

**ESSEXVILLE CITY COUNCIL  
REGULAR MEETING  
January 12, 2010, 7:00 PM  
COUNCIL CHAMBERS**

Mayor Tanner called the REGULAR MEETING of the Essexville City Council held on January 12, 2010 to order at 7:00 PM.

Mayor Tanner led the Pledge of Allegiance.

**ROLL CALL**

The following City Council Members were present at the meeting: Barrow, Chavalia, Connelly, Link, Rehmus and Tanner.

ABSENT: Mantei

**APPROVAL OF AGENDA**

Rehmus, Barrow:

**Resolved the agenda be approved as written.**

YES: Unanimous

Motion Carried

**CONSENT CALENDAR**

Rehmus, Chavalia:

**Resolved; the Consent Calendar be approved as presented.**

- A. Resolved; the minutes as prepared by the City Clerk of the City Council's December 8, 2009 regular meeting are approved.**
- B. Resolved; pursuant to the Zoning Ordinance and law, the City Council hereby reappoints Dennis Brenay and George Whitehouse to the City's Board of Zoning Appeals each to a three year term which shall be effective January 1, 2010 through December 31, 2012.**
- C. Resolved; Ordinance No. 2009-2 "An Ordinance to Amend the Zoning Map of the City of Essexville to Change the Zoning Designations of Certain Properties located on Prairie and Smith Streets Within the City of Essexville", which was first introduced and read at the December 8, 2009 regular meeting of the City Council is hereby adopted as an ordinance of the City of Essexville.**

YES: Rehmus, Chavalia, Barrow, Connelly, Link, Tanner

ABSENT: Mantei

Motion Carried

**QUINTIN E. CRAMER "GOOD CITIZEN OF THE YEAR"**

Councilman Link announced that Frank and Ann Davis, 209 Main Street, Essexville MI 48732 are the 2010 Quintin E. Cramer "Good Citizen of the Year" and presented them with a proclamation. Their picture was taken to display at City Hall along with the award plaque which has been engraved with their names.

## **CITIZEN INPUT**

None.

The Mayor asked if any citizens wished to address the Council, hearing none, he continued with the agenda.

## **COUNTY COMMISSIONER'S REPORT**

Mr. Krygier, County Commissioner, updated the Council on the following things going on in Bay County. The United Way will be offering a no cost tax help program for senior citizens. In 2009 they helped 1,300 senior citizens, and anticipate helping around 2,000 in 2010. The County resolved to issue bonds for the West Bay County Sewer Plant Project. Dawn A. Klida, District 4 County Commissioner, has been appointed the new Bay County District Court Judge replacing Judge Craig D. Alston. Due to this event Dawn Klida resigned her position as Commissioner and there is now a vacancy that needs to be filled. Any interested person should send their resume to Bay County by January 22, 2010. Commissioner Krygier spoke about being on the "Green Team", a group that puts together projects to help the environment. They are currently trying to make rain barrels available to residents.

## **COMMITTEE REPORTS**

### **FINANCE COMMITTEE**

#### **PAYMENT OF BILLS**

Chavalia, Rehmus:

**Resolved; that expense vouchers 19 through 20 totaling \$148,411.44 and payroll voucher 21 totaling \$101,057.67 for a grand total of \$249,469.11 paid as stated.**

YES: Chavalia, Rehmus, Barrow, Connelly, Link, Tanner

ABSENT: Mantei

Motion Carried

### **LEGISLATIVE COMMITTEE**

Councilman Chavalia stated that the committee met to discuss wind energy systems which will be elaborated upon at the public hearing.

### **MUNICIPAL RELATIONS COMMITTEE**

Councilman Barrow had no report.

### **PARKS AND RECREATION COMMITTEE**

Councilman Mantei was absent and therefore had no report.

### **PUBLIC IMPROVEMENT COMMITTEE**

Councilman Connelly had no report.

### **PUBLIC RELATIONS COMMITTEE**

Councilman Link had no report.

### **UTILITY AND SPECIAL COMMITTEE**

#### **VOTING PRECINCTS**

Councilman Rehmus stated that the City Manager and City Clerk were looking into relocating Precinct 2 from St. Luke's Methodist Church to the Knights of Columbus building due to cost savings. The Council had a brief discussion regarding the relocation and would like the City Manager and City Clerk to pursue the idea and have more information at the February meeting.

Councilman Rehmus also commented that he heard Sergeant Dock is leasing the stone dock to another company

### **PLANNING COMMISSION**

Councilman Connelly reported there was not a Planning Commission meeting in December and therefore no report.

