

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

October 19, 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 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, Tom Bigelow, and Debbie Gross. Also present were City Manager Neil Rankin, City Clerk Christina Rush, City Attorney Otis Stout, and 22 citizens.

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

### **CITIZEN OF THE MONTH**

1. *THE MONTH OF OCTOBER 2017, WAYNE ATWELL:* Atwell's son was present to accept the award on his behalf. Mr. Atwell was chosen for citizen of the month for loaning the City his trailer free of charge to help remove the sand at Blueberry Park.

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

- **MOTION** by Gross **SECOND** by Dunklee to nominate Rick and Cindy Belleville for Citizen of the Month for the month of November 2017. All Ayes. Motion Carried.

### **PUBLIC HEARINGS:** (Public Comments/Questions Only):

1. *PROPOSED ORDINANCE NO. 435 RE: AMENDMENT TO SIGN ORDINANCE*

Mayor Brown opened the public hearing at 7:03 p.m. but there were no questions or comments. Mayor Brown closed the public hearing at 7:04 p.m. and brought the regular meeting back to order.

### **PRESENTATIONS:** NONE

### **REPORTS**

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

2. *SAFEUILT INSPECTION SERVICES:* *Report On file at city office.* Arnold said normally permit fees are \$90.00 but there are two permits for \$50.00 and one for \$55.00. He is wondering why these are not \$90.00. Rush replied that the \$50.00 is for letters that were sent from SAFEbuilt for work without permit and the \$55.00 is for a typo on a fee permit which is supposed to be \$95.00 so the correction will be on the October bill.

**PUBLIC COMMENT ON:** Eva Vandefifer spoke about living in the community for 70 years and wants to speak on the behalf of the people who are not being heard. Montrose used to be known all over the State of Michigan for its football team, wrestling team, and marching band and she doesn't want the children of Montrose being able to go around saying they live in a marijuana town. Vandefifer said that she thinks this is wrong and hopes the council represents the majority of what the people of Montrose want, and this is not what the majority of the people want. Tim Hobson, Pastor of Lamb of God Fellowship read a letter from the Montrose

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Ministerial Association strongly opposing the proposal of allowing the medical marijuana industry into the community. Pastor Shane Miller from Montrose Baptist Church spoke of his concerns about producing, distributing, and transporting a hallucinogenic drug in the community especially one that is illegal under federal law and the FDA has not found to be safe or effective treatment of any disease or condition. Pastor Miller continued saying that he is concerned about the minimal requirements in acquiring a medical marijuana license and is requesting the board does not allow a medical marijuana facility in the City of Montrose. Al Phillips, Pastor of the United Methodist Church, is deeply opposed to bringing marijuana to Montrose. He believes if the council opts in to the marijuana industry it will be the worst decision in any town or municipality he has seen in his 44 years of ministry. Lisa Klein spoke about disagreeing with everyone who has spoke so far tonight. She believes this town isn't close to what it used to be. She said there are medicinal uses for marijuana. She thinks the City should opt in not only for the medicinal benefits it provides but this community cannot live without this.

### **MATTERS OF COUNCIL ACTION**

#### *1. APPROVAL OF 09/07/17 SPECIAL MEETING MINUTES:*

- **MOTION** by Sanborn **SECOND** by Richard to approve the 09/07/17 Special Meeting Minutes. All Ayes. Motion Carried.

#### *2. APPROVAL OF 09/21/17 REGULAR MEETING MINUTES:*

- **MOTION** by Arnold **SECOND** by Richard to approve the 09/21/17 Regular Meeting Minutes. All Ayes. Motion Carried.

#### *3. APPROVAL OF CHECK REGISTER/TREASURER REPORT & POSSIBLE HANDOUT:*

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

\*Gross wanted to add an item 18 to the agenda, “Questions Regarding the Depot”.

- **MOTION** by Gross **SECOND** by Richard to add questions regarding the Depot to the agenda. All Ayes. Motion Carried.

