



Roll Call Vote: AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
 NAYS: None

MOTION CARRIED

**CITY OF IONIA  
 Ordinance No. 574**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH**

**WHEREAS,** American Legal Publishing Corporation has completed its most recent updating and revision of the Codified Ordinances of the City;

**WHEREAS,** various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (March 1, 2022) have been included in the Codified Ordinances of the City;

**THE CITY OF IONIA ORDAINS:**

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. or Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
561	4-12-22	Amend Ch. 1250: RT Two-Family Residential District
563	5-17-22	Amend Sec. 1246.02: Zoning Map – Rezoning of 715 W. Lincoln Ave.
564	6-7-22	Amend Sec. 214.04, 214.05(b), 214.06, and repeal Sec. 214.02 – Fee Schedule 2022
565	7-5-22	Amend Sec. 1246.02: Zoning Map – Rezoning of 77 parcels to the RT, Two-Family Residential District
566	9-6-22	Amend Ch. 1286: Miscellaneous Regulations and Appendix I: Schedule of Regulations
567	10-4-22	Amend Sec. 1240.11: Definitions and Add Ch. 1293: Regulation of Mobile Food Vending Units or Mobile Food Vending Parks
Res. 22-11	10-4-22	Sec. 214.06 – Mobile Food Vending Unit Fees
568	12-6-22	Sec. 1242.99 – Zoning Violations
569	12-6-22	Sec. 202.99 – Municipal Civil Infractions
570	12-6-22	Add Sec. 692.07 and 692.08 – Fireworks
Res. 22-16	12-6-22	Sec. 214.03 – Firework Application Fee
571	2-1-23	Amend Ch. 1240, Ch. 1256, Ch. 1258, Ch. 1260, Ch. 1255, and Ch. 1246 – Business Districts Update and Rezoning of Office to Health Services District
572	3-1-23	Amend Sec. 1246.02: Zoning Map – Rezoning of 17 parcels to the B-3, General Business District
573	3-1-23	Amend Sec. 1043.05, 1043.09, and 1043.11 – Storm Water Management

Section 2. If any section, clause or phrase of this ordinance is declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. This ordinance shall be published and recorded as provided in the City Charter and shall take effect upon publication.

## **ORDINANCE No. 574 DECLARED ADOPTED**

### **Public Hearing – Ordinance No. 575: Income Tax (V-2)**

A recent review of the City’s Income Tax Ordinance, originally established by Ordinance 360 in 1993 revealed a need to clarify language regarding property tax levy. The City has consistently levied just three mills for general operating purposes since establishment of the income tax ordinance, as stipulated by that ordinance. Additionally, consistent with the City Charter, which allows total property tax millage levy of up to 15 mills, the City has also levied millage from time to time for special projects.

To clarify the interplay between these two documents, the City Attorney recommends an amendment to the Income Tax Ordinance. Ordinance No. 575 would clearly define the relationship between the Income Tax Ordinance and City Charter and ensure accurate application of both documents. Furthermore, Resolution 2023-03 would ensure City tax payers that Council has no intent to increase either the income tax or current property tax millages as a result of Ordinance No. 575.

Following the required public hearing without comment, Councilmember Milewski made a motion, seconded by Councilmember Millard, to approve Ordinance No. 575 amending Chapter 880 – Uniform City Income Tax - of Title Four: Taxation – of Part Eight: Business Regulation and Taxation Code, of the City of Ionia Codified Ordinances, and to approve Resolution 2023-03, *A Resolution Reaffirming the City Council’s Pledge to Limit the Levy of Millages for General Operating Purposes to Three (3) Mills so Long as the City’s Income Tax Remains in Place.*

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

MOTION CARRIED

## **CITY OF IONIA IONIA COUNTY, MICHIGAN ORDINANCE NO. 575**

**AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE NO. 360 OF THE ORDINANCES OF THE CITY OF IONIA ENTITLED “AN ORDINANCE ADOPTING BY REFERENCE THE UNIFORM CITY INCOME TAX ORDINANCE AS SET FORTH IN CHAPTER 2 OF ACT 284 OF THE PUBLIC ACTS OF 1964, AS AMENDED.”**

