



MINUTES

Regular Meeting of Newaygo City Council

August 14, 2017

CALL TO ORDER

Mayor Fedell called the meeting to order at 7:00 PM at City Hall located at 28 N. State Road, Newaygo MI 49337.

Presiding officer: Mayor Fedell

Secretary: Clerk, Kim Biegalle

Roll Call: Present: Day, Fedell, Johnson, Palmiter, Santana, Walerczyk
Absent: Hikade

Motion by Palmiter, support by Santana to excuse absent member. AIF/MC

Motion by Johnson, support by Day to approve the agenda as presented. AIF/MC

PUBLIC COMMENTS

CONSENT AGENDA

Motion by Walerczyk, support by Palmiter to approve the Consent Agenda which includes the regular council minutes from 07/10/17, special council minutes of 07/24/17 and accounts payable of \$12,919.90, \$9,788.24, \$25,865.96, \$1,008.00, \$360.00, \$11,047.07, \$48,848.57, \$1,605.08, \$142,544.18, \$183,876.08, \$1,217.52, \$1,197.49 and \$228.41. Roll Call: Yeas: Day, Fedell, Johnson, Palmiter, Santana, Walerczyk Absent: Hikade Nay: None.
CARRIED

RESERVED TIME

Peg Mathis, Newaygo School Superintendent, was present to discuss and give information regarding an attendance campaign they are promoting called "Strive for Less Than 5". This is an awareness program to address selective attendance issues and is also an incentive program for the kids.

Eric Johnson, Council member, went over a couple of maps he put together to address some walkability issues as well as safety issues that have been brought to his attention; maps included uptown and downtown.

COMMITTEE REPORTS

Jeff Mercer, Fire Board Chairman, was present to give an update on the fire department. Fire report and last meeting minutes were given to Council. He will be presenting this information to Council every other month. Mercer stated that the Fire Board member positions are all now filled as well as the command staff. The Fire Board will be working on strategic and capital plans which will take several months to complete. Complimented and commended the fire department as a whole.

MANAGERS REPORT

Schneider stated the TIFA Board approved funds to paint the water tower with the design and logo presented last month; bids going out and will be back by September. The property maintenance code will be staying as is for the time being; it seems to be working with the only challenge being internal tracking. Scott Swinehart, Chamber Chair, could not be here but wanted to remind Council of the upcoming Logging Fest and events as well as the Trail Town Celebration which is happening the end of September.

DEPARTMENT REPORTS

Ron Wight, DPW Superintendent, stated he is finishing up the bids for the road projects.

Chief Andres stated she has hired a new part-time officer and a full-time officer has recently resigned. Noted the Logging Fest parade route will be the same this year and the department continues to run very well.

UNFINISHED BUSINESS

NEW BUSINESS

Motion by Palmiter, support by Santana to approve the ICMA Administrative Services Agreement for five (5) years which guarantees reduced fees for the City and employees. Schneider stated that the City attorney's reviewed, made recommendations and ICMA accepted the changes. AIF/MC

Motion by Johnson, support by Walerczyk to adopt Ordinance 17-01 regarding the medical marihuana facility licensing ordinance with the addition of an item under "License Revocation" regarding denial or threatened denial of federal funding in which the City will leave up to the City attorney to put into the proper wording. Day, Fedell, Johnson, Palmiter and Walerczyk in favor, Santana opposed. Motion carried. There was lots of discussion amongst Council members regarding the licensing fee costs and a recommendation by Palmiter to set the fee at this time. The fee could be up to \$5,000. Per State law, fees must be justified and until the City has those hard costs a fee determination cannot be set. There is an application fee and a licensing fee that will be charged to the facility. Palmiter asked that the licensing fee not be negotiated with the company, but set by Council; Fedell agreed. Council members agreed to leave the ordinance as written with regards to the fee schedule at this time. There were a couple other Council member recommended changes that, after much discussion, were not added to the document. Santana asked for clarification on a couple of paragraphs as to why the City was allowing certain facilities and not others. Fedell felt ordinance, as worded, was the consensus of those involved and there is no place to put a transportation facility.