#### *4. ADOPTION OF ORDINANCE NO. 435 RE: AMEND TO THE SIGN ORDINANCE:* Rankin said all the corrections were made to the ordinance in order for the City to comply with State law.

- **MOTION** by Arnold **SECOND** by Sanborn to adopt Ordinance No. 435 amendment to the Sign Ordinance. Roll Call Vote: Dunklee – Aye, Gross – Aye, Sanborn – Aye, Arnold – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

#### *5. BID AWARD FOR 250 OAK STREET:* Rankin said the City received one bid from Josh Sincissen in the amount of \$102.58. Prior to roll call vote, Richard wanted to ensure that there are stipulations with the sale in which the buyer is supposed to do certain things within a minimal amount of time and if it doesn't happen he wants the City to take the appropriate action to either make it happen or we seize the property and go through the bid process again. Sanborn

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said she believes this language was in the original documents for bid, and they have 90 days to come up with a plan. Mayor Brown said she will be abstaining from the vote as Sincissen is her son-in-law.

- **MOTION** by Bigelow **SECOND** by Sanborn to accept the bid from Josh Sincissen in the amount of one hundred two dollars and fifty-eight cents, (\$102.58). Roll Call Vote: Bigelow – Aye, Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, and Mayor Brown – Abstain. Six (6) Ayes and One (1) Abstain. Motion Carried.

6. *DDA RESOLUTION/REQUEST TO PROVIDE AN INTERFUND LOAN TO RETIRE 2006 DDA GO BOND:* Rankin said at the October 10<sup>th</sup> DDA meeting the DDA requested council to enter into an inter-fund loan agreement that would pay off the 2006 DDA GO Bonds. The DDA would like the City to agree to pay the remainder of the DDA bond as an inter-fund loan for a period greater than the remaining years left on the bond and finance repayment through future tax capture. The bond would be retired through a combination of the surplus from the water and sewer fund. The loan would be for \$140,000.00 with \$70,000 from the water fund and \$70,000.00 from the sewer fund with an interest rate of 1.2% with repayment over the next seven (7) years. Prior to roll call vote, Richard said there is a grammar correction on the Resolution. Rankin made a note of it. Richard also questioned if this is industry acceptable and industry standard. Rankin said it will be considered a loan and it isn't anything unusual. Arnold questioned if seven years is the right amount of time, or do they want to extend it. Rankin said seven years will probably be adequate.

- **MOTION** by Gross **SECOND** by Bigelow to approve the Resolution to make an inter-fund loan not to exceed one hundred forty thousand and no cents, (\$140,000.00), from the water and sewer fund to retire the 2006 General Obligation Bond by the DDA. Roll Call Vote: Gross – Aye, Dunklee– Aye, Arnold – Aye, Sanborn – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. *DISCUSSION & DIRECTION RE: PUBLIC SAFETY MILLAGE:* Rankin had a handout that detailed a police millage proposal using 4 mills. He spoke about how tax revenue has been declining and if the City wants to continue to provide police services in the future, the City will have to find the funds somewhere to cover the costs. Discussion continued on the cost of police services. Arnold said he would like to hold a public hearing regarding a safety millage. Prior to vote Bigelow mentioned at U of M or Mott there are political science or marketing groups that get involved with local mills to help communities. Mayor Brown said she is against an additional millage. Arnold said council should put it on a ballot and let the citizens decide.

- **MOTION** by Arnold **SECOND** by Bigelow to have a public hearing or public forum on this and come up with language for 3, 4, and 5 mills and what extra that could allow us to do. Six (6) Ayes, One (1) No – Mayor Brown. Motion Carried.

