

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

CALL TO ORDER: Mayor Brown called the regular Council meeting to order at 7:00. p.m. The meeting was held at the Montrose City Offices located at 139 S. Saginaw Street, Montrose, MI.

ROLL CALL: Present Council Members were Mayor Colleen Brown, Robert Arnold, Mayor Pro-Tem Mark Richard, Tom Bigelow, Ryan Heslop Aaron Burn, and Andrea Martin. Also present were City Manager Neil Rankin, City Clerk Tina Rush, City Attorney Otis Stout, and 28 citizens.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF APRIL 2022, MARC RANKIN:* City Manager Rankin said he mailed the certificate of the month plaque to his brother Marc Rankin.

2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF JULY 2022:* Arnold suggested waiting until next month to select someone unless council had someone else in mind. No action taken.

PUBLIC HEARINGS: NONE

PRESENTATIONS: NONE

REPORTS

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

Chief Cochran spoke on a speed study completed last spring which should be implemented by the beginning of summer. The speed limits would go from 5 different limits to 3. Cochran also read aloud statistics from the study.

2. *BUILDING INSPECTION SERVICES: Report on file at city office.*

PUBLIC COMMENTS: Mayor Brown asked citizens to sign a sign-in sheet in order to speak.

Representative from the Montrose Historical Museum, Joe Follet, asked council for permission to approve a Corvette Club visit in May. 18 citizens spoke on behalf and/or against the proposed amendments to the marijuana ordinance. Some of these citizens were city residents, township residents, pastors and/or citizens who live outside of Montrose.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 03/17/22 REGULAR MEETING MINUTES:*

- **MOTION** by Richard **SECOND** by Arnold to adopt the meeting minutes with the following corrections, under Reports from Boards and Commissionss, Zoning Board of Appeals - Nathan not Mark Richard is the new Chairperson of the ZBA and under Genesee County Metro Alliance Rerpot - Mark Richard was elected to the trustee position on the METRO Board. All Ayes. Motion Carried.

2. *APPROVAL OF CHECK REGISTER & TREASURER REPORT:* Prior to the roll call vote, Richard asked if there was anything unusual and Rankin replied no.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

- **MOTION** by Richard **SECOND** Burch to pay our bills. Roll Call Vote: Arnold – Aye, Burch – Aye, Heslop – Aye, Bigelow – Aye, Richard – Aye, Martin – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

3. **DISCUSSION/DIRECTION MARIHUANA ORDINANCE AMENDMENT:** In March the Planning Board was approached by a developer that wished to purchase Roxy's Diner at 355 East State Street with plans to remodel/redevelop the property for Marihuana retail sales. Currently the city allows for the grow/processing, testing and transport of both Medical and Recreational Marihuana. The city has had a few inquiries on these facilities but has yet had any applications. The same goes for Recreational Marihuana and not allowing for retail sales. The planning board after being presented this proposal took action to create a draft ordinance if council wishes to adopt. The only component that is not included in the draft ordinance is the distance requirement which by State Law defaults to 1000 feet unless specified otherwise.

MICHIGAN REGULAT/ON AND TAXATION OF MARIHUANA ACT (EXCERPT)

Initiated Law 1 of 2018

333.27959 License to operate a marihuana establishment; application; qualifications; issuance; disclosure.A

Sec. 9.

(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

In the city charter it does not spell out how this process of bringing issues to council but does provide they *Aid the city council in the attraction of new industries and businesses and in the encouragement of expansion of existing industries and businesses in the city.* Currently Roxy's is vacant and the owner has no desire to reopen. The benefits of retail sales of Marihuana are municipalities with retail sales receiving the tax revenue divided by sales location. The disbursement for 2021 was \$56,453.44 per retail establishment. 62 cities with 262 licenses, 15 villages with 31, and 33 townships with 81 with a total of \$21 million being divided. This does not include the annual application fee and the investments into the property and related tax. The Recreational Marihuana Ordinance references the Medical Marihuana Ordinance and only a small change would be needed to allow for retail sales. As some of you remember this current ordinance was voted in on November 2018 with 316 in favor and 289 not in favor (a margin of 27 votes). In my discussions with other municipal managers that are allowing retail sales the combination of state oversight, ability of law enforcement to enter the property, security measures, testing and desire to appeal in quality have worked to eliminate what provisioning centers were prior to 2018. Ultimately council is not final word if it moves forward with allowing retail sales it would just be a start. The state (Cannabis Regulating Board}, the planning board and related site plans and building inspectors would all have a say in the compliance process. Contractor/investor Scott DeSilva discussed amending the ordinance to allow for the sale of medical and recreational marihuana. Property values, businesses located within a residential area and setbacks for alcohol/tobacco sales were discussed.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

