

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

June 16, 2022

CALL TO ORDER: Mayor Brown called the regular Council meeting to order at 7:02. 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, Ryan Heslop, Aaron Burn, and Andrea Martin. Also present were City Manager Neil Rankin, City Clerk Tina Rush, City Attorney Otis Stout, and 9 citizens. Member Tom Bigelow was recorded absent.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF JULY 2022, CHRYSTAL RAIBLE:* Will be presented next month.
2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF AUGUST 2022:* Council deferred action until next month's city council meeting.

PUBLIC HEARINGS: Mayor Brown opened the public hearing at 7:04 p.m.

1. *OPRA DISTRICT 103 W. STATE:* There were no questions and/or comments from the public.
2. *2022/2023 FISCAL YEAR BUDGET:* There were no questions and/or comments from the public.
3. *PROPOSED ORDINANCE NO. 449 CONSUMERS ENERGY GAS FRANCHISE ORDINANCE:* There were no questions and/or comments from the public. Mayor Brown closed the public hearing portion and brought the regular meeting to order at 7:05 p.m.

PRESENTATIONS: NONE

REPORTS

1. *FIRE & POLICE DEPARTMENT REPORTS:* Report on file at city office.
2. *BUILDING INSPECTION SERVICES:* Report on file at city office.

PUBLIC COMMENTS: Citizen Pastor Hobson handed City Clerk, Tina Rush, petitions to council and spoke in opposition of the adoption of Ordinance No. 488. Citizen Rober Urmetz asked if council is allowed to communicate back and forth if there are questions from the public and Mayor Brown clarified that council follows Robert's Rules of Order and this is considered public comments at this time. Mr. Urmetz quoted the constitution regarding freedom of speech.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 05/19/22 REGULAR MEETING MINUTES:*
 - **MOTION** by Richard **SECOND** by Burch to approve the meeting minutes as presented. All Ayes. Motion Carried.
2. *APPROVAL OF CHECK REGISTER & TREASURER REPORT:*

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

3. APPROVAL OF BUDGET AMENDMENT # 6:

- **MOTION** by Richard **SECOND** by Arnold that we accept budget amendment No. 6. Roll Call Vote: Martin – Aye, Arnold – Aye, Burch – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. DISCUSSION/DIRECTION RESOLUTION OPRA, (OBSOLETE PROPERTY REHABILITATION ACT) DISTRICT FOR 103 W. STATE: The obsolete property rehabilitation act/district is being requested by Dave Sova the new owner of Naples Pizzeria at 103 W. State. As you may remember our assessor can deem the buildings obsolete and this allows the city to apply with the state for a reduction in property taxes based upon the size and scope of the project. The property was not included last time as it was still in use as a restaurant.

- **MOTION** by Arnold **SECOND** by Burch that we adopt the resolution for the OPRA District, 103 W. State Street. Roll Call Vote: Richard – Aye, Martin – Aye, Heslop – Aye, Arnold – Aye, Burch – Aye, and Mayor Brown – Aye. Motion Carried.

5. DISCUSSION/DIRECTION OF CITY MASTER PLAN RFP: The City Master Plan is the guiding zoning document that is crucial in land use and city policy. The City adopted an updated Master Plan in 2018 which was new in 2013. It is meant to be a 20 year plan into the future and required to be updated every five years. The RFP would have a qualified contractor/firm work along with city council, staff, residents and planning to help create the new document.

- **MOTION** by Arnold **SECOND** by Richard that approve the RFP for the Master Plan. Roll Call Vote: Heslop – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

6. RESOLUTION FOR SINGLE LOT SPECIAL ASSESSMENT DELINQUENT HOME OCCUPATION PERMIT: These properties were contacted to renew their home occupation permit and have not paid. One property still is advertising and has signage on the property.

- **MOTION** by Arnold **SECOND** by Burch that we adopt the resolution for single lot special assessment delinquent home occupation permit. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. DISCUSSION/DIRECTION ADOPTION OF THE 2022/2023 FISCAL YEAR BUDGET:

- **MOTION** by Arnold **SECOND** by Richard that we adopt the 2022/2023 Fiscal Year Budget as presented. Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, and Mayor Mayor Brown – Aye. All Ayes. Motion Carried.

8. DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 449 RE: CONSUMERS ENERGY GAS FRANCHISE ORDINANCE: In March 1992 council adopted Ordinance No. 220 which granted a 30 year Gas Franchise to Consumers energy that expired April of this year. Consumers Energy sent notice last week requesting adoption of another gas franchise ordinance for another 30 years.