8. *DISCUSSION & DIRECTION: POLICE/FIRE CONTRACT:* Rankin said there was a committee meeting with the Township a couple weeks ago. The township seems receptive to continuing the current arrangement. Rankin would like to know if council would like him to bring back a contract next month's meeting. Council does have a thirty (30) days notice if they decide to change things or part ways. Mayor Brown said the Township was willing to continue the

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contract as is. The Township is still open to going back to the full coverage with a cost of inflation raise on the price. She didn't have any requests from council or any registered complaints at the City to know if they wanted to ask for specifics more or to cut something else. Sanborn asked if they were proposing an increase with the current contract. Mayor Brown said no. Bigelow asked if they need to sign a new contract or just continue on. Rush said they would have to sign a new contract because it ends December 31st. Mayor Brown said they should continue on with the contract as it stands.

- **MOTION** by Bigelow **SECOND** by Sanborn to extend our public safety contract with the Township until December 31, 2018. Roll Call Vote: Richard – Aye, Bigelow – Aye, Sanborn – Aye, Gross – Aye, Dunklee – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *SALE OF 2007 KUBOTA F2880 W/CAB & 60 INCH DECK:* Rankin said the Kubota sold on a website auction for \$5,700.00. The cost to the City is \$115.00, which is 2% of the winning price. If council approves the sale, he will contact the winning bid.

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

10. *MEDICAL MARIHUANA FACILITIES ACT DRAFT ORDINANCE:* Mayor Brown said the Planning Commission sent the ordinance to council and there a few things they did not address that they intend council to address. The first one is the number of facilities council will allow and which types. The second is the fines. Mayor Brown suggested council hold a workshop just to discuss the ordinance and address the two items that are missing in it so they can bring it back to the regular meeting and set a public hearing date.

- **MOTION** by Arnold **SECOND** by Richard to hold a workshop November 2<sup>nd</sup> at 7:00 pm to discuss the ordinance and get everyone on the same page. Roll Call Vote: Bigelow – No, Gross – No, Sanborn – No, Richard – Aye, Dunklee – Aye, Arnold – Aye, and Mayor Brown – Aye. Three (3) No's and Four (4) Ayes. Motion Carried.

11. *SALARY INCREASE FOR THE CITY MANAGER:* Rankin has been City Manager for the past two years and presented a letter to council requesting a salary increase. Gross said Rankin needs to be reviewed before he can be given a raise. Rankin had evaluation forms with him to hand out to council to bring back next month. Arnold said this needs to be in a close session. Stout said it would be manager's choice whether to be closed or not. Sanborn asked if Rankin has had a pay increase since he was hired. Rankin said no. Prior to vote, Gross requested a copy of Rankin's contract.

- **MOTION** by Bigelow **SECOND** by Gross to do the review first before we discuss any possible raises, and we will discuss at next month's meeting. All Ayes. Motion Carried.

12. *ADOPTION OF CAPITAL IMPROVEMENT PLAN 2017:* Rankin said at the last Planning Board meeting they went through the Capital Improvement Plan and added a few items, such as street signs and signs directing where to find landmarks.

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- **MOTION** by Gross **SECOND** by Sanborn to adopt the Capital Improvement Plan as presented for 2017. Roll Call Vote: Gross – Aye, Sanborn – Aye, Richard – Aye, Arnold – Aye, Dunklee – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

13. **CDBG PLANNING BOARD** – Rankin said the Planning Board is expected to receive \$25,922.00 for the 2018 CDBG Program year and recommends that the funding be split between tree removal in the qualifying areas and parking lot improvements to Blueberry Park. The goal would be to use a portion of the funding and leverage it with DNR Grants. Rankin would like to set a public hearing to get input. Gross suggested sidewalk improvements. Arnold said in the past they have done sidewalk improvements and had the residents pay, and now if we do it for other residents and not have them pay, it would not look good. Mayor Brown said replacing the sidewalks is a cost to the homeowner. Gross suggested trimming the edges to widen the sidewalks.

- **MOTION** by Gross **SECOND** by Sanborn to add CDBG funding public hearing to the next regular meeting's agenda. All Ayes. Motion Carried.

### 14. SET HALLOWEEN HOURS:

- **MOTION** by Gross **SECOND** by Arnold the Halloween hours set for the City of Montrose are 6 pm to 8 pm on October 31st. All Ayes. Motion Carried.

