

Present: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

Absent: Harrington.

Work Session began at 5:30 p.m.

City Manager Schooley informed the Commissioners:

PARKS: USE BY BUSINESSES

Recently the City has been approached by a couple of businesses inquiring about using space in city parks to conduct fitness type classes. These classes are paid for by customers to the business.

Ordinance 36-40 states that in a public park, no person, unless authorized by the city commission, shall:

- 1. Expose or offer for sale any article or thing;*
- 2. Announce, advertise or call the public attention in any way to any article or service for sale or hire.*

Staff would like to have some discussion and to get some thoughts on the commissioner's interpretation of the ordinance. We believe the parks are a wonderful place for this kind of activity, and fully support our local businesses, but we want to be proactive and make sure we are consistent in our application of the ordinance. The Park Board could develop a policy similar to the pavilion reservation for the commission to consider. Commissioners agreed to have this issue presented to the Park Board for further action.

UPDATE: WATER ORDINANCE – DEMOLITION OF WELLHOUSE ON PINE AND CENTER

For the past 5 months we have been in discussions with MRP Properties to finalize a letter of agreement to memorialize the terms pursuant to which MRP properties and the City of Alma are agreeing to take all steps necessary and appropriate to perform the plugging and abandonment of City Water Well 2A (Pine and Center), amend Chapter 22 of the City's ordinances to regulate and prohibit wells within the City, and record covenants and institutional controls restricting the use of certain city property.

Public Services Director Leute has put together a tentative timeline that would bring the letter of agreement and ordinance amendment to the commission by the first meeting in August. We are hopeful that the wellhouse would be demolished by mid-August, and the well plugged and abandoned by the beginning of September. MRP shall bear the cost of for the plugging and the abandonment of well 2A.

City Attorney Costanzo is working on finalizing the amendment to the ordinance. Both parties have agreed in principle to the contents of the ordinance, subject to commission approval.

All of the specifics will be brought to the commission within the next month. This has been a long and arduous project. Thanks so much to Rick Draper of MRP Properties for his patience and commitment to getting the agreement finalized.

DRAFT RESOLUTION TO AMEND FEE FOR NOXIOUS WEEDS ENFORCEMENT

On July 22, 2014 a resolution establishing the administration fee for noxious weed cutting at \$200.00 per mow, with a reduction in the fee to \$100.00 if paid within 30 days was approved by the commission. This has proved cumbersome, as our finance systems are not set up to deal with reductions in fees. Code Enforcement Official Aaron Hale would like to propose the following draft resolution for amendment:

Consideration of a resolution establishing the administration fee for noxious weed cutting at \$100.00 per mow, with a \$100.00 late fee if not paid within 30 days.

EMPLOYEE ACHIEVEMENTS

Darren Johnson, Wastewater Superintendent, is pleased to announce that Steve Onstott has passed the Michigan Department of Environmental Quality Class D Municipal Wastewater Treatment Plant Operator Certification exam. Congratulations to Steve on this accomplishment. Steve will now begin the process of working on his Class C certification.

Johnson is also very pleased to announce that Micah Kemler has passed the Michigan Department of Environmental Quality (MDEQ) Class A Municipal Wastewater Treatment Plant Operator Certification exam. Class A is the highest level of certification in the MDEQ program. Congratulations to Micah on this significant achievement.

Bill Pilmore, Water Systems Superintendent is pleased to inform the commission that Doug Sierakowski recently passed his S-2 Drinking Water Operator Certification exam. Bill advises that Doug is to be commended for the extra effort put in by Doug to obtain the certifications. Congratulations to Doug.

MARIHUANA – JULY 10TH

Staff has had discussions relative to the introduction of the Medical Marihuana Ordinance at the June 12th City Commission meeting. We are looking to have discussion on the intention of the commission for the July 10th meeting. The ordinance has been introduced, is it the intent of the commission to vote for or against the ordinance on July 10th, or is the intent to wait? If there is going to be a vote, we feel we have a responsibility to the community to make sure that is understood. There has been quite a bit of misunderstanding in relation to when a vote may or may not take place.

City Manager Schooley submitted a compilation of questions received by the Community since the introduction of the ordinance at the last commission meeting. He is submitting these for your consideration as you decide how to best move forward with this process.

What is our desired outcome of this ordinance?

Why do we need to enact an Ordinance?

What are effects of passage or rejection of November recreational marihuana ballot initiative?

What are the concerns of City of Alma Staff:

- Public Safety Director?
- Police Chief?
- Fire Chief?
- City Manager?
- Community Development Director?
- Finance Director?
- Public Services Director?