**The City of Ionia Hereby Ordains:**

### **Section One: Amendment**

That Section 3 of Ordinance No. 360 of the Ordinances of the City of Ionia is amended to read in its entirety as follows:

Section 3. After enactment of the income tax ordinance, property taxes in the City of Ionia levied pursuant to the City's power and authority to levy taxes contained in the City of Ionia Charter shall be limited to 3.0 mills for general operating purposes. The term "general operating purposes" as used in this ordinance does not include taxes levied by the City of Ionia for initiatives specifically approved by the Ionia City Council that are not part of general municipal operations, such as, but not limited to, public safety apparatuses, theatre improvements, park system improvements, or environmental response costs, which are subject to the tax rate limitation established by the City of Ionia Charter of 15.0 mills.

### **Section Two: Repealer**

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

### **Section Three: Publication and Effective Date**

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

## **ORDINANCE No. 575 DECLARED ADOPTED**

### **Resolution No. 2023-03**

#### **A RESOLUTION REAFFIRMING THE CITY COUNCIL'S PLEDGE TO LIMIT THE LEVY OF MILLAGES FOR GENERAL OPERATING PURPOSES TO THREE (3) MILLS SO LONG AS THE CITY'S INCOME TAX REMAINS IN PLACE**

**WHEREAS**, the City of Ionia adopted Ordinance No. 360 in 1993 establishing an income tax as permitted by law; and

**WHEREAS**, Ordinance No. 360 provides, in part, that so long as the income tax then approved remained in effect, the City would limit future levies to three (3) mills after 1995; and

**WHEREAS**, since that time, pursuant to Ordinance No. 496 and in response to a consent judgment with the United States Environmental Protection Agency (EPA) arising out of the cleanup, remediation, and environmental response associated with the Cleveland Street Landfill, the City Council approved and has subsequently levied a special purpose millage of up to two (2) mills for associated environmental activities, which levy was separate from the three (3) mill general purpose operating millage; and

**WHEREAS**, the special purpose millage for environmental response costs has been renewed several times by the City Council and other special purpose millages (e.g., theater, parks, fire equipment) have also been levied; and

**WHEREAS**, in accordance with a Long-Term Plan regarding the landfill, which was instituted by the EPA, the City is responsible for environmental response activities that have been ongoing for the past 50 years and are expected to continue for at least several more decades; and

**WHEREAS**, the current special purpose environmental response millage will expire after the current fiscal year and requires renewal; and

**WHEREAS**, for clarity and so that the City's taxpayers are made aware of the source of general purpose operating funds and special purpose funds, it is the desire of the City Council to identify all millages of any type to be levied under a single resolution or ordinance, which necessitates the amendment of Ordinance No. 360; and

**WHEREAS**, the City Council further wishes to affirm, through the adoption of this Resolution (i) its commitment to limit the levy of general purpose operating millages to no more than three (3) mills and (ii) that the current millages levied by the City will not change from those presently being made.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City Council of the City of Ionia hereby acknowledges as correct the recitals set forth above and incorporates the same as if fully restated.
2. The City Council of the City of Ionia hereby reaffirms and pledges that so long as the City's income tax remains as presently constituted, that the City Council will not levy in excess of three (3) mills for the City's General Fund.
3. Except for bond repayments authorized in the manner allowed by law, special purpose millages will be limited to those set forth below at the current millage rates consistent with the City Charter and state law:
  - a. Public Safety Apparatus
  - b. Street System
  - c. Theater Improvements
  - d. Park System
  - e. Solid Waste
  - f. Environmental Response Activities
  - g. Dial A Ride
4. All millages levied and associated appropriations will be governed by applicable law including the Uniform Budgeting and Accounting Act, Act No. 2 of 1968.
5. All resolutions and parts of resolutions in conflict herewith are repealed.
6. This Resolution shall take immediate effect.

