

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 27, 2017

### **CALL TO ORDER**

Mayor Colleen Brown called the regular Council meeting to order at 7:00 p.m. The meeting was held at the Hill McCloy High School auditorium located at 301 Ray Street in Montrose.

### **ROLL CALL**

Present Council Members were Mayor Colleen Brown, Eldon Dunklee, Christy Sanborn, Robert Arnold, Mark Richard, Tom Bigelow, and Debbie Gross. Also present were City Clerk Tina Rush, City Attorney Otis Stout, City Manager Neil Rankin and approximately **117** citizens.

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

### **CITIZEN OF THE MONTH**

1. *THE MONTH OF MARCH 2017, JOHN NEWCOMER:* Council honored John Newcomer for submittal of a grant to the Jennings Foundation on behalf of the Depot Committee.
2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF APRIL 2017:*
  - **MOTION** by Richard **SECOND** by Bigelow to nominate Eagle Scouts Evan Kinder & Steven Maneke as Citizens of the Month for the month of April. All Ayes. Motion Carried.

**PUBLIC HEARINGS:** NONE

**PRESENTATIONS:** NONE

### **REPORTS**

1. *POLICE & FIRE DEPARTMENT REPORTS FOR JANUARY:* On file at city office
2. *GEORGE BROWN INSPECTION SERVICES:* None, quarterly report due next month.

**PUBLIC COMMENTS:** Twenty-six (26) citizens stood up and spoke about the medical marijuana facility and the issue of opting in/opting out. Six (6) city residents and seven (7) township residents were for the facility and nine (9) city residents and three (3) township residents were against the facility. One (1) resident wanted the community to come together to make a decision.

### **MATTERS OF COUNCIL ACTION**

1. *APPROVAL OF 01/17/17 CITY COUNCIL SPECIAL MEETING MINUTES*
  - **MOTION** by Gross **SECOND** by Sanborn to approve the minutes as presented. All Ayes. Motion Carried.
2. *APPROVAL OF 02/09/17 CITY COUNCIL REGULAR MEETING MINUTES:*
  - **MOTION** by Arnold **SECOND** by Richard to approve the minutes as presented. All Ayes. Motion Carried.
3. *APPROVAL OF CHECK REGISTER/TREASURER REPORT:*

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

4. *DIRECTION RE: ORDINANCE GOVERNING MEDICAL MARIJUANA*: Mayor Brown suggested to have planning board to continue to review and write a recommendation for council.

- **MOTION** by Richard **SECOND** by Sanborn to go to the planning board for their review. Roll Call Vote: Dunklee – Aye, Gross – Aye, Sanborn – Aye, Arnold – No, Richard – Aye, Bigelow – No, and Mayor Brown – Aye. Six (6) Ayes and Two (2) No's. Motion Carried.

Gross questioned what is the planning board reviewing and what ordinances they were getting. Sanborn said we are not having them review anything we are sending it to them for them to put it together to submit to us for review. Mayor Brown stated the research is based on what they find. They do have some sample ordinances that have been presented to them. Arnold said he's concerned about rehashing the same thing at each meeting so if council plans on postponing any decision on this a finite deadline needs to be set. Mayor Brown said this will not be on City Council agenda again until the planning commission sends back something. Arnold asked what are we waiting for. Mayor Brown said we cannot possibly make a decision without an ordinance in front of us. The decision will be based on the ordinance that comes to us. Bigelow said yes we can make a decision based on having an ordinance or not, of opting in or opting out. Mayor Brown said we cannot make a decision of opting in without something in front of us.

5. *APPROVAL OF CONSUMERS ENERGY INVOICE, AUTHORIZATION OF CHANGE CONTRACT FORM 547 AND STANDARD STREETLIGHT CONTRACT FORM 548*: Rankin said at the last meeting there was the LED switch over. This is the contract that goes along with that to approve it.