### 15. APPROVAL/DISAPPROVAL OF MEMBER TOM BIGELOW'S ABSENCE AT THE 09/07/17 SPECIAL CITY COUNCIL MEETING.

- **MOTION** by Gross **SECOND** by Dunklee to approve the absence of Tom Bigelow at the 9/07/17 special City council meeting. Six (6) Ayes; One (1) No – Arnold. Motion Carried.

### 16. APPROVAL/DISAPPROVAL OF MEMBER MARK RICHARD'S ABSENCE AT THE 09/07/17 SPECIAL CITY COUNCIL MEETING.

- **MOTION** by Gross **SECOND** by Dunklee to approve the absence of Mark Richard at the 9/07/07 special City council meeting. Six (6) Ayes; One (1) No – Richard. Motion Carried.

### 17. APPROVAL/DISAPPROVAL OF MEMBER DEBBIE GROSS'S ABSENCE AT THE 09/21/17 REGULAR CITY COUNCIL MEETING.

- **MOTION** by Dunklee **SECOND** by Bigelow to approve Debbie Gross's absence at the 09/21/17 regular City council meeting. All Ayes. Motion Carried.

18. **QUESTIONS/DISCUSSION RE: DEPOT:** Gross would like to see the board not charge Jerry Whitney rental fees for the Depot for his Santa's workshop that he does once a year. She would like a list of the volunteers that are actively working on the Depot and when they want to use the Depot for their own purposes that they don't have to give their credit cards to use the Depot. Members of council agreed. Gross questioned the lawn mower that was purchased and if money from the Depot's donations were used. Rankin said the Depot's donations are not donations, these are rents and a portion of the lawn mower was paid from the Depot fund. Gross said the mower should have been purchased from the DDA and she's requesting the funds be put back. Mayor Brown said this goes back to a year ago when council asked the

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Depot to sign a lease agreement so they could have all of their funds in their bank account and do everything they wanted with it. They chose not to sign it. Council asked them to become an official 501C3 non-profit because their current status is a Michigan non-profit corporation. Those things have not been done and nothing has been brought back to the City as a counter proposal. Arnold said when the building is rented it is for the maintenance and upkeep of the building so any rental for the building comes to the City, that fund is a City fund, not a Depot Committee fund. When money comes in it is up to the City to maintain and that is what the City is using it for. Gross said when the fund gets depleted and there is no money to build it back up... Rankin said the DDA has been paying for the operation for the building. There was more discussion about the Depot and their funds. Rankin suggested to have the DDA absorb the Depot funds and the DDA allocate funds for the Depot.

- **MOTION** by Gross **SECOND** by Dunklee to send this issue to the DDA for discussion. All Ayes. Motion Carried.

### *19. FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF MONTROSE AND SAFEBUILT MICHIGAN LLC:*

- **MOTION** by Bigelow **SECOND** by Gross to adopt the first amendment to the professional service agreement between the City of Montrose and SafeBuilt Michigan LLC. Roll Call Vote: Bigelow – Aye, Dunklee - Aye, Arnold – Aye, Gross – Aye, Sanborn – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

