

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

October 20, 2022

CALL TO ORDER: Mayor Brown called the regular Council meeting to order at 7:05 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 and Andrea Martin and Mayor Colleen Brown. Also present were City Manager Neil Rankin, City Attorney Otis Stout. There were 18 citizens in attendance.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF OCTOBER 2022, KERI BRACK:*

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

- **MOTION** by Richard **SECOND** by Bigelow to nominate the Students from Montrose Community Schools that planted trees on October 7th, 2022 for the Arbor Day event as citizens of the month for November. All Ayes. Motion Carried.
- **MOTION** by Richard **SECOND** by Arnold to nominate Tom Bigelow as citizen of the month for December. All Ayes. Motion Carried.
- **MOTION** by Richard **SECOND** by Arnold to nominate Frank Taylor as citizen of the month for January. All Ayes. Motion Carried.

PUBLIC HEARINGS: Mayor Brown explained that the first hearing was amending zoning ordinance to regulate medical marijuana facilities and adult-use marijuana establishments the second hearing was establishing a tree ordinance.

1. *PROPOSED ORDINANCE AMENDING ZONING ORDINANCE TO REGULATE MEDICAL MARIJUANA FACILITIES AND ADULT-USE MARIJUANA ESTABLISHMENTS:* Mayor Brown opened the public hearing at 7:08 p.m. Debbie Gross, Shane Miller, Bob Urmetz and Tim Hobson spoke in favor of not approving the proposed ordinance. Anthony Brown and Christine Wixsom spoke in favor of the ordinance. Mayor Brown closed the hearing at 7:16 p.m.

2. *PROPOSED ORDINANCE NO. 447 ESTABLISHING A TREE ORDINANCE:* Mayor Brown opened the public hearing at 7:17 p.m. Debbie Gross spoke that the ordinance should require tree removal by the city when the city identifies dying trees. Mayor Brown closed the public hearing at 7:19 p.m.

PRESENTATIONS: Chuck Mullins from APM spoke about the mosquito abatement program with the city for the 2022 season. He answered many questions asked by council regarding how much larvicide and adulticide was applied and the type of season it was. The complete report is on file with the city.

REPORTS

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

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

PUBLIC COMMENTS: NONE

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 9/15/22 MEETING MINUTES:*

- **MOTION** by Burch **SECOND** by Richard to accept the regular meeting minutes as presented. All Ayes. Motion Carried.

2. *APPROVAL OF CHECK REGISTER & TREASURER REPORT:*

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

3. *DISCUSSION/DIRECTION OF PROPOSED ORDINANCE AMENDING ZONING ORDINANCE TO REGULATE MEDICAL MARIHUANA AND ADULT-USE MARIHUANA ESTABLISHMENTS:*

- **MOTION** by Heslop **SECOND** by Burch to approve the amended zoning ordinance for the regulation of medical marihuana and adult-use marihuana establishments as drafted by Laura Genovich of Foster, Swift, Collins & Smith PC. Roll Call Vote: Heslop – Aye, Burch – Aye, Martin – Aye, Arnold – No, Richard – No, Bigelow – No, Mayor Brown – Aye. Four (4) Ayes. Three (3) No's. Motion Carried.

4. *DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 447 ESTABLISHING A TREE ORDINANCE:*

- **MOTION** by Burch **SECOND** by Arnold to adopt ordinance 447 establishing a tree ordinance. Roll Call Vote: Bigelow – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. *DISCUSSION/DIRECTION MASTER PLAN PROPOSALS:*

- **MOTION** by Burch **SECOND** by Arnold to create an ad-hoc committee consisting of Mayor Brown, Aaron Burch, Anthony Brown from Planning and Debbie Gross from the Downtown Development Authority in order to review Master Plan proposals. All Ayes. Motion Carried.

6. *DISCUSSION/DIRECTION MDOT FEDERAL-AID BUYOUT PROGRAM:* Geric Rose with Fleis and Vandenbrink spoke on the 2023 MDOT federal aid buyout program where local units can receive ninety cents on the dollar for federally funded road projects allowing for projects to be moved up a year. This allows flexibility and potential savings. The program should be opening up in November.

- **MOTION** by Richard **SECOND** by Burch to authorize the City Manager to proceed with the MDOT buyout program approved for the 2024 Transportation Improvement Program for the reconstruction of Feher Drive once the program is made available. All Ayes. Motion Carried.

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7. *DISCUSSION/DIRECTION DWSRF NEXT STEPS*: Geric Rose of Fleis and Vandenbrink spoke about the Drinking Water State Revolving Fund where the city will receive \$2,245,000 with grant funding of 75% of the project in amount of \$1,683,750. The plan calls for the replacement of 6,600 feet of distribution main, well abandonment and looping of 250 feet of distribution main. This extensive engineering work will need to be started as soon as possible as the tentative construction date will be in the 4th quarter of 2023. Engineering cost are part of the grant.

- ***MOTION*** by Richard ***SECOND*** by Burch to approve the proposals presented by Fleis and Vandenbrink for design engineering water system improvements in the amount of \$165,000. Roll Call Vote: Richard – Aye, Bigelow – Aye, Burch – Aye, Heslop – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

8. *DISCUSSION/DIRECTION CITY MANAGER EVALUATION*: Mayor Brown wished to use a simpler manager evaluation form and had one available which she would provide to council. No action taken.

