

**CITY OF REED CITY
REGULAR COUNCIL PROCEEDINGS
JUNE 16, 2014**

Mayor Danzeisen called the meeting to order at 7:00 P.M. in Council Chambers, 227 East Lincoln Avenue, Reed City, Michigan.

- Present** Mayor, Bonnie Danzeisen. Council Members: David Bisbee, Marlene Fatum, Karen McKinney, Roger Meinert, Dave Scharlow and Carol Tillotson. City Manager, Ron Howell and City Attorney, Cynthia Wotila was also present. Department Heads, Curt Brackenrich, Jim Decker and Barbara Westerburg also attended. The meeting was opened with the pledge to the flag. Citizens were in the audience.
- Public Hearing** A public hearing opened at 7:00 P.M. to receive public comments on the Petition to Rezone 123 W. Church Avenue from Residential 1 to Residential 3. Glen Boprie, officer of the Trinity Lutheran Church, explained the Church and School have been sold and the house will be sold separately and that due to the size of the lot it needs to be rezoned to R-3 accordingly. Motion by McKinney, seconded by Fatum, **CARRIED**, to close the public hearing. Affirmed by voice vote. The hearing was closed at 7:03 P.M.
- Public Hearing** A public hearing opened at 7:03 P.M. to receive public comments on the Moving Sign Ordinance. Ron Howell explained the Planning Commission spent a long time putting this digital sign ordinance together and they are recommending its approval. Motion by Fatum, seconded by Bisbee, **CARRIED**, to close the public hearing. Affirmed by voice vote. The hearing was closed at 7:05 P.M.
- Del/Add** Under Audience Presentations added was Peter Jaklevic and John Chickering. Under New Business No. 7: Discussion and Action authorizing the Fire Dept. to apply for a DNR Grant.
- Agenda** Motion by Bisbee, seconded by McKinney, **CARRIED**, to approve the Agenda as amended. Affirmed by voice vote.
- Minutes** Motion by Scharlow, seconded by Fatum, **CARRIED**, to accept the minutes of the May 19, 2014 regular meeting as presented. Affirmed by voice vote.
- Bills** Motion by Danzeisen, seconded by Fatum, **CARRIED**, to approve paying bills for \$215,883.48 as presented. Roll call vote. Voting yes were, Fatum, Tillotson, McKinney, Bisbee, Scharlow, Danzeisen and Meinert.
- Audience** Christine Cox from the Reed City Area District Library addressed council seeking approval to put information on the District Library August ballot Proposals in the City Newsletter which is sent out with Summer Taxes.
- Peter Jaklevic, Mecosta County Prosecuting Attorney, introduced himself and advised Council he is seeking election as District Court Judge in the November General Election.
- John Chickering, of Chickering Associates, Inc., presented a power point presentation on the new City website and demonstrated how easy it is to use. The City office has the option to manage all of the content of the website; it can be done internally by City Hall.
- Reports** Chief Decker, Fire Dept., Chief Davis, Police Department, Tom Plummer, DPW and Curt Brackenrich, WWTP, filed written reports.
- David Bisbee left the meeting at 7:50 P.M. and returned at 7:51 P.M.
- Rezone** Motion by Scharlow, seconded by McKinney, **CARRIED**, to approve Rezoning of 123 W. Church Avenue from Residential 1 to Residential 3. Affirmed by voice vote.

Ordinance Motion by Scharlow, seconded by Tillotson, **CARRIED**, to adopt the Moving Sign Ordinance. Roll call vote. Voting yes were, Scharlow, Bisbee, McKinney, Fatum, Tillotson, Danzeisen and Meinert.

AN ORDINANCE TO AMEND TITLE 4 OF THE CODIFIED ORDINANCES OF REED CITY BY AMENDING SECTIONS 1240.07, 1282.03 AND ADDING A NEW SECTION 1282.06.

The City of Reed City ordains:

Section 1240.07 is amended to add a new subsection (7) which reads as follows

“Character Area is the portion of an Electronic Message Center that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.”

Section 1240.07 is further amended to add a new subsection (19) which reads as follows

“Electronic Message Center (EMC): A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.”

Section 1240.07 is further amended to add a new subsection (41) which reads as follows

“Nit: A unit of luminance equal to one candela per square meter.”

Section 1240.07 is further amended to renumber the subsections to reflect the addition of new subsections (7), (19), and (41).

Section 1282.03(a) is amended to read:

“Signs which incorporate in any manner any flashing or moving lights, including portable Electronic Message Centers, Digital L.E.D. signs, and fiber optic display units. This subsection does not apply to Electronic Message Centers in conformity with Section 1282.06.”