**RESOLUTION No. 2023-03 DECLARED ADOPTED**

**VI. COMMUNICATIONS**

**Local Officers Compensation Commission (LOCC) – Wage Determination (VI-1)**

Per Public Act 8 of 1972, as amended, as well as the Ionia City Charter (Section 2.04) and Chapter 280 – Local Officers Compensation Commission, the purpose of the LOCC is to determine the salaries of all local elected officials. The LOCC meets every odd numbered year for this purpose. Council reviewed minutes from the March 27, 2023, meeting of the LOCC.

It was noted that the Council and Mayoral salaries have been in place since 2015. After reviewing the information provided at the meeting regarding current salaries of local elected officials, plus comparable salaries of like local elected officials in surrounding communities, and special circumstances/recent developments specific to election responsibilities associated with the position of City Clerk, the LOCC recommended the following salaries:

Position	Current Salary	New Salary
City Council Member	\$100 per meeting	\$125 per meeting
Mayor	\$150 per month (\$1,800 per year) plus \$100 per meeting	\$175 per month (\$2,100 per year) plus \$125 per meeting
City Clerk	\$15,000 per year (assumed 600 hours per year at \$25 per hour)	\$37,500 per year (assumed 1,248 hours per year at \$30 per hour)

Absent action by Council, the salary changes will take effect at the start of the new fiscal year, July 1, 2023.

**VII. CITY MANAGER’S REPORT**

**Fred Thwaites River Trail Redevelopment Project – Bid Award (VII-1)**

The City of Ionia applied for and was approved a Michigan Department of Natural Resources Trust Fund (MNRTF) Grant for the Fred Thwaites River Trail Redevelopment Project. The total project budget is \$540,000 with 56% of the project funded by the grant (\$300,000) and 44% provided by City match (\$240,000). Of this budget, \$70,000 is reserved for design and engineering services and \$470,000 is available for construction.

Bids were recently solicited and publicly opened on February 16 for the Fred Thwaites River Trail Redevelopment Project. Two bids were received as follows:

CL Trucking, Ionia MI	\$598,823
Katerberg Verhage, Grand Rapids, MI	\$825,000

As discussed at the March meeting, both bids exceeded the \$470,000 construction budget for this project, with the low bid by CL Trucking over by \$128,823. There are no additional MNRTF grant funds available to help offset the unexpected additional cost.

After further review of the low bid by the project engineer with MNRTF grant program staff, it was determined that the City, in fact, is allowed to reduce the scope items included in the project or consider other alternatives to reduce cost without rebidding.

As a result of this review, several adjustments were made with a revision of the construction bid to \$532,316 (\$62,316 over the grant budget estimate of \$470,000). The revised bid is a reduction of \$66,507 over the original low bid, with itemized revisions. While this bid is above the original construction estimate, local funds are available to cover the added expense. Depending on the start and end of construction, expense for this project may fall over two fiscal years (FY22-23 and FY23-24).

Councilmember Millard made a motion, seconded by Councilmember Gustafson, to approve the amended bid from CL Trucking of Ionia MI in the amount of \$532,316.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                   NAYS: None

**MOTION CARRIED**

**Bid Award – Public Safety 2023 Patrol Vehicles (VII-2)**

In order to keep Public Safety equipment operating within its expected useful life, two new patrol vehicles are typically budgeted and purchased annually to replace the oldest two vehicles in the fleet. The oldest vehicles currently scheduled for replacement are a 2017 Ford Explorer with 81,887 miles and a 2019 Ford Explorer with 98,200 miles (both as of 3-17-23). Due to the significant amount of equipment public safety officers are expected to carry, the standard model purchased for patrol vehicles is now the Chevrolet Tahoe. The vehicles to be replaced will be sold at auction and proceeds will be returned to the General Fund.

