman, Milewski, Winters, Kelley and Mayor Balice  
   Nays: None  
   MOTION CARRIED

**Confirm – Mayor's Appointments to Various Boards and Commissions**

Mayor Balice recommended that Stephanie Batista, 610 Gregmark Lane, to the Ionia Community Library Board of Trustees for a term to expire June 30, 2023. Mrs. Batista replaces Jan Powell who does not wish to be reappointed.

It was moved by Councilmember Millard, seconded by Councilmember Milewski to confirm the Mayor's appointment of Stephanie Batista to the Ionia Community Library Board of Trustees for a term to expire June 30, 2023.

Roll Call Vote :                      Ayes: Patrick, Millard, Waterman, Milewski, Winters, Kelley, Lee and Mayor Balice  
   Nays: None  
   MOTION CARRIED

**Approve- Request for Fireworks Display Permit – Ionia Free Fair**

The City Manager reported that the City has received a request from the Ionia Free Fair Association for permission to use the City's property located on the south side of the Grand River on Riverside Drive (Property Tax Identification #34-204-800-000-005-20) for a fireworks display on Friday, July 19, 2019.

It was moved by Councilmember Millard, seconded by Councilmember Waterman to approve the request submitted by the Ionia Free Fair Association for permission to use the City's property located on the south side of the Grand River on Riverside Drive (Property Tax Identification #34-204-800-000-005-20) for a fireworks display on Friday, July 19, 2019; and, to approve issuing a Permit for Fireworks Display to Trident Pyrotechnic Displays, Inc., Greenville, Michigan, for launching of fireworks on Friday, July 19, 2019 on the City owned property on Riverside Drive.

Roll Call Vote: Ayes: Millard, Waterman, Milewski, Winters, Kelley, Lee, Patrick and Mayor Balice  
Nays: None  
MOTION CARRIED

### **Accept—Resignation of Planning Commission Member**

Councilmember Kelley currently serves as the City Council’s representative to the Planning Commission. He stated that due to his work schedule, he can no longer serve as Council’s representative. He recommended that Councilmember Lee be appointed by the City Council as the Council’s representative to the Planning Commission. Previous to being appointed to the City Council, Councilmember Lee served on the Planning Commission for many years, most recently as Chairperson.

It was moved by Councilmember Millard, seconded by Councilmember Milewski to accept Councilmember Kelley’s resignation from the Planning Commission and to appoint Councilmember Lee as the City Council’s representative to the Planning Commission.

Roll Call Vote: Ayes: Waterman, Milewski, Winters, Kelley, Lee, Patrick, Millard and Mayor Balice  
Nays: None  
MOTION CARRIED

### **MAYOR AND COUNCILMEMBER COMMENTS**

Mayor Balice: Mentioned that he has a lot of confidence in Jim Dover, Sparrow’s new CEO. He noted that the street projects are going well and, for the most part, are on schedule. He stated that he’s looking forward to the 2019 Ionia Free Fair.

Millard: Commented that this year’s Wizard of Oz festival exploded and was well attended, even by people from out of state and country. The Armory venue worked out well.

Patrick: Mentioned that he attended a Rising Tide meeting and was pleased to hear compliments on the trail and was impressed overall by the young people in attendance and by the number of people with community pride.

Kelley: Noted his concern about there not being a gate at the new Trailhead Park.

Milewski- Recognized Chris Hyzer for going above and beyond and sharing a great deal of knowledge and information about the Splash Pad.

### **ADJOURNMENT**

It was moved by Councilmember Waterman, seconded by Councilmember Lee to adjourn the meeting at 7:59 pm.

By Voice Vote: MOTION CARRIED

Respectfully submitted:

Ally H. Cook, Clerk