

CITY OF COOPERSVILLE
REGULAR MEETING OF THE CITY OF COOPERSVILLE CITY COUNCIL
CITY HALL, 289 DANFORTH ST.; COOPERSVILLE, MICHIGAN

February 11, 2019

Present: Council Member Bush Council Member Ward
Council Member Fynewever Council Member Wheeler
Council Member Lampe Mayor Crandle
Council Member Mooney

Absent: None

Additions/Corrections to Agenda None

Scheduled Guests and Public Hearings – Ottawa County Water Resource Commissioner/Eagle Ridge

Joe Bush, Ottawa County Water Resources Commissioner, Project Engineer Ryan McEnhill from ENG Engineering and Surveying, and Trevor Moelker of Schippers Excavating were in attendance and presented an update on the Eagle Ridge Drain Project.

Joe Bush stated that the silt sacks that are currently in some of the catch basins seem to be causing more flooding than what was occurring before the project started, and the high priority locations are being taken care of. Mr. Bush informed the Council that Skippers Excavating will not get compensated for their work until the punch list has been completed.

Project Engineer Ryan McEnhill stated that they have evaluated the punch list to determine what needs to be done for final completion on the project and they have determined that the priority is completion of the agricultural properties and second priority is completion of the proper elevations and leveling of the rear yard issues.

Mr. McEnhill stated that the weather created issues with the clean-out of the pond on the property of Jerry Toogood.

Mr. McEnhill stated that Eagle Ridge still appears to be holding a lot of water. The goal was to replace the clay with sand, but the clay got mixed in with the sand which contaminated the sand, and, being, the time of year it was, it did not allow for good growth of grass which is needed for filtration. Mr. McEnhill stated that the widths of the trenches were supposed to be 20' wide and several of them were only 10' wide. Approximately \$50,000.00 was held back on the payment to Schippers until they can correct and complete the project in the Spring.

Trevor Moelker of Schippers Excavating stated that the time of year, for this, project was not appropriate, and it caused the saturated soils. Pea gravel would have helped but the expense would triple. Many trees, hills, and fences were in the way in some areas which would only allow for 10' wide trenches instead of the required 20' wide trenches.

Project Engineer Ryan McEnhill responded to Council Member Ward regarding the warranty on this project. Mr. McEnhill stated that there will be a one (1) year warranty after completion of the project.

Council Member Fynewever asked if the pipes have filled up with silt. Schippers responded stating that water is draining out of the silt sacks that are currently in the pipes.

Scheduled Guests and Public Hearings – Ottawa County Water Resource Commissioner/Eagle Ridge continued

Commissioner Bush stated that once grass starts growing it will contribute a positive impact on this project. Schippers stated that all areas will be mow able when they finish in the Spring 2019.

Public Hearing – Addition of Ordinance 812 Related to Regulation of Recreational Marihuana

Motion by Council Member Lampe with second by Council member Wheeler to open the Public Hearing at 7:18 P.M. Motion carried unanimously. (2019-014)

Shay Gallagher, Deputy Manager explained to the Council that the proposed ordinance to prohibit marihuana establishments and facilities within the City was done as a follow up to the recommendations presented by City Attorney at the January Council Meeting. Mr. Sluggett had previously stated that the City had two (2) options:

- 1) Take specific action and opt-out of businesses related recreational marihuana or,
- 2) Take no action and allow businesses related to recreational marihuana within the City limits.

Mr. Gallagher informed the Council that the State of Michigan has, at latest, until December 2019 to set licensing regulations for recreational marihuana businesses, and the Council can act, at any time, or once the State sets the licensing requirements, to repeal any ordinances prohibiting businesses related to recreational marihuana.

Sgt. Luce recommended that Council Members take in to consideration how the residents of the City voted on the issue in the November 2018 Election.

Local Business Consultant Jason McCune stated that he was in attendance tonight to get an idea on how the Council feels about this issue. He stated that he has a customer in southern Michigan that is currently operating a recreational marihuana facility. He stated that people need to take into consideration the purposes for what the component is that these facilities are serving.

Council Member Ward stated that he wants to make sure that the citizens are educated on this issue, what it does or does not mean, and that the City needs to be on top of what all the laws mean.

