

## **MONTROSE CITY COUNCIL REGULAR MEETING MINUTES**

**April 18, 2019**

**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 139 S. Saginaw St., Montrose.

**ROLL CALL:** Present Council Members were Mayor Colleen Brown, Christy Sanborn, Robert Arnold, Mayor Pro-Tem Mark Richard, and Ryan Heslop. Also present were City Manager Neil Rankin, City Clerk Christina Rush, and 2 citizens. Council members Debbie Gross and Tom Bigelow were absent.

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

### **CITIZEN OF THE MONTH**

1. *THE MONTH OF APRIL 2019, FRANK CROSBY:* Mr. Crosby was not able to attend.

2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF JUNE:*

- **MOTION** by Arnold **SECOND** by Richard to nominate Billy Persails for the Citizen of the Month for the Month of June for all the work he does volunteering with all the ball teams and ball fields. All Ayes. Motion Carried.

### **PUBLIC HEARINGS:**

1. *PROPOSED ORDINANCE NO. 438 RE: PROHIBIT THE ESTABLISHMENT OF RECREATIONAL RETAIL SALES OF MARIHUANA ORDINACE:* Mayor Brown opened the public hearing at 7:05 pm. There were not any comments or questions. Mayor Brown closed the public hearing and brought the regular meeting back to order at 7:06 p.m.

**PRESENTATIONS:** NONE

### **REPORTS**

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

2. *SAFEBUILT INSPECTION SERVICES:* Council Member Sanborn asked about White's Tavern and the business inspection. Rankin said the situation with White's Tavern has been resolved and as soon as everything is filed with LARA Whites Tavern will be getting an occupancy permit. Mayor Brown questioned why the City did not getting full recovery of costs from White's court proceedings. Rankin said there is not anything in particular within the ordinance that specifies the City can get full recovery of court costs. Mayor Brown said if this is an issue with the ordinance she would like Rankin to bring an update back to council on adjusting the ordinance to reflect full cost recovery of costs incurred for someone not doing what they are suppose to be doing.

**PUBLIC COMMENTS:** NONE

### **MATTERS OF COUNCIL ACTION**

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1. *APPROVAL OF 03/21/19 REGULAR MEETING MINUTES*: Mayor Brown said there is one correction for the Genesee County Small Cities and Villages, she had misspoke, the presentation was from Genesee County 9-1-1 and not the Genesee District Library.

- **MOTION** by Richard **SECOND** by Sanborn to approve the March 21, 2019 regular meeting minutes with correction. All Ayes. Motion Carried.

2. *APPROVAL OF CHECK REGISTER & TREASURER REPORT*:

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

3. *2018/2019 FISCAL YEAR BUDGET AMENDMENTS*: Rankin said since we're getting closer to the end of our fiscal year, we have a few budget amendments.

- **MOTION** by Heslop **SECOND** by Richard to approve the 2018/2019 fiscal year budget amendment #4. Roll Call Vote: Richard – Aye, Sanborn – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. *CONSUMER'S ENERGY LIGHTING CONTRACT*: Rankin said there are two separate contracts. The first one on page 24 is to remove the high pressure sodium lights. The second contract on page 26 is to install the LED lights. Consumer's Energy will continue to replace burnt out lights as they are called in.

- **MOTION** by Arnold **SECOND** by Richard to approve both contracts on page 22 through page 27 of our packet with Consumer's Energy to replace the light bulbs. Roll Call Vote: Heslop – Aye, Sanborn – Aye, Arnold – Aye, Richard – Aye, Mayor Brown – Aye. All Ayes. Motion Carried.

5. *APPOINTMENT TO THE TAX BOARD OF REVIEW*: Judy Shanks applied for both Tax Board of Review and Zoning Board of Appeals. Since both of these are a paid position, she can only be on one of the boards. It was briefly discussed which board was in most need of a member. It was decided the Tax Board of Review was in need.

- **MOTION** by Richard **SECOND** by Arnold to put Judy M. Shanks on the Tax Board of Review as an alternate. All Ayes. Motion Carried.

6. *APPOINTMENT TO THE ZBA*:

- **MOTION** by Richard **SECOND** by Arnold to appoint Judy M. Shanks on the Zoning Board of Appeals. All Ayes. Motion Carried.

7. *DELINQUENT WATER ACCOUNTS SAV-ON DRUGS*: Rankin said there are two outstanding bills for Sav-On Drugs. When CVS purchased the building it was through a bankruptcy; therefore, these bills have been left unpaid. The bankruptcy is at the US District Court of Southern New York, and since it is less than \$300.00 it would be financially unwise to pursue recovery. Mayor Brown asked why it couldn't be added to the taxes. Rankin said since it is a bankruptcy it cannot be added to the taxes.

