

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

July 21, 2022

CALL TO ORDER: Mayor Pro-Tem Mark Richard 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 Robert Arnold, Mayor Pro-Tem Richard, Tom Bigelow, Ryan Heslop, Aaron Burch arrived at 7:02 p.m., and Andrea Martin arrived at 7:03 p.m. Also present were City Manager Neil Rankin, City Clerk Tina Rush, City Attorney Otis Stout, and 18 citizens. Member Mayor Colleen Brown was recorded absent.

PLEDGE OF ALLEGIANCE TO THE FLAG: Member Bigelow led the Pledge of Allegiance.

CITIZEN OF THE MONTH:

1. *THE MONTH OF JULY 2022, CRYSTAL RAIBLE:* Raible was unable to attend due to a prior commitment.

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

Member Burch entered the meeting at 7:02 p.m.

- **MOTION** by Bigelow **SECOND** by Arnold to choose City Secretary Janet Loomis as citizen of the month for the month of August. All Ayes. Motion Carried.

Member Martin entered the meeting at 7:03 p.m.

PUBLIC HEARINGS: NONE

PRESENTATIONS: NONE

REPORTS

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

Police Chief Cochran briefly read aloud the staff reports and answered general questions.

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

PUBLIC COMMENTS: Member Arnold asked to be excused from council to be allowed to speak to the citizens. Arnold commented that the only thing on the agenda is to set a public hearing date for the rezoning of 347 E. State Street which is procedural. Arnold also thanked the public for their interest and asked for volunteers to serve on the various board. Arnold went back to his seat at the council table. Citizens Shane Miller and Pastor Tim Hobson referenced council approving to put the previous marihuana ordinance on the ballot in 2018 and expressed disappointment with council not allowing the marihuana item on a ballot. Citizen Dawn Shelton spoke on behalf of medical marihuana. Citizen Melissa Hoose spoke for medical marihuana but against council not allowing the marihuana item being placed on a ballot. Property owners Sadie Leonard and Warren Edwards both spoke on previous marihuana businesses that rented real estate prior to 2018 and related tenant issues. Property owner Ken Machuck asked if the dumpster in the north side of the alleys be dumped.

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MATTERS OF COUNCIL ACTION:

1. APPROVAL OF THE 06/16/22 SPECIAL MEETING MINUTES (BUDGET WORKSHOP):

- **MOTION** by Arnold **SECOND** by Burch that we accept the special meeting minutes as presented. All Ayes. Motion Carried.

2. APPROVAL OF THE 06/16/22 REGULAR MEETING MINUTES:

- **MOTION** by Arnold **SECOND** by Burch that we accept the regular meeting minutes as presented. All Ayes. Motion Carried.

3. APPROVAL OF THE 06/23/22 SPECIAL MEETING MINUTES:

- **MOTION** by Arnold **SECOND** by Heslop that we approve the special meeting minutes as presented. All Ayes. Motion Carried.

4. APPROVAL OF THE 07/07/22 SPECIAL MEETING MINUTES:

- **MOTION** by Arnold **SECOND** by Heslop that we approve the special meeting minutes of July 7, 2022. All Ayes. Motion Carried.
- **MOTION** by Heslop **SECOND** by Burch to add onto tonight's agenda, Approval of Lopez Concrete Construction and Signs by Crannie contracts, item No. 10. All Ayes. Motion Carried.
- **MOTION** by Arnold **SECOND** by Bigelow to add onto tonight's agenda, discussion of putting the marihuana ordinance on the ballot. Roll Call Vote: Martin – Aye, Heslop – No, Arnold – Aye, Bigelow – Aye, Burch – No, and Mayor Pro-Tem Richard – Aye. Four (4) Ayes, Two (2) Nays. Motion Carried.

5. APPROVAL OF CHECK REGISTER & TREASURER REPORT:

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

Rankin introduced the new City Treasurer Jennifer Whiting. Whiting thanked council and the public for giving her the opportunity to serve the community.

6. *DISCUSSION/DIRECTION BLUEBERRY FESTIVAL COMMUNITY EVENT*: Rankin explained that Council conditionally approved the Blueberry Festival application at the June 16th council meeting pending that noise, trash and bathrooms are addressed. President Christy Powell and Secretary Janet Loomis addressed councils concerns and agreed to stop the band from playing at the beer tent by 1:00 a.m. instead of 2:00 a.m. Bigelow also asked if traffic could be more controlled along M-57 in order to avoid any accidents.

7. *DISCUSSION/DIRECTION REZONING OF 347 E. STATE STREET*: Rankin conveyed that last Thursday the Planning Board recommended the approval of the rezoning of 347 E. State Street. Rankin said he still has a few questions for the attorney with Foster Swift regarding the MPEA and the city charter ensuring there are no issues with the rezoning is waiting for a response.

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- **MOTION** by Burch **SECOND** by Arnold to set a public hearing for the rezoning of 347 E. State Street for August 18th at 6:00 p.m. Roll Call Vote: Bigelow – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Burch – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

8. *DISCUSSION/DIRECTION PURCHASE OF EJ HYDRANTS*: Rohde Bros. is scheduled to install three hydrants in the coming weeks and repair the one on North Street by the Catholic church that is leaking, (work done by Raica), which leaves the city without additional backyp hydrants. We would like to have at least 2 on hand for emergencies. DPW Supervisor Spence added that the cost includes an auxillary valve which directly controls the hydrant which should never need to be replaced, however, Rohde Bros. recommended the city purchase them should there be a defect or any unforeseen problems with the hydrant itself. The old hydrants are scrapped properly because of possible lead content.

