

The Crosswell City Council met in Public Hearing/Regular Session June 1, 2009, at the William Aitkin Memorial Library, 111 N. Howard Ave., Crosswell, MI. Mayor Macklem called the meeting to order at 7:30 P.M.

Present: M. Willis, M. O=Vell, M. McMillan, J. Geiger (arrived 7:34 p.m.)

Absent: G. Macklem

Administration: City Administrator Dave Tait, City Clerk Suzanne Dobson

Guests: Jeffersonian Reporter Margaret Whitmer; Mrs. Ohngren; Allan Andreoni

I. **PLEDGE OF ALLEGIANCE:**

- II. **Approval of Minutes** from the Regular Council Meeting of May 18, 2009
McMillan moved to approve the minutes of May 18, 2009 as presented, second by O’Vell.
Motion Carried.

- III. **Public Comments:**
None

IV. **APPROVAL OF AGENDA:**

O’Vell moved to approve the agenda as presented, second by McMillan. Motion Carried.

V. **PUBLIC HEARING – ORDINANCE #314 – NUISANCE AMENDMENT:**

O’Vell moved to open the Public Hearing for Ordinance #314 at 7:32 p.m., second by McMillan. Motion Carried.

An ordinance to amend Chapter 94, Sections 94.01-94.99 and adding 94.100 Special Assessment for Local Public improvement, 94.101 Special Assessment Procedure and 94.102 Special Assessment and Interest as Lien and Debt Delinquency.

Mayor Pro-tem Willis asked for any questions or comments at this time.
Public Hearing will be held open.

VI. **CORRESPONDENCE:**

- a. Detroit Edison – Choice Incentive Mechanism: Receive and file.
- b. SEMCO Energy – Customer Choice Tariffs: Receive and file.

VII. **ADMINISTRATOR'S REPORT:**

- Swinging Bridge update
- Union presentation
- Community Center contact issue
- Establishing meetings for Boards & Commissions
- Electric Shut-offs

VIII. **COUNCIL MEMBER REPORT:**

- A. Macklem: Absent
- B. Willis: Birds getting through cracks at the community center.

- C. O=Vell: No report
- D. McMillan: 1. Union meetings; 2. Tifa meeting; 3. Charter changes; 4. City-wide intranet.
- E. Geiger: No report

IX. UNFINISHED BUSINESS:

a. Marie Ohngren – Sewer Credit:

Mrs. Ohngren explained the water leak was from the meter that she had at her residence, 136 Peck Rd. Problems with reaching an employee at Wastewater, a DPW worker came and shut the water off and saw that the basement was filled. The worker advised Mrs. Ohngren where to get a pump and she pumped out the water into the yard for two days.

McMillan moved to give a water and sewer credit of 18 units to 136 Peck rd., second by O’Vell. Motion Carried.

X. NEW BUSINESS:

a. Close Public Hearing: Mayor pro-tem Willis asked if there were any questions regarding proposed Ordinance #314.

O’Vell moved to close the Public Hearing at 7:53 p.m., second by McMillan. Motion Carried.

i. Ordinance #314:

O’Vell moved to adopt Ordinance #314 An Ordinance to amend Chapter 94, Sections 94.01-94.99 and adding 94.100, 94.101 and 94.102 of the Croswell, Michigan Code of Ordinances, second by McMillan.

Roll Call Vote: O’Vell, yes; McMillan, yes; Geiger, yes; Willis, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

CITY OF CROSWELL
ORDINANCE #314
NUISANCES

An Ordinance to amend Chapter 94, Sections 94.01-94.99 and adding 94.100, 94.101 and 94.102 of the Croswell, Michigan Code of Ordinances

Section 1: Amendments & Additions

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES

CHAPTER 94: NUISANCES

The City of Croswell hereby ordains and amends Chapter 94-Nuisances §94.01-94.99 and adding Sections 94.100, 94.101 and 94.102.

Section:

94.01	Prohibited conditions and actions
94.02	Enforcement
94.99	Penalty
94.100	Special Assessment for Local Public improvement
94.101	Special Assessment Procedure
94.102	Special Assessment and Interest as Lien and Debt Delinquency

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES/94.01
PROHIBITED CONDITIONS AND ACTIONS.

94.01 PROHIBITED CONDITIONS AND ACTIONS.

It shall be unlawful for any owner or possessor of land in the city to do any of the following.

