

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

January 14, 2016

CALL TO ORDER

Mayor Brown called the regular Council meeting to order at 7:00 p.m. The meeting was held at the Montrose City Office located at 141 Parkway Drive, Montrose.

ROLL CALL

Present Council Members were Mayor Colleen Brown, Eldon Dunklee, Robert Arnold, Mark Richard, Tom Bigelow and Mayor Pro-Tem Ray Foust. Also present were City Manager Neil Rankin, City Clerk Tina Rush, City Attorney Otis Stout, and 5 citizens. Member Agnes House-Johnson was recorded as absent.

PLEDGE OF ALLEGIANCE TO THE FLAG: Mayor Brown led the Pledge of Allegiance

APPROVAL OF AGENDA (including check disbursement handout)

- **MOTION** by Bigelow **SECOND** by Foust to approve the agenda as presented including the check disbursement handout. All Ayes. Motion Carried.

CITIZEN OF THE MONTH

1. THE MONTH OF JANUARY 2016, MONTROSE CANDLEWALK COMMITTEE

Council applauded the Candlewalk Committee on another successful year. Chairperson Terri Soper and several of the committee members were present to accept the award.

2. CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF FEBRUARY 2016

- **MOTION** by Richard **SECOND** by Bigelow to nominate Community State Bank as citizen of the month for the month of February 2016. All Ayes. Motion Carried.

PUBLIC HEARINGS

1. ORDINANCE NO. 428 SNOW REMOVAL ORDINANCE

Mayor Brown opened the public hearing at 7:09 p.m. Rankin reported on some items that should be addressed prior to adoption of the ordinance, for example, responsibility/liability and enforcement. Dunklee mentioned contacting different groups within the community to assist with snow removal. Mayor Brown entertained questions and/or public input but there was no further questions and/or comments. Mayor Brown closed the public hearing at 7:11 p.m. and brought the regular meeting back to order.

PRESENTATIONS: WELCOME NEW TREASURER CHRYSTAL RAIBLE

Rankin introduced New City Treasurer Chrystal Raible and Raible gave an oral report on what she is currently working on.

REPORTS

1. POLICE & FIRE DEPARTMENT REPORTS: On file at the city office

Bigelow questioned mutual responses with other communities being reported on the monthly City reports when the City has a contract with Montrose Township. Bigelow would like to see accurate reports that reflect what the City is actually receiving as far as services.

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- **MOTION** by Richard **SECOND** by Bigelow to accept the police and fire reports and place on file. All Ayes. Motion Carried.

2. *GEORGE BROWN INSPECTION SERVICES: On file at the city office*

3. *MONTHLY BUDGET & FINANCIAL REPORTS: NONE*

PUBLIC COMMENT ON AGENDA ITEMS: NONE

MATTERS OF COUNCIL ACTION

1. *APPROVAL OF 12/10/15 CITY COUNCIL REGULAR MEETING MINUTES*

- **MOTION** by Dunklee **SECOND** by Arnold to approve the December 10, 2015 City Council regular meeting minutes as presented. All Ayes. Motion Carried.

2. *APPROVAL OF MONTHLY DISBURSEMENTS*

- **MOTION** by Richard **SECOND** by Dunklee to approve the monthly disbursements including the check disbursement handout in the amount of forty-five thousand eight hundred fifteen dollars and fifty-three cents, (\$45,815.53). Roll Call Vote: Richard – Aye, Dunklee – Aye, Arnold – Aye, Foust – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

3. *ADOPTION OF ORDINANCE NO. 427 RE: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MONTROSE (APPENDIX A OF THE CODE OF ORDINANCES) TO AMEND THE TEXT OF VARIOUS SECTIONS FOR COMPLIANCE WITH THE MICHIGAN ZONING ENABLING ACT*

Rankin commented that the Planning Board members clarified that their official title of the Board is Planning Board not Commission. Bigelow questioned the reason for the ordinance and Rush briefly explained that it's to make the city's zoning ordinance verbiage consistent in order to comply with the Michigan Zoning Enabling Act, for example but not limited to powers and duties of the ZBA, enforcement and administration, meetings and hearing procedures, appeals and procedures for variances and special use permits, site plan review and procedures non-conforming structures and conditional rezoning. Stout recommended approval.

