

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 15, 2018

CALL TO ORDER: Mayor Colleen 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 entered at 7:01, Christy Sanborn, Robert Arnold, Mark Richard, and Tom Bigelow. Also present were City Manager Neil Rankin, City Clerk Christina Rush, City Attorney Otis Stout, and 17 citizens. Member Debbie Gross entered the meeting at 7:25 pm.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF MARCH 2018, PASTOR HAL PHILLIPS.* Pastor Phillips is the Pastor at the Methodist Church and does a lot for the community. Eva Vandefifer accepted the award on his behalf commenting that Pastor Phillips was very pleased to be picked for Citizen of the Month as he has never been chosen for anything like this or felt as welcomed as he has in the City of Montrose.

2. *CHOOSE A CITIZEN OF THE MONTH FOR MAY* (April is James Preston)

- **MOTION** by Bigelow **SECOND** by Arnold to nominate the school bus drivers for the month of May 2018. All Ayes. Motion Carried.

PUBLIC HEARINGS: NONE

PRESENTATIONS: NONE

REPORTS

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

2. *SAFEBUILT INSPECTION SERVICES: On file at city office*

PUBLIC COMMENTS: Carolyn Birchmeir from the Twin Township Ambulance Service spoke to council about placing on the ballot a special assessment of \$100 per residence for ambulance services.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF 02/15/18 REGULAR MEETING MINUTES*

- **MOTION** by Dunklee **SECOND** by Richard to approve the February 15, 2018 regular meeting minutes as presented. All Ayes. Motion Carried.

2. *APPROVAL OF CHECK REGISTER, TREASURER REPORT & INVOICE FROM NEWKIRK*

- **MOTION** by Richard **SECOND** by Sanborn to pay the bills as presented. Roll Call Vote: Dunklee – Aye, Bigelow – Aye, Sanborn – Aye, Arnold – Aye, Richards – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

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3. *RESOLUTION RE: LOCAL MATCHING FUNDS FOR BLUEBERRY PARK IMPROVEMENT PROJECT:* Rankin said at the Planning Board meeting on March 8th they went over the park plan. There are available funds in the amount of \$300,000 from the Michigan National Resource Trust Fund; however, the project is priced out significantly more than that. There are two phases included in the plan. Phase one includes parking, lighting, entryway, bathrooms. Phase two includes upgrading the park equipment. The park equipment is the biggest part of the project which is priced at \$175,000. The park also needs to be ADA compliant. The City can budget for some of the fund matching. We can request a donation from the Jennings Foundation and other foundations. If selected for the grant, the project will begin in 2019. There is some money from the Community Block Grant. April 1st is the deadline. Mayor Brown asked if the City was in danger of losing the CDBG grant. Rankin said no, the CDBG just would like to know what the City will be using the funds for.

- **MOTION** by Dunklee **SECOND** by Bigelow to approve the Resolution for local matching funds for Blueberry Park Improvement Project. Roll Call Vote: Richard – Aye, Dunklee – Aye, Sanborn – Aye, Arnold – Aye, Bigelow – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

4. *DISCUSSION DIRECTION RE: INTERGOVERNMENTAL MAINTENANCE AGREEMENT FOR THE MONTROSE JENNINGS MEMORIAL LIBRARY*

Rankin said in the packet there is a draft document that would enter the City into an intergovernmental relationship with Montrose Township and Montrose Community Schools. This would continue the same relationship with the costs split between the City and the Township for library utility costs and the School will perform the maintenance. Rankin discussed with Mr. Emmendorfer and Mr. Wright the City will pursue an endowment from the Jennings Foundation and other sources to offset costs. For the time being other costs outside of regular maintenance would be split three ways. The Township would continue to be the sponsor. The sponsorship agreement will be between the Township and the Library. If there are any maintenance issues the Library will contact the Township. Mayor Brown asked if this was a ten year contract. Rankin said yes. Mayor Brown further asked about trying to find other funding sources for the building rather than us. Rankin said yes for the bigger items. Richard asked if there was insurance on the building. Mayor Brown replied the school has insurance on the structure and the library has insurance on the contents.

- **MOTION** by Richard **SECOND** by Arnold to approve the draft inter-governmental maintenance agreement for the Montrose Jennings Memorial Library. Roll Call Vote: Dunklee – Aye, Sanborn – Aye, Arnold – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

5. *PURCHASE AGREEMENT FOR OLD TOWNSHIP BUILDING:* Rankin said the Township has drawn up a draft purchase agreement for the purchase of the old Township building and parking lot. The City's building inspector inspected the building and stated it is a good looking building with not too many issues. Otis has examined the agreement and has made some recommendations. Rankin has sent this information to the Township. The building previously was a library; therefore, a phase one environmental study does not need to be done. SAFEbuilt noted a few electrical issues, in which the Township had someone look at on Monday. Prior to

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roll call vote, Richard noted there was not a disclosure statement. He made a suggestion to add a paragraph in the agreement requiring the seller to make full complete disclosure of any known issues, problems or defects and would also stipulate any known issues, problems, or defects that are not disclosed, the seller will be liable for the cost and correct the issue, problem, or defect. He also inquired about an asbestos survey. He questioned if there are any other issues with the floor joists in the building since the inspector mentioned a shoring jack in the crawl space lying on its side. Bigelow asked if the City's building inspector checked the floor joists. Rankin said yes. Richard said he was concerned because the inspector suggested their recommendations should be further investigated prior to occupancy. Mayor Brown suggested asking the Township for any documentation of all the things that were done on the building. Richard recommends hiring a moving company for the move to the new building.