Mr. McCune stated that the biggest challenge with the law is that the facts are not being put forth, only opinions are. He stated that some businesses are trying to serve those that could benefit from these types of businesses. He stated that they are not around to serve the addicts. He stated that the City should let locals that are educated in this business establish recreational marihuana facilities here instead of outsiders.

Council Member Ward stated that he does not want people to just make assumptions.

Mr. McCune stated that a Provisioning Center is what is needed. Abiding by regulations should be their top priority for a business of this nature. This type of business needs someone with experience to operate such a business, as the financial components involved are huge.

Council Member Ward stated that he wants to understand all the components before making a final decision on this.

Mr. McCune stated that many guidelines can be etched in the business plan also.

Council Member Ward stated that he is terrified as to what can happen and how it is perceived.

Mr. McCune stated that these types of facilities have very high security, they are very clean, no retail on the front side. A lot of work goes in to a Provisioning Center.

Public Hearing – Addition of Ordinance 812 Related to Regulation of Recreational Marihuana continued

Motion by Council Member Bush with second by Council Member Ward to close the public hearing at 7:35 P.M. Motion carried unanimously. (2019-015)

Citizen Input & Suggestions None

Consent Agenda

Motion by Council Member Wheeler with second by Council Member Mooney to approve all items on the Consent Agenda as amended. Motion carried unanimously. (2019-016)

- *Minutes of the City Council meeting of January 14, 2019*
- *Checks through 02/05/19 totaling \$1,244,461.08*
- *Council Information packet.*

Petitions and Communications

Motion by Council Member Bush with second by Council Member Wheeler to approve the adoption of Chapter 812, Regulatory Ordinance Prohibiting Recreational Marihuana. Motion carried unanimously. (2019-017)

Motion by Council Member Wheeler with second by Council Member Lampe to approve the resending of Ordinance 1285.05, Parking Lot Trees. Motion carried unanimously. (2019-018)

Motion by Council Member Ward with second by Council Member Wheeler to approve the Budget Amendment Resolution. Motion carried unanimously. (2019-019)

Motion by Council Member Lampe with second by Council Member Wheeler to approve Change Order No. 1 totaling \$1946.97 and Change Order No. 2 totaling \$7854.00 for LD DOSCA related to the effluent pump/UV project at the WWTP. Motion carried unanimously. (2019-020)

Motion by Council Member Ward with second by Council Member Wheeler to approve Change Order No. 1 totaling \$3210.00 for SKYE Contracting for the WWTP Maintenance Room Addition. Motion carried unanimously. (2019-021)

Motion by Council Member Lampe with second by Council Member Wheeler to Receive and File the Quarterly Financial Report. Motion carried unanimously. (2019-022)

Motion by Council Member Fynewever with second by Council Member Ward to approve the re-appointments of Tara Weise and Tim Degeus to the Planning Commission. Motion carried unanimously. (2019-023)

Discussion was held on the City Policy/Practice on replacement of existing sidewalks and whether to change the policy as far as whom is responsible for payment for repairs. Consensus of the Council Members was to continue to follow the Ordinance as it is currently written.

Motion by Council Member Ward with second by Council Member Fynewever to proceed with the Charter Amendments as presented and by adding a change to the Council Members and Mayors term limits as well as adding a change to hold City Elections for Council and Mayor on the same even numbered year as State Elections. Motion failed with Council Members Wheeler, Bush, Mooney, and Lampe opposing.

Motion by Council Member Mooney with second by Council Member Wheeler to approve the third payment to SKYE Contracting for the WWTP Maintenance Garage Project. Motion carried unanimously. (2019-024)

Motion by Council Member Bush with second by Council Member Lampe to approve Payment No. 8 totaling \$63,685.97 to LD DOSCA for the effluent pump project. Motion carried unanimously. (2019-025)

Citizen Input and Suggestions None

City Manager's Report

City Manager, Jonathan Seyferth reported on the following:

- *Upcoming Budget Meetings*
- *Update on Rescue Department*
- *Interlocal Agreement*

City Clerk's Report None

City Treasurer's Report

City Treasurer Keribeth Rogers reported to Council on the recent passing of Norm LeMieux and the different areas of the City that he volunteered his time to including maintaining our Perennial Park.

Adjournment

Motion by Council Member Ward with second by Council Member Mooney to adjourn the meeting.

Motion carried unanimously. Meeting adjourned at 8:27 P.M. (2018-026)

Larry Crandle, Mayor

Kimberly Borgman, City Clerk