- **MOTION** by Richard **SECOND** by Bigelow to approve the Consumer's Energy lighting contract. Roll Call Vote: Bigelow – Aye, Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

6. *APPROVAL OF EMERGENCY WATER LINE REPAIR INVOICE FOR THE CORNER OF S. SAGINAW ST. AND COKE DRIVE*: Rankin explained there was a line that was hit in the park from a directional boring company. The DPW went to turn off the valve and the valve kept leaking so it got to the point there was enough water going down the street. DPW contacted Rohde Bros. since this valve was located in the road. These costs reflect the agreed pricing they have provided in the RFP.

- **MOTION** by Gross **SECOND** by Sanborn to pay the emergency water repair invoice in the amount of \$2405.00 as presented. Roll Call Vote: Gross – Aye, Dunklee – Aye, Arnold - Aye, Sanborn – Aye, Richard – Aye, Bigelow – Aye and Mayor Brown – Aye. All Ayes. Motion Carried.

7. *APPROVAL OF CONTRACT WITH ROHDE BROS. FOR EMERGENCY WATER LINE REPAIR SERVICES*: Rankin explained that council approved the RFP from Rohde Bros at the last meeting. Rohde looked at the contract, he was fine with it. It is locked in for three (3) years, at that point

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we can extend it year by year or enter another agreement. There is a thirty (30) day opt out for either party.

- **MOTION** by Gross **SECOND** by Richard to approve the agreement for emergency services for City water system with Rohde Brothers as presented. Roll Call Vote: Arnold – Aye, Richard – Aye, Sanborn – Aye, Gross – Aye, Bigelow – Aye, Dunklee – Aye, and Mayor Brown – No. Six (6) Ayes and One (1) No. Motion Carried.

8. *DIRECTION RE: UTILITY BILL FOR CITY OWNED PROPERTY 250 OAK STREET:* Rankin said the City took possession of 250 Oak Street. We turned off the water and there is still an outstanding bill. We don't have any way to collect on it as it went from the County to us. We are looking to waive the cost of \$570.41 to clear it off the books.

- **MOTION** by Richard **SECOND** by Bigelow to waive the charges at 250 Oak St. in the amount of \$570.41. Roll Call Vote: Richard – Aye, Bigelow – Aye, Sanborn – Aye, Gross – Aye, Dunklee – Aye, Arnold – Aye, and Mayor Brown. – Aye. All Ayes. Motion Carried.

9. *DIRECTION RE: BUILDING INSPECTOR/CODE ENFORCEMENT SERVICES:* Rankin said the contract we have for George Brown Inspection Services is set to end in April. Council can either take it out to bid or can retain/renew his services. I will defer to council in the direction they wish to proceed.

- **MOTION** by Bigelow **SECOND** by Dunklee to send the contract for building inspections out to bid. All Ayes. Motion Carried.

\*Mayor Brown would like to add an item to the agenda, to discuss changing the council meeting date.

- **MOTION** by Dunklee **SECOND** by Arnold to add onto the agenda. All Ayes. Motion Carried.
- **MOTION** by Gross **SECOND** by Arnold to add informational packet to be given to the Depot for discussion to the agenda. All Ayes. Motion Carried.

10. *APPROVAL OF PITNEY BOWES POSTAGE METER LEASE:* Rankin said the City's current lease for our postage meter will be ending. To continue with Pitney Bowes as our postage provider the City will need to enter into a new contract. The good news is that it will be a reduction per quarter of \$12.69 or \$50.76 per year.

- **MOTION** by Arnold **SECOND** by Sanborn to approve the Pitney Bowes postage meter lease as presented. Roll Call Vote: Bigelow – Aye, Gross – Aye, Sanborn – Aye, Richard – Aye, Dunklee – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

11. *APPROVAL OF FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS:* Rankin said Charter Communications is requesting to renew the Franchise Agreement we have with them for a period of ten years. This falls under the Uniform Video Service Act and the payments/fee are calculated by the Act.