- **MOTION** by Arnold **SECOND** by Bigelow to go forward with the draft purchase agreement with the stipulation of adding "seller's disclosure statement". Roll Call Vote: Bigelow – Aye, Sanborn – Aye, Gross – Aye, Richard – No, Arnold – Aye, Dunklee – Aye, and Mayor Brown – Aye. Six (6) Ayes and One (1) No. Motion Carried.

6. CONTRACT FOR COMMERCIAL DRIVER'S LICENSE CONSORTIUM PROGRAM:

Rankin said First Advantage is the random drug testing program the City utilizes through MML. In the past, there wasn't an agreement/contract the City had for First Advantage services. This contract would authorize First Advantage to continue these services. Bigelow asked if this was a yearly contract or no end clause. Sanborn said it's a 36 month contract. Mayor Brown said it can be terminated at any time.

- **MOTION** by Bigelow **SECOND** by Gross to enter into a contract for commercial driver's license testing. Roll Call Vote: Gross – Aye, Dunklee – Aye, Arnold – Aye, Sanborn – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.
- **MOTION** by Gross **SECOND** by Richard to add discussion of Depot/Jennings Grant as agenda item #13. All Ayes. Motion Carried.

7. DISCUSSION RE: EXPIRING CONTRACTS: Rush provided a list of contracts that will be expiring. Bigelow had a question on the Charter contract concerning the installing new phones to the new building or if the current phones transfer. Mayor Brown said they will transfer over. Mayor Brown would like to see Republic Waste back on the agenda in August. Sanborn also said the public safety contract should be discussed in June or July. Rankin said to let the ADT Security contract expire due to moving to the Township. Council discussed Charter and renewing the contract for internet and phones. Arnold suggested having IT Right come in and discuss any new services. Mayor Brown said to have IT Right to come in for the April meeting.

8. HOMETOWN DECORATION AND DISPLAY CONTRACT: Rankin said this is a new contract for the period of three (3) years. The prices have gone up. They are switching to LED lights. Normally the DDA approves this but they did not have a meeting and the contract needs to be signed. Bigelow asked how much did the contract go up. Mayor Brown said \$2.00 per decoration and there are 22 decorations. Each light's cost went from \$70.00 to \$72.00.

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- **MOTION** by Richard **SECOND** by Sanborn to approve the contract with Hometown Decoration. Roll Call Vote: Richard – Aye, Bigelow – Aye, Sanborn – Aye, Gross – Aye, Dunklee – Aye, Arnold – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

9. *CONSUMER'S ENERGY FINAL COPY OF THE STANDARD LIGHTING CONTRACT:* Rankin said Consumers Energy sent a letter stating they never got a signed copy of the change in the contract. Rankin said this contract would update the numbers of cobra head- Mercury Vapor lights removed with the LED upgrades.

- **MOTION** by Bigelow **SECOND** by Sanborn to sign the Consumer's Energy Final Copy of the Standard Lighting Contract. Roll Call Vote: Dunklee – Aye, Arnold – Aye, Sanborn – Aye, Richard – Aye, Bigelow – Aye, Gross – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

10. *UPDATE ON RETIREE MEDICAL INSURANCE:* Rankin said Otis and he spoke about the Matt Fejedelem healthcare situation as requested by council to find a solution to provide healthcare to Matt's dependent. Unfortunately, there isn't a solution that would ensure healthcare would be provided to Matt's dependent. The resolution that was passed in 2005 to provide these healthcare benefits were questionable in the manner provided through resolution. In addition, there wasn't a contract that stipulated what Matt or his dependent would receive post employment with the City. Rankin understands this is an unfortunate situation for Matt's dependent but the document that specified what he would receive was based on the resolution at the time of his retirement and reaching the age of 65 to receive what was provided.

In addition, Rankin recommends council not discuss this matter in a public forum that would be considered a violation of **HIPAA/ Protected Health Information**. The Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information (PHI)." "Individually identifiable health information" is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

11. *APPROVAL/DISAPPROVAL OF MAYOR BROWN'S ABSENCE AT THE 01/18/18 REGULAR CITY COUNCIL MEETING:*

- **MOTION** by Sanborn **SECOND** by Richard to approve Mayor Brown's absence at the 01/18/18 regular City council meeting. All Ayes. Motion Carried.

12. *APPROVAL/DISAPPROVAL OF MEMBER TOM BIGELOW'S ABSENCE AT THE 02/15/18 REGULAR CITY COUNCIL MEETING:*

- **MOTION** by Richard **SECOND** by Sanborn to approve member Tom Bigelow's absence at the 02/18/18 regular City council meeting. All Ayes. Motion Carried.

