

**MONTROSE CITY COUNCIL REGULAR MEETING MINUTES**  
**February 15, 2018**

**CALL TO ORDER:** Mayor Colleen Brown called the regular Council meeting to order at 7:01 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, Christy Sanborn, Robert Arnold, Mark Richard and Debbie Gross. Also present were City Manager Neil Rankin, City Clerk Christina Rush, City Attorney Otis Stout, and 17 citizens. Member Tom Bigelow was recorded as absent.

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

**CITIZEN OF THE MONTH:**

*1. THE MONTH OF FEBRUARY 2018, JOE CRIMI*

Council honored Mr. Crimi for all of his volunteer work for Montrose including DJ'ing for free at community events like the Candlewalk and taking sports pictures of the children at the school then placing them on-line for free.

*2. CHOOSE A CITIZEN OF THE MONTH FOR APRIL, (March selection is Pastor Hall Phillips)*

- **MOTION** by Gross **SECOND** by Sanborn to nominate James Preston for the month of April 2018. All Ayes. Motion Carried.

**PUBLIC HEARINGS:** NONE

**PRESENTATIONS:** NONE

**REPORTS**

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

Brown reported that there is an updated end of the year Police stats report in the packet.

*2. SAFE BUILT INSPECTION SERVICES:* There were no new permits and/or inspections in the month of January. Arnold asked if the air conditioner that was hanging out of the window at 119/121 W. State was taken care of and Rush replied it was removed.

**PUBLIC COMMENTS:** Citizen Steve Fejedelem said he was speaking on behalf of his brother Matthew Fejedelem who was the previous DPW Director and claimed that Penney Fejedelem had asked the city office for Matt's retirement papers but they couldn't find anything and wanted to know why council was cutting her insurance off. Brown asked Mr. Fejedelem if he wanted to be put on the agenda and Rush and Sanborn replied it's already on the agenda, page 61. Brown said that's not an action item. Lisa Klein, Penney Fejedelem's daughter said that she was told by Neil that they could not be put on the agenda and Rush replied because the agenda was already set and the council packet was already out. Brown asked council if they wanted to act on this tonight and Gross replied that she thinks we need more information before we act on it but we can talk about it.

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- **MOTION** by Gross **SECOND** by Richard that we add the discussion of Matt Fejedelem's retirement benefits package and medical to our agenda as action item 5a. All Ayes. Motion Carried.

Montrose Township trustee Dar Eldred commented that there is so much negativity on social media that he would like to bridge more positive stuff about the community. Eldred was not aware the Montrose Historical Museum was located in the City and recommended people visit not only for the old telephones but the genealogy. Montrose township resident Becky Conrad expressed concerns with hearing that the library may be closing. Conrad commented that she was on the Friends of the Library committee and even though the library does not get used very much, they would like to promote it by announcing an open house in March 10<sup>th</sup> from 12 to 4 p.m. Conrad also said that she is on the Committee Moving Montrose Forward and said it would be odd if they had to tell a new business that the library closed.

### **MATTERS OF COUNCIL ACTION:** 1. APPROVAL OF 01/18/18 REGULAR MEETING MINUTES

- **MOTION** by Richard **SECOND** by Arnold to approve the January 18, 2018 regular meeting minutes with adding Richard after Mayor Pro-Tem. All Ayes. Motion Carried.

### 2. APPROVAL OF CHECK REGISTER/TREASURER REPORT & POSSIBLE HANDOUT

- **MOTION** by Arnold **SECOND** by Richard to pay the bills as presented including the check register in the amount of forty-three thousand nine hundred thirty six dollars and seventy-seven cents, (43,936.77). Roll Call Vote: Richard – Aye, Dunklee – Aye, Sanborn – Aye, Arnold – Aye, Gross – Aye, and Mayor Brown. All Ayes. Motion Carried.