9. *DISCUSSION/DIRECTION VACANT BUILDINGS*: City Manager Neil Rankin discussed with council the need to address vacant buildings in the downtown as to address potential safety issues and concerns by business owners.

- ***MOTION*** by Richard ***SECOND*** by Burch to request the Planning Board to develop a vacant building ordinance. All Ayes. Motion Carried.

10. *DISCUSSSS/DIRECTION SPECIAL ASSESSMENT 144/148 HICKORY STREET*: City Manager Neil Rankin discussed with council on the request by Joe Follett with the Montrose Area Historical Association for a refund of the mosquito abatement. The mosquito abatement has been a special assessed since 2014 when it was placed on the ballot and approved by the voters. The information on the tax bill in question beginning in 2014 had correctly listed both the parcel number 60-16-300-057 and address property address of E. Hickory Street. The owner of the property was listed as the Montrose Area Historical Association and prior to 2014 was listed as the Montrose Historical Museum. The Montrose Area Historical Association was under the assumption that property to the west where the old school house is located was a separate parcel and they wished to combine. However, under further examination the parcel to the east was listed as owned by the Montrose Area Historical Association. Mr. Rankin and the assessor suspected that the property in question was divided from parcel 60-16-300-056 in the late 1980's which in turn eventually sold the building at E. Hickory Street to CenturyTel now CenturyLink. Under Public Act 282 of 1905 the local assessor does not assess or review taxable property values and descriptions for telecommunication facilities as they are exempt from the Audit of Minimum Assessing Requirements. The assessor regularly reviews and updates parcel information as he comes across inaccurate information such as owner, legal and property descriptions. Additionally, the March and December Board of Review is meant address a mutual mistake of fact. Any person or organization must appeal the assessment with a petition to the Michigan Tax Tribunal. Mr. Rankin informed council that he would provide Mr. Follett with said petition form.

11. *APPROVAL/DISAPPROVAL OF COUNCIL MEMBER TOM BIGELOW'S ABSESNCE AT THE AUGUST 18, 2022 CITY COUNCIL MEETING*: Action taken under agenda item No. 12.

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12. *APPROVAL/DISAPPROVAL OF COUNCIL MEMBER TOM BIGELOW'S ABSENCE AT THE SEPTEMBER 15, 2022 CITY COUNCIL MEETING.*

- **MOTION** by Arnold **SECOND** by Richard to approve the absence of Tom Bigelow at the August 11, 2022 and September 15, 2022 City Council Meeting. All Ayes. Motion Carried.
- **MOTION** by Heslop **SECOND** by Burch to add item 13 onto the agenda titled Discussion/Direction of Dump Truck and Backhoe Painting and re-number remaining agenda items to 14 and 15. All Ayes. Motion Carried.

13. *DISCUSSION/DIRECTION OF DUMP TRUCK AND BACKHOUE PAINTING:* City Manager Neil Rankin discussed that the plow truck dump and backhoe required to be sandblasted and repainted as neither has had that type of work completed. Lake Painting Inc. of Midland had the low bid of \$5,500. Rankin reported that the company does nothing but larger pieces of equipment and could have the work completed in two weeks. To bring the backhoe would require transportation which was quoted from Powell's of Montrose of \$1,280.

- **MOTION** by Richard **SECOND** by Burch to approve the quote from Lake Painting and spend up to \$7,500 including transportation of the backhoe. Roll Call Vote: Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Burch – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

14. *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(1)(G) OF THE MICHIGAN FREEDOM OF INFORMATION ACT ("FOIA"). MCL 15.243(L)(G) ROLL CALL VOTE REQUIRED:* (Council did not go into closed session).

15. *RETURN TO OPEN SESSION & BRING REGULAR MEETING BACK TO ORDER:* N/A

PUBLIC COMMENTS: NONE

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: Mayor Brown spoke that the DDA met and discussed the façade grant.

ELECTION COMMISSION: City Manager Rankin spoke on the candidates that had filed to run for office on November 8th including write-ins as well as the deadline of October 28th to submit to be a write-in.

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Mayor Brown was unable to attend.

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

GENESEE COUNTY METROPOLITAN ALLIANCE: Councilmember Richard gave his report from the October 19th meeting.

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PLANNING BOARD: Richard reported that the Planning Board is holding a special meeting September 29, 2022 to hold a public hearing.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; The tree planting went well on Friday, October 7th. Volunteers planted 12 trees throughout town where several high schoolers helped have the job done by 11:00am. The DPW will be working on several projects in the coming weeks including repair storm structures in the north DDA alleyway, shoulder work along S. Saginaw and of course leaf cleanup at our parks. The Clerk has been putting in the hours to ensure the November election goes smoothly. Absentee ballots are steadily coming in.

CITY ATTORNEY: Stout reported that he was working with the City Manager to address the demolition of the home at 261 Oak Street that has been condemned.

MAYOR AND COUNCIL COMMENTS: Councilmember Arnold spoke about the board game night that was at the Jennings Memorial Library.

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 Colleen Brown adjourned the meeting at 8:34 p.m.

Prepared by City Manager, Neil Rankin