- **MOTION** by Bigelow **SECOND** by Richard to approve the video service local franchise agreement. Roll Call Vote: Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

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12. *DIRECTION RE: OUTDOOR BURNING ORDINANCE:* Rankin said he talked with council member Bigelow about due to weather issues allowing burning leaves and yard waste during the week as well as weekends in April, May, October, and November. He can make the changes to ordinance, bring it back to council, and set a public hearing for the future.

- **MOTION** by Bigelow **SECOND** by Sanborn to update the current outdoor burning ordinance to go from weekends to the full month of April, May, October, and November. All Ayes. Motion Carried.

13. *DIRECTION RE: BOARD OF REVIEW PAY:* Rankin said The Tax Board of Review has always had trouble in attracting members to serve. It is an essential function that if we do not fill can result in larger penalties. Our assessor recommends to increase the current level of compensation to make it more attractive. Rankin recommends that council set wages at \$15.00 per hour. At organizational meetings, regardless of actual meeting time, members would be paid a minimum of one hour, and at all board of review meetings members would be paid based off time worked rounded to the nearest hour. Based off what is required by the state and the hours the board is available the costs would be \$765 per year. \$300 more per year but worth the cost of the city tax roll be handed over to the state if we fail to have a quorum. If council wishes I will allocate funds in the next budget.

- **MOTION** by Gross **SECOND** by Richard to move forward to entice us to get some people to come for tax board of review for \$15.00 an hour. Roll Call Vote: Dunklee – Aye, Richard – Aye, Bigelow – Aye, Gross – Aye, Sanborn – Aye, Arnold – Aye, Mayor Brown – Aye. All Ayes. Motion Carried.

14. *APPOINTMENT TO THE BOARD OF REVIEW:* There are two applicants for the Tax Board of Review, Julia Foust and Bill Persails. Mayor Brown recommended accepting both applications and appointing them to the tax board of review.

- **MOTION** by Dunklee **SECOND** by Bigelow to approve these applicants. All Ayes. Motion Carried.

15. *CITY MANAGER CONTRACT RE: REQUEST FOR ADDITIONAL LEAVE:* Rankin said currently as manager he receives ten (10) personal days. Sick, vacation, and bereavement are all included in that time off. If he takes a few hours off here and there, or would have to stay home with a sick kid or take a three day vacation he essentially can use all his personal time off in no time flat. He receives no health or retirement benefits as a part-time manager. He is requesting council to add three (3) days of paid sick time and four (4) days of paid vacation to the current contract. This additional leave time would not accumulate or be paid out at the end of the fiscal or contract. This would be in addition to the current ten (10) days of personal that can accumulate and be carried over at the end and beginning of the fiscal year.

- **MOTION** by Bigelow **SECOND** by Richard to add three (3) days of sick time and four (4) days to his vacation of the current contract. Roll Call Vote: Richard – Aye, Gross – Aye, Sanborn – Aye, Dunklee – Aye, Arnold – Aye, Bigelow – Aye, and Mayor Brown - Aye. All Ayes. Motion Carried.

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16. *PUBLIC SAFETY CONTRACT*: Rankin said the response from other municipalities to the RFP has not been positive. Initial costs such as hiring, training, police equipment, insurance is quite prohibitive. There are two police contracts from the Township. One has priority 1 and 2 calls the other just priority 1 calls. There is a list of calls they will be responding to under those priorities. As for cost savings, this would \$80,000 to \$100,000 per year. Rankin recommends to council to approve the Priority One and Two call contract from Montrose Township. This contract could be seen as a nine month trial run with the ability to renew. The savings to the end of the year/contract would be \$60,000.

- **MOTION** by Bigelow **SECOND** by Sanborn to adopt the contract from the Township for the priority one and two calls Police and Fire Public Safety Contract. Roll Call Vote: Richard – No, Sanborn – Aye, Bigelow – Aye, Arnold – Aye, Dunklee – Aye, Gross – Aye, and Mayor Brown - Aye. Six (6) Ayes and One (1) No. Motion Carried.