3. DISCUSSION DIRECTION RE: CONTRACT WITH GENESEE COUNTY DISTRICT LIBRARY, MONTROSE COMMUNITY SCHOOLS AND MONTROSE TOWNSHIP: Rankin conveyed that the contract funding for the library utilities negotiated in 2009 between the City of Montrose, Montrose Township and Montrose Community Schools has expired. This agreement provided that the City would pay for ½ of the water, sewer, electricity and gas of the building which was \$2,810.26 per year. I am not sure which direction Council would wish to go as the building is owned by the schools and residents already pay a Library millage. Between the township and city, the revenue generated through the .99mill is roughly \$150,000 per year. If the city were to become the sponsor alone, it would cost approximately \$ 7,600 annually not including snow plowing, maintenance and future unknown improvements. March 8<sup>th</sup> the city, township and the school will be meeting to discuss a new contract, however, I would recommend that if the Township does not wish to re-enter into a similar agreement then the city should inform Montrose Community Schools and Genesee District Library that it would need to find other sources of funding to cover the gas and electric of the building. Arnold said that he met with Mark Emmendorfer and the librarian and they are looking into a three-way cost share between the township, city and school instead of just the township being the sponsor. Richard asked if the library is currently without a sponsor and Rankin replied yes but the city and township are still paying the monthly bills. Richard and Arnold said were in support of taking necessary steps to keep the contract with the library. No action taken, informational only.

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### 4. ANNUAL CONSTRUCTION PERMIT APPROVAL

- **MOTION** by Richard **SECOND** by Gross to approve the annual construction permit. All Ayes. Motion Carried.

5. *POSSIBLE APPOINTMENT TO THE DDA*: Rush explained that Deb Gross volunteered to serve on the DDA but the office hasn't received an application yet. Mayor Brown recommended the appointment.

- **MOTION** by Sanborn **SECOND** by Arnold for Debbie Gross to be appointed to the DDA. All Ayes. Motion Carried.

Arnold announced that there are 2 openings on the Zoning Board of Appeals Board.

5a. *MATT FEJEDELEM HEALTH RETIREMENT INSURANCE*: Rankin conveyed that in the council packet is the resolution from 2005 that provided healthcare benefits for Matt and his dependents until he reached the age 65 or could qualify for Medicare. Rankin said he spoke with labor attorney Gary King with Thoma Keller about the resolution as this was a very unusual means in providing retiree benefits. From our discussion there were several points brought up including that the resolution did not specify/name a dependent and benefits can only be provided if specified to such dependent and the language that would include a period of time and/or level amount. Additionally, if Matt had a dependent that was younger, that dependent would eventually lose those benefits as he reached the age of 65 and qualified for Medicare. Matters like this are always unfortunate, but Tina and I did reach out to our healthcare administrator who did contact his dependent to offer their services to find a suitable healthcare plan to have in place by January 31<sup>st</sup>. There was contentious dialogue from Matt Fejedelem's family members and Brown asked Stout if there was anything we could do. Stout stated that in his opinion if this went into a court of law, the court would rule in favor of the city because this resolution does not require the city to pay retirement benefits medical or otherwise to some retiree that's died and the dependents are not recognized in the resolution; the dependents were only eligible as long as Matt was alive. Once he died they desist, so that's why it seemed like it was a rush and for Blue Care Network to pass the buck by saying, well if the city wants to pay, sure they can, but the city doesn't have the money to continue doing this. More contentious discussion from Fejedelem's family members and members of the public were asking questions aloud. Brown gaveled the meeting due to so much discussions from the public and Stout interceded by saying that for 14 years, he did receive medical insurance. Sanborn asked if a resolution could be back dated and Stout said that he does not recommend it. Rankin reiterated this is why he obtained a legal opinion from Thoma Keller before sending a letter to Penney and having the health administrator contact Penney. Dunklee, Brown and Richard asked if Neil and Otis could come up with something. Richard asked if Matt was still alive, would the city still be paying and commented that we should come up with something. Gross gave examples of household scenarios where the husband or wife passes away and how the surviving spouse has to come up with solutions for retirement or healthcare coverage.