- **MOTION** by Richard **SECOND** by Bigelow to adopt Ordinance No. 427. Roll Call Vote: Dunklee – Aye, Foust – Aye, Bigelow – Aye, Arnold – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. *DISCUSSION DIRECTION RE: ORDINANCE NO. 428 AMENDMENT TO SNOW REMOVAL ORDINANCE*

Members asked if the ordinance could be adopted with a future enforcement effective date and discussion ensued on clarifying areas of the snow removal process. It was mentioned that Section 50-52, "Obstructions On Sidewalks" ordinance could be utilized for current enforcement. Rankin said that home owners/properties need to be informed through contact with the DPW, council, newsletter and/or on the City's Website. Rush asked Stout how long before the ordinance must be adopted before a new public hearing is required and Stout replied that it should be adopted at the next regular city council meeting.

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- **MOTION** by Dunklee **SECOND** by Richard to defer action until the next city council meeting. All Ayes. Motion Carried.

5. APPOINTMENT TO THE ZBA BOARD

Mayor Brown recommended the appointment of Nathan Richard to the ZBA.

- **MOTION** by Bigelow **SECOND** by Arnold to appoint Nathan Richard to the ZBA. Five (5) Ayes. One Abstain – Mark Richard. Motion Carried.

6. ANNUAL APPOINTMENT TO THE VARIOUS BOARDS

Mayor Brown recommended the re-appointment(s) to the various boards.

- **MOTION** by Richard **SECOND** by Bigelow to accept the Mayor's recommendation to re-appoint the various board members whose terms are expiring January 31st. Roll Call Vote: Foust – Aye, Dunklee – Aye, Arnold – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. DISCUSSION REGARDING CITY FINANCES

Rankin explained that one of the financial issues the city must address is the rising costs of healthcare for City employees and retirees. Rankin continued saying that he wants to make council aware that with the adoption of the new health plan in October, it resulted in 30% increase for one of our retirees, however, he does not want to single one individual out but would like Council know that he's currently looking at other plans/benefit and what they can offer for both pricing and services. Rankin said he understands that we are not a large client but our employees and I as city manager should be informed by our provider that this would have been a result of a new plan. There is a certain difficulty in trying to stay within budget only to find a particular line item will cost \$3600 more than the previous year for no particular reason. Rankin asked council to provide him with any guidance in this direction as we strive to balance the level of healthcare and cost benefit.

8. LONGEVITY PAY

Rankin referenced the attached legal opinion from Keller Thoma saying that it is their opinion that Ms. Rush should have been paid under the older longevity scale in 2013, 2014 and 2015 because her agreement with the City entitled to receive the highest level of benefit paid to other appointed salaried professional employees. Mr. Persall was the only other salaried professional employee to receive longevity, and was paid under this older (and higher) scale. As such, Ms. Rush was also entitled to be paid under that longevity scale pursuant to Paragraph 3 and Paragraph 6 of the agreement. Thus, the City should pay Ms. Rush the difference of approximately \$1,400. In the future, however, the City may pay Ms. Rush under the newer, and lower, longevity scale provided there is no longer another appointed salaried professional employee receiving a higher level of longevity. Rankin recommended at this time a motion to provide the difference for what is being requested by Ms. Rush.

- **MOTION** by Dunklee **SECOND** by Richard to pay Ms. Rush one thousand four hundred three dollars and no cents, (\$1,403.00). Roll Call Vote: Arnold – Aye, Richard – Aye, Foust – Aye, Bigelow – Aye, Dunklee – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

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9. APPROVAL/DISAPPROVAL OF MEMBER AGNES HOUSE-JOHNSON'S ABSENCE AT THE 12/10/15 REGULAR CITY COUNCIL MEETING

- **MOTION** by Dunklee **SECOND** by Richard to approve member Agnes House-Johnson's absence at the December 10, 2015 regular city council meeting. Roll Call Vote: Richard – Aye, Bigelow – No, Foust – No, Dunklee – Aye, Arnold – Aye, and Mayor Brown – No. Three (3) Ayes. Three (3) No's. Motion Dies Due To A Tie Vote.