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- **MOTION** by Arnold **SECOND** by Richard to waive the payment and penalties for Sav-On Drugs water account. Roll Call Vote: Heslop – Aye, Sanborn – Aye, Richard – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

8. *GENESEE COUNTY WATER AND WASTE SERVICES NICHOLS AND WILSON ROAD WATERMAIN AGREEMENT 2019*: Rankin suggested inviting the Genesee County Water and Waste to come to a council meeting to give a presentation on the proposed M-57 pipeline. Richard said he would like information by the next meeting on the cost of the original pipeline and who paid it off. Rankin said Genesee County will be presenting at the next Township meeting the third Tuesday in May at 6:00 pm if anyone would like to attend.

- **MOTION** by Richard **SECOND** by Arnold to invite Genesee County to present their proposal at the next council meeting in May. All Ayes. Motion Carried.

9. *2019-2020 FEE SCHEDULE*: This was informational only as the fees have not changed.

10. *PATRONCITY/MEDC BLUEBERRY PARK IMPROVEMENTS*: Rankin said MEDC has partnered with Patron City to match approved crowd funded projects in municipalities all over Michigan. One of the City's projects in the works is Blueberry Park. Currently, the City has some financial commitment from CDBG, Jennings Foundation and some from the Park and Recreation fund. He has applied for funds from the MNRTF.

This program would match raised funds by 50%. He would like to pursue this avenue but needs the help of council to get the word out and identify what items at Blueberry Park they would like to pursue. This could benches, sidewalks, trees a particular feature or piece of playground equipment. He suggested establishing a small committee to identify the improvements and come back to council with a plan, costs and a marketing plan. Rankin has access to a video producer/production who can put together a promo for this at no costs. Sanborn had a suggestion for the committee, use a representative from the National Honor Society from the high school who could poll the kids from the age group that use the park. Mayor Brown said there is a young man at the high school who is interested in government and job shadowed Ken Horn maybe he would be interested in getting involved in this. Arnold suggested a survey to the classrooms. Mayor Brown told Rankin to move forward with this.

11. *ADOPTION OF PROPOSED ORDINANCE NO. 438 RE: PROHIBIT THE ESTABLISHMENT OF RECREATIONAL RETAIL SALES OF MARIJUANA ORDINANCE*: Rankin said this ordinance has gone through the Planning Board and mirrors the same ordinance as medical retail sales and would not allow retail sales of recreational marijuana in the City. Prior to roll call vote, Heslop said he's concerned about after the legalization statewide and recent voting history in the city, why we are continuing to push the restriction of retail sales. Sanborn said that at the November election it was voted in by the people that there would not be any retail sales. There was discussion about retail sales in the community.

- **MOTION** by Richard **SECOND** by Arnold to adopt Ordinance #438 that references the recreational retail sales of marijuana which mirrors the medical. Roll Call Vote: Arnold –

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Aye, Richard – Aye, Sanborn – Aye, Heslop – No, and Mayor Brown – No. Two (2) No's and Three (3) Ayes. Motion Carried.

12. *HYDROCORP CROSS CONNECTION PROPOSAL*: Rankin said starting in 2018 the State required that every municipality that has a water system that is doing any cross connection testing needs to have an individual that is a licensed plumber certified in backflow prevention assembly. In the past, the DPW has done this. But now with the DEQ changes and contamination, this can no longer be done. He checked with HydroCorp and with a small municipality like Montrose will charge a monthly fee of \$287.00 with a three-year contract. They will send out the notices, will visit 28 different properties per year, and will create reports that will comply with the DEQ. Mayor Brown questioned why there is only one proposal. Rankin said this company does everything; whereas, other companies only do one component but not the rest. Mayor Brown asked if any portion of the fee gets passed onto the property owner. Rankin said yes they can be charged as well as any violations that have not been fixed. There was more discussion about using HydroCorp.

- **MOTION** by Richard **SECOND** by Arnold to enter into a contract with HydroCorp Cross Connection. Roll Call Vote: Richard – Aye, Sanborn – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

13. *SALE OF 1999 1500 SERIES DIESEL TRUCK*: Rankin said the city would like to sell the 1999 Chevrolet 7500 Diesel Dump Truck, and he would like to start the bid at \$500.00. This bid would be available for several days on Bid Corp and also will be posted on the City's website.