What other City of Alma Departments are affected, and have we addressed their concerns?

In the 18 months since the Public Act 281 of 2016 has been legislated, why have only

- 36 cities (13% of 276 cities),
- 7 villages (3 % of 257 villages), and
- 50 townships (4 % of total of 1240 townships) enacted ordinances?

What can we learn from these other municipalities?

How does our Ordinance language compare with these other 96 municipalities (other than number of facilities)?

What were the Newaygo Police Department findings regarding effect of marihuana in a Colorado town?

What has been the effect on Village of Chesaning due to their Ordinance?

- Were the applications ‘suspended’, and if so, why?
- Effect on City Staff?
- Effect on Village?

What was the original intent of the ordinance, and has this been addressed?

Does the Ordinance apply to current and future caregivers?

What are we trying to regulate?

How do we think we will enforce the Ordinance?

What items are enforceable?

What are the Ordinance administrative costs to the City of Alma?

- Application work load and duration
- On-going monitoring and compliance
- Renewal of application
- Personnel Training and certification
- What ensuing consequences are anticipated, that require/burden City of Alma resources?
- What are the costs of these subsequent effects?
- In a Balanced Budget, what services must be cut, or what City development opportunities cannot be pursued?
- What is the anticipated Budget Amendment necessary to support the Ordinance?

How do we enforce the odor control? Can we really enforce it?

- What is a level of smell for violation, and how is a nose ‘calibrated’?

What is the general decision-making process to award a license with multiple applications?

What is the basis for the number of facilities, and is this reasonable / defensible?

What legal challenges/suits could we expect, and does the Ordinance appear to have standing?

What paperwork/processes are necessary to ensure 100% transparency and impartiality?

What legal protection is afforded our Staff and Elected Officials?

What effect does an Ordinance in violation of Federal law have on substantial City of Alma revenue from federal funds?

Have there been any discussions with the other communities in the area? (St. Louis, Ithaca, Breckenridge, Townships).

City Attorney Costanzo reported to the Commissioners that after reviewing the Medical Marijuana Ordinance it was found that in Section 3: Application Requirements, line item E: The City is requiring the confirmation that the applicant has been granted a state license for the enterprise(s) involved, and that the state license remains current and valid. The State is requiring that a local license needs to be obtained before they will do a final process of an application for the State license. This is a Catch-22 for the applicant. Mr. Costanzo suggests that we reintroduce the Ordinances for consideration with the change that a copy of the official paperwork issued by LARA indicating that the applicant has successfully completed the pre-qualification step of the application for a state operating license, and documentation proving that the applicant has pre-qualification (Step 1 approval) under the Medical Marijuana Facilities Licensing Act, Act 281 of 2016, as amended in order to process the City application for licensing. It was also mandated by the State that all words “dispensary or dispensaries” be changed to “provisioning center” and a typographical error was found on page 3 in definition P. the word “means” was entered twice.

These needed changes should be made before adoption of the Ordinance. This would call for the Commission to reintroduce both Ordinances at this meeting with the date of July 24, 2018 being set for action on the Ordinances. The Commissioners agreed to this action.

Work Session concluded at 5:58 p.m.

Alma, Michigan
June 26, 2018
6:00 p.m.

Mayor Mapes called a regular meeting of the Alma City Commission to order at 6:00 p.m. at the Alma Municipal Building.

Present: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

Absent: Harrington.

Mayor Mapes asked the City Commission and members of the audience to stand and recite the Pledge of Allegiance.

Motion by Commissioner Ayers as supported by Commissioner Piccolo to approve the change to the Agenda.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Allman to approve the minutes of the June 12, 2018 regular meeting.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: No.

Motion by Commissioner Nyman as supported by Commissioner Ayers to approve the following items on the Consent Agenda for payment: \$9,857.00 Core Technology Corp. for the annual software support and maintenance service for the Alma Police Department and \$5,541.00 to the Michigan Municipal League for the annual membership dues of \$5,037.00 and legal defense fund contribution of \$504.00.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Nyman to approve the request for purchase in the amount of \$1,980.00 to Smith Instrument for a digital paperless recorder and installation of the recorder in the lift station in Arcada Township. Arcada Township will reimburse the City for the cost of this recorder and installation.

Yes: Allman, Ayers, Mapes, Mott, Nyman and Piccolo.

No: None.