(A) Permit the land to be covered with or contain brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, manure, trash, refuse or debris of any combination of the terms, which would either tend to start a fire, increase the intensity of a fire already started when it shall reach that land, cause poisoning or irritation to human beings from the obnoxious growths or cause or tend to cause an unhealthy or obnoxious condition on the land or tend to devalue adjacent property.

(B) Permit the land to be covered with or contain refuse or debris resulting from the construction, demolition, or neglect of a building which refuse or debris has remained on the land for more than 30 days after completion of the construction work, the demolition or after the loose boards, shingles or other materials have fallen off a building and where such refuse or debris is inimical to the preservation of the public health, safety or general welfare of the people of the city or which refuse or debris may constitute a fire hazard.

(C) Permit on the land an abandoned, unused or unprotected well, cellar or other unnatural declivity in which stagnant water or debris is retained or which is dangerous to a person, including a child, being or coming upon the land.

(D) Permit to be stored or placed on such land old lumber, metal, machines or parts of machines, junk, paper, clothes, glass or refuse or any combination of them. Machines or parts of machines shall include automobiles or parts of automobiles in need of repair or which cannot be readily operated under their own power or which require substantial repair.

(77 Code, § 19.101) (Ord. 158, eff. 7-28-65) Penalty, see § 94.99 (Ord 314, eff. 6-15-09)

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / §94.02
ENFORCEMENT

94.02 ENFORCEMENT

The City Manager or designee of the City Manager shall be responsible for the enforcement of this chapter. (77' Code, § 19.102) (Ord. 158, eff. 7-28-65; Am. Ord. 158-1, passed 2-2-98) (Ord 314, eff. 6-15-09)

TITLE IX: GENERAL REGULATIONS / CHAPTER 94: NUISANCES / §94.99 PENALTY

94.99 PENALTY

Violation of the above provisions shall be deemed a Municipal civil infraction. Any person held responsible of a violation of any of the provisions of this chapter shall either pay a fine of not exceeding \$500, for each offense. And the City may request injunctive relief as provided by State Law. (77' Code, § 19.102) (Ord. 158, eff. 7-28-65) (Ord 314, eff. 6-15-09)

94.100 SPECIAL ASSESSMENT FOR LOCAL PUBLIC IMPROVEMENT

The council has determined that the whole or part of the expense for clean up for a violation of this Chapter is a local public improvement and may be defrayed by special assessments upon the property specially benefited by confirmation of the costs through adoption of a resolution. (Ord 314, eff. 6-15-09)

94.101 SPECIAL ASSESMENT PROCEDURE

The special assessment may be levied against the property for the actual costs of clean up and for preparing of plans and specifications; estimated costs; the preparation for any hearing, the collection of special assessments; and any other costs concerning the clean up and improvements. The special assessment shall be declared by resolution. (Ord 314, eff. 6-15-09)

The City Council shall provide a copy of the proposed special assessment resolution, outlining all costs for the clean up, the description of the property, and the roll of actual costs of clean up to the property owner, by mailing a notice of hearing and the proposed resolution by first class mail to the last known address of the property owner more than 15 days prior to the hearing confirming the assessment with notice that the property owner is entitled to a public hearing, the date of hearing, and a statement the property owner may attend and object to the assessment. The property owner may also provide written objections to the special assessment. (Ord 314, eff. 6-15-09)

94.102 SPECIALASSESSMENT AND INTERESTAS LIEN AND DEBTAND DELINQUENCY

After the date of confirmation of the resolution and roll levying the special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the premises subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent city property taxes as provided by

law, or by a suit against the person. The confirmation of the special assessment shall not void a judgment against the person, until fully paid. (Ord 314, eff. 6-15-09)

SECTION 2. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 3. Effective Date

That the City of Croswell Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect fifteen (15) days after its enactment and upon publication, as required by law and City of Croswell Charter.

SECTION 4. Code of Ordinances

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Croswell, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Certification

I, Suzanne Dobson, Clerk of the City of Croswell, do hereby certify that Ordinance #314 was adopted by the City of Croswell Council at a Regular meeting of the City Council held at the Wm. Aitkin Memorial Library on the 1st day of June, 2009.

Vote on this ordinance, 4 members being present, was as follows:

AYES: O’Vell, McMillan, Geiger, Willis

NAYS: _____

ABSENT: Macklem

Further certify that said Ordinance No. 314, adopted by the City of Croswell Council on the 1st day of June, 2009, was published once in The Jeffersonian, a paper published in Sanilac County and circulated in the City of Croswell, on the 14th day of June, 2009, this being the first and final day of publication of this ordinance.

