

CITY OF REED CITY
REGULAR COUNCIL PROCEEDINGS
Virtual Meeting
September 21, 2020

Mayor Guiles called the meeting to order at 7:00 P.M. electronically for participation via computer or phone.

Present Mayor, Trevor Guiles. Council Members: Nathan Bailey, Dan Burchett, Roger Meinert, Dave Scharlow and Carol Tillotson arrived at 7:07 P.M.. Karen Lea McKinney was absent. City Attorney, David Porteous and City Manager, Ron Howell, were also present. Department Heads, Police Chief Chris Lockhart, Curt Brackenrich, Rich Rehkopf, Barb Westerburg and Jeffrey Stein also attended electronically. The meeting was opened with the pledge to the flag. There were citizens attending via electronically.

Public Hearing A public hearing was opened at 7:01 P.M. to receive public comments on the request from Ebels General Store for granting a Commercial Rehabilitation Exemption Certificate.

There were no public comments and no written comments received.

Motion by Scharlow, seconded by Bailey, **CARRIED**, to close the hearing at 7:02 P.M. Roll call vote. Voting yes were, Scharlow, Guiles, Bailey, Meinert and Burchett.

Public Hearing A public hearing was opened at 7:02 P.M. to receive public comments on Ordinance No. 001-2020, an Ordinance to amend Chapter 674 of the City Code, Governing Trees, Weeds and Grass.

There were no public comments and no written comments received.

Motion by Scharlow, seconded by Bailey, **CARRIED**, to close the hearing at 7:03 P.M. Roll call vote. Voting yes were, Burchett, Meinert, Bailey, Guiles and Scharlow.

Add/Delete Addition to the Agenda: Under New Business No. 5. Discussion and Action on request from Reed City Brewing to block off parking area for October Fest event.

Agenda Motion by Bailey, seconded by Scharlow, **CARRIED**, to approve the Agenda as amended. Roll call vote. Voting yes were, Scharlow, Meinert, Guiles, Burchett and Bailey.

Minutes Motion by Scharlow, seconded by Burchett, **CARRIED**, to accept the minutes of the August 17, 2020 regular meeting as presented. Roll call vote. Voting yes were, Burchett, Bailey, Guiles, Scharlow and Meinert.

Motion by Scharlow, seconded by Burchett, **CARRIED**, to accept the minutes of the September 14, 2020 special meeting as presented. Roll call vote. Voting yes were, Bailey, Meinert, Guiles, Burchett and Scharlow.

Councilperson Tillotson arrived virtually at 7:07 P.M.

Bills Motion by Burchett, seconded by Scharlow, **CARRIED**, to approve paying bills as presented for a grand total approved amount of \$225,074.91. Roll call vote. Voting yes were, Meinert, Scharlow, Burchett, Guiles, Tillotson and Bailey.

Audience Lyndsey Eccles-Burchett, Reed City Area District Library President, appeared virtually to update members on the StoryWalk project at Westerburg Park. Lyndsey received confirmation from Cargill they are willing to fund the project completely.

Jon Zelinski, attended electronically to propose a Mountain Bike Skills Trail on a small unused quadrant not being used by the City located off of 200th Avenue and behind the H& D Chuckwagon restaurant. Mr. Zelinski said the park would consist of various difficulty features, a beginners, intermediate & advanced section with skinny track, pump tracks and rock gardens. Underbrush would need to be cleared and some tree thinning. City Attorney, David Porteous, noted to Mr. Zelinski there are risk associated with this activity. Liability insurance and how the City would be insured or protected because they own the land needs to be considered, consideration needs to be done for raising of money to do the construction, and an endowment fund or operating revenues will be needed to help support it. Council person Bailey suggested Mr. Zelinski come back next month with a detailed proposal.

Liz Guiles, appeared electronically to request permission to plant an apple tree and post with plaque, along the Linear Park near the east end of the bridge in memory of Jennifer Renee Grasman.

Motion by Bailey, seconded by Burchett, **CARRIED**, to allow the planting of a memorial tree and post with plaque in memory of Jennifer Renee Grasman, along the Linear Park near the east end of the bridge under the supervision of DPW Superintendent, Rich Rehkopf. Roll call vote. Voting yes were, Scharlow, Burchett, Tillotson, Guiles, Meinert and Bailey.