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- **MOTION** by Richard **SECOND** by Heslop to adopt Ordinance No. 449, Consumer Energy Gas Franchise: Roll Call Vote: Arnold – Aye, Richard – Aye, Martin – Aye, Heslop – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *DISCUSSION/DIRECTION BLUEBERRY FESTIVAL COMMUNITY EVENT APPLICATION*: The Blueberry Festival has submitted their Community Event Application for the 2022 Montrose Blueberry Festival. The only item I am lacking to approve it at the city is the insurance certificate which I may have by Friday this week. Burch mentioned that concerned citizens brought to council's attention issues with noise, trash and bathrooms and asked these items be addressed. Discussion ensued.

- **MOTION** by Richard **SECOND** by Arnold to conditionally approve the Blueberry Festival application pending that noise, trash and bathrooms are addressed. All Ayes. Motion Carried.

10. *DISCUSSION/DIRECTION PERSONNEL POLICIES HANDBOOK UPDATE*: Rankin reported that Richard and Arnold met and went through the handbook and there are "various" changes. Richard asked if Stout had an opportunity to help put it together and he was satisfied with what he read. Richard asked that the current employees be trained on the new changes.

- **MOTION** by Arnold **SECOND** by Richard that we approve the changes to the personnel policy handbook along with the updates and typo corrections. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

11. *DISCUSSION/DIRECTION RV ORDINANCE*: Richard and Mayor Brown reported that the Planning Board is requesting clarification regarding permits and discussion ensued. Mayor Brown volunteered to pass along the notes to Rankin to give the Planning Board direction.

12. *DISCUSSION/DIRECTION UPDATING FEE SCHEDULE*: Rankin explained that council adopted the marijuana license fee but did not include it in the fee schedule.

- **MOTION** by Burch **SECOND** by Martin that we adopt the fee schedule as presented. Roll Call Vote: Burch – Aye, Richard – No, Martin – Aye, Heslop – Ay , Arnold – Aye, and Mayor Brown – Aye. Five (5) Ayes. One (1) Nay. Motion Carried.

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

Mayor Brown requested a five, (5) minute recess before going into closed session. Mayor Brown adjourned the meeting at 7:48 p.m.

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14. *RETURN TO OPEN SESSION & BRING REGULAR MEETING BACK TO ORDER:* Mayor Brown brought the regular meeting back to order at 8:05 p.m. and asked Rankin to unlock council chamber doors to allow the public back inside if they still desire so.

15. *DISCUSSION/DIRECTION LOCAL UNION NO. 7 AGREEMENT:*

- **MOTION** by Arnold **SECOND** by Burch that we approve the Union Agreement. Roll Call Vote: Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

16. *APPROVAL OF PAYMENT BLUEBERRY PARK PROJECT DNR GRANT/LOPEZ CONCRETE CONSTRUCTION LLC:* Rankin handed out the invoice. Mayor Brown asked if the project was completed to satisfaction and Rankin replied not yet, we are holding back a 10% retention amount until the company addresses some crack issues.

- **MOTION** by Richard **SECOND** by Burch that we approve the payment of Blueberry Park Project DNR Grant. Roll Call Vote: Martin – Aye, Richard – Aye, Burch – Aye, Arnold – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

17. *DISCUSSION/DIRECTION MONTROSE PORCH PROJECT FARMERS' MARKET COMMUNITY EVENT APPLICATION:* at 8:07 p.m. Mayor Brown recused herself as Chairperson asking Mayor Pro-Tem to chair the meeting while Mayor Brown spoke on the application.

- **MOTION** by Arnold **SECOND** by Burch that we approve the permit for the Farmer's Market Montrose Porch Project without fees. Roll Call Vote: Heslop – Aye, Martin – Aye, Burch – Aye, Arnold – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

Mayor Brown resumed as Chair of the council meeting at 8:12 p.m.

18. *DISCUSSION/DIRECTION MDOT TED-B FUNDING GRANT FOR E. HICKORY STREET:* Mayor Brown clarified that this resolution is approving the grant application.

- **MOTION** by Arnold **SECOND** by Richard that we adopt resolution for the MDOT TED-B Funding for E. Hickory Street. Roll Call Vote: Burch – Aye, Heslop – Aye, Richard – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

19. *DISCUSSION/DIRECTION APPOINTMENT TO THE DDA BOARD:* Mayor Brown reported that Machuck has purchased Acorn and Company business at 118 W. State Street and recommended the appointment of Lori Machuck to the DDA Board.