**PUBLIC COMMENTS:** Pastor Hobson spoke about council making a decision on the marijuana issue and urging council to choose not to opt in. Citizen Lisa Klein asked about the last fatality for medical marijuana, she said never. She asked when the last time was there a fatality for a heroin opiate overdose. She said August 22, 2017. She thinks we need to worry more about heroin epidemic versus something God put on this planet. Connie Yeaster commented on the DDA and the Depot and asked how much was the lawn mower, who decides how the money is spent, is the lawn mower used just for the Depot or is it used for City property too and if so, she's confused if these are donated funds and why was a lawn mower bought out from the Depot fund for the City. She spoke about the millage and the need to involve the citizens. George Brown spoke about not being paid for work done in October 2016. He said at the July council meeting it was agreed to pay this bill and it still was not paid. He is here tonight to ask to be paid. Gross said council voted to pay him, and Sanborn said yes, pending receiving of workman's comp documentation. Brown said for three managers he has turned in the necessary paperwork. Stout has made several attempts to contact Mr. Brown to tell him he still needed three things for the City, which are certification of insurance, liability and workman's compensation insurance, and a completed W9. Mr. Brown said there were racial comments made about his son. Sanborn asked what racial comments were made and by whom and at what time. Mr. Brown said in 2015 after Neil came on. Sanborn asked, "Two years ago racial comments were made?" Mr. Brown said, "Right." Sanborn asked him if he had a date and what specifically they were. She said the City Manager is being accused of making racial comments, and she would like proper documentation of that. Mayor Brown said let's move on from this because what he said is regardless of the issue. Mr. Brown said if he is not paid he will sue the City for it. Discussion continued about what paperwork was needed. Stout would like to

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recommend that council pay him within the next five days provided he can provide proof of worker's comp insurance during the time period of 2016.

- **MOTION** by Bigelow **SECOND** by Gross to pay Mr. Brown in full including the \$90.00. Roll Call Vote: Richard – Aye, Dunklee – Aye, Bigelow – Aye, Sanborn– Aye, Gross – Aye, Arnold – Aye, and Mayor Brown – Abstain Six (6) Ayes. One (1) Abstain. Motion Carried.

Trudy Crandall heard a rumor the water bill going up and wants to know what happened two years ago when the shut off fee was \$10.00. She thought it was supposed to increase. She was told increasing the turn off/turn on fees would not help in keeping water bills down. The water fee is based on who we get our water from.

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

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD:* Mayor Brown said DDA approved the inter-fund loan. The DDA is interested in reviewing the additional 1 mill.

*GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION:* NONE.

*GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE:* Bigelow said the meeting was last Wednesday, when he gets the minutes he will have them put in their files.

*GENESEE COUNTY METROPOLITAN ALLIANCE:* Richard said where Dort Highway goes to I-75, they plan on having Dort Highway go south to connect to Baldwin Road to relieve some traffic there.

*PLANNING BOARD:* Richard said the board was split 3 and 3 on whether or not to recommend to council adopting the medical marijuana ordinance. They did not want to put the fines in the ordinance as that is the council's responsibility and they wanted council's opinion on the number of facilities to be allowed.

*911 CONSORTIUM:* Sanborn said the 911 consortium was looking for a new director and they offered the position to Cheryl Bartrum.

*ZONING BOARD OF APPEALS:* NONE

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

*CITY MANAGER:* Rankin handed out a paper for an amendment regarding the cost of fire inspections from SafeBuilt, which is \$150.00. This would be for fire and safety inspections for the business licenses.

- **MOTION** by Arnold **SECOND** by Bigelow to add item 19 the first amendment to the professional service agreement between the City of Montrose and SafeBuilt Michigan LLC. to the agenda. All Ayes. Motion Carried.

Rankin said we will have online bill pay using credit cards. The auditors were here last week.

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**CITY ATTORNEY:** Stout said he is glad the Planning Board is done working on the Ordinance and Neil has made all the corrections. Stout also spoke about a couple misdemeanors that occurred in the City. He also spoke about a dog attack that occurred in the City and owners were charged with dog running loose. The police are responding to calls in a timely manner and doing an excellent job. He also said thank you for getting the matter with Mr. Brown resolved tonight.

**MAYOR AND COUNCIL COMMENTS:** Dunklee told a story about not having Halloween for a long time after an accident happened on Halloween night in 1941. He also said out of all the discussions today only one hit the head and that it's not about street drugs. Gross said the paper did cover the thing at the Depot if anyone wants to read about it. Arnold said next Thursday at 6 pm at the library he is having a Friends of the Library meeting.

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

**ADJOURNMENT:** Mayor Brown adjourned the meeting at 9:39 p.m.

Prepared by City Treasurer, Chrystal Raible