10. APPROVAL/DISAPPROVAL OF MEMBER MARK RICHARD'S ABSENCE AT THE 12/10/15 REGULAR CITY COUNCIL MEETING

- **MOTION** by Bigelow **SECOND** by Foust to approve member Mark Richard's absence at the December 10, 2015 regular city council meeting. Five (5) Ayes. One (1) Abstain – Richard. Motion Carried.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Citizen Dennis Rush Jr. mentioned that City Clerk Tina Rush received the Loretta Manwaring Award and the members congratulated her.

REPORTS FROM BOARDS & COMMISSIONS

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: NONE

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: NONE

GENESEE COUNTY METROPOLITAN ALLIANCE: NONE

PLANNING COMMISSION: NONE

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY

CITY MANAGER: Rankin gave a recap on his report: The 2014/2015 fiscal year audit is complete. Hard copies are available and the audit is also posted on the City's website and the State of Michigan website. Bids for tree removal for the CBDG will be published this week and bid packets will be available at the city offices on Monday. Rankin is slowly updating the city website so if there are any items, information or content council would like see included in the site please let him know. He also wants to add more content such as pages for each our departments with resources such as forms, council meeting minutes, policies and practices. Rankin is obtaining information for the City office to accept credit card payments including on-line payments. Rankin is applying for a \$5,000.00 Neighborhood Grant for the community garden. Also, Rankin will be attending the MLGMA Winter Institute in Port Huron and will be out of the office February 3 - 4 but will be back on the 5th, he is still available via cell phone. This is a great annual event and I always bring back a lot of good materials to share with council. Raica Construction has been working with our DPW to address the punch list in the work they completed this past year. A number of details as well additional grant dollars were available to us to ensure that DPW and Engineering are satisfied with the project before it is closed out.

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Not to toot our horn but Tina Rush was named governmental clerk of the year in Genesee County. Way to go!

CITY ATTORNEY: Stout reported that a list of abandon vehicles was turned over to the police department and they are currently working on issuing tickets. Members had a discussion on Inoperable vehicles, unlicensed vehicles, vehicle storage, which must be located within an enclosed building, and penalty/misdemeanor for non-compliance.

MAYOR AND COUNCIL COMMENTS: Arnold reported that he and Rankin are currently in the process of obtaining a non-profit status for a community improvement program. Richard explained the reason he had to miss last month's city council meeting conveying that both of his parents are now doing well. Dunklee and Foust shared short jokes. Issues with the City of Flint's water were briefly mentioned.

COMMUNICATIONS TO THE COUNCIL: *On File at the City Office.*

1. *APPROVAL TO ENTER EXECUTIVE SESSION RE: MCL 15.268 CLOSED SESSIONS; PERMISSIBLE PURPOSES SECTION 8 (C) OF THE OPEN MEETINGS ACT FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT IF EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING. ROLL CALL VOTE REQUIRED.*

- **MOTION** by Richard **SECOND** by Bigelow to approve going into closed session to discuss the collective bargaining and classification for the DPW. Roll Call Vote: Dunklee – No, Arnold – Aye, Richard – Aye, Bigelow – Aye, Foust – Aye and Mayor Brown – Aye. Motion Carried.

Mayor Brown recessed the regular meeting at 8:52 p.m.

Mayor Brown brought the regular meeting back to order at 8:59 p.m.

Mayor Brown closed the regular meeting to go into closed session at 9:00 p.m.

Mayor Brown brought the regular meeting back to order at 10:08 p.m.

ADJOURNMENT

Mayor Brown adjourned the meeting at 10:09 p.m.

Prepared by City Clerk, Tina Rush