Suzanne Dobson, CMC
City Clerk

Mary Willis, Mayor pro-tem

ii. Resolution – Fees:

Per ordinance #314 the City Council may set fees for the clean up cost.

McMillan moved to adopt Resolution #06-01-2009, Clean up fees, second by O’Vell.

Roll Call Vote: McMillan, yes; O’Vell, yes; Geiger, yes; Willis, yes. 4 yeas, 0 nays, 1 absent.
Motion Carried.

RESOLUTION
CLEAN-UP FEES
#06-01-2009

McMillan moved and O’Vell seconded a motion that a Resolution be passed as follows:

WHEREAS, the City of Croswell Council amended Chapter 94: Nuisances of the City of Croswell Ordinances Section 94.100 – 94.102, to provide for Special Assessment for Local Public Improvement; Special Assessment Procedure and Special Assessment and Interest as Lien and Debt Delinquency, being Ordinance Number 314, on June 1, 2009,

WHEREAS, pursuant to said Ordinance that the whole or part of the expense for clean up for a violation of this Chapter is a local public improvement and may be defrayed by special assessments upon the property specially benefited by confirmation of the costs.

NOW THEREFORE, BE IT RESOLVED, that the Croswell City Council has determined that the follow rates will be charged for whole or part of the expense for clean up and shall be applied to the taxes if unpaid as an assessment to the property. If a rate is not listed than the actual cost for clean up will be charged.

Mowing – 1st time - \$200.00;
Additional Mowing - \$50.00 each; Capped at \$500.00

CERTIFICATION

I, Suzanne Dobson, Clerk of Croswell, do hereby certify that Resolution #06-01-2009 was adopted by the City of Croswell at a Regular meeting of the City of Croswell Council held at the William Aitkin Memorial Library on the 1st day of June, 2009.

Vote on this Resolution, 4 members being present was as follows:

AYES: McMillan, O’Vell, Geiger, Willis
NAYS: _____
ABSENT: Macklem

Mary Willis, Mayor pro-tem

Suzanne Dobson, CMC
City Clerk

- b. Swinging Bridge Festival:
 - i. Approval of Fire Works Permit:
 - ii. Street Closure:

Geiger moved to approve the Fire Works Permit and the Street Closures for the Swinging Bridge Festival August 7, 8, 9, 2009, second by O’Vell. Motion Carried.

- c. Allan Andreoni – 5020 E Peck – Water/Sewer:
Mr. Andreoni owner of 5020 E Peck Rd., explained the broken water lines and plumbing problems

they have had at this location. At this time the Wastewater Supervisor has not reviewed the request for a sewer credit. Utility billing clerk submitted the usage for a year.

McMillan moved to table until the next meeting after review of the site by the Wastewater Supervisor, second by O’Vell. Motion Carried.

d. Ambulance Purchase:

Request by the Ambulance Supervisor to purchase a demo ambulance that has 2,100 miles for the cost of \$85,000. The unit retails for around \$115,000 brand new. This will be a replacement for a nine year old unit with over 140,000 miles on it.

McMillan moved approve the purchase of the ambulance for \$85,000, second by O’Vell.

Roll Call Vote: McMillan, yes; O’Vell, yes; Geiger, yes; Willis, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

XI. PUBLIC COMMENTS

None

XII. APPROVAL OF ACCOUNTS PAYABLE:

Add the following items to the Accounts Payable

David Tait - \$2,893.60 (printer/scanner/ink cartridges/anti-virus renewal; cell phone; expenses 9/08 to 5/09.

O’Vell moved to approve the Accounts Payable as amended for the amount of \$311,615.29 and the bills be paid, second by McMillan. Motion Carried.

XIII. CLOSED SESSION – UNION NEGOTIATIONS:

O’Vell moved to go into Closed Session for Union Negotiations at 8:32 p.m., second by McMillan.

Roll Call Vote: O’Vell, yes; McMillan, yes; Geiger, yes; Willis, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

O’Vell moved to adjourn from the closed session at 9:00 p.m., second by McMillan. Motion Carried.

XIV. ADJOURNMENT:

With no further business Mayor pro-tem Willis adjourned the meeting.

Meeting adjourned at 9:02 p.m.

Suzanne Dobson, CMC
Croswell City Clerk

Mary Willis, Mayor pro-tem