

May 17, 2010

Minutes of the regular meeting of the city council of the City of Kingsford, County of Dickinson, and State of Michigan.

A regular meeting of the Kingsford city council was held Monday, May 17, 2010 at 6:30 p.m. in the council room in City Hall.

Roll Call: Present: Councilmember Baldinelli, Flaminio, Miller, Novara, and Pearson.  
Absent: None.

Also present were City Manager Darryl Wickman, City Attorney Bruce Brouillette, Public Works Superintendent, Dean Geronimi, Wayne and Marlene Carter, Richard and Bonnie Sadler, Rod Miller, Gary Jacobson, Brian Smeester, Tim Gussert, Nancy Roberts, Ronald Erickson, and Richard Abraham.

The pledge of allegiance was stated.

A motion was made by Councilmember Baldinelli and supported by Councilmember Miller to approve the agenda as presented.

ALL AYES. NO NAYS. MOTION CARRIED.

The consent agenda was comprised of the following:

Minutes of the regular council meeting held May 3, 2010  
Bills Payable from May 3, 2010 to May 17, 2010 in the amount of \$328,975.09  
April 2010 Public Safety Department report  
Charter Communications letter dated May 1, 2010

A motion was made by Councilmember Flaminio and supported by Councilmember Pearson to approve the consent agenda as presented.

ALL AYES. NO NAYS. MOTION CARRIED.

There were no Public Comments or Communications.

The city manager gave his report on the 2010-2011 proposed budget, the Citizen's Advisory/Parks and Recreation Committee meeting including the vacancy created by the resignation of Paul Schultz, and the Memorial Day city offices closure on May 31, 2010.

A motion was made by Councilmember Flaminio and supported by Councilmember Miller to receive the Manager's report and place it on file.

ALL AYES. NO NAYS. MOTION CARRIED.

Under Old Business, the engineer's analysis of the storm water outfall area north of the Riverdale development was explained by Nancy Roberts of U.P. Engineers and Architects, discussed, and all questions answered satisfactorily.

A motion was made by Councilmember Flaminio and supported by Councilmember Miller to receive the engineer's analysis of storm water outfall area north of the Riverdale development and place it on file.

ALL AYES. NO NAYS. MOTION CARRIED.

Under New Business, the Kingsford Housing Commission Five Year Capital Fund Plan for 2010 - 2014 was considered. CUPPAD has prepared an environmental review record of the project with a resulting determination that the project is "exempt" from environmental review proceedings. The mayor, as the

highest elected official, needs to sign the environmental review record indicating that, after reviewing the statutory compliance areas, the project has been deemed to be exempt from review proceedings and he also needs to sign the form for the designation of the certifying officer for environmental review.

A motion was made by Councilmember Baldinelli and supported by Councilmember Flaminio to authorize the mayor to sign the Kingsford Housing Commission Five Year Capital Fund Plan and be designated as the certifying officer for environmental review.

ALL AYES. NO NAYS. MOTION CARRIED.

At 6:45 p.m. a motion was made by Councilmember Baldinelli and supported by Councilmember Flaminio to adjourn as the city council and reconvene as the Zoning Board of Appeals.

ALL AYES. NO NAYS. MOTION CARRIED.

The Zoning Board of Appeals conducted a public hearing regarding the property located at 120 Parkway Street. The city manager read aloud the Notice of Public Hearing that was published in the Daily News on April 29, 2010 and sent to all property owners within 300 feet of said property as follows:

PLEASE TAKE NOTICE that a public hearing will be conducted by the Kingsford City Council, acting as the Zoning Board of Appeals, on Monday, May 17, 2010 at 6:45 p.m. in the council room, Kingsford City Hall, 305 South Carpenter Avenue, Kingsford, Michigan. This public hearing involves property zoned for residential use and located at 120 Parkway, Kingsford, Michigan.

Ronald Erickson is requesting that the nonconforming use of the property be changed so that the property may be used as a heating and air conditioning business. The purpose of this hearing is to determine whether this proposed use as a heating and air conditioning business is equally or more appropriate to the district than the existing nonconforming use.

A copy of the zoning ordinance and zoning map may be examined at the office of the City Clerk between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Written comments concerning this request will be received at the City Clerk's Office, 305 South Carpenter Avenue, Kingsford, Michigan 49802.

