

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

### **CALL TO ORDER**

Mayor Colleen Brown called the regular Council meeting to order at 7:03 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 52 citizens.

- **MOTION** by Gross **SECOND** by Richard to recess the meeting to the Community Center due to overcapacity. All Ayes. Motion Carried.

\*Mayor Brown recessed the meeting at 7:04 p.m.

\*Mayor Brown reconvened the meeting at 7:16 p.m. at the Montrose Community Center located at 200 Alfred Street.

\*There are now 67 citizens present.

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

### **CITIZEN OF THE MONTH**

1. *THE MONTH OF DECEMBER 2017, MARY KAY POLZIN & MARY YEAGER*

Council honored Mary Kay Polzin and Mary Yeager for their community service to the City of Montrose.

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

- **MOTION** by Richard **SECOND** by Dunklee to nominate Planning Board Chairman Todd Pangle for January 2018. All Ayes. Motion Carried.

**PUBLIC HEARINGS:** NONE

### **PRESENTATIONS**

1. *ROSE PEST SOLUTIONS:* Rose Pest Solution Representative Mark Lucero, gave an overview of mosquito control for the summer months making note that in 2013 when the program began there were 46 man-made breeding sites, this year it was down to 4. *A full report is available at the city office.*

2. *2016/2017 FISCAL YEAR AUDIT:* Auditor Ken Berthiaume gave the City the highest unmodified opinion a municipality could ever receive.

3. *BOARD OF REVIEW MEMBERS:* Rankin announced that the city assessor was unable to attend tonight due to illness but wanted to convey the significance of obtaining enough members for Tax Board of Review business.

### **REPORTS**

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

**MONTROSE CITY COUNCIL REGULAR MEETING MINUTES**  
**December 21, 2017**

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

**PUBLIC COMMENTS:** Bruce Leach spoke on behalf of Weed Grow which has been in the community for almost seven years. He would like the ordinance to pass. Pastor Al Phillips spoke about being in opposition of the ordinance. Clair Moier has been a township resident for over 30 years. He spoke about his pain management. He would like to see the township keep this, and he thinks the township could use the tax base. Lisa Wanink is in strong opposition to the medical marijuana growing facility ordinance. She is concerned about property values going down and odor. Anthony Brown is concerned about public safety and the cuts to the police protection. The application fees would help to fund public safety. This would help to not burden tax payers with the responsibility of paying for public safety. Lynn Sherman is opposed to the ordinance. She is concerned about the odor. Karen Galindo spoke about being in support of the ordinance. This will help with a stronger tax base. Eric Wanink spoke in opposition of the ordinance. John, a township resident spoke about how Weed Grow should be allowed to remain open for people that take marijuana as medicine and marijuana could be the cure for the opium epidemic. Pastor Shane Miller, a township resident, spoke about his concerns regarding marijuana in the City. Miss Pulley spoke about opposing the ordinance. Flushing township resident Jessica Hillard asked council to opt in to help keep some control over what occurs in the City and the tax revenue it will bring in. Flushing township resident Lloyd Hillard spoke about looking into the suicide and death rates and become knowledgeable on it. He also said it is a cure for the opioid epidemic in a lot of cases. Jerry Pullac, a township resident, said she would like to work in Montrose and support the community. She would love to have a medical facility she could do quality work in. Pastor Tim Hobson read a letter he wrote in regards to coming together to build a prosperous future. A man from the City spoke on being opposed to the ordinance as it is a violation of federal laws. Lisa Klein, a township resident, is in approval of the ordinance and the need for the marijuana facility. Robert Cole asked Mr. Stout about hiring people who use marijuana. Ray Foust spoke about making cancer medicine and to not deprive people of the medicine they need. An ordinance will help to control what goes on, such as odor.

