

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 18, 2021

CALL TO ORDER: Mayor Colleen Brown called the regular Council meeting to order at 7:03 p.m. The meeting was held via meet.google.com/xbm-wzbp-nvy By phone: (US) +1 617-675-4444 PIN: 390 564 537 3815#

ROLL CALL: Present Council Members were Mayor Colleen Brown – Montrose MI, Robert Arnold – Montrose, MI, (joined the meeting at 7:25 p.m.), Mark Richard – Montrose MI, Tom Bigelow – Montrose MI, Ryan Heslop – Montrose MI, Aaron Burch – Montrose MI, and Andrea Martin – Montrose MI (joined the meeting at 7:05 p.m.). Also present were City Manager Neil Rankin, City Clerk Tina Rush, and Attorney Otis Stout, and 1 citizen.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF FEBRUARY 2021, KATHLEEN SWART:* Rush conveyed that she was unable to get a hold of a family member.

2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF MARCH*

Member Andrea Martin logged in at 7:05 p.m.

- **MOTION** by Bigelow **SECOND** by Richard to nominate the Montrose Senior Staff as Citizen(s) of the Month for the month of March for their efficiency with appointments and implementation of the COVID-19 vaccine. Roll Call Vote: Richard – Aye, Burch – Aye, Heslop – Aye, Bigelow – Aye, Martin – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

PUBLIC HEARINGS: *RE-ZONING OF 250 E. STATE STREET ORDINANCE:* Mayor Brown opened up the public hearing at 7:08 p.m. but there were no questions and/or comments from the public. Mayor Brown closed the public hearing and brought the regular meeting back to order at 7:09 p.m.

PRESENTATIONS: NONE

REPORTS

1. *FIRE & POLICE DEPARTMENT REPORTS:* Bigelow asked if more information was received regarding the four different speed limits located on M-57 within the city limits. Rankin replied that the engineering department has not called him back. MDOT has had a turnover with staff, the city even has a different EAGLE representative but Rankin will get in touch with an engineer for more information. Mayor Brown asked if the Township could be contacted to request increased enforcement and Rankin replied yes. Richard agreed with the issue of large vehicles and semi's speeding through the town. Heslop asked if road restrictions are being enforced when giant pieces of equipment are going through the city that are over-loads. Bigelow mentioned the township stopped enforcing this approximately 5 to 6 years ago after the police officer who was certified to regulate this retired. It is now up to the State Police to enforce.

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2. *BUILDING INSPECTION SERVICES: On file at city office.* Rankin reported that the General Business Licenses are starting to move forward.

3. *HYDRO-CORP INSPECTION SERVICES: On file at city office.* Mayor Brown questioned if 120 S. Saginaw is being held to compliance even though it shows the building is vacant. Rankin replied he will see if the property shows water usage.

4. *RENTAL PROPERTY INSPECTIONS:* Rankin reported that inspections are hoping to start back up in the end of March early April.

PUBLIC COMMENTS: NONE

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 01/21/21 REGULAR MEETING MINUTES:*

- **MOTION** by Bigelow **SECOND** by Burch to approve the minutes of 01/21/21 as submitted. Roll Call Vote: Bigelow – Aye, Martin – Aye, Burch – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

2. *APPROVAL OF TREASURER REPORT & CHECK REGISTER & POSSIBLE HANDOUT:* Richard asked if there were concerns with the current budget. Rankin replied that we are expecting a reduction with revenue sharing and there will be another budget amendment closer to the end of this fiscal year due to items being purchased in the 2020/2021 fiscal year but not being implemented until the 2021/2022 fiscal year, for example, the DDA approved purchasing banners and poles for the downtown district and road projects will not begin until after the new fiscal year has started.

*Attorney Stout joined the meeting at 7:22 p.m.

- **MOTION** by Richard **SECOND** by Martin to approve the bills as submitted including the handout in the amount of \$71,867.37, (seventy-one thousand, eight hundred sixty-seven dollars, and thirty-seven cents). Roll Call Vote: Richard – Aye, Martin – Aye, Heslop – Aye, Burch – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

3. *DISCUSSION/DIRECTION STATE BANK LOAN AGREEMENT FOR SECONDARY WATER LINE:*

Rankin conveyed that work will begin shortly on the Water Main extension with a completion date scheduled for June 1st, however, due to the weather, it will most likely move that timetable now.