- **MOTION** by Martin **SECOND** by Burch that we add a distance of seven hundred fifty feet, (750') from school property to the ordinance. Roll Call Vote: Bigelow – No, Martin – Aye, Arnold – No, Burch – Aye, Richard – No, Heslop – Aye, and Mayor Brown – Aye. Four (4) Ayes. Three (3) Nay's. Motion Carried.
- **MOTION** by Heslop **SECOND** by Burch that we direct Neil to set a public hearing meeting for May 12th at the school auditorium, preferable May 12th but if that date is not available, then select a date between May 12th and May 19th. Roll Call Vote: Richard – No, Martin – Aye, Heslop – Aye, Arnold – No, Bigelow – No, Burch – Aye, and Mayor Brown – Aye. Four (4) Ayes. Three (3) Nay's. Motion Carried.

Some of the public started disbursing. Mayor Brown announced that anyone was more more than willing to stay and if they had further comments they could speak towards the end of the meeting under Public Comments.

- **MOTION** by Burch **SECOND** by Arnold to adjourn the meeting for five (5) minutes. All Ayes. Motion Carried.

The meeting was adjourned from 8:15 p.m. to 8:20 p.m.

Mayor Brown brought the regular meeting back to order at 8:20 p.m.

4. DISCUSSION/DIRECTION FLEIS & VANDENBRING DWSRF ENGINEERING PROPOSAL: Geric and I have applied for Drinking Water State Revolving Funding to secure funding to address deficient and need improvements. Disadvantaged communities can qualify for principal loan forgiveness which the City of Montrose was designated by EGLE. The request we put together was \$1,050,000 and was to replace the asbestos concrete/Trasnite (AC) pipe on Oak and Maple Street. This would be around 5000 feet of new pipe and would also include capping of the well on Washington Street and looping of water lines. Proposals are due July 1st and the City should know of the award shortly after. On the draft scoring the City w1,1s 33rd and it is clear that a number of these communities will not pursue funding this cycle. \$90 million is available for loan forgiveness on the various communities depending on the type of project. Fleis has put together an estimate of \$20,000 to develop this plan for submission with the possibility if funded the cost incurred would be included. If not funded the city could apply again in the future and utilize the created plans. The 2021/22 budgeted \$30,000 in capital outlay for the water fund with \$26,283 available.

- **MOTION** by Richard **SECOND** by Arnold to approve Fleis & Vandenbrink to do the engineering proposal, get it set up for the DWSRF grant from our water fund. Roll Call Vote: Heslop – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. DISCUSSION/DIRECTION FLEIS & VANDENBRING DWAM ENGINEERING PROPOSAL: Council approved the DWAM grant last month from EGLE. Fleis has an engineering proposal that would administer the grant. This proposal is reflective in what council approved last month. The breakdown on the components is included. These engineering costs would be covered under the grant.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

- **MOTION** by Richard **SECOND** by Burch that we approve the Fleis & Vandbrink proposal for the DWAM grant agreement. Roll Call Vote: Bigelow – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Burch – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

6. *DISCUSSION/DIRECTION RETROFOAM DEPOT RENTAL AGREEMENT:* Retrofoam wishes to rent the Depot for company events every other Wednesday as they had in the past. This would be 26 rental dates at \$60/month.