Motion by Commissioner Allman as supported by Commissioner Piccolo to approve the request for purchase in the amount of \$9,091.37 to Midland Chemical Co., Inc. for a Mast, wall sleeves and hitch mount equipment for safety in entering confined spaces for the Waste Water Department.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Nyman as supported by Commissioner Piccolo to approve the request for purchase in the amount of \$5,906.45 to Bader & Sons for a John Deere Tractor Mower for the Alma Transportation Center.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Piccolo as supported by Commissioner Ayers to approve the request for purchase in the amount of \$10,325.00 to PC Trans for the software purchase and support for the Alma Transportation Center for the period 4-01-18 to 3-31-19.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Mott as supported by Commissioner Allman to approve the request for purchase in the amount of \$7,485.30 to Delta College Public Safety & Training for the enrollment fees of one candidate into the Fall 2018 Police Academy.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Abstain: Mapes.

Motion by Commissioner Allman as supported by Commissioner Piccolo to approve the request for purchase in the amount of \$4,120.50 to Central Concrete Products for the concrete for the cold storage building at Public Works Garage.

Yes: Allman, Ayers, Mott, Mapes, Nyman & Piccolo.

No: None.

Motion by Commissioner Allman as supported by Commissioner Mott to approve the request for purchase in the amount of \$2,180.00 to Tink, Inc for hydraulic cylinders for the front-end loader in the City fleet.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Mott as supported by Commissioner Piccolo to approve the resolution approving the request from the All Class Alma High School Reunion, to allow the placement of porto-potties, the use of a golf cart for transportation, the use of a small P. A. system, additional trash containers, barbeque grill and allow attendees with vintage automobiles to park their cars in a designated area within Wright Park on August 19, 2018.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Allman as supported by Commissioner Ayers to approve the request for use of the Mountain Bike Trail in Conservation Park for the Mountain Bike Time Trial Series on July 12th, July 19th and July 26, 2018 with a rain date of August 2, 2018 from 5:00 p.m.to 8:30 pm each of those dates.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Allman to adopt Ordinance #796 to amend Chapter 30 of the Ordinances of the City of Alma to allow for service of Civil Infraction Notices by First Class Regular Mail.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Allman as supported by Commissioner Piccolo to adopt Ordinance #797 to amend Chapter 30 of the Ordinances of the City of Alma to allow for service of Civil Infraction Citations by either Certified Mail Return Receipt Requested, restricted to the Alleged Violator, or by Parcel Service with Delivery restricted to the alleged violator.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Allman to adopt Ordinance #798 to amend Article V of Chapter 12 of the Ordinances of the City of Alma to provide for the adoption of the International Property Maintenance Code, 2015 Edition, with certain amendments.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Piccolo as supported by Commissioner Allman to adopt Ordinance #799 to amend Article III of Chapter 24 of the Ordinances of the City of Alma to provide for the adoption of the International Fire Code, 2018 Edition, with certain amendments.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Allman to approve the reintroduction of Ordinance #801 to add Chapter ____ "Medical Marihuana Facilities" to the City of Alma Code of Ordinances and Ordinance #802 to amend the Zoning Ordinance of the City of Alma to Regulate the Location of Marihuana Facilities within the City of Alma with corrections to change that a copy of the official paperwork issued by LARA indicating that the applicant has successfully completed the pre-qualification step of the application for a state operating license, and documentation proving that the applicant has pre-qualification (Step 1 approval) under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, as amended in order to process the City application for licensing, that all words "dispensary or dispensaries" be changed to "provisioning center" and a typographical error found on page 3 in Definition P., the second "means" be removed.

City Attorney Costanzo again reported his findings he presented in the work session on the changes needed in the Ordinances and feels that it necessary to make the changes and reintroduce the Ordinances tonight with action being taken at the July 24, 2018 meeting.

Yes: Allman, Ayers, Mapes, Nyman & Piccolo.

No: None.

Abstain: Mott.