A new Section 1282.06 is added, which will read:

“1282.06 ELECTRONIC MESSAGE CENTERS (EMCs)

(a) An Electronic Message Center (EMC) may be permitted on a Sign in Commercial or Industrial District, if it complies with the following requirements:

- (1) The EMC shall comply with the location requirements that generally apply to signs within the district in which it will be located, as specified in Section 1282.05.
- (2) It is the only EMC located on the lot. The Zoning Administrator may waive this requirement.
- (3) The EMC’s Character Area shall have a single color background that displays a single color at any one time.
- (4) The EMC shall be incorporated into a permanent Sign.
- (5) The EMC’s Character Area shall consist of no more than 50 percent of the allowable sign area specified in this Code for the zoning district in which the sign is located. EMCs on signs that are 32 square feet or less in area are exempt from this limit.
- (6) The EMC’s Character Area shall not appear to flash; undulate; pulse; portray explosions, fireworks, flashes of light, or blinking or chasing lights; move toward or away from the viewer; expand or contract; bounce; rotate; spin; twist; or engage in other similar movements.
- (7) The EMC’s Dwell Time, defined as the interval of change between each individual message on Character Area, shall be at least 5 seconds and a change of message must be accomplished within one second. The Dwell Time shall not include the one second or less to change the message.

City of Reed City Council Minutes – June 16, 2014

- (8) In the EMC's Character Area, the message shall remain lit and unchanged a minimum of 10 seconds hold time.
 - (9) The EMC's message may scroll or travel off of the Character Area, subject to the following limitations:
 - (i) A traveling or scrolling message may only come from one direction.
 - (ii) No message shall take more than five seconds to be displayed in its entirety.
 - (iii) Once a message has scrolled, the Character Area may not change for five seconds.
 - (10) The EMC shall not have audio output.
 - (11) The EMC shall have automatic dimming capability that automatically adjusts the brightness level of the EMC to ambient light at all times of the day and night.
 - (12) The EMC shall not exceed a maximum illumination of 5,000 nits when measured at the sign's face during daylight hours and a maximum illumination of 200 nits when measured from the sign's face between dusk to dawn.
 - (13) If it is located in a residential zone, or within 150 feet of a residential zone, the EMC shall discontinue the display between the hours of 11:00 p.m. and 6:00 a.m.
- (b) An EMC is permitted in a residential district only if it is displayed at a school, churches or government building, and otherwise complies with Section 1282.06(a).
- (c) An EMC is exempt from the requirements of Section 1282.06(a) if it is less than eight inches of height, meets the illumination requirements set forth in Section 1282.06(a)(12), and satisfies one of the following requirements:
- (1) The EMC does not face a public street or land zoned or used for residential purposes, or
 - (2) The EMC is used for drive through restaurants, gas stations and similar establishments serving motorists.
- (d) Before receiving a sign permit for an EMC under Section 1282.06(a) - (c), the applicant shall give the Zoning Administrator a certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of Section 1282.06(a). The zoning administrator, in its discretion, may require a dimmer display for an EMC that would otherwise comply with Section 1282.06(a), if in the administrator's opinion:
- (1) It is brighter than is necessary for clear and adequate visibility; or,
 - (2) It is of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight; or,
 - (3) It would otherwise interfere with the driver's operation of a motor vehicle; or,
 - (4) It would be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- (e) The owner of any EMC programmed from the site or from a remote location shall make the computer interface that programs the EMC available to the City staff for inspection upon request. If the EMC's computer interface is not immediately available, its owner shall cease operation until such access is provided.
- (f) EMC sign permit applications shall include a certification from the owner or operator of the sign stating that the sign shall be operated in accordance with City Code, and that the owner or operator shall provide proof of such conformance upon request of the City."
- (g) **Effective Date:** Thirty days after publication