- **MOTION** by Richard **SECOND** by Heslop to put the sale of the 1999 Chevrolet 7500 7.2 liter CAT Diesel with Bid Corp with minimum bid of \$500.00. Roll Call Vote: Heslop – Aye, Arnold – Aye, Sanborn – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

14. *BLUEBERRY PARK RESTROOM PROPOSAL*: Rankin said there are plans to do a remodel of the existing structure of the Blueberry Park restrooms. The architect came back and said there is significant amount of brick spalling, missing bricks, there are large openings in several walls, and it needs a new roof and floor. Therefore, it is their recommendation that it would be less expensive to build a new restroom building rather than re-purpose the existing building. The proposal is for \$17,500.00. There was a representative from Fleis & Vandenbrink who spoke about the renovations and answered questions from council.

- **MOTION** by Richard **SECOND** by Heslop the proposal for architect engineering services for the new restroom building at Blueberry Park by Fleis & Vandenbrink and have it go to attorney before it is approved. Roll Call Vote: Sanborn – Aye, Richard – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

15. *RENTAL INSPECTION ORDINANCE*: Rankin said the Planning Board met several times for the rental unit inspection ordinance. The Planning Board moved to have Mr. Stout review it. Mr. Stout did look over it and included a resolution with the ordinance. The Planning Board has approved it and sent it to council. Rankin suggested to council to look it over and schedule a public hearing for it.

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- **MOTION** by Richard **SECOND** by Arnold to set the Rental Inspection Ordinance public hearing in May. All Ayes. Motion Carried.

16. *JENNINGS FOUNDATION BLUEBERRY GRANT REQUEST*: Rankin said he applied for the grant and received \$20,000 for renovating the restroom at Blueberry Park. A grant agreement form with terms and conditions needs to be signed before the grant can be issued.

- **MOTION** by Arnold **SECOND** by Sanborn to authorize the City Manager to sign the Jennings Memorial Foundation Grant agreement. All Ayes. Motion Carried.

**PUBLIC COMMENTS**: NONE

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

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD*: None, due to not having a quorum.

*GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION*: Mayor Brown said they met at Gaines Village Office. There was a presentation from Genesee County Habitat for Humanity. Habitat helps low income people get into homes and will set the price of a home based on income. Habitat will be second on the deed, so when the homeowner sells the home they only get a proration of the sale, Habitat will receive the rest. Habitat will also help people with their homes homeowners only need to be current on taxes. Mayor Brown would like to get this for the community.

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

*GENESEE COUNTY METROPOLITAN ALLIANCE*: NONE

*PLANNING BOARD*: Richard said there was spirited discussion about the rental ordinance agreement.

*911 CONSORTIUM*: NONE

*ZONING BOARD OF APPEALS*: NONE

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

*CITY MANAGER*: The application to MDOT for grant funding has been submitted. I was told they have roughly 200 applications. MDOT should be contacting municipalities in early May on the status. I think Montrose has a solid application. The Michigan Resource Trust Fund paperwork has been sent off as well. In 2020, there will be \$38,000 from the CDBG Funds to go towards Blueberry Park.

I have been working with the departments to develop the 2019-2020 city budget. As I have mentioned this year it will be a 1 year adopted budget and 2 years of proposed budgets. I have used the comment feature in the excel spread sheet to be fairly user friendly and

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would like to schedule a May budget workshop to get the input on council and lay out the needs and priorities.

The Blueberry Festival donated \$1300.00 towards the purchase of a trailer for the DPW.

The Newsletters went out and if there is anything council would like to add to the next newsletter please let me know. I will be gone May 8<sup>th</sup> for a conference in Detroit.

*CITY ATTORNEY:* Was not in attendance.

**MAYOR AND COUNCIL COMMENTS:** Arnold found out there are 28 published authors in the City and the Township so he would like to set up an author's showcase. He is looking for a place to host it as the library is not suitable. Richard said he was at the Michigan Safety Conference. He took two classes pertaining to employee safety in marihuana processing facilities and marihuana growth facilities and would like to give some information to the manager to keep on file. He would prefer for this year when hiring summer help for the DPW that city residents would get preferential consideration over anyone else. Mayor Brown asked if they passed the zoning changes that planning has made for council to move forward for the medical marihuana facilities special use permit. Rankin said he would look into this. She also mentioned the cost of lawn mowing services and that it needs to be addressed at the next meeting. She said the sidewalk snow removal needs to be similar to lawn mowing, so when the snow falls again we don't have sidewalks with piles of snow on them and have someone come remove it and we can charge the businesses appropriately. There was more discussion about the special use permit for the marihuana facilities. Mayor Brown said there are people actively working on making a Montrose Community Center a reality. She said she has told them they need to become a 503C and create a board and she tried to make it clear to them that they cannot come to the City or the Township for funding. There is an interest in a community clean up day. She would like the DPW to pick a day for community clean up day.

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

### **ADJOURNMENT**

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

Mayor Brown adjourned the meeting at 8:43 p.m.

Prepared by City Treasurer, Chrystal Raible