- **MOTION** by Richard **SECOND** by Martin that based on the Mayor's recommendation, we appoint Lori Marchuck to the DDA. All Ayes. Motion Carried.

20. *DISCUSSION/DIRECTION FENCE QUOTE FOR BLUEBERRY PARK:* Rankin reported that the fencing has been removed and the archway should be installed sometime in July. 2 Quotes were received, one from Michigan Fence Co. in the amount of \$8,268 and the second from TWA in the amount of \$5,214. There are 2 more pieces of equipment still needing to be installed.

- **MOTION** by Richard **SECOND** by Burch to accept the bid from TWA Fence for the project at Blueberry Park. Roll Call: Heslop – Aye, Richard – Aye, Arnold – Aye, Martin – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

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PUBLIC COMMENTS: Citizens Pastor Hobson and Melissa Hoose spoke in opposition of the adoption of Ordinance No. 488. Scott DeSilva conveyed that his company has followed the current ordinances and city procedures, should there be a reversal of this ordinance, our company would take a substantial loss.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: Mayor Brown reported that the DDA met and approved their budget. Funds were used to pay down the loan in 2 years instead of 3. There is also a possibility the façade program grant may be implemented again in the future.

ELECTION COMMISSION: Rush reported that due to redistricting, the City of Montrose's US Congressional, State Senate and State Representative will change. New voter ID's will be mailed to each individual voter. Rush is still waiting for delivery of absentee ballots. Mayor Brown asked if election workers are needed and if they are required to declare of party affiliation. Rush replied yes and yes, some clerks will change the individual election inspector's party's preference on their application to satisfy the requirements of workers, however, Rush believes this is unethical and will not allow this. Arnold asked which party preference is needed and Rush clarified that legally we cannot ask for specific party affiliations, we can only advertise the need for election inspectors. Rush also mentioned that she did not receive any Federal Postcard applications from the military this past Saturday.

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Mayor Brown reported that the meeting was held at Otter Lake and the speaker was State Representative David Martin.

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

GENESEE COUNTY METROPOLITAN ALLIANCE: Richard reported that there will be future grants for smaller communities coming in so city's and communities need to be prepared.

PLANNING BOARD: Richard reported that the Planning Board requested clarification for RV permits and there were citizens present at the meeting showing opposition of re-zoning for marihuana sales.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; The restrooms at Lion's Park have been remodeled. Our seasonal employee will be painting them this week as some blocks had to be removed for plumbing. Overall, this brings both park restrooms up to par in being ADA compliant. The DPW will be continuing to work on S. Saginaw Street as they have been mowing a lot with the rain making everything grow. I am excited to see a new level 2 charger going in the municipal lot this week. Income Power LLC. anticipates installing it on Thursday and having done in about 3-4 days. The City is accepting NEP applications for home improvements. I will be at Lion's Park

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on Wednesday evening. The search for a new treasurer is moving forward. The closing date is June 17th and I hope to have someone selected in the next two weeks. I will be meeting with the Jennings Memorial Foundation on Friday and hope to be awarded a disbursement for a façade grant program for the DDA/downtown.

CITY ATTORNEY: Stout requested council hire legal assistance to properly represent the city regarding the sanctions of the petitions submitted against the marijuana ordinance. Stout recommended Foster/Swift/Collins & Smith PC Attorneys.

- **MOTION** by Richard **SECOND** by Arnold that we move forward per the direction of city attorney to hire Foster/Swift to assist our legal council so that we can make a proper determination on the issue at hand up to \$5,000.00. Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried

MAYOR AND COUNCIL COMMENTS: Richard said he is currently working on the community garden. Arnold recommended another charter review. Burch expressed concerns with the incident that happened at the Montrose Commencements and said he is actively researching grants from the Bureau of Justice Assistance Stop School Violence Program, the School Violence Prevention Program and the Competitive Safety School Program through the State Police. Mayor Brown asked for the status of Safe Routes to Schools and suggested Rankin contact Sandra Jackson at the school. Porch Project Farmer’s Market will be held this Sunday @ the Lion’s Prk Noon – 4:00 p.m. In the future it will be held the second Sunday of each month.

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

ADJOURNMENT:

- **MOTION** by Richard **SECOND** by Burch to adjourn the meeting. All Ayes. Motion Carried.

Mayor Brown adjourned the meeting at 8:56 p.m.

Prepared by City Clerk, Tina Rush