- **MOTION** by Arnold **SECOND** by Richard that we approve the rental agreement of the Depot for Retro Foam. Roll Call Vote: Burch – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. *DISCUSSION/DIRECTION PLAY ENVIRONMENT DESIGN LLC CONTRACT:* As part of the DNR Recreation Grant Play Environments Design LLC had the winning bid for the pour-in place playground surfacing and playground equipment. The contract was \$39,878 and would be completed by November 11, 2022 with the project being closed out by the end of the year.

- **MOTION** by Richard **SECOND** by Burch that we approve the contract with Play Environments Design LLC. Roll Call Vote: Arnold – Aye, Richard – Aye, Martin – Aye, Bigelow – Aye, Heslop – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

8. *RESOLUTION TO ADOPT A POLICY OF ACCESSIBILITY FOR THE CITY OF MONTROSE ASSESSMENT DEPT.:* As part of the AMAR (Audit of Minimum Requirement) the local unit must adopt a policy to provide the public accessibility to the assessor, office hours and contact information.

- **MOTION** by Arnold **SECOND** by Richard that we adopt the policy of accessibility for the Montrose City Assessment Department. Roll Call Vote: Richard – Aye, Bigelow – Aye, Burch – Aye, Heslop – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *RESOLUTION APPROVING INTERFUND LOAN TO MOSQUITO FUND:* With the city entering into a new contract with APM the Mosquito Control fund no longer has a balance. To bridge the shortfall council will need to approve an interfund loan/transfer out of the general fund. If the special Assessment is approved on May 3rd it will essentially pay back the general fund and tax payments are made. However, if It does not get approved council will need to address it within 30 days (place **it** on the ballot again, cancel the contract, continue funding from the GF) and make a decision.

- **MOTION** by Arnold **SECOND** by Richard that we approve the interfund loan to the mosquito fund. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Bigelow – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

10. *DISCUSSION/DIRECTION RECREATIONAL VEHICLE STORAGE ORDINANCE:* One of the issues regarding zoning is the violations that recreation vehicles can have and in particular the

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

storage and use. Over the last few years, it seems more of these RV's can be found in the front driveway, people living in them for extended periods or parked on streets. Our current ordinance does not define what they are or where they can be stored and this creates an issue with onsite parking. The fifth wheel is taking up the driveway and the cars are parked across the sidewalk. This new ordinance is to address where RV's can be parked, viewed as an accessory structure to not cover the entire rear/side yard, be in working condition and not utilized for short term housing. Arnold expressed concerns with ticketing trailers connecting to water/sewer and electricity during Blueberry weekend and grandparents visiting for the weekend. Discussion ensued on what should be allowed within a residential area.

- **MOTION** by Bigelow **SECOND** by Richard to send back to planning to address the permit issues, must be moved within 72 hour timeframe, and shall not occupy more than 35% of motor home, boat, storage units. All Ayes. Motion Carried.

11. DISCUSSION/DIRECTION ACCESSORY STRUCTURE ORDINANCE AMENDMENT: A few weeks ago, the city had a resident inquire if a shipping container could be used as an accessory structure. I sent this inquiry to the city building official and from there to the Planning Board to see if it could be addressed. What was created was a better definition to go along with the current ordinance.

- **MOTION** by Bigelow **SECOND** by Burch to set a public hearing for June. Roll Call Vote: Martin – Aye, Richard – Aye, Burch – Aye, Arnold – Aye, Heslop – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

12. OFFICIAL PROCLAMATION OF ARBOR DAY IN MONTROSE: Rankin recommended October 7th, 2022 as Arbor Day in the City of Montrose.

- **MOTION** by Richard **SECOND** by Burch to make October 7, 2022 Arbor Day in the City of Montrose. All Ayes. Motion Carried.

13. DISCUSSION/DIRECTION AD HOC COMMITTEE TO ATTEND APRIL 26TH SCHOOL BOARD MEETING: Rankin asked someone from council to attend the school board meeting along with Rankin to ask the board if city council could utilize a student/council representative. Mark Richard volunteered to attend with Rankin. Rankin also reported that Superintendent Bo Moore secured a \$250,000.00 grant with Safe Routes to Schools for funding along Feher Drive. No action taken.