### **DOWNTOWN DEVELOPMENT AUTHORITY**

Councilman Chavalia reported the DDA will be meeting on Thursday, January 14, 2010 to discuss the five year strategic plan.

### **MAYOR'S REPORT**

The Mayor stated that he should have reported at the December 8<sup>th</sup> City Council meeting that in November he presented Ethan Maday with a proclamation for his Eagle Scout achievement. He also acknowledged the thank you received from the City of East Tawas's Librarian thanking the City of Essexville for the book Chalkboard to Computer that was given to the City of East Tawas at Mayor's Exchange in October of 2009.

### **ATTORNEY'S REPORT**

The City Attorney had no report.

### **CITY MANAGER'S REPORT**

The City Manager reported on his miscellaneous communication to the City Council. **Water Issues.** The out city customers interviewed Robert Bendzinski on December 29, 2009 with regards to engaging him to prepare a draft of Articles of Incorporation for a regional water authority that would include the City of Bay City. Bendzinski & Company has assisted in the formation of most of the water and sewer authorities in Michigan and is familiar with the formation of the West Bay County Regional Wastewater Treatment Plant. Mr. Majerczyk will be attending a meeting on January 14 with the City of Bay City to discuss the formation of the water authority and where the water supply is going to come from. **Storm Water Authority:** The next meeting is scheduled for January 20, 2010. **Problem Properties:** The Council went over the City Treasurer's report regarding properties where occupancy has been revoked due to water service to the dwelling being terminated. **Woodside Avenue Redevelopment Project:** The DDA will be meeting on Thursday, January 14, 2010 at 5:00 p.m. to review and prioritize the projects identified in the Tax Increment Financing Plan and discuss a five year financial forecast for the DDA. **NPDES Permit:** The County Board authorized the issue of bonds for the West Bay County Waste Water Treatment Plant Project. There are a number of improvements that need to be made at the facility before Essexville can transport their waste water to the plant. **Industrial Development Projects** Affordable Green Energy ("AGE") was awarded an Industrial Facilities Exemption Certificate ("IFT"), which facilitates a 12 year tax abatement, from the Michigan Department of Treasury. **Financial/Strategic Planning** Mr. Majerczyk expects to have the five year financial forecast delivered to the City Council before the end of January. **Other Reports and Matters:** The Borton Avenue Project is scheduled for the March bid letting and construction is scheduled to begin the week of June 6 to avoid conflicts with school traffic. The Director of Public Safety has received official notice from Public Safety Officer Dave Mayotte that he will retire on February 25, 2010. Officer Mayotte has worked for the City of Essexville as a Public Safety Officer for 34 years.

## PUBLIC HEARINGS

### PUBLIC HEARING-FINDINGS AND ORDER OF THE HOUSING HEARING OFFICER REGARDING 1500 BORTON AVENUE

The Mayor opened the public hearing at 8:08 p.m.

In attendance:

Al Hugo, City of Essexville Building Inspector  
Gary Dahlbeck, 1500 Borton Avenue

The Mayor stated the purpose of the hearing:

Mayor Tanner: "On December 21, 2009, the City Council received notice from John DeWyse, the City's Housing Hearing Officer, that the owners of 1500 Borton Avenue had not complied with his order of November 4, 2009 to repair or demolish a dangerous substandard structure, a garage, located at that address.

Mr. DeWyse has requested the City Council take whatever action it deems appropriate to enforce his order. In order to do so, the City Council is required by the City Code of Ordinances to hold a public hearing in which the owners of the property shall be given an opportunity to show cause why the order of the Housing Hearing Officer should not be enforced.

After the hearing is closed, the City Council, by motion to be made, shall have an opportunity to enforce, disapprove, or modify the order but is required to allow the property owners 60 days from the date of this hearing to comply with it."

Mayor Tanner: "The City's file on this matter reflects that the owners of 1500 Borton, Cathy and Gary Dahlbeck, were given the required notice of this hearing. Let the record show that Mr. Dahlbeck is present.

If anyone has any comments, would like to talk or whatever, we ask them if they could please sign the green sheet fro the first public hearing.

"Mr. Dahlbeck, do you wish to attempt to show cause to the City Council why the order of the housing hearing officer should not be enforced? Before you speak, let's have the City Manager summarize the events that have brought us here today."

City Manager Majerczyk read the Timeline of Action Taken by the City to Abate a Dangerous Condition Involving a Structure Located at 1500 Borton Avenue, Gary and Cathy Dahlbeck ("Owners") (Which is attached as Exhibit A and a part of these minutes).

Mayor Tanner: "Gary do you disagree with anything that was said as being incorrect or untrue?"