Motion by Johnson, support by Day to adopt Ordinance 17-02 which amends Chapter 51 of the City's General Code of Ordinances relating to marihuana. Day, Fedell, Johnson, Palmiter and Walerczyk in favor, Santana opposed. Motion carried. Fedell explained that this ordinance amends a portion of the original ordinance and brings it into compliance with the 2008 law and the 2016 Medical Marihuana Licensing Facility law.

Council members have a draft zoning ordinance amendment in their packets which allows medical marihuana facilities under "Industrial Zoning-Special Land Use" section. Fedell explained that this ordinance is a draft and some items are still being worked out and researched by the attorney's. This will go to the Planning Commission and a public hearing will have to be held. Schneider stated that Chapter 21, Section 21.04 (OO) contains the bulk of the changes and specifies the criteria and standards.

Motion by Day, support by Johnson to approve the notice to solicit bids for the sale of land in the industrial park with seeking Mark Guzniczak of The Right Place to assist the City on putting the bid package together with all the final details and requirements. AIF/MC Fedell explained why the process for the sale of land in the industrial park is so involved. Schneider stated that the notice has to be published twice, there needs to be a resolution passed which then goes on hold for 20 days. The property will be sold at market rate. There was some discussion about having the bidders pay some kind of security/deposit but was decided that would be put into the bid package.

Motion by Day, support by Santana to approve Resolution 17-24 which amends the TIFA general expense budget (Park Street water main, water tower painting, Wierenga and Speck proposals). Roll Call: Yeas: Day, Fedell, Johnson, Palmiter, Santana, Walerczyk Absent: Hikade Nay: None. CARRIED Schneider stated that the TIFA Board has already approved the amended budget which amends the bottom line to accommodate all the expenses for the items listed above.

PUBLIC COMMENTS

Vern Willett, County Commissioner, totally opposes the medical marihuana ordinances and was not in favor of Council's decision but commended Santana on opposing.

Chris Ortwein, 6688 E. Carrigan Drive asked that the City contact DTE regarding shut off valves to some of the old City buildings downtown in light of what happened in Rockford today. Commended Jeff Mercer for coming to the Council meeting and updating Council on the fire board. Asked Johnson to send him the maps he presented regarding walkability. Gave some suggestions on language for the ordinances passed.

Mike Willett, 28 Post St., stated he is also against the medical marihuana facility but commended Council on good discussions. Hopes the Council looks at this business that wants to put the facility in, their website and viability.

Roger Ederer, 136 Adams St., commends Council on their decisions.

Krista Looman, 67 Water St., stated she was in favor of Johnson's ideas for commuter concepts and is looking forward to working with Speck, Faulkner and others on walkability for the City.

Lee Black, 573 Middle St., has lived here 50+ years and never anticipated this kind of facility coming to Newaygo and is against it especially since its illegal by federal law. Hopes the Council treads lightly.

COUNCIL MEMBER COMMENTS

Palmiter reiterated that Council members know how he feels about the facility; he is opposed. He did vote for the ordinances but needs this to be regulated. He wants to go on record that he has no use for this facility.

Johnson stated he has created a Facebook page to reach out to the community. He found very few that are opposed to the facility. Would like to see the vendors clean up the horse waste at the Farm Market when they leave; look at a designated area or provide them shovels to clean up the mess.

Santana thanked Johnson for his presentation and addressing some safety issues. He hopes that money is not the only driving factor with regards to the marihuana facility.

Schneider stated he is anticipating meeting with Ortwein to discuss a development project.

Fedell stated that he has spent numerous hours on the medical marihuana issue over the last several months. The vast majority of State, County and local voters are in favor of medical marihuana. Need to separate the medical from the recreational. He stated he has respect for those who have differing opinions and who have concerns about their City. Encourages everyone to be positive, those not in favor are good, decent people who deserve respect. Thanked everyone for coming out.

Motion by Walerczyk, supported by Johnson to adjourn the meeting. AIF/MC

Meeting adjourned at 9:26 PM.

Mayor – Ed Fedell

Clerk – Kim Biegalle