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13. *DISCUSSION RE: DEPOT/JENNINGS GRANT:* Council Member Gross spoke about the application for the Jennings Grant for operation instead of maintenance. The Depot was denied the grant due to the operations budget was not clear cut. She said in the past they have received grants for the Depot many many times for maintenance. She said someone spoke to a Mr. Snide and there is no need to reapply, they have their application from last year. They want a budget that is broken down. She spoke about the Depot being absorbed by the DDA and that when applying for the Jennings Grant there has to be line items in the budget within the DDA that specifies Depot funds. She is requesting to have the Depot have their own line items in the DDA budget and to bring this to the DDA board. If the DDA does not have a meeting she would like to have City Council approve a budget for the Depot for the grant process. Rankin said there can be line items specific for them. Prior to voting on the motion Mayor Brown asked if this is something that can be done. Rankin said yes it is possible.

- **MOTION** by Gross **SECOND** by Richard to ask to have the Depot to have a designated budgeted line item under the DDA account. All Ayes. Motion Carried.

PUBLIC COMMENTS: Stephani Fejedelem spoke about requesting a private meeting to discuss her father's affair, they were denied and by council's own admission they are in violation of HIPPA. She said they requested it once possibly twice and was denied time and time again for a private meeting with council. Mayor Brown said discussing medical details is in violation of HIPPA and we should be careful about not talking about that. Stephani Fejedelem also asked who made the decision to cancel the policy, who contacted the insurance to put that into motion. Mayor Brown said that would be an automatic task. When he passed away the policy terminated. Stephani said it is her understanding that is not what the insurance said. The insurance company said they were contacted by the City to cancel the policy. Mayor Brown said we cannot continue to provide insurance to an employee or a retiree who is no longer alive. Stephani said if council had a vote to approve Matt, she's curious who acted on whose authority to actually implement the cancellation of the policy without council discussion. Several council members told her that it is not a council discussion. Stout said the manager would have the right. Lisa Klein said she is disappointed in the City. Her dad gave his life to this City and you guys have (expletive) on him. She will no longer spend one dime of her money in the City limits of this town and neither will her family. Council needs to vote in a new City manager, not one that is a joke.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: NONE

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: The City will be hosting the April Small Cities & Village Association meeting on April 4th. 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., followed by pizza, antipasti salad, lasagna, bread sticks, and pie for dessert catered from Naples.

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

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GENESEE COUNTY METROPOLITAN ALLIANCE: NONE

PLANNING BOARD: Richard spoke with Mr. Taylor about the Park project. The Planning Board is recommending going forward with it.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY

CITY MANAGER: Rankin reported the marijuana store in town is shut down. The Michigan State Police will be issuing cease and desist orders throughout the State of Michigan. He reported that Newkirk Electric changed out the downtown and park lights this week. The new lights are the 4000k LED spectrum, which do not look much different than what is already there. 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 appear more "cooler" than halogen light.

The chart of accounts will be changing before December 31st.

CITY ATTORNEY: Stout said he was asked in October about an event that happened at the Montrose Express where some cigarette lighters and a bracelet were stolen. It was in question about the Montrose police doing their job. The girl was caught for not appearing in court for another charge and pled guilty to the larceny.

MAYOR AND COUNCIL COMMENTS: Bigelow wanted to thank the community that showed up to the wild game dinner. On March 24, there will be a heart screening for teens ages 13-19 at the Skill Center by appointment only. Go to the Thomas Smith Foundation website for information. He would like the peddler application fee for the Knights of Columbus waived.

- **MOTION** by Gross **SECOND** by Richard to waive the Knights of Columbus peddlers fee for the duration of a year. All Ayes. Motion Carried.

Gross apologized for being late. Arnold would like to thank everyone who made it to the Library open house. The Chamber of Commerce is planning a festival for June 9th. It will be an art walk. They will be asking to use the Depot and the Park. Mayor Brown would like to request the City waive Depot rental fees for the Montrose Vets Support Group. The next meeting will be Wednesday, March 28th. She will be attending the MML meeting in Lansing. The Chamber has asked if they can use the Lions Park for an Art in the Park. She would like to waive the fee for the Park. Mr. David Walker has brought a letter to her regarding issues with Elizabeth Street. It is under her impression the project is not done and will be finished when the snow is gone. All the issues will be addressed at that time. She said the road has not been chloride in several years due to not having the means to chloride it. Rankin said he will look in to getting quotes for chloride spraying.

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- **MOTION** by Bigelow **SECOND** by Richard to have council waive the regular meeting fees for Montrose Vets Support Group for 2018/2019 at the Depot. All Ayes. Motion Carried.
- **MOTION** by Gross **SECOND** by Sanborn to have council waive the fees for the Art in the Park June 9th festival. All Ayes. Motion Carried.

COMMUNICATIONS TO THE COUNCIL:

ADJOURNMENT:

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

The meeting adjourned at 8:33 p.m.

Prepared by City Treasurer, Chrystal Raible