Mr. Dahlbeck: "It is all true and I agree the structure needs to come down, and I have been trying to work towards that, but the weather has not been with me since as of late. I have a trailer that has to be removed out of there. I think that is part of the order isn't it?"

Mr. Majerczyk: "No, that is a separate order."

Mr. Dahlbeck: "It's frozen to the ground I can't jerk her out right now. I know the building has to come down. We tried to work on it some. It's, ah.....I have no excuse. You guys have to do what you have to do. I honor and respect what you have to do. I really have no argument. I needed to come down here. You passed the order for it to be demolished. How many days before someone comes in and tears it down?"

Mr. Majerczyk: "The ordinance indicates you have to be given at least 60 days. Exactly the date that will be given is a matter of what City Council chooses to do."

Mr. Dahlbeck: "So it is 60 days, and if the structure was removed at the end of those 60 days?"

Mr. Majerczyk: "If you removed it?"

Mr. Dahlbeck: "Well no, Drzewicki Roofing does demolishing and he said we could work out a deal to have that taken down. I have been up to Whitefeather; \$325 gets me a dumpster for as long as I want, one of the largest ones that they have for the materials to be put in. When we get a thaw the trailer will be removed. I'm taking it down to the salvage yard down here just to get rid of it. So as, whatever you rule, you have to rule and be within the law."

Mr. Majerczyk: "I will not be ruling Mr. Dahlbeck."

Mr. Dahlbeck: "But these guys, you gentlemen, ladies and gentlemen. You will be ruling and I know where you have to go and what you have to do. I have no complaint with that. I just hope you give me the 60 days. Then it will be gone, it won't cost me any extra money on my taxes, and it will be a headache removed from, obviously from you guys. I'm sorry I let it go this far. I really am and hopefully I've learned or I can learn from this that I won't be doing anything like this again. Honest to God. I have had a lot of things going on lately. The most inopportune time when we started this ordinance and things, my dad fell ill. We had to go out to California that took some funds, we came back, and then we had to go again and then he passed away in November. We took financing out, we had to replace the roof on our house and I weighed putting the roof on the house more important than dealing with that garage. That garage has been that way for years, and I think you all know that it has been that way. It's still standing right now; I'll take it down. I agree it has to come down. That's about all I have to say. You guys have to make your ruling."

Mr. Dahlbeck: "If we had the garage taken down ourselves within 60 days would we still incur costs from the City?"

Mayor Tanner: "Mr. Dahlbeck is there anything else you want to say or present to the City Council?"

Mr. Dahlbeck: "I have no complaint with the decision. I am very sorry it had to go so far and learned a lesson not to let things go like this. (Mr. Dahlbeck then stated a brief timeline of what had prevented him from acting upon the City's request to tear down or fix the garage.)"

Mayor Tanner: "Does anybody else in the audience have anything to say?"

None

The Mayor closed the public hearing at 8:21 p.m.

The following resolution was offered and adopted by the City Council:  
Barrow, Rehmus:

**WHEREAS the City's Building Inspector and Housing Hearing Officer have both independently determined that a structure located at 1500 Borton Avenue was found to be in a dangerous and substandard condition in violation of state and local law, and**

**WHEREAS the Building Inspector and the Housing Hearing Officer have issued written orders to the owners of the structure directing that the dangerous and substandard condition be corrected and provided an opportunity for the owners of said structure to show cause why the structure should not be repaired or demolished, and**

**WHEREAS the owners have not complied with the Building Inspector or Housing Hearing Officer's orders to correct the dangerous and substandard condition of the structure or provided evidence to demonstrate why the structure should not be repaired or demolished as ordered, and**

**WHEREAS the City Council held a hearing at its January 12, 2010 meeting to provide the owners with an opportunity to show cause why the structure should not be repaired or demolished as ordered by the Building Inspector and the Housing Hearing Officer.**

**NOW THEREFORE IT IS RESOLVED that based on the findings of the Building Inspector and the Housing Hearing Officer, input received at the hearing held by the City Council on this matter and based on its own finding; the City Council hereby orders the owners of the structure located at 1500 Borton Avenue and found to be in a dangerous and substandard condition to demolish the structure and clean up site as required by the City with all work completed on or before April 1, 2010.**

**FURTHER RESOLVED if the property owners have not demolished the structure and cleaned up the site as ordered, the City Manager is authorized to immediately cause entry upon the property to demolish the structure and clean up the site and to assess the property owners for all costs incurred by the City, including administrative fees, for such demolition and cleanup and to cause such costs to become a lien upon the real property at 1500 Borton Avenue if such costs are not paid by the property owners.**

YES: Barrow, Rehmus, Chavalía, Connelly, Link, Tanner

ABSENT: Mantei

Motion Carried

Mayor Tanner: "Mr. Dahlbeck, please understand that repair of the structure is no longer an option. It must be demolished. Understand that if you do not demolish the structure by the date required that there will be neither further hearings nor notices and the City Manager will have the structure demolished as soon after the required date as he can arrange it. You will receive a bill for the cost. If not paid, the cost will become a tax lien on the property."

