

CITY OF PERRY REGULAR COUNCIL MEETING

PERRY COMMUNITY BUILDING

REGULAR CITY COUNCIL MEETING HELD ON May 19, 2009

PRESENT: COUNCILMEMBERS, MARK LANDERS, BRAD SHARLOW, CHRISTINE TOBIAS, GREGORY WEKWERT, TERRY WOOD, MAYOR, ROSS DELAU AND DEPUTY CLERK, DEVIN MILLER

ABSENT: COUNCILMEMBERS, THOMAS CHAPUT and CITY CLERK, JUDY GUENTHER

ALSO PRESENT: Treasurer, Jo Ann Velting and DPW Superintendent, Chuck Mudge

Mayor Ross DeLau called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

READING AND APPROVAL OF THE MINUTES:

05-15-09-01

Moved by Wekwert, seconded by Tobias that we suspend the rules, waive the reading and approve the minutes of the May 5, 2009 meeting as written. Carried, all aye.

COMMUNICATIONS:

A letter was read from Michigan Public Service Commission regarding any complaints pertaining to their video/cable company.

COMMITTEE REPORTS:

Mark Landers, chair of the Finance and Ordinance Committee informed Council that the next meeting will be June 11th at 6:30pm in Council Chambers. Here are the items to be discussed:

- Compensation for Special Planning Commission's Meetings
- Alcohol Management Policy Proposal
- Development of a new Receipt of Gifts Ordinance
- Planning Commission Updates
- Consumers Energy Report

He also presented the Reporting Policy and Procedures to Council.

05-15-09-02

Moved by Landers, seconded by Sharlow that we approve the striking of the Perry Building Authority from the City of Perry Authorities, Boards & Commissions Reporting Policy & Procedures. Carried, all aye.

05-15-09-03

Moved by Landers, seconded by Sharlow that the Committee Reporting Policy, presented by the Finance and Ordinance Committee, be approved as written. Carried, all aye.

Greg Wekwert informed Council that the Planning Commission next meeting will be June 1st at 6:30pm in Council Chambers.

PRESENTATION AND APPROVAL OF THE BILLS:

05-15-09-04

Moved by Wood, seconded by Landers that we approve the bills as presented and that payment be authorized. Carried, all aye.

OLD BUSINESS:

7:15pm – Public Hearing Regarding Keeney St. Sidewalk Special Assessment

Public Hearing Comments:

Letter from Shannon Dvorak, 205 Keeney Street was read opposing the Sidewalk Special Assessment

Letter from Mary Wilson, 213 Keeney Street was read opposing the Sidewalk Special Assessment.

Other Comments-

Don Miller, 630 N. Main St, informed Council he was not for or against the Sidewalk Special Assessment. He was here to clarify the percent he would have to pay for this project. He recommended to the City to wait on the sidewalk until funds were available to place sidewalks on both sides of Keeney St.

Michael Stenfelt, 631 N. Madison St, informed Council he was not for or against the Sidewalk Special Assessment. He asked Council what his cost of the project would be. He also recommended a 4 way stop sign be placed at the corner of Madison St. and Keeney St.

Leona Smith, 208 Keeney St., recommended to Council to close down Keeney St. at the school.

Judy Roys, owner of 207 Keeney St., is opposed to the Special Sidewalk Assessment. She has concerns with the cost of the project with today's economy and recommended to Council that the sidewalk be placed closer to the road.

Public Hearing closed at 7:45pm

05-15-09-05

Moved by Wood, seconded by Tobias that we pass the following resolution:

WHEREAS a public hearing has been held on the creation of a special assessment district for the purpose of defraying the cost for sidewalks for the below described properties, and

WHEREAS the Perry City Council has determined the necessity of the said improvements, that the estimated cost of the project is \$ 6980.00, that the City shall pay 50% of the cost except for those properties on corner lots, in which case the City shall pay 75% of the cost. The City's share shall be paid from General Fund as a general obligation of the city and that the balance of the cost shall be paid by special assessment, and

WHEREAS it is determined to make such assessment payable in five year (5) installments, bearing interest on the unpaid balance at the rate of 0% per annum.

THEREFORE the City of Perry does hereby create a special assessment district consisting of the below described parcels of property, and the City assessor is directed to prepare and make out an assessment roll for the total amount of \$ 2055.55 based on frontage of the below described lots and premises, and said amount being 50%, except those properties on corner lots, then 25% of the total estimated cost of \$6980.00. Upon completion of said roll, the Assessor shall report the same to the City Council, pursuant to Perry City Code, Section 206. The lots and premises to be assessed and to constitute the special assessment district herein created are as follows:

Donald & WF Miller
630 N Main St.
Perry, MI 48872
024-48-047-000
145 feet

Wells Fargo
105 Keeney St.
Perry, MI 48872
024-48-039-000
82 feet 6 inches

Michael Stenfelt
631 N Madison St.
Perry, MI 48872
024-48-040-000
82 feet 6 inches

Shannon Mac Quarrie (DVORAK)
205 Keeney St.
Perry, MI 48872
024-48-028-000
82 feet 6 inches

Judy Roys & John Scheffler
207 Keeney St.
Perry, MI 48872
024-48-027-000
82 feet 6 inches

Gregory & Diane Wekwert
209 Keeney St.
Perry, MI 48872
024-48-017-000
18 feet

Mary Wilson
213 Keeney St.
Perry, MI 48872
024-48-018-000
82 feet 6 inches

Discussion. Council agreed that due to these difficult economic times, they would charge zero percent interest for this Sidewalk Special Assessment. They do not want to set precedence and noted that this would be for one time only. Wekwert abstained from voting due to having a financial interest. Tobias, Sharlow, Wood voting "Yes" and Landers voting "No". Motion carried.