The city manager presented copies of letters of opposition to the request from Bonnie Sadler of 121 Quincy Street, from Dan and Nancy Cahee of 140 Parkway Street, and from Lori Guy of 110 Parkway Street. Councilmember Baldinelli handed to the mayor two letters of opposition that he received just prior to the meeting.

Gary Jacobson was asking to move his business into the building located at 120 Parkway Street as he is downsizing. Said property is currently owned by Ron Erickson, who once operated a transmission repair business there. Although the area was zoned residential, Mr. Erickson's business had been grandfathered in. The hearing tonight is to determine whether or not to allow a business to operate on the property again.

Mr. Erickson stated he is the owner of the building at 120 Parkway Street. He said he had conducted a transmissions and auto air conditioning repair business there. That building is no longer used for transmission repair but is now used for golf course equipment storage and repair. It has been approximately seven (7) years since he operated the transmission repair business which is now closed.

Dan Cahee of 140 Parkway Street said he is concerned about traffic from service and delivery vehicles and parking for his employees. He feels this type of business in the neighborhood would be a safety issue for the children residing in close proximity and that the extra congestion would detract from the peace of the residential setting. Mr. Cahee is concerned about future growth and construction on the

adjacent vacant lot and future rezoning within this residential block and also about service product and waste storage.

Marlene Carter of 125 Quincy Street expressed her opposition mainly to the number of vehicles that could potentially be stored at the 120 Parkway Street property. She said this is a residential neighborhood and feels businesses should be located in commercial or industrial zones.

Wayne Carter of 125 Quincy Street stated he was on the city council for approximately 25 years and recalls many, many public hearings where if there was opposition to a request, such as the opposition expressed tonight, the council denied the request.

Bonnie Sadler of 121 Quincy Street said that currently she counts twelve (12) children within this neighborhood. She does not feel that a fence will solve the safety issue. She too is concerned with the trucks and traffic in the alley.

After public comments were made, the city attorney stated that the Zoning Board of Appeals is to make factual determinations based upon all the information presented tonight. The question then becomes whether or not the proposed use is more objectionable or less objectionable than the previous use.

The council members acting as the Zoning Board of Appeals can understand the concerns expressed – especially the safety issues; however, they feel the proposed use would be less objectionable than the previous business that was conducted on the premises in question.

A motion was made by Mayor Novara and supported by Councilmember Flaminio to agree that there was a transmission repair, small engine repair, vehicle restoration, golf equipment repair, aluminum welding, and auto air conditioning service operating at 120 Parkway Street during the time the business was operated by Ronald Erickson who is the current owner.

Roll Call: Ayes: Councilmember Baldinelli, Flaminio, Miller, Novara, and Pearson.

Nays: None.

Absent: None.

Carried.

A motion was made by Councilmember Pearson and supported by Councilmember Flaminio that the business moving into the 120 Parkway Street location would be less objectionable and more appropriate than the current business located at that address.

Roll Call: Ayes: Councilmember Flaminio, Miller, Novara, and Pearson.

Nays: Councilmember Baldinelli.

Absent: None.

Carried.

A motion was made by Mayor Novara and supported by Councilmember Pearson to approve the request by Gary Jacobson to locate his heating and air conditioning business at 120 Parkway Street with the condition that the main access to the business is from Parkway Street – not the alleyway, there will be a gate restricting access to the alley, fencing must be installed to comply with city ordinances, and a site plan must be submitted to the city council for approval prior to installation.

Roll Call: Ayes: Councilmember Baldinelli, Flaminio, Miller, Novara, and Pearson.

Nays: None.

Absent: None.

Carried.

A motion was made by Councilmember Baldinelli and supported by Councilmember Flaminio to adjourn as the Zoning Board of Appeals and reconvene as the city council.

ALL AYES. NO NAYS. MOTION CARRIED.

Under Public Comment, Dan Cahee once again expressed his concern over traffic congestion and asked that consideration be given to the neighbors.

Under Council Member's Privilege, Councilmember Miller stated she can empathize with those opposed to Mr. Jacobson's request, but the zoning did not change.

Councilmember Flaminio spoke on the budget meeting held last week and asked to have the possibility of having a meeting with the Negotiations Committee and the Public Safety Department to discuss ways to cut costs and also to meet with Iron Mountain regarding mutual aid.

Mayor Novara stated he can empathize with all the persons opposed to Mr. Jacobson's request.

There being no further business, a motion was made by Councilmember Baldinelli and supported by Councilmember Miller to adjourn the meeting at 8:04 p.m.

ALL AYES. NO NAYS. MOTION CARRIED.