Mr. Dahlbeck: "I understand."

PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE REGULATING WIND ENERGY SYSTEMS

The Mayor opened the public hearing at 8:28 p.m.

The City Manager gave a brief overview of the proposed amendments to the Zoning Ordinance.

There were no citizens who spoke during the public hearing.

The Mayor closed the public hearing at 8:49 p.m.

At the request of the City Manager, the City Council passed the following resolutions:

Chavalía, Connelly:

**Resolved; in consideration of a recommendation by the Planning Commission, input received at a public hearing held by the City Council at its January 12, 2010 regular meeting and based on its own finding; proposed Ordinance No. 2010-1 “An Ordinance to Amend the Zoning Ordinance of the City of Essexville by Adding a New Section Which New Section Shall be designated as Section 15.6 of Article 15 of Said Zoning Ordinance” is hereby first introduced, considered and adopted as an ordinance of the City, subject to final consideration and action by the City Council at a later meeting**

YES: Chavalía, Connelly, Barrow, Link, Rehmus, Tanner

ABSENT: Mantei

Motion Carried

Chavalía, Link:

**Resolved; Proposed Ordinance No. 2010-2 “ An Ordinance to Amend The Code of the City of Essexville by Adding a New Chapter Which New Chapter Shall be Designated as Chapter 14 of Title VIII of Said Code” is hereby first introduced, considered and adopted as an ordinance of the City, subject to final consideration and action by the City Council at a later meeting**

YES: Chavalía, Link, Barrow, Connelly, Rehmus, Tanner

ABSENT: Mantei

Motion Carried

Chavalía, Barrow:

**Resolved; Proposed Ordinance No. 2010-3 “An Ordinance to Amend The Code of the City of Essexville by Adding a New Section Which New Section Shall be Designated as Section 9.503a of Chapter 5 of Title IX of Said Code” is hereby first introduced, considered and adopted as an ordinance of the City, subject to final consideration and action by the City Council at a later meeting**

YES: Chavalía, Barrow, Connelly, Link, Rehmus, Tanner

ABSENT: Mantei

Motion Carried

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

CONSIDERATION OF AUTHORIZING AN AGREEMENT WITH HAMPTON TOWNSHIP AND BAY COUNTY DEPARTMENT OF WATER AND SEWER FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF WASTEWATER SYSTEMS IMPROVEMENTS.

Rehmus, Connelly;

**Resolved; the Mayor and the City Clerk are authorized to execute an “Agreement for the Construction, Maintenance and Operation of Wastewater Systems Improvements” said agreement between the City of Essexville, the Charter Township of Hampton and Board of County Road Commissioners for the construction, operation and maintenance of certain for wastewater improvements necessary to transport the City of Essexville and Hampton Township’s wastewater to the West Bay County Regional Wastewater Treatment Plant.**

**Further Resolved; such authorization is subject to approval of the agreement as to substance by the City Manager and as to form by the City Attorney.**

YES: Rehmus, Connelly, Barrow, Chavalia, Link, Tanner

Motion Carried

ABSENT: Mantei

**CONSIDERATION OF PARTICIPATING IN THE MICHIGAN EMERGENCY MANAGEMENT ASSISTANCE COMPACT (“MEMAC”).**

Chief Weiler did a brief presentation to the Council regarding (“MEMAC”) and will bring a firm recommendation to February’s meeting. (“MEMAC”) would provide organized man power and equipment assistance to municipalities in Michigan in need of help due to a disaster. This program was formed after Hurricane Katrina occurred in the South. This would also allow the City to receive assistance if a disaster happens in Essexville. Chief Weiler said the safety of the City will not be put in jeopardy. If a disaster happens and the City can not spare man power or equipment due to short handedness the City would not have to respond to the call.

**INFORMATIONAL COMMUNICATIONS**

Miscellaneous Informational Communications were received for the Council’s review.

**CITIZEN INPUT**

None

The Mayor asked if any other citizen wished to address the Council, hearing none, he continued with the agenda.

**ADJOURNMENT**

Connelly, Barrow:

**Resolved; that the meeting be adjourned.**

YES: Unanimous voice vote

ABSENT: Mantei

Motion Carried

The meeting adjourned at 9:28 PM

Russell Tanner  
Mayor

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Sarah J. Wilcox  
City Clerk

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