17. *APPROVAL/DISAPPROVAL OF MEMBER ELDON DUNKLEE'S ABSENCE AT THE 01/17/17 SPECIAL CITY COUNCIL MEETING*:

- **MOTION** by Gross **SECOND** by Richard to approve Eldon Dunklee's absence for the date that was presented. All Ayes. Motion Carried.

18. *DIRECTION RE: DISCUSS CHANGING THE COUNCIL MEETING DATE*: Mayor Brown requested changing the council meeting date from the second Thursday of the month to a different day due to something has come up on Thursday evenings that she is involved in.

- **MOTION** by Dunklee **SECOND** by Gross to change council meetings from the second Thursday of the month to the fourth Thursday of the month. Roll Call Vote: Dunklee – Aye, Richard – Aye, Sanborn – Aye, Arnold – Aye, Gross – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

19. *DIRECTION RE: INFORMATIONAL PACKET TO BE GIVEN TO THE DEPOT*: Gross said the Depot members would like a financial report each month regarding the Depot.

- **MOTION** by Dunklee **SECOND** by Gross to give them a packet. All Ayes. Motion Carried.

**PUBLIC COMMENTS**: Matt Fejedelem talked about allowing the medical marijuana facility in the City. A Township resident talked about writing an ordinance concerning the medical marijuana facility and council should have made a decision tonight regarding an ordinance. A City resident spoke about the millage and not wanting to pay any more taxes. Adam Wenzlick talked about the how everyone's opinion should matter no matter where they live, not only City residents' opinion should be considered. Tim Hobson wanted to thank the council for serving the community and he is looking to have a council representative to be part of a leadership team. Kelly Blackburn wanted the council to realize the down side of having a marijuana facility in the City. Businesses won't come here and homeowners will sell their homes if this facility comes into town. She also questioned how much money it would bring in and if it going to be worth it. Dana Macklin, a resident from the Village of Edmore, wanted to know if the clerk ever had a conversation with Neil Rankin stating that when a person is re-elected on a council that they do not have to take the oath of office. Mayor Brown said this generally is not a direct question and answer session. The Edmore resident said he called to ask

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if he could ask questions to council, he was told he could ask questions. Sanborn replied the Clerk is not a member of the council. Attorney Stout informed him that is a question for the Village Attorney of Edmore. Matt Fejedelem talked about the lack of businesses in town and why would he want to put a business in this town if they don't support the businesses they have.

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

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD:* Next meeting April 11th at 7:30 a.m.

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

*GENESEE COUNTY METROPOLITAN ALLIANCE:* NONE

*PLANNING BOARD:* Next meeting April 20<sup>th</sup> at 7:00 pm.

*911 CONSORTIUM:* Sanborn said on the May 2nd ballot there will be an increase of .62 cents for cellular usage tax. The revenue from that will solidify their budget for the next ten years and will also be used to replace emergency equipment for all Genesee County municipalities.

*ZONING BOARD OF APPEALS:* None.

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

*CITY MANAGER:* Business License - I am still working on this matter. I have had a hard time finding a fire inspector that would be interested in doing contracted building inspections to implement such a license. I will continue to seek out a fire inspector that could be contracted to do the work. I have sent emails to the Michigan Fire Inspectors Society and have not received a response as of yet. I have also contacted several of the child care fire inspectors but they have not provided any leads at this time.

*CITY ATTORNEY:* NONE

**MAYOR AND COUNCIL COMMENTS:** Gross said previously when she served on City Council they had formed an enhancement committee that did several improvements around the City and would like to start something back up again. Arnold said he encourages people to continue to come to council meetings and to continue to learn what the problems in the City are. Sanborn and Bigelow thanked the citizens for coming to the meeting. Richard said the planning board may come up with an ordinance but it does not mean the council will pass that ordinance.

**COMMUNICATIONS TO THE COUNCIL:** *On file at the city office*

### **ADJOURNMENT**

Mayor Brown adjourned the meeting at 9:04 p.m.

Prepared by City Deputy Clerk/City Treasurer, Chrystal Raible