Motion by Commissioner Allman as supported by Commissioner Ayers to approve the IT Right Services Contract with IT Right of Bath MI for the term July 1, 2018 to June 30, 2019 and to authorize the payment in the amount of \$28,000.00 to IT Right for the annual service contract fee.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Mott to receive the following reports and place them on file: Building Permit Report May 2018, Code Enforcement Report May 2018 and Alma Planning Commission Meeting Minutes 06/04/2018.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Public Services Director, Alan Leute presented reports with regards to the establishment of Special Assessment Districts #2 of 2018 for the construction of sidewalks on Pleasant Avenue and Special Assessment Districts #3 and #4 for 2018 for the construction of sanitary sewer leads on Pleasant and Hannah Avenues. All costs are split 50/50 between the City and the property owners. Pleasant and Hannah Avenues will be reconstructed this summer and as part of the CIP project. The sidewalk project on Pleasant from Eastward St. to Rosedale Ave. has an estimated cost of \$13,762.00 with \$6,881.00 assessed to the property owners and \$6,881.00 assessed to the City of Alma. The sanitary sewer leads will be replaced on both Pleasant and Hannah Avenues. Total estimated cost for the Pleasant Avenue project is \$23,400.00 with \$11,700.00 assessed to the property owners and \$11,700.00 assessed to the City of Alma. Total estimated cost for the Hannah Avenue project is \$37,800.00 with \$18,900.00 assessed to the property owners and \$18,900.00 assessed to the City of Alma. If it is found that there is new sewer line already installed, the property owner would be exempt from the special assessment.

Motion by Commissioner Piccolo as supported by Commissioner Allman to approve a resolution to set a public hearing for July 10, 2018 at 6:00 p.m. for the purpose of reviewing a Special Assessment District #2 for 2018 for the construction of sidewalks on Pleasant Avenue.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Mott as supported by Commissioner Nyman to approve a resolution to set a public hearing for July 10, 2018 at 6:05 p.m. for the purpose of reviewing a Special Assessment District #3 for 2018 for the construction of sanitary sewer leads on Pleasant Avenue.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Piccolo as supported by Commissioner Nyman to approve a resolution to set a public hearing for July 10, 2018 at 6:10 p.m. for the purpose of reviewing a Special Assessment District #4 for 2018 for the construction of sanitary sewer leads on Hannah Avenue.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Motion by Commissioner Ayers as supported by Commissioner Allman to approve Warrant No. 18-23 and to authorize the City Treasurer to issue checks in payment of all claims.

Yes: Allman, Ayers, Mapes, Mott, Nyman & Piccolo.

No: None.

Commissioner Ayers wanted thanked Public Services Director, Alan Leute for the Special Assessment District presentation and hoped everyone would stay cool through this heat wave.

Commissioner Mott is excited for the Dream Park removal of the old Play structure and is looking forward to the new equipment. The Committee did amazing work in getting this project to completion.

Mayor Mapes echoed those comments.

City Manager Schooley wanted to remind the Commission and the public that City offices will be closed on July 19, 2018 during the morning hours so that City employees can volunteer for the installation of the new play equipment. All essential services will be working.

Mayor Mapes opened the floor to public comments.

Les Rosan, 889 Mill passed out an information sheet from Alma College on an investigation of potential health risk to anglers fishing the Pine River. After two fishing trips the study showed that not only did the fish have coliform bacteria and E. Coli but the angler's hands had E. Coli. Mr. Rosan expressed much concern for the contamination of the river and the fishing that is still taking place on the river. He feels that people are not aware of the dangers and wants more warnings posted. He is still working on his visual presentation of the conditions of the Pine River and hopes to have it finished by the end of summer.

Mayor Mapes feels the real need to address these concerns is to the State Legislature, they need to be involved.

Audra Stahl, 439 Fairlane informed the Commission that she had been invited to attend an Opioid Conference in Lansing and one of the discussions was that employers are reporting that it is hard to find workers who do not have some history with drugs. She encourages the Commission to speak to the local Manufactures on this issue for their own understanding of the problem.

Laurie Wilson, 517 Michigan Ave., St. Louis wanted to ask Mr. Rosan why he is so concerned about the river.

Mayor Mapes pointed out to Ms. Wilson that comments need to be directed to the Commission not to the audience members.

Mayor Mapes wanted to express his congratulations to the three employees for their achievements. Steve Onstott has passed the Michigan Department of Environmental Quality Class D Municipal Wastewater Treatment Plant Operator Certification exam. Micah Kemler has passed the Michigan Department of Environmental Quality (MDEQ) Class A Municipal Wastewater Treatment Plant Operator Certification exam. Class A is the highest level of certification in the MDEQ program. Doug Sierakowski recently passed his S-2 Drinking Water Operator Certification exam.

There being no further public comments, Mayor Mapes called for a motion to adjourn the meeting.

Motion by Commissioner Allman as supported by Commissioner Nyman to adjourn the meeting at 7:06 p.m.

Yes: Allman, Ayers, Mapes, Mott, Nyman and Piccolo.

No: None.

Gregory S. Mapes, Mayor

Sheila Letourneau, City Clerk