Berger Chevrolet of Grand Rapids has purchased a bulk number of black Chevy Tahoes to sell to the law enforcement community. This year, Berger is requiring a purchase order from municipalities to reserve vehicles for delivery in FY 2024. Based on last year’s MiDEAL (state bid) pricing plus five percent, the City is anticipating the following, not-to-exceed pricing:

Tahoe (2023 4WD Commercial/Police Package)	\$41,913
	<u>          x 2</u>
<b>TOTAL</b>	<b>\$83,826</b>

Councilmember Starr made a motion, seconded by Councilmember Lee, to approve the purchase of two 2023 Chevrolet Tahoes at the estimated MiDEAL price of \$41,913 each (\$83,826 total) from Berger Chevrolet of Grand Rapids.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                   NAYS: None

**MOTION CARRIED**

**Bid Award – Solid Waste and Recycling Services (VII-3)**

The City of Ionia has facilitated solid waste hauling and curbside recycling services for all residential units within the City via contract since 2002, in accordance with Section 1060.03 of its Codified Ordinances. The current contract between the City of Ionia and Granger Waste Services will end June 30, 2023. Bids were solicited through a Request for Proposals (RFP) to continue these services, and a consolidated bid was also requested for City facilities and downtown dumpster refuse. Bids were opened on April 4, 2023, at 10:00 AM and yielded the following results:

Bidder	Location	Monthly Rate (Residential Refuse & Recycling)	City Refuse – Monthly Rate
Granger Waste Services	Lansing, MI	\$13.50/mo. \$4.00 per bag tag	\$1,226/mo.
Republic Services	Pierson, MI	\$18.45/mo. \$2.50 per bag tag	\$1,594/mo.
GFL Environmental	Lowell, MI	\$17.50/mo. \$1.75 per bag tag	\$1,589.68/mo.

Bids will be valid for a five-year contract period, subject to annual rate adjustment based on relevant consumer price index changes for non-fuel and fuel portions of the services.

Current monthly rates are \$12.20 per month for residential refuse and recycling, \$1.85 per bag tag and \$1,113.66 per month for City and downtown refuse.

Councilmember Starr made a motion, seconded by Councilmember Millard, to approve the bid from Granger Waste Services in the amount of \$13.50 per month for solid waste and recycling services, \$4.00 per bag tag and \$1,226 per month for City refuse services.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                   NAYS: None

**MOTION CARRIED**

**Bid Award – City Website Redesign and Hosting Services (VII-4)**

The existing City of Ionia website has served the City well, but the time has come to implement a new design that will more closely align with technological advances and user expectations. A redesigned website will be more user-friendly and made documents and forms easily available to the public.

The City solicited qualification statements from web designing/hosting firms, which requested vendor qualifications, related experience, and preliminary cost proposals. Sixteen (16) responses were received. Those 16 responses were narrowed to three (3) finalists, all of whom design websites exclusively for municipalities. Each finalist was interviewed and asked to refine its proposal, based on our discussion and clarification of desired options and functionality. The three finalist proposals were as follows:

<b>Company</b>	<b>Location</b>	<b>Website Design</b>	<b>Annual Hosting/Maintenance</b>
CivicPlus	Manhattan, KS	\$13,737.75	\$5,225.85
Muniweb	Bloomfield Twp, MI	\$15,910.00	*\$3,000.00
Revize	Troy, MI	\$19,600.00	\$3,400.00

\* Additional data storage fees and hourly fees for Muniweb assisted website changes

Because the City of Ionia is a Redevelopment Ready Community (RRC)-certified, grant funds have been approved by the MEDC to fund this website redesign project and will cover any of the proposals. The recurring hosting/maintenance fee will be treated as grant match. The annual hosting/technical assistance fees with the current website provider were \$3,609 in 2022 and so far, \$3,139 in 2023.

Following careful review and consideration, including multiple reference checks, staff recommended to award the City website redesign and hosting services to CivicPlus, in the amount of \$13,737.75. While the annual hosting/maintenance fee is higher with this company, the all-inclusive pricing for technical assistance, 24/7 technical support, plus hosting and security provides added benefit. The content management system (CMS) offered by CivicPlus was also found to be the most user friendly, intuitive, and flexible of the three prospective vendors.