Reports Chief Jeffrey Stein, Fire Dept., Police Chief Christopher Lockhart, Rich Rehkopf, DPW, and Curt Brackenrich, WWTP, filed written reports. Barb Westerborg, submitted a Financial Reports electronically.

Motion by Scharlow, seconded by Bailey, **CARRIED**, to approve the Department Head reports as presented. Roll call vote. Voting yes were, Bailey, Burchett, Guiles, Meinert, Scharlow and Tillotson.

Resolution Motion by Scharlow, seconded by Bailey, **CARRIED**, to adopt Resolution 2020-11, a Resolution to approve Ebels General Store Commercial Rehabilitation Exemption Certificate Application Per Public Act 210 of 2005, as Amended. Roll call vote. Voting yes were, Tillotson, Scharlow, Guiles, Bailey, Meinert and Burchett.

RESOLUTION 2020-11 TO APPROVE EBELS GENERAL STORE COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE APPLICATION PER PUBLIC Act 210 OF 2005, AS AMENDED

Minutes of the regular meeting of the Reed City Council of the City of Reed City, held virtually per Executive Order 154 on September 21, 2020 at 7pm.

PRESENT: Nate Bailey, Dan Burchett, Trevor Guiles, Roger Meinert, Dave Scharlow and Carol Tillotson.

ABSENT: Karen Lea McKinney.

The following preamble and resolution were offered by SCHARLOW, and supported by BAILEY.

Resolution 2020-11 Approving Commercial Rehabilitation Exemption Certificate Application for Ebels General Store Located at 716 Chestnut Street

WHEREAS, the City of Reed city legally established the Ebels General Store Commercial Rehabilitation District, on August 17, 2020, after a public hearing held on August 17, 2020; and

WHEREAS, twenty eight days have elapsed since the City of Reed City established the Commercial Rehabilitation District and Osceola County has not rejected the establishment of the district,

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 does exceed 5% (\$2,067,346) of the total tax year 2020 real and taxable value of the City of Reed City (\$41,151,158); and

WHEREAS, exceeding 5% will not have the effect of substantially impeding the operation of the City of Reed City or of impairing the financial soundness of an affected taxing unit; and

WHEREAS, a public hearing was held on the application as provided by section 4(2) of Public Act 210 of 2005 on September 21, 2020; and

WHEREAS, the Ebels General Store is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and

WHEREAS, Ebels General Store has provided answers to all required questions under the application instructions to the City of Reed City; and

WHEREAS, the City of Reed City requires that rehabilitation of the facility shall be completed by December 31, 2021; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, the Ebels General Store also meets the criteria to be a Qualified Retail Food Establishment by being in a Designated Underserved Rural area; and

WHEREAS, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, and increase the number of visitors to Reed City, and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(j) of Public Act 210 of 2005.

NOW, THEREFORE, BE IT RESOLVED by the Reed City Council of the City of Reed City
Be and hereby is granted a Commercial Rehabilitation Exemption for the real property, excluding land, located in the Ebels General Store Commercial Rehabilitation District at 716 Chestnut for a period of 10 years, beginning December 31, 2020, and ending December 30, 2030, pursuant to the provisions of PA 210 of 2005, as amended.

AYES: Tillotson, Scharlow, Guiles, Bailey, Meinert and Burchett.

NAYS: None.

RESOLUTION DECLARED ADOPTED.

Ordinance

Motion by Bailey, seconded by Scharlow, **CARRIED**, to adopt Ordinance No. 001-2020, an Ordinance to amend Chapter 674 of the City Code, Governing Trees, Weeds and Grass. Roll call vote. Voting yes were, Burchett, Meinert, Bailey, Guiles, Scharlow and Tillotson.

CITY OF REED CITY - ORDINANCE NO. 001-2020

**AN ORDINANCE TO AMEND CHAPTER 674 OF THE CITY CODE, GOVERNING
TREES, WEEDS AND GRASS**

At a September 21, 2020 regular meeting of the City Council held at 7:00 P.M. at the City Hall, 227 East Lincoln Avenue, Reed City, Michigan 49677.