*Council member Arnold joined the meeting at 7:25 p.m.

The terms of this agreement will allow the city to retire the loan early and the interest rate is considerably lower than issuing bonds. The taxable value of the City of Montrose at the end 2020 is \$25,529,544. PA 99 allows the city to enter into a purchase agreement up to \$319,199.33. The breakdown for \$300,000 agreement at 2.25% for 10 years would be as follows;

YEAR	BEGINNING BALANCE	INTEREST	PRINCIPAL	ENDING BALANCE
1	\$300,000.00	\$6,472.11	\$27,057.33	272,942.65
2	\$272,942.65	\$5,857.00	\$27,672.44	\$245,270.19

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3	\$245,270.19	\$5,227.90	\$28,301.54	\$216,968.64
4	\$216,968.64	\$4,584.51	\$28,944.93	\$188,023.70
5	\$188,023.70	\$3,926.49	\$29,602.95	\$158,420.74
6	\$158,420.74	\$3,253.52	\$30,275.92	\$128,144.80
7	\$128,144.80	\$2,565.23	\$30,964.21	\$97,180.58
8	\$97,180.58	\$1,861.32	\$31,668.12	\$65,512.43
9	\$65,512.43	\$1,141.38	\$32,388.06	\$33,124.36
10	\$33,124.36	\$405.10	\$33,124.34	\$0.00

- **MOTION** by Heslop **SECOND** by Arnold that we adopt the resolution authorizing the installment purchase agreement for the water expansion. Roll Call Vote: Heslop – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.
- **MOTION** by Richard **SECOND** by Bigelow that we authorize the Mayor to sign the purchase agreement for the secondary water line. Roll Call Vote: Bigelow – Aye, Richard – Aye, Arnold – Aye, Martin – Aye, Burch – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. ***DISCUSSION/DIRECTION BLUEBERRY FESTIVAL RACE APPLICATION/PROTOCOLS:*** Rankin explained that the Blueberry Festival originally submitted an application for council approval in November for a December race, however, due to COVID-19 it was delayed until February 20th.

- **MOTION** by Arnold **SECOND** Martin that we approve the Blueberry Race protocols and allow them to move forward. Roll Call Vote: Bigelow – Aye, Heslop – Aye, Martin – Aye, Burch – Aye, Richard – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. ***DISCUSSION/DIRECTION SIDEWALK SNOW REMOVAL ORDINANCE/MEMO:*** Rankin reported that the current practice the City of Montrose has in effect is an ordinance requiring property owners to keep public sidewalks clear. The city manager has used door hangers to remind property owners and in particular, ones that are adjacent to M-57, however, this is a time-consuming endeavor and one of the main complaints from property owners along M-57, is that they shovel and the Genesee County Road Commission plows the snow back onto the sidewalk. The other issue is temperature related as the wet snow turns into ice with the change in temperatures. To have a contractor address the issue of snow removal they would need to document a few things.

1. Amount of snow to be removed and frequency.
2. The property footage adjacent to the right of way/sidewalk.
3. Invoicing the properties correctly. Some property owners will clearly dispute these charges.

At the conclusion of a significant snow event, that being one with four inches or greater of accumulation, the City plows snow from roads, school routes, downtown and DDA parking lots. In all, this activity represents the majority of our DPW employees and a period of 8-10 hrs. of snow removal. Sidewalk cleanup at our buildings, downtown and parks add another 4-6 hours depending on snowfall amount. As I have reviewed the City of Montrose's situation, I have

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identified several challenges including a clear definition as to how much snow would trigger a requirement for removal, what provisions would be made for elderly citizens and citizens with disabilities, how we would deal with sidewalks which are at the back of properties and in some instances separated by a fence and whether the responsibility for rental units falls to the renter or the property owner. While these issues are not unsurmountable, they would need to be addressed. Per the request of the City Council, I have studied the above-referenced subject and have identified ten Michigan cities. The report of our findings is attached hereto (Attachment A) and essentially concludes that the majority of the cities surveyed do, in fact, have an ordinance requiring snow removal from sidewalks. However, few, if any, have an effective enforcement program or have chosen not to enforce the ordinance whatsoever.