Councilmember Winters made a motion, seconded by Councilmember Milewski, to approve the proposal from CivicPlus of Manhattan, Kansas, for website design services in the amount of \$13,737.75.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                   NAYS: None

**MOTION CARRIED**



### **2023 Independence Holiday Fireworks Permit (VII-5)**

The DDA will be sponsoring the annual Independence Holiday fireworks display on Thursday, June 29, 2023 (with Friday, July 7 as the rain date). The services of Pyrotecnico Fireworks, Inc., of New Castle PA, have been retained to provide and launch the display from the in-field area at the fairgrounds. Pyrotecnico Fireworks has handled the annual display for many years through an acquired company (Melrose Pyrotechnics) and we have not had any problems with the practices utilized by the firm in launching the fireworks or the quality of the display. Pyrotecnico has provided us with the necessary insurance endorsements and we have also received approval from the MML for excess fireworks coverage at no additional premium. This coverage is secondary to and in excess of the liability limit possessed by Pyrotecnico.

Public Act 358 of 1968, as amended, requires a local governmental unit to grant a permit so that the fireworks may be launched. Pyrotecnico has submitted the required permit application.

Councilmember Winters made a motion, seconded by Councilmember Millard, to approve the Permit for Fireworks Display to Pyrotecnico Fireworks, Inc., of New Castle PA for the launching of fireworks on Thursday, June 30, 2022 in the in-field of the Ionia Free Fair Grounds, and to waive the \$25 application fee from the DDA.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

### **New Opioid Settlement: Teva, Allergan, CVS, and Walmart National Settlements (VII-6)**

Municipalities throughout Michigan recently received notice from the Michigan Attorney General's office of a new national opioid settlement. Proposed agreements have been reached with Teva, Allergan, CVS and Walmart. If the City of Ionia chooses to participate, it will receive direct payments from these settlements estimated to total \$47,793, or approximately \$5,462 per year for the first six years of the payment stream. The final settlement payments will vary depending on factors such as level of municipal participation, administrative expenses and amounts distributed from the National Contingency Fee Fund.

In order to participate, the City of Ionia must approve the proposed participation agreements for each national settlement. The agreements are very similar but unique to each settlement for Teva, Allergan, CVS and Walmart. Each agreement is mostly concerned with releasing the settling companies from any further liability/litigation regarding this matter. Monies received from the settlement must be spent by the City on "opioid remediation" activities, which for the City will typically include purchasing opioid rescue/reversal medications, first responder training on how to treat opioid overdose patients, and opioid/substance abuse education provided through our School Resources Officer (SRO).

Councilmember Starr made a motion, seconded by Councilmember Waterman, to approve the national opioid settlement agreements as presented with Teva, Allergan, CVS and Walmart.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

### **2023 State Pension Funding Legislation (VII-7)**

In 2022, HB 5054 was introduced in the state legislature with broad, bi-partisan support. As originally proposed, it would have appropriated \$750 million for pension grants to be made available to municipalities that had pension plans funded at less than 60%, plus \$250 million in pension grants for municipalities with pension plans at 60%+ funding. However, the bill was not passed and instead, a budget allocation of \$750 million for communities with less than 60% pension plan funding was approved and the \$250 million intended for communities with pension plans above 60% funding was omitted.

It is worth noting that cities like the City of Ionia, which have achieved 60%+ pension funding, have often done so by making tough decisions, such as delaying infrastructure projects and modifying retirement programs to eliminate defined benefit (DB) pensions for new hires. It is only within the last year that the City of Ionia was able to increase its pension funding ratio to over 60%. This was achieved by making \$4,017,500 in extra payments over the past 10 years in lieu of other capital projects and closing all DB plans to new hires after 2019.