8:30pm – Public Hearing Regarding 2009/2010 City Budget and City Millage Rate
Public Hearing closed at 8:43pm

05-15-09-06

Moved by Lander, seconded by Sharlow that inasmuch as a public hearing was held and all comments were heard for the proposed 2009/2010 budget of all City Funds with General Ledger by Activity Number form and all other funds by revenue and expense totals, let same be approved. Carried, all aye.

05-15-09-07

Moved by Sharlow, seconded by Wood that we set the City of Perry Tax Millage Rate for 2009 at 13.5789. Carried, all aye.

Finance and Ordinance Committee Proposals

This issue was taken care of during Committee Reports.

SATA Agreement

Tabled.

Discussion Regarding Digital Ally Camera

05-15-09-08

Moved by Sharlow, seconded by Wood that we amend motion 05-05-09-06 regarding the Police Department purchases, to let the approval of the 2010 Police Vehicle from Motor Pool Stand, and that the approval of the Digital Ally Camera from Drug Forfeiture Fund be tabled. Carried, all aye.

NEW BUSINESS:

Set Public Hearing for Keeney St. Sidewalk Special Assessment

05-15-09-09

Moved by Tobias, seconded by Landers that we set a public hearing for Tuesday, June 16, 2009 at 7:15pm in the City Hall Council Chambers to hear comments on the Special Assessment Roll for construction of sidewalks on Keeney Street in 2009. Carried, all aye.

Ordinance No. 305 Regarding Amendment of Sewer Rates-First Reading

05-15-09-10

Moved by Wood, seconded by Landers that the following Ordinance No. 305, an Ordinance to amend Sewer Rates and which reads as follows, be placed on the next agenda for possible adoption:

THE CITY OF PERRY ORDAINS:

Perry City Code Sections 1042.12(a) and (b) are hereby repealed and the below stated sections 1042.12(a) and (b) are substituted in their place and stead:

1042.12 CHARGES FOR SERVICE IN CITY

(a) Water Users.

- (1) The rate for a single-family residential premises connected to the City water system shall be Twenty-Eight Dollars and Twenty-Five Cents (\$28.25) per month.

(2) The rate for any premises connected to the City water system, other than a single-family residence, shall be Twenty-Eight Dollars and Twenty-Five Cents (\$28.25) per month for each single-family residential equivalency of the premises, as determined from the Table of Unit Factors as provided in subsection (c) hereof. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the rate for a single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

(b) Non-Water Users.

(1) The rate for a single-family residential premises which is not connected to the City water system shall be Thirty-One Dollars and Fifty Cents (\$31.50) per month.

(2) The rate for any premises which is not connected to the City water system, other than a single-family residence, shall be Thirty-One Dollars and Fifty Cents (\$31.50) per month for each single-family residential equivalent, based on the single-family residential equivalency of the premises, as determined from the Table of Unit Factors as provided in subsection (c) hereof. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the rate for a single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

Perry City Code Sections 1042.13(a) and (b) are hereby repealed and the below stated sections 1042.13(a) and (b) are substituted in their place and stead:

1042.13 CHARGES FOR SERVICE OUTSIDE CITY.

(a) Single-Family Residence Rate. The rate for sewerage service for a single-family residential premises shall be Forty-Four Dollars (\$44.00) per month.

(b) Single-Family Residential Equivalent. The rate for any premises other than a single-family residence shall be Forty-Four Dollars (\$44.00) per month for each single-family residential equivalent, based on the single-family residential equivalency of the premises, as determined from the Table of Unit Factors provided in subsection (c) hereof. Such Table shall set forth and identify the type of premises and all applicable factors to be multiplied by the rate for a single-family residential premises. Such Table may be modified or amended from time to time by resolution of Council.

This Ordinance to take effect 30 days from date of publication and shall be effective as of the August 1, 2009 sewer billings. Discussion. Landers voting "No" and Wood, Sharlow, Wekwert, Tobias voting "Yes". Motion carried.

Workhorse Civil Design Group Contract Approval

05-15-09-11

Moved by Sharlow, seconded by Wood that we approve the contract for the Design and Construction Engineering Fees for the City of Perry Sewer System Improvements with Workhorse Civil Design in an amount not to exceed \$95,000.00, and authorize the Mayor to sign contract subject to the approval of the City Attorney.

Discussion. Wood, Sharlow, Tobias, Wekwert voting "Yes" and Landers voting "No". Motion carried.

ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:

The Mayor appointed John Yocolano, 431 Wild Oak Lane to the Planning Commission for a term expiring January 2011.

05-15-09-12

Moved by Wood, seconded by Landers that we approve the Mayors appointment of John Yocolano to the Planning Commission, term expiring January 2011. Carried, all aye.

COUNCIL DISCUSSIONS & OBSERVATIONS:

Mark Landers gave thanks to JoAnn, for all the work she did on next years budget.

Terry Wood asked Jo Ann for a copy of the agreement regarding the 425 Britton Point with Perry Township.

Christine Tobias informed Council there will be a Parks and Property meeting May 27th at 7pm in Council Chambers.

ITEMS FOR NEXT AGENDA:

- 1. MERS
- 2. Dan Hare, Perry Public Schools
- 3. SATA

ADJOURNMENT: 9:07 P.M.

Ross A. DeLau, Mayor Date

Devin Miller, Deputy City Clerk Date