The City of Reed City ordains that:

Chapter 674 of the City Code is amended to read as follows:

674.01 DEFINITIONS

- (a) "Noxious weeds." For purposes of this chapter, "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*). The preceding noxious weeds are mere examples, and are not the only weeds that may be deemed "noxious."
- (b) "Weeds." All plant growth except flowers, vegetables, agricultural crops, trees, bushes, or grass, are hereby declared to be weeds, whether noxious or otherwise. Designated natural areas and bona fide, maintained wildflower plantings shall not be considered to contain weeds.

674.02 PUBLIC NUISANCE

All noxious weeds growing, lying, or located on any land within the City are hereby declared to be a public nuisance. All weeds and grass standing at a height of six (6) inches or more located on any land within the city and not excepted by this article are hereby declared to be public nuisances. Any tree, bush or shrubbery that by its unkempt appearance would cause public offense or cause neighboring property value to be negatively impacted or encourage criminal activity by making the property appear vacant is hereby declared to be a public nuisance.

674.03 TRIMMING OF TREES, PLANTS, SHRUBBERY AND GRASS

- (a) The City shall maintain trees, plants and shrubbery located on land within the City right-of-way in the corporate limits with any part thereof overhanging a public street or sidewalk so that it conforms to this chapter. The property owner is responsible for maintaining all trees, plants and shrubbery located on private property outside the City right-of-way to conform to this chapter.
 - (1) Trees, plants and shrubbery shall be trimmed so that a clear height of eight (8) feet between the lowest branches of the same and the street or sidewalk is maintained.
 - (2) Every dead, decayed or broken tree, plant or shrubbery, or part thereof, shall be trimmed or removed, as the case may require, so that the same shall not fall to the street or sidewalk.
 - (3) Trees, plants and shrubbery, or any part thereof, shall be cut down or removed as necessary to provide a clear and unobstructed view of traffic from all directions at any street or intersection, or to prevent obstruction to any street lights or wires.
- (b) The owner of every lot or parcel of land within the corporate limits shall cut or cause to be cut any grass or weed standing at the height of six (6) inches or more.
- (c) In accordance with the provisions of this chapter, vacant or undeveloped parcels or lots shall be exempted from the height requirement but must maintain an area of twenty (20) feet from the curb line, or road edge if there is not curb, at a height of no greater than six (6) inches to allow for a clear vision area. If an undeveloped or vacant property abuts a developed or occupied property, the twenty (20) feet also apply to the abutting property line. Said owner is not exempted from the provisions of this chapter regarding noxious weeds.

674.04 REMOVAL OF WEED AND GRASS BY OWNER

- (a) The owner, occupant or person having the charge of management of any lot or parcel of land situated within the corporate limits, whether the same be improved or unimproved, vacant or occupied, within five (5) days of written notice to do so, served upon him or her in conformity with Section 202.04 of these Codified Ordinances, shall cut or destroy or cause to be cut or destroyed any noxious or poisonous weeds or vines growing upon any such lot or parcel of land, and prevent the same from blooming or going to seed or exceeding a height of six (6) inches.
- (b) Said owner, occupant, or manager of any lot or parcel of land shall not allow or cause any accumulation of weeds, grass, leaves or cut foliage to be deposited, dumped, or disposed of upon any street or sidewalk. Excepted from this chapter are any leaves or debris picked up or collected by the City during the time of September 1st to November 15th of each year, per usual custom or practice, or through notice by publication of the City, unless it is causing a hazard to the health or safety of the public. If the above listed yard waste or debris is found to be a hazard, the owner, occupant, or manager of that lot or parcel shall be given the opportunity, when practical, to immediately abate the hazard before a citation is issued.

674.05 REMOVAL OF TREES, PLANTS, SHRUBBERY AND GRASS BY CITY

In the event the owner does not trim or remove any tree, plant, shrubbery, grass, or any part thereof, in accordance with the provisions of this chapter, then the City Manager is hereby authorized and it is hereby declared to be his or her duty, to have enforced the provisions of this chapter, and to cause to be trimmed or removed said tree, plant or shrubbery, or part thereof, and cut and remove all grass and weeds.