Municipalities such as the City of Ionia who have implemented best practice strategies to improve their pension funding status are questioning the fairness of being excluded from state funding assistance, as such communities have faced the same pension-related financial stresses as communities who will receive relief from the \$750 million allocation.

Council reviewed Resolution 2023-05, which was been prepared by members of the Michigan Municipal Executives and offered to all municipalities who would like to see reconsideration given to HB 5054. As noted, HB 5054 was broadly supported by the legislature and proposed an equitable balance between municipalities with substantially underfunded pensions and those that have achieved a higher funding ratio, thanks to implementing best practices and tough choices. Unallocated revenues remain available in the current state budget, which could be appropriated to make municipal pension assistance equitable and achieve greater local pension funding statewide.

Councilmember Winters made a motion, seconded by Councilmember Millard, to approve Resolution 2023-05 and authorize its distribution to State Representative Gina Johnsen, State Senator Pat Outman, and Governor Gretchen Whitmer.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

### **Resolution No. 2023-05**

#### **A RESOLUTION REQUESTING THE MICHIGAN LEGISLATURE AND GOVERNOR WHITMER INCLUDE FUNDING IN THE 2023 STATE BUDGET FOR COMMUNITIES THAT FOLLOW PENSION BEST PRACTICES AS ESTABLISHED BY THE STATE**

**WHEREAS**, the City of Ionia has taken financially difficult steps to stabilize its pension program and get its pension costs and liabilities under control; and

**WHEREAS**, these steps followed best practices established by the State of Michigan and kept the City of Ionia operationally viable in the face of enormous financial pressure; and

**WHEREAS**, HB 5054 of 2022 would have divided \$250 million between the City of Ionia and other communities like it that made the tough decisions and followed those best practices; and

**WHEREAS**, the City of Ionia and others like it are ineligible for \$750 million in pension relief allocated by the State in 2022, despite experiencing the same pension-related financial stresses as those who will receive that relief; and

**WHEREAS**, these stresses have been amplified by market losses in 2022 and a volatile market in 2023; and

**WHEREAS**, this \$250 million would have immeasurable impact on our ability to address our pension liabilities, maintain employment levels, and provide the services our taxpayers depend upon; and

**WHEREAS**, both the \$750 million allocated and the \$250 million requested here had broad, bipartisan support in the House a year ago; and

**WHEREAS**, HB 5054 created an equitable balance between those with pensions the House considered substantially underfunded and those who had followed best practices to achieve a higher funding ratio; and

**WHEREAS**, unallocated revenues are available to the State in 2023 to again make this pension assistance equitable by helping those communities struggling with pension costs, but ineligible for the \$750 million;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Ionia asks the Legislature and Governor of the State of Michigan to revisit HB 5054; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Ionia requests the Legislature and Governor give bipartisan support to the inclusion of the \$250 million in the 2023 State budget to be divided between communities including the City of Ionia that meet the best practices required in that Bill.

#### **RESOLUTION No. 2023-05 DECLARED ADOPTED**

##### **Donation Agreement for 316 N. Dexter Street (VII-8)**

The house and property located at 316 N. Dexter Street has been subject to various code enforcement activity since 2017, with ten (10) enforcement actions taken over that time followed by 29 inspections. Violations have ranged from various forms of blight, to abandoned vehicles and most recently, to violations of the International Property Maintenance Code (IPMC). The most serious violations of the IPMC are readily visible from the public right of way and include a badly deteriorated roof. Last summer, the assistance of the Ionia County Building Department (ICBD) was requested to review the situation. As a result of its property inspection, on September 13, 2022, the ICBD posted notice that the house was an “Unsafe Structure.” Thankfully, the residents had vacated the home by that time and safely relocated to affordable housing located elsewhere in the City.

However, the various code violations remained uncured after the occupants’ relocation and following several discussions and investigation, it was determined the former occupants lack the physical ability and financial resources to address the violations. Unfortunately, whereas the occupants had received some

housing assistance funding previously to help with weatherization issues, no funding was available to assist with the current structural issues.