The penalties associated with the ordinances for the cities surveyed range from misdemeanors to civil infractions to the issuance of administrative fees and actual labor costs. A misdemeanor is punishable by a fine of up to \$500.00 and/or 90 days in jail for each offense. A civil infraction generally starts at \$25.00 fine and escalates for each new offense. The problems involved with enforcement range from providing staff to issue tickets to unified enforcement throughout the city to finding a reasonable measure and timeline for enforcement to provisions for extenuating circumstances.

As I have reviewed the City of Montrose's situation, I have identified several challenges including a clear definition as to how much snow would trigger a requirement for removal, what provisions would be made for elderly citizens and citizens with disabilities, how we would deal with sidewalks which are at the back of properties and in some instances separated by a fence and whether the responsibility for rental units falls to the renter or the property owner. While these issues are not insurmountable, they would need to be addressed.

As we have talked to others and become familiar with the process used, many have suggested that an approach similar to the one used with the City's weed and tall grass ordinance might be the best way to proceed. That process involves notifying the property owner of the violation and giving the property owner a reasonable amount of time to correct the violation. If the violation is not corrected a contractor is hired to correct the violation and the property owner is billed for the charges. If the bill is not paid then it goes to a lien against the property. The issue we see with this approach is that during the time lag between notification and assignment of the work, the nuisance could have actually abated itself. I see this as a point to be argued by one who is billed and one which will require documentation of the actual snow accumulation to prove the violation.

Any approach that we would undertake in this regard would require a monetary commitment for enforcement. The degree of investment would depend on whether the approach to enforcement is reactive, in which we would respond to complaints, or proactive, in which we would actually inspect for violations. There would also be a time commitment to follow-up with paperwork and assignment for abatement or prosecution including court time.

Implementation Options

Currently the cost per hour for the City to plow (sidewalks, downtown, parks) including labor, benefits, and equipment, is \$44 per hour. We use one employee with the Kabota that has a plow attachment

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and it takes approximately 4-6 hours to accomplish this task (depending on conditions.)

If the city was to address snow removal, we would need to bid the process out and the issue might be that time between a citation and removal the issue may have abated leaving the contractor to invoice the city for work that was never completed. It would also require additional resources for city to enforce.

Bigelow, Richard, Arnold, Burch, Mayor Brown and Heslop expressed frustration with businesses along M-57 habitually not keeping the sidewalks clear, therefore forcing the public to walk into the street. It was recommended to enforce the ordinance and have the city manager immediately write tickets for 110 E. State, 295 E. State & 305 E. State Street.

6. *ADOPTION RE: REZONING OF 250 E. STATE STREET ZONING MAP AMENDMENT ORDINANCE:* Rankin reported that city council held a public hearing at a special meeting on July 9th, the applicants have complied with the conditions of their special land use permit and have received their occupancy permit. This ordinance is now ready for council approval.

- **MOTION** by Burch **SECOND** by Bigelow to adopt said ordinance with regards to Taco Bell. Roll Call Vote: Burch – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. *APPROVAL/DISAPPROVAL COUNCIL MEMBER ROBERT ARNOLD'S ABSENCE AT THE NOVEMBER 19, 2020 REGULAR COUNCIL MEETING:*

- **MOTION** by Richard **SECOND** by Burch to approve Bob Arnold's absence at the November 19, 2020 council meeting. Roll Call Vote: Arnold – Abstain, Richard – Aye, Martin – Aye, Burch – Aye, Bigelow – Aye, Heslop – Aye, and Mayor Brown – Aye. One (1) Abstain – Arnold. Six (6) Ayes. Motion Carried.

8. *APPROVAL/DISAPPROVAL COUNCIL MEMBER TOM BIGELOW'S ABSENCE AT THE NOVEMBER 19, 2020 REGULAR COUNCIL MEETING:* Rankin explained that no action is needed.

- **MOTION** by Richard **SECOND** by Burch to approve council member Bigelow's absence at the November 19, 2020 meeting. Roll Call Vote: Richard – Aye, Bigelow – Aye, Martin – Aye, Burch – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

- **MOTION** by Arnold **SECOND** by Burch that we add the 2 items that Neil has requested onto tonight's agenda. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Bigelow – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *2021 POVERTY EXEMPTION GUIDELINES:* Rankin conveyed that this is what our assessor provides annually for council approval. The amount has stayed the same and the BOR just met this past Tuesday to confirm this.