14. DISCUSSION/DIRECTION BLOCK REPAIR/POINT TUCK OF CITY OFFICES: A few of the blocks and joints at the entrance of the city office has come loose. The blockwork needs to be repainted. Sam tried to find multiple bids but there is not a lot of masons that do this type of work. I know my front porch which was significantly smaller was over \$1000 and was a two-day project to repaint it and reseal it. After the roll call vote, Mayor Brown asked Rankin if this was properly placed in the budget and Rankin replied yes, it will be in a separate fund entitled building maintenance which we have not had in the past.

- **MOTION** by Richard **SECOND** by Burch that we approve Pepper Masonry to do the repairs in the amount of eighteen hundred dollars, (\$1,800.00). Roll Call Vote: Bigelow – Aye,

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

Martin – Aye, Richard – Aye, Burch – Aye, Arnold – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

15. *APPROVAL OF CHRISTY SANBORN MEMBERSHIP TO MONTROSE ZBA*: Mayor Brown recommended the appointment.

- **MOTION** by Arnold **SECOND** by Richard that we approve Christy Sanborn's membership to the ZBA based on the Mayor's recommendation. All Ayes. Motion Carried.

16. *DISCUSSION/DIRECTION OF CITY OFFICE SUMMER HOURS*: Rankin said he spoke with the staff and they would like flexible summer hours, however, some staff feel that 10 hour days are a little too much. We are proposing Monday through Thursday 8:00 a.m. to 6:00 p.m. and Friday's only Janet & Chrystal working from 8:00 a.m. to 4:00 p.m. The hours will start after Memorial weekend.

- **MOTION** by Burch **SECOND** by Richard to accept the summer office hours as stated. All Ayes. Motion Carried.

17. *APPROVAL OF THE 2022 ASSESSMENT MANAGEMENT FOR STREET NETWORK*: Rankin conveyed that this plan is a guideline for street ratings within the city limits utilized with the same regards as the City's Capital Improvement Program. It is strictly a guideline to help assist the city to secure future funding and/or grant road projects.

- **MOTION** by Arnold **SECOND** by Burch that we approve the 2022 Assessment Management for Street Network Planning. Roll Call Vote: Burch – Aye, Heslop – Aye, Richard – Aye, Martin – Aye, Arnold – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

Rankin asked council to add an item onto tonight's agenda, possible purchase of single axle utility trailer and 6' x 4' tilt trailer from DPW Supervisor Sam Spence. Rankin explained that Spence has been utilizing his personal trailers for city business.

- **MOTION** by Arnold **SECOND** by Burch that we add onto tonight's agenda, No. 20, possible purchase of trailer's. All Ayes. Motion Carried.

Mayor Brown asked that an item be added onto the agenda, No. 21, Community Event Application from teh Montrose Historical Museum.

- **MOTION** by Bigelow **SECOND** by Arnold that we add onto tonight's agenda, No. 21, possible purchase of trailer's. All Ayes. Motion Carried.
- **MOTION** by Richard **SECOND** by Arnold that we move agenda items No. 20, 21 and Public Comments up on the agenda. All Ayes. Motion Carried.

20. *POSSIBLE PURCHASE OF TRAILERS*: DPW Supervisor Sam Spence explained that there are 2 trailers, one is a single axle utility trailer and the other is a 6' x 4' tilt trailer.

- **MOTION** by Arnold **SECOND** by Burch that we purchase the 2 trailer's from Sam Spence in the amount of fourteen hundred dollars and no cents, (\$1,400.00). Roll Call Vote:

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

Heslop – Aye, Richard – Aye, Arnold – Aye, Bigelow – Aye, Martin – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

21. COMMUNITY EVENT APPLICATION FROM THE MONTROSE HISTORICAL MUSEUM: Mayor Brown asked for a motion to have the Museum fill out a community event application and allow the City Manager Neil Rankin to review and approve the application as the event will be taking place prior to the next city council meeting.