In order to resolve the violations, it was suggested the owners consider donating the property to the City of Ionia. Council members reviewed Resolution 2023-06 to authorize a Donation Agreement to be signed by the property owners, and will result in property transfer to the City of Ionia. Given the extensive damage caused over several years by the leaking roof, demolition is recommended to cure the IPMC violations. Following execution of the Donation Agreement, bids will be solicited for demolition. Given the property is located in the B-1 zoning district, reconstruction of a residential structure is prohibited. Thus, it is not recommended a lien be placed against the property and instead, the cleared lot be offered for sale in accordance with the City's Sale of Excess Property policy.

Councilmember Milewski made a motion, seconded by Councilmember Starr, to approve Resolution 2023-06 to authorize entering into a Donation Agreement for the property located at 316 N. Dexter Street, Ionia, Michigan.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

### **Resolution 2023-06**

#### **A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL PROPERTY DONATION AGREEMENT; CONDUCT REAL ESTATE DUE DILIGENCE ON THE PROPOSED DONATION; AND ACCEPT THE DONATION OF REAL PROPERTY ON BEHALF OF THE CITY.**

#### RECITALS

WHEREAS:

- A. Robert and Barbara Hoy (the "Owners") are the fee simple owners of a parcel of real property located in the City of Ionia, County of Ionia, and State of Michigan with the Parcel ID# 34-201-130-000-070-00, more commonly referred as 316 N. Dexter St., Ionia, Michigan 48846 and is more specifically described on the attached Exhibit A (the "Property").
- B. The Owners have been charged with multiple ordinance violations associated with maintaining the Property.
- C. The Owners wish to donate the Property to the City (the "Donation") to stay continued prosecution and prevent further legal costs, and the City is willing to accept the Donation in lieu of continued prosecution.
- D. It is in the City's best interest to accept the Donation in lieu of continued prosecution and utilize the Property for public purposes.

#### RESOLVED

NOW, THEREFORE, BE IT RESOLVED:

1. The above Recitals set forth above are affirmed as accurate and are incorporated as if fully restated herein.
2. The Mayor and City Clerk are authorized and directed, on behalf of the of the City, in accordance with the terms of this Resolution, and in consultation with the City Attorney, to negotiate, enter into, and make binding upon the City a donation agreement (the "Donation Agreement") that will effectuate the Donation.
3. The City Manager and City Attorney are authorized to take all actions reasonably necessary and expend any sums reasonably necessary to effectuate the Donation Agreement, and the Donation, including undertaking due diligence, including but not limited to acquiring title work, surveys, and similar items.
4. The City Manager is authorized and directed, on behalf of the City, in accordance with the terms of this Resolution, and in consultation with the City Attorney, to terminate the Donation Agreement if consummating the Donation cannot be done in accordance with the Donation Agreement, or the accepting Donation is no longer in the best interests of the City.
5. The Mayor and City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take all further actions necessary to accept the Donation and close on the Donation transaction on the terms consistent with this Resolution.
6. All resolutions and parts of resolutions in conflict with this Resolution are, to the extent of any such conflict, hereby repealed.
7. This Resolution takes effect immediately.

## **RESOLUTION 2023-06 DECLARED ADOPTED**

### EXHIBIT A

#### The Property

LOT 13 OF HUTCHIN'S ADDITION TO THE CITY OF IONIA ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 ON PAGE 45; EXCEPT COMMENCING AT AN IRON STAKE SET AT THE SOUTH-WEST CORNER OF LOT NUMBER 12 OF SUPERVISOR HUTCHING'S ADDITION TO THE CITY OF IONIA AS PER THE RECORDED PLAT OF SAID ADDITION AND RUNNING THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 59 FEET; THENCE DUE NORTH 7 RODS; THENCE DUE WEST TO THE EAST LINE OF DEXTER STREET IN SAID CITY AND THENCE SOUTHERLY ALONG THE EAST LINE OF SAID DEXTER STREET TO THE PLACE OF BEGINNING, BE THE SAME MORE OR LESS THE LAND HEREBY INTENDED TO BE CONVEYED BEING THE WEST PART OF LOT 12 AND THE SOUTH-WEST PART OF LOT 13 OF SAID SUPERVISOR HUTCHIN'S ADDITION.