- **MOTION** by Burch **SECOND** by Arnold to move forward with the purchase of the fire hydrants in the amount of eight thousand one hundred forty-seven dollars and two cents, (\$8,147.02). Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Heslop – Aye, Bigelow – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

9. *DISCUSSION/DIRECTION COVID RETENTION PAYMENT*: The Mayor wished to address covid retention payment to the former treasurer. Mayor Pro-Tem recommended tabling this item until the next city council meeting so she could speak on it.

- **MOTION** by Heslp **SECOND** by Burch to defer until the next city council meeting and take no action. All Ayes. Motion Carried.

10. *APPROVAL OF LOPEZ CONCRETE CONSTRUCTION AND SIGNS BY CRANNIE CONTRACTS ITEM NO. 10*: Rush conveyed that council had already approved the bid award to Lopez Concrete Construction and Signs by Crannie for the Blueberry Park Project but had yet to approve the actual contracts which is required by city charter to have council approval and city attorney approval. Prior to the roll call vote, Bigelow asked if the figures or quotes for the project were the same and Rankin replied yes, nothing has changed, this was just the actual contract.

- **MOTION** by Arnold **SECOND** by Burch that we approve the contracts with Lopez Concrete Construction and Signs by Crannie. Roll Call Vote: Arnold – Aye, Martin – Aye, Bigelow – Aye, Heslop – Aye, Burch – Aye, and Mayor Pro-Tem Richard. All Ayes. Motion Carried.

11. *DISCUSSION OF PUTTING THE MARIHUANA ORDINANCE ON THE BALLOT*: Arnold spoke on the process when council approved Ordinance No. 436. Discussion ensued on the legal process, publication deadline requirements, correct language, timing for having something placed onto a ballot and having an ordinance on a ballot that has already been adopted. No action taken.

12. *POSSIBLE CLOSED SESSION RE: MCL 15.268. PURSUANT TO SECTION 8(H) OF THE OMA, A PUBLIC BODY MAY MEET IN A CLOSED SESSION TO "CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE." PURSUANT TO SECTION 13(I)(G) OF THE MICHIGAN FREEDOM OF INFORMATION ACT ("FOIA"). MCL 15.243(L)(G) ROLL CALL VOTE REQUIRED:*

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

Mayor Pro-Tem Richard requested a five, (5) minute recess before going into closed session. Mayor Pro-Tem Richard adjourned the meeting at 8:09 p.m.

13. RETURN TO OPEN SESSION & BRING REGULAR MEETING BACK TO ORDER: Mayor Pro-Tem Richard brought the regular meeting back to order at 8:47 p.m. and asked Rankin to allow the public back inside if they still desire so.

14. APPROVAL OF TOM BIGELOW ABSENCE AT THE JUNE 16, 2022 REGULAR COUNCIL MEETING:

- **MOTION** by Burch **SECOND** by Heslop to approve Tom Bigelow's absence. All Ayes. Motion Carried.

PUBLIC COMMENTS: Citizens Pastor Hobson, Sadie Leonard, Melissa Hoose, Pastor Shane Miller and Robert Cole spoke in favor of having Ordinance No. 448 on a ballot.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: NONE

ELECTION COMMISSION: Rush reported that the city received the absentee ballots 16 days past the State deadline date, but everything is now up to date and all ballots have been mailed. Sample ballots can be viewed 24-7 at Michigan.gov/vote.

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: NONE.

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

GENESEE COUNTY METROPOLITAN ALLIANCE: NONE.

PLANNING BOARD: Richard reported that the Planning Board forwarded the re-zoning ordinance to council which a public hearing was set tonight.

911 CONSORTIUM: Bigelow reported that he was unable to attend the meeting as it takes place during the day while he is at work. Bigelow asked to step down and requested another representative take his place.

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; The city officially has a new treasurer- Jennifer Whiting who started working last week. She is learning a lot as townships are so very different from cities. The Family Movie Night last Friday was cancelled due to rain as it started drizzling around 5pm and the outdoor cinema owner called it. We will schedule another movie night likely

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on a Friday in late August. I received a number of applicants for the NEP grant and this round ten qualified. Roughly \$50,000 in projects and residents matching \$23,000. This includes driveways, windows and various other projects. I'll be processing the pre-approval next week as I wait on matching funds for those that have projects over \$2738. The election primary is August 2nd and a number of items are the ballot including county parks. DPW is working on a number of projects including painting of hydrants, repairing/maintenance of equipment on those hot days. On June 30th the applied Calcium Chloride to the dirt/gravel streets. I anticipate having it applied again before Blueberry Festival weekend or outside of rain in the forecast. Rankin also reminded council that next month's meeting will be at 6:00 p.m. instead of the normal time of 7:00 p.m.

CITY ATTORNEY: Stout reported that today was prosecution day at central, 11 cases were scheduled for trial and/or delayed to a later date.

MAYOR AND COUNCIL COMMENTS: Arnold asked Rankin to send a letter to Consumer's to address a down poweline located outside the city office. Burch reported he is still working with entities to obtain grants for school safety, he is actively researching grants from the Bureau of Justice Assistance Stop School Violence Program, the School Violence Provention Progam and the Commpetitive Safety School Program throught the State Police. Mayor Pro-Tem Richard said he would speak with someone through METRO to inquire if there is assistance available with these types of grants.

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

ADJOURNMENT:

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

Mayor Pro-Tem Richard adjourned the meeting at 9:08 p.m.

Prepared by City Clerk, Tina Rush