674.06 ASSESSMENT OF COSTS BY CITY

Whenever any tree, plant or shrubbery, or part thereof, or weeds, noxious weeds, and grass are growing in any street or public place, or upon private property contiguous to a street or sidewalk, or public place, or are a public nuisance as defined by this chapter, and are trimmed or removed by the City or its contractor, then, after the work is done, the City shall give five days notice, by regular mail, to the owner of such lot or parcel of land, at his or her last known address, to pay the cost of such trimming or removal of trees, plants, shrubbery, grass, noxious weeds, or weeds, or parts thereof. The expense shall include any actual costs or charges incurred by the City, plus any administrative charges as deemed necessary by the City Council. Said notice shall be accompanied by a statement of the amount of cost incurred, and in the event the same is not paid within thirty days after the mailing of said notice, then such amount shall be certified to the City Treasurer for collection of the same as other taxes and assessments are collected. The City Clerk or Treasurer may also file with the County Register of Deeds a statement of lien claim. This statement shall contain a legal description of the premises, the amount of the costs and expenses incurred, the date the weeds, grass, or other vegetation was cut or removed, and a notice that the City claims a lien in that amount.

674.07 EXEMPTIONS/EXCEPTIONS

This chapter shall not apply to land that is defined in Chapter 1270 Hersey River Overlay District, specifically 1270.05(b) which requires a natural vegetative buffer. The provisions of 1270.05(b) apply to any stream, creek, or other waterway that connect to or drain into the Hersey River that are not located within the defined area of the district, except those areas that do not abut the river shall have a vegetative buffer of no more than 10 feet from the edge of the water way.

- (a) This chapter does not apply to City parks and other areas that have designated natural areas. As used in the section, City Park includes those areas maintained by the City that are owned by the State of Michigan, more commonly known as the rails to trails or railroad right-of-way.
- (b) This section does not apply to land that normally and naturally has standing water or naturally growing wetland vegetation or retains sufficient moisture quantity in the soil to make it impractical to operate the necessary machinery to maintain it.
- (c) There is no exemption from the rules as stated in this chapter in regards to noxious or invasive vegetation or weeds.

674.99 PENALTY

Any violation of this chapter shall constitute a violation punishable as a municipal civil infraction. For purposes of enforcing this chapter, appearance citations may be issued by any police officer of the City.

Increased civil fines may be imposed for repeated violations by a person of any requirement or provisions of this chapter. As used in this chapter, "repeat offense" means any second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within the calendar year (January 01 - December 31) and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offender shall be as follows:

- (a) The fine for any offense which is a first repeat offense shall be no less than one hundred dollars (\$100.00) plus reimbursement to the City for charges assessed for the expense of abatement, plus costs and other sanctions for each infraction.
- (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than two hundred dollars (\$200.00) plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (c) If the offender has received a municipal civil infraction citation during the previous calendar year for an offense of this chapter, after serving an abatement notice for the current calendar year, the person shall be deemed a chronic offender and fines for the first repeat offense shall be increased to \$200 and increased to \$400 for any second or subsequent repeat offense plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction

EFFECTIVE DATE.

This Ordinance shall be effective upon publication of either the Ordinance's full text or a summary of the Ordinance prepared by the City Attorney.

ORDINANCE DECLARED ADOPTED.

This ordinance was introduced on August 17, 2020, by Councilperson McKINNEY. On the 21st day of September, 2020, upon the motion by Councilperson BAILEY, and seconded by Councilperson SCHARLOW, this ordinance was adopted.

Voting yeas: Burchett, Meinert, Bailey, Guiles, Scharlow and Tillotson.
Voting nays: None.