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- **MOTION** by Heslop **SECOND** by Richard that we accept the poverty exemption guidelines as presented. Roll Call Vote: Bigelow – Aye, Burch – Aye, Martin – Aye, Richard – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

10. *3-YEAR CONTRACT WITH HOMETOWN DECORATION & DISPLAY LLC*: Rankin asked council if they would like other options for example purchasing decorations versus annual leasing. Richard expressed if the city does purchase their own decorations, then the installation should be done by professionals that have the proper equipment but not our DPW. Mayor Brown recommended keeping Hometown Decoration as they put everything up, take everything down and if the city were to purchase, then we would need to keep the decorations safe from damage and dry and rent equipment, however, Mayor Brown was not opposed to getting quotes from other companies for leasing. The consensus was to get comparable pricing for leasing.

PUBLIC COMMENTS: NONE

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: The DDA approved the purchase of the banners to be located within the DDA district.

ELECTION COMMISSION: NONE

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Mayor Brown reported that the DPW Director from the City of Burton came and spoke on the copper replacement program. Mayor Brown also announced that because she chaired these meetings for a year, she is now a lifetime member. Rankin added that the city should find out within the next 30 days if we will be receiving a grant from EAGLE for their Drinking Water Asset Management Grant. These funds would be utilized for streets, for example, filling pot holes.

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: Heslop said they mentioned an extension in Grand Blanc, applying for a 5-year permit renewal for Flint River Discharge and they also discussed new general permit requirements but these do not apply to the City. The new water sewer Master Plan has been completed and apparently the State is looking into treating chloride and road salt due to due to road salt being depositing into the storm sewer system.

GENESEE COUNTY METROPOLITAN ALLIANCE: Richard said they spoke on virtual PASER training and Genesee County will be looking into repairing bridges.

PLANNING BOARD: Richard reported the members took a look at the burn ordinance and it's their position to see how things go through in the spring if there are more complaints or if this is an isolated issue. Richard also announced the new board appointments, Todd Pangle, Chairperson, Anthony Brown, Vice-Chairperson and Amanda Richard is the secretary.

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911 CONSORTIUM: Bigelow mentioned there will be an upcoming 911 millage renewal and recommended council endorse this noting that without this funding, 911 will end. Rankin suggested putting information inside the upcoming newsletter and Richard suggested having a resolution of support at the next city council meeting.

ZONING BOARD OF APPEALS: Arnold reported they held their annual organizational meeting, Frank Taylor is Chairperson and Arnold is Vice-Chairperson.

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; The City offices are planning to reopen February 22nd but will encourage residents to continue to utilize the drop box and make appointments. The DPW have been plowing and in between storms have installed the plow on the new truck. The DPW is going to build a container for the back to add additional weight to the rear axle as this is by far the largest truck plow I have seen. NEP Grant will be closed out this next week. I will have photos/presentation for the next meeting. Special ordered window is going in on Thursday. The treasurer and I are putting together the budget for 2021-2022 and are trying to anticipate all the projects/purchases in the next year. The city is also seeing a number properties being purchased and looking at some exciting new investment/construction this Spring, for example, . Retrofoam is looking to rezone and expand property at the end of Grover Street. Engineering has been working with GIS and linked 238 plans. This means that on a map of the city there are as built plans/drawings linked to locations. This spring the city is looking into repairs on Washington Street and at the DPW garage.

CITY ATTORNEY: NONE

MAYOR AND COUNCIL COMMENTS: Heslop asked if there was headway regarding Covid signage? Rankin said he left a message with Acorn & Company to get signs created but hasn't heard back from anyone. Mayor Brown will give Rankin someone he can contact in Flushing. Burch announced that he attended the Michigan Municipal League Core Weekender last month, very informative, and looking forward to future vestment within the community. Mayor Brown announced that she is officially on the MML Elected Officials Academy Board and will be serving on the MML Economic Development and Land Use Board starting March 1st. Mayor Brown also mentioned she received a plaque for serving as Chair on the Genesee County Small Cities and Villages Association and this year's Capital Conference will also be held virtually.

COMMUNICATIONS TO THE COUNCIL: NONE

ADJOURNMENT

Mayor Brown adjourned the meeting at 8:40 p.m.

Prepared by City Clerk, Tina Rush