- **MOTION** by Bigelow **SECOND** by Arnold to have the Museum fill out a community event application and allow the City Manager Neil Rankin to review and approve the application as the event will be taking place prior to the next city council meeting. All Ayes. Motion Carried.

DPW Supervisor Spence asked if he could give his Genesee County Water and Waste Service's Advisory Committee report now so that he does not have to come back after closed session and Mayor Brown said yes. Spence reported that Genesee County has advised there will be no water increase this year but to expect them in the near future.

PUBLIC COMMENTS: Citizens Deborah Gross, Pastor Hobson, and City of Montrose Tax Board of Review member Robert Urmetz spoke again in oposition of marihuana sales allowed within the city limits.

18. POSSIBLE CLOSED SESSION RE: MCL 15.268 SECTION 8 (c) FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT IF EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING:

- **MOTION** by Richard **SECOND** by Burch to go into closed session. Roll all Vote: Richard – Aye, Heslop – Aye, Arnold – Aye, Bigelow – Aye, Martin – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

*Council requested a five minute break before goinn into closed session. Mayor Brown closed the meeting at 9:15 p.m. Mayor Brown brought the regulare meeting back to order at 9:20 p.m. and then council went into closed session.

19. RETURN TO OPEN SESSION & BRING REGULAR MEETING BACK TO ORDER:

*Mayor Brown brought the regular meeting back to order at 10:02 p.m.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: DDA met and discussed planting flowers in the greenbelt along M-57.

ELECTION COMMISSION: Rush reported that absentee ballots are available for the May election, Mayor Colleen Brown, Mayor Pro-Tem Mark Richard, and Council Member Ryan Heslop submitted non-partisan petitions and affidavit of identities to re-run for their council/mayor postions. Bigelow is not re-running, therefore, 1 spot will be open on city council. Write-in Candidate deadline date is October 28th at 4:00 p.m.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 21, 2022

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Richard reported that Debbie Stabenow attended and Regional Manager Dondre Young spoke on future grants that will be available. Next meeting will be held at the Flushing Valley Golf Club Course..

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: Reported earlier by DPW Supervisor Spence before the second Public Comments.

GENESEE COUNTY METROPOLITAN ALLIANCE: Richard reported that there will be construction for the next 5 to 6 years at the interchanges of I-69, I-75 and I-475.

PLANNING BOARD: Richard said there was heated discussion regarding the proposed marihuana ordinance. Mayor Brown commented that the Planning Board sent the ordinance to council with the recommendation not to make the changes.

911 CONSORTIUM: Bigelow recommended someone attend these meetings because they are held during the day and we need a representative from the City of Montrose for voting purposes.

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; Summer looks to be quite busy with a number of projects. I just applied for funding for E. Hickory Street through Dan Kildee office and look to do the same with a TEDF-B grant. The election on May 3rd is to vote for the special assessment for osquito control. With the wet spring I would encourage to get the word out that they will spray on residential properties.

CITY ATTORNEY: NONE. City Attorney Stout left the council meeting prior to council going into closed session.

MAYOR AND COUNCIL COMMENTS: Martin commented that even though this ordinance is divisive, she hopes that everyone can be civil and find a good compromise. Burch apologized for missing the last council meeting. Arnold, Richard and Mayor Brown spoke on revitalizing the community garden. Bigelow announced a special Fish Fry, proceeds to go towards the Hall of Fame. Bigelow also asked council to consider "city" residents input regarding the proposed ordinance and complained about flooding in his back yard from the Huggins Drain. Heslop mentioned while he was circulating petitions to get re-elected, he received a ton of positive feedback regarding marihuana sales. Mayor Brown announced Earth Week and Montrose Porch Project is in the middle of Battle of the Porches. This Sunday they will be gathering scrap metal.

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

ADJOURNMENT:

- **MOTION** by Richard **SECOND** by Heslop to adjourn the meeting. All Ayes. Motion Carried. Mayor Brown adjourned the meeting at 10:19 p.m.

Prepared by City Clerk, Tina Rush