

January 4, 2016

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, January 4, 2016 at 6:30 p.m. in the council room in City Hall.

Roll Call: Present: Councilmember Baldinelli, Dixon-Miller, Erickson, Flaminio, and Groeneveld  
Absent: None.

Also present were City Manager Anthony Edlebeck, City Attorney Bruce Brouillette, Public Safety Director Brian Metras, Public Works Superintendent Justin Wickman, Floyd Lindholm, Thomas Bolda, Mark Miller, Trisha Peterson, Tara Blagec, Evan Reid, Bob Forgette, Holly Palmer, Nancy Hackl, Geri Hamlen, Chuck Lantz, Mari Jo Potier, and Mark Baravetto.

The pledge of allegiance was stated.

A motion was made by Councilmember Baldinelli and supported by Councilmember Flaminio to approve the December 21, 2015 City Council Meeting minutes.  
ALL AYES. NO NAYS. MOTION CARRIED.

A motion was made by Councilmember Baldinelli and supported by Councilmember Erickson to approve the agenda as amended to include New Business, Item C. Application for Citizens Advisory/Parks & Recreation Committee.  
ALL AYES. NO NAYS. MOTION CARRIED.

A motion was made by Councilmember Baldinelli and supported by Councilmember Dixon-Miller to approve the invoices for December 21, 2015 through January 1, 2016 in the amount of \$177,472.39.  
ALL AYES. NO NAYS. MOTION CARRIED.

The consent agenda consisted of the following:

Public Works Department Report for December 2015

A motion was made by Councilmember Baldinelli and supported by Councilmember Erickson to approve the consent agenda.  
ALL AYES. NO NAYS. MOTION CARRIED.

There was no public comment.

A copy of all communications are affixed to and made a part of the permanent record.

The first item under communications is a letter dated December 15, 2015 from Charter Communications notifying the city of an increase in the Change of Service Computerized Fee from \$2.99 to \$4.99 and an increase in the late fee from \$7.95 to \$8.95 effective February 15, 2016.

A motion was made by Councilmember Baldinelli and supported by Councilmember Dixon-Miller to received and place on file the letter dated December 15, 2015 from Charter Communications.  
ALL AYES. NO NAYS. MOTION CARRIED.

The next item under communications is a letter from the State of Michigan Department of Licensing and Regulatory Affairs (LARA) dated December 17, 2015. This letter is to notify municipalities that the Michigan Public Service Commission will cease video franchise operations effective December 31, 2015. They will no longer handle or process video/cable franchise entity provider complaints or consumer complaints.

A motion was made by Councilmember Erickson and supported by Councilmember Flaminio to receive and place on file the December 17, 2015 letter from the State of Michigan LARA.  
ALL AYES. NO NAYS. MOTION CARRIED.

Under the manager's report, City Manager Edlebeck updated the council on the 2015 Deer Management Archery Program. Forty-two deer were harvested and 32 hunters participated; reminded the council that the next regular city council meeting will be held on Tuesday, January 19, 2016 at the regular time of 6:30 p.m. due to the Martin Luther Jr. federal holiday falling on Monday, January 18; informed the council that the UP Assessors Association will be holding a Board of Review School on Tuesday, February 9, 2016 from noon to 3 p.m. at the Breitung Township Hall. Please let Assessor Dawn Thurston or Holly Palmer know by February 1<sup>st</sup> if you plan to attend. The cost is \$30 per person or \$60 maximum for the city; notified the council that bid packages have gone out for used late model plow/dump trucks. They are due back by February 16, 2016.

A motion was made by Councilmember Baldinelli and supported by Councilmember Dixon-Miller to receive and place on file the manager's report for January 4, 2016.  
ALL AYES. NO NAYS. MOTION CARRIED.

A motion was made by Councilmember Erickson and supported by Councilmember Baldinelli to adjourn as the City Council and reconvene as the Zoning Board of Appeals.  
ALL AYES. NO NAYS. MOTION CARRIED.

A public hearing was scheduled at 6:45 p.m. for the Salvation Army's request to continue/change the current nonconforming use at 145 Roseland Street. City Manager Edlebeck stated that a public notice was published in The Daily News on December 14, 2015. He then read the notice. He did receive an email from residents at 340 Roseland stating that they didn't want this location to be used as an overnight shelter. They did state that they spoke to Salvation Army staff who assured them that the location would not be used as a shelter. Tara Blagec, Director of the local Salvation Army addressed the council. She assured the council that the Salvation Army doesn't do any immediate lodging of any kind any longer.