City of Reed City Council Minutes – June 16, 2014

- Ferric Chloride** Motion by Scharlow, seconded by Fatum, **CARRIED**, to accept the bid from Alexander Chemical in the amount of \$513/per dry ton for Ferric Chloride for the WWTP. Roll call vote. Voting yes were, Meinert, Danzeisen, Bisbee, Tillotson, McKinney, Scharlow and Fatum.
- Website/Ord.** Motion by Scharlow, seconded by Fatum, **CARRIED**, to approve American Legal Publishing to put the City Code of Ordinances on the new website in the amount of \$995.00 for the Code convert and \$450/per year for Hosting Code. Roll call vote. Voting yes were, Danzeisen, Fatum, McKinney, Meinert, Scharlow and Tillotson. Bisbee voted no.
- WA line claims** Motion by Meinert, seconded by Tillotson, **CARRIED**, to pay the list of frozen water line claims for a total amount of \$775.00 as recommended by the City Manager. Roll call vote. Voting yes were, Tillotson, McKinney, Danzeisen, Bisbee, Scharlow, Meinert and Fatum.
- Claim deadline** Motion by Meinert, seconded by Fatum, **CARRIED**, setting a deadline of July 15, 2014 for any remaining frozen water line thawing claims. Affirmed by voice vote.
- Depot Lease** Council direct the City Manager to gather three years of income/expenses generated by the Depot, place a value on the building and figure an emergency/repair fund based on these figures. Ron is to report back to Council next month.
- Demolition** Motion by Scharlow, seconded by Tillotson, **CARRIED**, to approve Pay Request #2 from Bierlein Companies, Inc., in the amount of \$125,300.00 for demolition work of the former Osceola Inn. Roll call vote. Voting yes were, Scharlow, Meinert, Bisbee, Danzeisen, Fatum, Tillotson and McKinney.
- Prop & Liability** Motion by McKinney, seconded by Tillotson, **CARRIED**, to approve Invoice 2236 from Municipal Underwriters of Michigan in the amount of \$39,613.00 for Michigan Township Participating Plan Property and Liability Insurance for the fiscal year 2014-2015. Roll call vote. Voting yes were, Fatum, Tillotson, McKinney, Bisbee, Scharlow, Danzeisen and Meinert.
- Foreclosed Prop** Motion by Bisbee, seconded by McKinney, **CARRIED**, to decline the First Right of Refusal on all three properties. Affirmed by voice vote.
- Fund Balance** Motion by Fatum, seconded by McKinney, **CARRIED**, to approve the Designatin of Fund Balance as of 6-30-14. Roll call vote. Voting yes were, Meinert, Scharlow, Fatum, McKinney, Danzeisen, Tillotson and Bisbee.

Designation of Fund Balance as of 6-30-14

	6/30/2012	Additions 6/30/2013	Balance 6/30/13	Additions/Subtractions 6/30/2014	Balance 6/30/2014
<u>Committed</u>					
Budget Stabilization	\$265,267.00				
Subsequent year expenditures	<u>-\$32,862.00</u>				
Total Committed	\$232,405.00		\$232,405.00	\$0.00	\$232,405.00
<u>Assigned Fund Balance</u>					
Police Dept. (90% Weighmaster)	\$582.96	\$4,286.70	\$4,869.66	\$1,140.48	\$6,010.14
Fire Dept. (Sale of Jeep)		\$3,150.00	\$3,150.00	-\$3,150.00	\$0.00
Subsequent year expenditures	\$0.00	\$0.00	<u>\$0.00</u>	\$0.00	<u>\$0.00</u>
Total Assigned			\$8,019.66		\$6,010.14
<u>Restricted Fund Balance</u>					
COPS Grant		\$75,000.00	\$75,000.00	-\$24,688.00	<u>\$50,312.00</u>
Total Restricted					\$50,312.00

Write-Offs Motion by Bisbee, seconded by Scharlow, **CARRIED**, to approve the list of write-offs except Cherry Blossom for a total of \$1,176.27. Roll call vote. Voting yes were, McKinney, Scharlow, Bisbee, Meinert, Danzeisen, Tillotson and Fatum.

Resolution to Write Off Delinquent Accounts

The following receivables are recommended for write-off:

Delinquent w/s bill 402 W. Lincoln Johathan Engman Electronic Mortgage Co.	\$35.12	No known address – property has been sold
Delinquent w/s bill 617 S. Chestnut Barbara Richardson	\$329.98	Went into bankruptcy – property sold at auction. No legal authority to collect from new Owner.
Delinquent burial fees Alice Brown	\$125.00	No known address for family. Estate is closed.
Moving vacant property 300 W. Fifth	\$50.00	Foreclosure property
Parking Tickets	\$315.00	Tickets older than 2011.
Cherry Blossom	\$3,136.00	Bankruptcy. OMIT
Rhode Construction	\$321.17	Reimbursement for meter.
Total	\$4,312.27	\$ 1,176.27

Budget Amend Motion by McKinney, seconded by Bisbee, **CARRIED**, to approved Budget Amendments as presented. Roll call vote. Voting yes were, Bisbee, Fatum, Tillotson, Danzeisen, Meinert, Scharlow and McKinney.

RESOLUTION FOR BUDGET AMENDMENTS

DATE: June 16, 2014

Resolution by the City Council to Amend the 2013/14 fund/department budgets as follows:

<u>FUND/ACCOUNT DESCRIPTION</u>	<u>PRESENT BUDGET</u>	<u>ACTUAL TO DATE</u>	<u>ESTIMATED YEAR END</u>	<u>AMENDED BUDGET</u>	<u>INCREASE (DECREASE)</u>
1. <u>#101 General Fund</u>					
<u>Expenditures (by Department)</u>					
#263 City Treasurer	67,890	51,118	64,890	64,890	(3,000)
#267 City Assessor	23,370	21,739	24,370	24,370	1,000
#276 Cemetery	38,315	27,593	39,000	39,000	685
#269 City Other Properties	8,700	7,577	10,000	10,000	1,300
#336 Fire Department	128,834	122,515	145,834	145,834	17,000
#441 DPW	131,000	125,785	143,320	143,320	12,320
#448 Street Lighting	60,500	28,686	46,000	46,000	(14,500)
#262 Elections	1,680	545	1,000	1,000	(680)
#172 City Manager	30,600	28,597	31,886	31,886	1,286
#216 City Clerk	61,590	52,926	60,000	60,000	(1,590)
#301 Law Enforcement	414,965	386,245	420,000	420,000	5,035
#851 Ins, Bonds, & Fringes	48,450	41,499	51,250	51,250	2,800
<u>Total Increase In Expenditures</u>					<u>\$ 21,656</u>

City of Reed City Council Minutes – June 16, 2014

Revenues (by account)					
#626 Chrg for Fire Services	4,000	8,688	9,000	9,000	5,000
#574 Sales Tax	211,906	153,549	230,892	230,892	18,986
#690 Fund Reserve	7,650	-	-	-	(7,650)
#655 Ord. Fines & Costs	16,000	17,772	19,000	19,000	3,000
#675.300 Private Contrib.	5,313	7,633	7,633	7,633	2,320
Total Increase In Revenues					\$ 21,656

Reason:
Year-end budget adjustments.

FUND/ACCOUNT DESCRIPTION	PRESENT BUDGET	ACTUAL TO DATE	ESTIMATED YEAR END	AMENDED BUDGET	INCREASE (DECREASE)
2. #202 Major Street					
Expenditures (by Department)					
Dept. 478 Winter Maint.	54,000	33,314	48,000	48,000	(6,000)
Dept. 502 Trkline Leave & Benefits	3,500	3,843	4,500	4,500	1,000
Dept. 503 Trkline Overhead	2,390	2,388	3,000	3,000	610
Dept. 486 Surface Maint.	1,000	4,406	7,000	7,000	6,000
Total Increase In Expenditures					\$ 1,610
Revenues (by account)					
#577.200 State Trunkline Reimb.	31,740	29,947	33,350	33,350	1,610
Total Increase In Revenues					\$ 1,610

Reason:
Increase Trunkline departments for additional expenses. Move excess winter maint. Funds to other depts.

3. #203 Local Street					
Expenditures (by Department)					
#483 Administration	4,710	3,964	5,500	5,500	790
#478 Winter Maint	46,320	27,375	45,530	45,530	(790)
Total Increase In Expenditures					\$ -

Reason:
To increase admin. Expense to maximize 10% of gas/wght tax revenue allowable.

FUND/ACCOUNT DESCRIPTION	PRESENT BUDGET	ACTUAL TO DATE	ESTIMATED YEAR END	AMENDED BUDGET	INCREASE (DECREASE)
4. #208 Park Commission Fund					
Expenditures (by Department)					
Dept. 774 Summer Musio	13,025	11,380	16,025	16,025	3,000
Total Increase In Expenditures					\$ 3,000
Revenues (by account)					
#675.300 Contr. From Priv. Sources	3,000	6,000	6,000	6,000	3,000
Total Increase In Revenues					\$ 3,000

Reason:
Increase music program revenue & expenses by \$3,000 received from General Mills Foundation.

Staffing Plan Motion by Bisbee, seconded by McKinney, **CARRIED**, to approve the City Staffing Plan as presented by Ron Howell for the physical year to be effective July 1, 2014 through June 30, 2015. Roll call vote. Voting yes were, Meinert, Danzeisen, Bisbee, Tillotson, McKinney and Fatum. Scharlow voted no.

Grant Motion by McKinney, seconded by Meinert, **CARRIED**, to authorize the Fire Department to apply for a grant from the DNR. Affirmed by voice vote.

City of Reed City Council Minutes – June 16, 2014

- Consent Motion by Bisbee, seconded by McKinney, **CARRIED**, to accept the Consent Agenda as presented. Affirmed by voice vote.
- Committee No Committees have met.
- City Manager Ron Howell reported on the use of Westerburg Park ball fields and what has been done in prior years to coordinate use and upkeep expenses.
- Bills Mayor Danzeisen appointed Karen McKinney to review bills prior to the next meeting.
- Attorney Attorney, Cynthia Wotilia, recommended Council go into closed session to discuss pending litigation, trial strategy and settlement negotiations.
- Closed Door Motion by Bisbee, seconded by McKinney, **CARRIED**, to go into closed door session to discuss pending litigation, trial strategy and settlement negotiations. Affirmed by voice vote.
- Council went into closed session at 9:12 P.M.
- Council returned to open session at 9:36 P.M.
- No decisions were made during the closed session.
- Adjourn Motion by Scharlow, seconded by Meinert, **CARRIED**, to adjourn at 9:37 P.M.

Jacalyn R. Beam
City Clerk