- **MOTION** by Dunklee **SECOND** by Richard that our administrator and Otis work out some kind of program to help Penney and bring it back to us, the costs. All Ayes. Motion Carried.

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6. ROLL CALL VOTE FOR POSSIBLE CLOSED SESSION RE: 15.268 CLOSED SESSION; PERMISSIBLE PURPOSES, SECTION 8 (D) TO CONSIDER THE PURCHASE OR LEASE OF REAL PROPERTY UP TO THE TIME AN OPTION TO PURCHASE OR LEASE THAT REAL PROPERTY IS OBTAINED:

- **MOTION** by Richard **SECOND** by Sanborn that we go into closed session to discuss the purchase lease of real property upon the time the option to purchase and lease that property is obtained. Roll Call Vote: Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, and Mayor Pro-Tem – Aye. All Ayes. Motion Carried.

Arnold requested a break before the closed session.

Mayor Brown recessed the meeting at 7:54 p.m. asking to come back at 8:00 p.m.

Mayor Brown called the regular meeting back to order at 8:00 p.m. and then closed the regular meeting in order to go into closed session.

Mayor Brown brought the regular meeting back to order at 8:23 p.m.

**PUBLIC COMMENTS:** NONE

### **REPORTS FROM BOARDS & COMMISSIONS:**

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD:* Brown announced that the DDA was unable to meet February 13<sup>th</sup> due to no quorum and this was the second time a meeting was cancelled for this reason.

*GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION:* The City will be hosting the April Association meeting. Speaker will be the Director of the Genesee District Library David Conklin and it will be held at the Depot. Hors d'oeuvres will start at 6:30 p.m., then pizza, antipasti salad, lasagna, bread sticks and pie for desserts catered from Naples.

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

*GENESEE COUNTY METROPOLITAN ALLIANCE:* NONE

*PLANNING BOARD:* The Planning Board will be holding a public hearing on March 8<sup>th</sup> at 7:00 p.m. welcoming public input for Blueberry Park improvements.

*911 CONSORTIUM:* NONE

*ZONING BOARD OF APPEALS:* Arnold reported that they met last night, elected officers and reviewed the by-laws but there were no changes. Currently there are 2 vacancies on the board.

### **REPORTS FROM CITY MANAGER AND CITY ATTORNEY**

*CITY MANAGER:* Rankin reported that Newkirk Electric changed out downtown and park lights this week. The new lights are the 4000k LED spectrum which doesn't look much different than what we already have. It is classified as Neutral White. Neutral White bulbs fall within the range of 4000K to 4700K. They impart a clear, white light with very little red or blue tones, but appears more "cooler" than halogen light.

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The chart of accounts will be changing before December 31<sup>st</sup>.

*CITY ATTORNEY: NONE*

**MAYOR AND COUNCIL COMMENTS:** Richard thanked Bob Arnold for helping the library move forward. Arnold announced the open house at the library March 10<sup>th</sup> Noon to 4 p.m.

**COMMUNICATIONS TO THE COUNCIL**

1. *MEDICAL MARIHUANA FACILITIES BALLOT INITIATIVE:* Rankin reported that in the council packet is the information regarding the steps needed to be taken to place the ordinance and/or related measures on the ballot. This process is undertaken by residents and/or interested parties and not the council as it was an ordinance that was not adopted. Informational only.

2. *UPDATE ON RETIREE MEDICAL INSURANCE:* Discussion and action took place under New Business agenda item No. 5a.

3. *PUBLIC SAFETY CONTRACT:* Brown said that the city officially accepted the terms but council has not approved to accept the contract.

- **MOTION** by Arnold **SECOND** by Sanborn that we accept the contract as proposed. Roll Call Vote: Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

**ADJOURNMENT:**

- **MOTION** by Richard **SECOND** by Arnold to adjourn. All Ayes. Motion Carried.

The meeting adjourned at 8:49 p.m.

Prepared by City Clerk, Tina Rush