A motion was made by Councilmember Baldinelli and supported by Councilmember Flaminio to approve the Salvation Army's request with the stipulation that the location not be used for an overnight shelter.

Roll Call: Ayes: Councilmember Dixon-Miller, Baldinelli, Flaminio, Groeneveld and Erickson  
Nays: None

A motion was made by Councilmember Flaminio and supported by Councilmember Dixon-Miller to adjourn as the Zoning Board of Appeals and reconvene as the City Council.  
ALL AYES. NO NAYS. MOTION CARRIED.

There was nothing under old business.

Under new business, the first item is a request to use 1220 W. Breen Avenue for minor auto repair. City Manager Edlebeck explained that this location had been a service station, stock car maintenance garage and automotive detailing service. The lot is zoned B1 Community Business and requires that this type of a facility have city council approval. This is an existing facility, but in accordance with City Code Section 44-223, paragraph 2a and 2b does not meet these requirements. These pertain to the setback requirements and the size of the lot. The potential buyer will speak with the current owner and let the city manager know what they decide.

The next item under new business is the application to use Lodal Park on July 29 and July 30, 2016. The request is from the Friends of the Flivvers, and it's for a concert to raise money for Flivver athletics. They put on a small event last year which only utilized a portion of the park. They'd like to do it again this year and would like to utilize the entire park this time.

A motion was made by Councilmember Erickson and supported by Councilmember Baldinelli to approve the application for the use of Lodal Park on July 29 and July 30, 2016 for the Friends of the Flivvers organization with the requirement that they provide a current certificate of insurance.  
ALL AYES. NO NAYS. MOTION CARRIED.

A motion was made by Councilmember Erickson and supported by Councilmember Baldinelli to adjourn as the City Council and reconvene as the Zoning Board of Appeals.  
ALL AYES. NO NAYS. MOTION CARRIED.

A public hearing was scheduled at 7:15 p.m. for Craig VanPembrook's request for a set-back variance at 113 Lawrence St. City Manager Edlebeck stated that a public notice was published in The Daily News on December 14, 2015 and was also sent to residents within 300 feet of that location. He then read the notice. He received a copy of the notice today that was signed by 10 residents (addresses not provided) stating that they're concerned about this variance request for safety reasons. Mark Baravetto of Pride Builders addressed the council regarding the condition of the concrete slab on which the garage will be built. He attested to the fact that the slab is in great shape. Mari Jo Potier (Mr. VanPembrook's girlfriend) also addressed the council.

A motion was made by Councilmember Flaminio and supported by Councilmember Erickson to grant the variance request provided a hold harmless agreement is signed by Mr. VanPembrook and that the slab is certified as usable by the Dickinson County Construction Code Commission.

Roll Call: Ayes: Councilmember Dixon-Miller, Baldinelli, Flaminio, Groeneveld and Erickson  
Nays: None

A motion was made by Councilmember Baldinelli and supported by Councilmember Erickson to adjourn as the Zoning Board of Appeals and reconvene as the city council.  
ALL AYES. NO NAYS. MOTION CARRIED.

The final item under new business is an application for the Citizen's Advisory/Parks and Recreation Committee from Tim Gussert. City Manager Edlebeck explained that the city has two vacancies on the Citizen's Advisory/Parks and Recreation Committee and one vacancy on the Planning Commission which have been advertised. He received this one application from Tim Gussert of 405 Waverly St. for the Citizen's Advisory/Parks and Recreation Committee. The committee meets every two months and has a meeting this coming Monday, January 11, 2016.

A motion was made by Councilmember Erickson and supported by Councilmember Baldinelli to accept Mr. Gussert's application and appoint him as a member of the Citizen's Advisory/Parks and Recreation Committee.

ALL AYES. NO NAYS. MOTION CARRIED.

There was no public comment.

Under councilmember's privilege, Councilmember Baldinelli stated that he read an article on drones, and the FAA says all drones need to be registered or fined \$27,500. Also, no drones are permitted to be flown within 5 miles of an airport which basically means you can't fly one anywhere over the City of Kingsford.

Councilmember Flaminio stated that he believes there are some restrictions as far as the size of the drones that need to be registered. They have to be a certain size before they are required to be registered.

Councilmember Groeneveld stated that he has a question regarding the Bill that the governor might be asked to veto regarding providing information on ballot proposals. He asked City Manager Edlebeck to research this and report back to the council.

There being no further business, a motion was made by Councilmember Baldinelli and supported by Councilmember Dixon-Miller to adjourn the meeting.

ALL AYES. NO NAYS. MOTION CARRIED.

  
MAYOR

  
CLERK