**MATTERS OF COUNCIL ACTION**

1. *PROPOSED ORDINANCE NO. 436 RE: REGULATING MEDICAL MARIJUANA FACILITIES ACT:* Mayor Brown said she knocked on every door in the City to ask if the residents had an opinion on the proposed ordinance, if so, would they like to make a statement to council. She has gathered statements from City residents, there are 189 signed statements in support of adopting this ordinance and 79 signed statements in opposition of adopting this ordinance. Prior to roll call vote, Dunklee commented most people believe the ordinance is concerning street drugs and this not about street drugs, it's a facility that processes marijuana for cancer patients. Richard said he pushed for the Ordinance because the State of Michigan has had issues in the last five years, so he wanted to have the motion ready to roll in case something comes up and the City has something out there. Also, he wanted it as a referendum to let the people make the decision. He thinks this is one the most important things the community has ever had to face. He wanted the people to vote on the ordinance. Sanborn read a statement of

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

refusal to let the citizens know how her vote on this comes as she will be recusing herself from the vote. She is a State of Michigan employee and has a conflict. Arnold said the rules and regulations keep changing, and he would like to see council wait on this issue. He has a fiduciary obligation to the City and does not want any undo liability. He would rather wait and see how other City's fair. He cannot support this until he knows all the rules, and he doesn't think it is the right time. Gross said she feels they have learned a lot from this process. She felt the people who came to the first town hall meeting did not impress her because they lacked the communication skills needed to sell this to the community. They were not prepared, nor did they come in to educate and because of that it bred fear in the community. She feels everyone is fearful of the unknown due to not knowing what the State is going to mandate. She would like more education to come to council. Council is trying to do the best they can with the knowledge they have been given.

- **MOTION** by Dunklee **SECOND** by Bigelow to adopt Ordinance No. 436. Roll Call Vote: Richard – No, Dunklee – Aye, Sanborn – Abstain, Arnold – No, Bigelow – No, Gross – No, and Mayor Brown – Aye. Four (4) No's. Two (2) Ayes. One (1) Abstain. All Ayes. Ordinance was not adopted.

### 2. APPROVAL OF 11/16/17 REGULAR MEETING MINUTES

- **MOTION** by Arnold **SECOND** by Gross to approve the November 16, 2017 regular meeting minutes as presented. All Ayes. Motion Carried.

### 3. APPROVAL OF 12/05/17 SPECIAL MEETING MINUTES

- **MOTION** by Richard **SECOND** by Dunklee to approve the December 5, 2017 special meeting minutes as presented. All Ayes. Motion Carried.

### 4. APPROVAL OF CHECK REGISTER/TREASURER REPORT & POSSIBLE HANDOUT

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

5. ANNUAL REVIEW OF CITY COUNCIL RULES OF PROCEDURE: Rankin said if there are any changes council wishes to make they can do it at this time. Richard said he knows they vote to excuse people from meetings but he thinks that should only extend to regular meetings. When there are special meetings and members are absent he doesn't think that is fair. He thinks only regular meetings should be voted on whether excused or not. On page 46, there should be an omission that non-scheduled or special meetings there need be no acceptance of excused. He would like to see some language drafted to address this issue. Rankin was asked to revise section 5 and remove the word "consecutive", and add the chair has the right to request member's reason on why absent from the meeting before absence is excused or unexcused. Gross also said to add if a member misses three meetings within a year unexcused then they can be removed. There is a typo on page 44 under section D, City council meetings will be held on the third Thursday not the fourth. It was requested to bring the revised rules to the January council meeting.

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

### 6. ANNUAL ACCEPTANCE & CONFIRMATION OF 2018 MEETING DATES

- **MOTION** by Gross **SECOND** by Arnold to approve the 2018 meeting dates as presented. All Ayes. Motion Carried.

7. *REMOVAL OF DDA BOARD MEMBERS*: Rankin said at the last DDA meeting in November it was voted on to remove members that were not attending because the meetings have been lacking a quorum. The two members the DDA wished to remove were Eldon Dunklee and Frank Crosby. At the same meeting they also approved to re-appoint all the current members there so there would be a vacancy. Letters were sent to both individuals regarding this. According to the DDA by-laws City Council has to remove the DDA board members. Dunklee said the meetings are so sporadic he never knew when they were holding a meeting. Dunklee expressed that he still wants to serve on the DDA board and asked if the packets could be hand delivered from now on.