- CARES Act Motion by Scharlow, seconded by Tillotson, **CARRIED**, to authorize the pay out of the CARES Act Payroll/Premium grant prior to September 30, 2020. Roll call vote. Voting yes were, Bailey, Scharlow, Tillotson, Burchett, Meinert and Guiles.
- F.D. Pickup No bids were received for a used fire truck to replace Brush No. 9. The Mayor suggested a Special Meeting be called once a truck is found that meets the Fire Department specs.
- Flat bed bids Motion by Bailey, seconded by Scharlow, **CARRIED**, to approve the bid from Gerry Pontz for the sale of the Fire Department flat bed in the amount of \$500.00. Roll call vote. Voting yes were, Burchett, Tillotson, Bailey, Guiles, Scharlow and Meinert.
- Disc Golf Motion by Tillotson, seconded by Bailey, **CARRIED**, to approve Invoice No. 1186 in the amount of \$2,000.00 from Disc Golf Course Designs for disc golf course design, layout and mapping at Rambadt Park. Roll call vote. Voting yes were, Tillotson, Bailey, Meinert, Guiles, Burchett and Scharlow.
- SAW Grant Motion by Scharlow, seconded by Bailey, **CARRIED**, to approve Disbursement Request #25 from Fleis & VandenBrink in the amount of \$49,292.82 for the SAW Grant Project. Roll call vote. Voting yes were, Meinert, Scharlow, Burchett, Guiles, Tillotson and Bailey.
- Introduce Councilperson Bailey introduced Ordinance No. 002-2020, An Ordinance to repeal Section 1044.08 of Chapter 1044, Title Four, regarding Summer Sewer Charges.
- Bulk Salt Motion by Scharlow, seconded by Bailey, **CARRIED**, to approve the State of Michigan MiDeal contract price with Compass Minerals for bulk salt as presented in the amount of \$34,840.00. Roll call vote. Voting yes were, Bailey, Burchett, Tillotson, Guiles, Meinert and Scharlow.
- Budget Amend Motion by Tillotson, seconded by Bailey, **CARRIED**, to approve Budget Amendments as presented by the City Treasurer. Roll call vote. Voting yes were, Scharlow, Burchett, Tillotson, Guiles, Meinert and Bailey.
- RC Brewing Motion by Meinert, seconded by Scharlow, **CARRIED**, to approve Reed City Brewing to close off their six parking spaces and the area in front of their overhead door for their October Fest event on October 3, 2020, as presented in the drawing. Roll call vote. Voting yes were, Bailey, Burchett, Guiles, Meinert, Scharlow and Tillotson.
- Consent Motion by Scharlow, seconded by Burchett, **CARRIED**, to accept the Consent Agenda as presented. Roll call vote. Voting yes were, Tillotson, Scharlow, Guiles, Bailey, Meinert and Burchett.
- City Manager City Manager, Ron Howell, submitted a written report.
- CDBG Hearing Motion by Bailey, seconded by Burchett, **CARRIED**, to set a Public Hearing for October 19, 2020 at 7:00 P.M. for the Closeout of the CDBG grant to Yoplait. Roll call vote. Voting yes were, Bailey, Scharlow, Tillotson, Burchett, Meinert and Guiles.
- WA Asset Motion by Burchett, seconded by Bailey, **CARRIED**, to accept the Water Asset Management Rate Study as presented. Roll call vote. Voting yes were, Scharlow, Meinert, Guiles, Burchett, Tillotson and Bailey.
- Wages Motion by Scharlow, seconded by Bailey, **CARRIED**, to approve a \$.25/hour increase for the Police Department Secretary/Cleaning person effective July 1, 2020. Roll call vote. Voting yes were, Burchett, Tillotson, Bailey, Guiles, Scharlow and Meinert.

- CRLGG Motion by Scharlow, seconded by Tillotson, **CARRIED**, to approve the Michigan Department of Treasury Coronavirus Relief Local Government Grants (CRLGG) Program Grant Opening Certificate and authorize the City Manager to sign. Roll call vote. Voting yes were, Tillotson, Bailey, Meinert, Guiles, Burchett and Scharlow.
- Mayor Report Mayor Guiles thanked Dan Burchett for attending the Ebels ground breaking and Dave Scharlow for taking the special meeting in his absence.
- Bills Mayor Guiles 2020 Schedule of Reviewing Bills appoints Dave Scharlow to review bills prior to the October meeting.
- Attorney City Attorney Wotila submitted a written report and along with a Legal Opinion regarding Write-In Candidates for City Council for the November General Election.
- Comments Nate Bailey commented he had been speaking with Bob Toland who is working as a Planning Consultant with Richmond Township and who was also involved with the creation of the City Master Plan. They discussed working on a plan that would be beneficial to both City and Township for the purposes of expanding water and sewer lines in the 220th corridor. Some council members voiced their opposition of Nate meeting with Bob Toland and Brad Doornbos discussing development of the corridor as it gives the picture that Nate is representing the City. Other council members did not see a problem with Nate discussing possibilities for development with whomever he chooses.
- Carol Tillotson commented it has been an odd and crazy unusual year due to the COVID situation and appreciated everyone on staff and also commented the downtown area looks rough and hopefully next spring there can be a “Refresh Reed City” event to help clean it up again.
- Adjourn Mayor Guiles adjourned the meeting at 8:53 P.M.

Jacalyn R. Beam, City Clerk