34-201-130-000-070-00

#### **Policy 2-013: Drug Free Workplace Policy for CDL Holders (VII-9)**

Policy 2-013: Drug Free Workplace for Commercial Driver's License (CDL) Holders was proposed for addition to the City's General Policy Manual under Section 2 – Department of Public Works and Parks. It was recently noted that the City's drug free work place policy, contained in the City of Ionia Personnel Policy Manual, does not provide all the detail required by the federal government for CDL drivers.

The proposed policy was developed in accordance with all the policy components as specifically required by the Controlled Substances and Alcohol Rule (§382.601), provided by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration. The City has been conducting a drug and alcohol testing program, as required by this federal rule and the City's Public Works Department employees have been notified, as well as given an opportunity to review the draft policy with the assistance of their Teamsters business agent. The union has no issues with the policy as drafted.

Councilmember Winters made a motion, seconded by Councilmember Lee, to approve Policy 2-013: Drug Free Workplace Policy for CDL Holders and add it to the City's General Policy Manual.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

**Schedule Special Meeting to Review Proposed Budget (NB#10)**

Each year a special meeting is scheduled for the purpose of reviewing the proposed FY24 City budget, and is usually held in May.

Councilmember Gustafson made a motion, seconded by Councilmember Waterman, to schedule a Special City Council Meeting for 5:30 PM, Wednesday, May 3, 2023 for the purpose of reviewing the proposed FY24 budget. The regular meeting will follow at 7:00 PM.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

**VIII. APPOINTMENTS**

The DDA Board was established in accordance with Michigan Public Act 57 of 2018. Per MCL 125.4204 of the Act, "... an authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality or his or her designee from the governing body of the municipality and not less than 8 or more than 12 members as determined by the governing body of the municipality." Please also note under MCL 125.4201, Sec.201 (h), "Chief Executive Officer" of the municipality is defined as the mayor or city manager of a city. As such, the Ionia DDA Board is presently composed of the Ionia City Manager plus 8 additional board members.

There is presently one available seat on the City of Ionia DDA Board with a term ending December 31, 2026. Heather Sizemore-Poland, owner of the Jewel Box located in downtown Ionia, has submitted her application to serve on the DDA Board.

Mayor Balice made a motion, seconded by Councilmember Millard, to appoint Heather Sizemore-Poland to the Ionia DDA Board for the term ending December 31, 2026.

Roll Call Vote:           AYES: Milewski, Winters, Videtich, Lee, Starr, Millard, Gustafson, Waterman, and Balice  
                                  NAYS: None

**MOTION CARRIED**

**IX. CITY DEPARTMENT REPORTS & MINUTES FROM BOARDS & COMMISSIONS**

Reports provided to Council.

**X. CITY COUNCILMEMBER COMMENTS/GOOD OF THE ORDER**

**Mayor Dan Balice:** On April 1, the Sparrow Health Care System officially became part of the University of Michigan health care, giving the Ionia community access to all that U of M has to offer.

**Tom Millard:** (1) Memorial Day program planning is going on. Superintendent Ben Gurk will be the keynote speaker; (2) The Ionia Free Fair parade will include a performance from the National Guard.

**John Milewski:** Though Sparrow Health Systems has merged with U of M, the local control that exists will continue.

**XI. CLOSED SESSION**

None.

**XII. ADJOURNMENT**

A motion was made by Councilmember Lee, seconded by Councilmember Videtich, to adjourn the meeting. MOTION CARRIED BY VOICE VOTE. The meeting was adjourned at 8:31 PM.

Submitted by:

Mary Patrick, Ionia City Clerk