- **MOTION** by Gross **SECOND** by Bigelow to approve the removal of Frank Crosby from the DDA Board. All Ayes. Motion Carried.

8. *CONTRACT/EVALUATION FOR TREASURER CHRYSTAL RAIBLE*: Rankin said Chrystal Raible has been the Treasurer of the City for the last two years. In the last year she has moved to a contract that stipulates that council shall evaluate her performance annually. Rankin explained reasons for Raible deserving the 4% raise and an additional personal day. Council requested a 2-year contract.

- **MOTION** by Bigelow **SECOND** by Gross to approve a 2-year contract along with the 4% increase and an additional personal day. Roll Call Vote: Arnold – Aye, Richard – No, Sanborn – Aye, Gross – Aye, Bigelow – Aye, Dunklee – Aye, and Mayor Brown – Aye. Six (6) Ayes. One (1) No. Motion Carried.

9. *WADE TRIM PARKS DEVELOPMENT PLAN PROPOSAL*: Rankin has been working with the engineers at Wade Trim. They came out and looked at Blueberry Park and Lions Park to create a plan for improvements. This plan is needed in order to obtain DNR grants. The cost of Wade Trim to create the plan is \$7,900.00. Gross thinks this is too costly, and they should go back to Wade Trim and talk to them. It was discussed putting this out to bid. Rankin said the engineering costs can be included in the grant.

- **MOTION** by Richard **SECOND** by Dunklee to accept the bid from Wade Trim in the amount of \$7900.00. Roll Call Vote: Richard – Aye, Bigelow – No, Sanborn – Aye, Gross – No, Dunklee – Aye, Arnold – Aye, and Mayor Brown – Aye. Five (5) Ayes. Two (2) No's. Motion Carried.

10. *SNOW REMOVAL ORDINANCE REVIEW*: Arnold had requested this be placed onto the agenda for discussion. Rankin spoke about the Snow Removal Ordinance and it has worked well as many businesses once notified of snow blocking a sidewalk is usually quickly resolved. Red Door Notices have also worked. Residents will always be an issue as they may not be home. He spoke with Pastor Hobson about getting volunteers from the church to help shovel. Mayor Brown spoke about creating a list of residents that may need assistance in getting their sidewalks cleared and working with the schools and the churches to get volunteers.

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

### 11. APPROVAL/DISAPPROVAL OF MEMBER TOM BIGELOW'S ABSENCE AT THE 11/16/2017 CITY COUNCIL REGULAR MEETING

- **MOTION** by Gross **SECOND** by Dunklee to approve Tom Bigelow's absence at the 11/16/17 regular City council meeting. All Ayes. Motion Carried.

**PUBLIC COMMENTS:** Citizen Anthony Brown spoke about the lack of police protection, the lack of funds to provide for police protection, and what is council going to do about it. He also spoke about not holding off on allowing for a facility to be in the City. Bob Cole spoke about the cemetery where the World War Monument is inaccessible, dangerous, and there isn't any parking. He is asking the City to discuss with the Township about moving the World War Memorial to Veterans Bell Memorial. Karen Galindo said she has never been more disappointed in her community as she is this moment. There were three opportunities at the Depot to ask questions and get educated about having a facility in the City. She is disappointed it didn't pass and that council is not thinking and bringing forth other things that could make this community viable options to other businesses. Robert Urmetz spoke about the police department and the expenses compared to the Township. He says the City is paying more than their fair share considering the square footage the City has. He is trying to understand why the City is paying too much for the police protection and not looking at other options.

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

**DOWNTOWN DEVELOPMENT AUTHORITY BOARD:** The December 12<sup>th</sup> meeting was cancelled due to no quorum. The next meeting is February 13, 2018.

**GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION:** Sanborn reported that a liaison from Consumer's Energy was there and spoke about if there are any issues with the street lights to contact him and he will assist in getting them replaced or fixed. There will be a new chairman elected in January.

**GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE:** Bigelow said that Neil, Sam, Mitch, and he went to the treatment plant on a tour. Also, this is the end of double digit rate increases. Sam took water samples from six local residences to be tested and all tested zero for lead.

**GENESEE COUNTY METROPOLITAN ALLIANCE:** Richard said there was discussion about the trails. Dr. Graham is leaving and there will be an interim superintendant. They want to still get grants to help kids get to and from school in a safe fashion. There was also information on the TIP fund and the money they are spending which mostly is spent in Grand Blanc. There is a clearing house for car pooling for kids and school.

**PLANNING BOARD:** December 14<sup>th</sup> meeting was cancelled due to no business.

**911 CONSORTIUM:** Sanborn said she was not able to attend, she was out of town.

**ZONING BOARD OF APPEALS:** NONE

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

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

*CITY MANAGER:* Notices went out last week reminding business to register. We have had some business/property owner's call regarding the costs. City staff has been consistent in our message that these costs are meant to ensure the buildings that businesses occupy are safe. This is not a revenue generating ordinance for the city but rather the city addressing the liability when a business operates in a structure or manner inconsistent with our codes.

Snow Removal Ordinance has worked well as many businesses once notified of snow blocking a sidewalk is usually quickly resolved. Residents will always be an issue as they may not be home. For the most part the city has had few issues as residents will often help each other. Red Door Notices have also worked. Additionally the city hasn't had as much snow last year as in year prior and without having consistent cold snaps the snow doesn't accumulate.

The City will be hosting the Small Cities and Villages in May. Please think about a topic you would like to see presented. If council wishes to hold it at the Depot again please let me know to get it reserved.

The new public safety contract has been approved and signed for the next year.

Lastly, the office will be open for just 3 days- December 26, 27, 28<sup>th</sup> – between Christmas and New Year's. I will be out of the office on vacation on that Tuesday and Thursday. As always the drop box is available for water/tax payment.

Wishing all of you a Merry Christmas and all the best in the New Year.

*CITY ATTORNEY:* Attorney Stout spoke about two police cases that were brought into the Flushing Court and how the Township/City Police did an excellent job in helping in the cases. The police are still answering calls and taking cases in the City. He spoke about the vote tonight.

**MAYOR AND COUNCIL COMMENTS:** Gross said she would like to commend Mayor Brown on all the work she put in going around speaking with the residents. She also said it is open for the community to make suggestions to come together to educate and make changes. She would like to see more people step up and fill positions and get involved. Arnold said he hopes we can move on from this and it doesn't affect how business is done. He still doesn't see one business saving this town it is going to take a lot more than one thing. He agrees with Debbie, there are a lot of positions that need to be filled. He would like to see people step up and fill those. Sanborn wanted to thank the community for coming out and voicing their concerns. Richard said he wanted the people to make the decision; he did not want to make it for them. Dunklee wanted to commend the Mayor for all the work she has done. He would also like to put this ordinance back on the next meeting to put it as a vote to the people. Mayor Brown said she was very disappointed in the council. She feels today's action was based in fear and fear of change. She says they wanted education and there were opportunities for education. She promises no one is coming to educate them now as they have moved on. They will go somewhere else. They will not come here to try to convince anyone of anything. The reason no

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

December 21, 2017

one came to educate in the first place is because they hadn't passed anything and there wasn't any signs they were willing to consider it. This community has shown from day one they did not want this and some council members made it known that they were opposed as well. This is what kept other business proposals from coming here. She is disappointed they didn't listen to the community. Dunklee said this would have brought in over a hundred jobs. Those people would have to have a place to live. There would be scientists and engineers coming to work in the facility and would be willing to pay to build homes.

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

**ADJOURNMENT:** Mayor Brown adjourned the meeting at 9:34 p.m.  
Prepared by City Clerk, Tina Rush & City Treasurer, Chrystal Raible