

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 20, 2023

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, Mayor Pro-Tem Mark Richard, Robert Arnold, Ryan Heslop, and Andrea Martin. Also present were City Manager Neil Rankin. There were 7 citizens in attendance. Members Aaron Burch and Todd Pangle were recorded absent.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF APRIL, DUANE TRIPP:* No one was available to accept the award.

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

- **MOTION** by Arnold **SECOND** by Richard to nominate Reverend Lemming as citizen of the month for the month of June. All Ayes. Motion Carried.

PUBLIC HEARINGS:

1. *PROPOSED ORDINANCE NO. 455 ENTITLED, "AN ORDINANCE TO AMEND THE CITY OF MONTROSE CODE OF ORDINANCES CHAPTER 136 BY THE REPEAL AND REPLACEMENT OF SECTION 30-136 MAKING CERTAIN MARIJUANA OFFENSES PUNISHABLE AS CIVIL INFRACTIONS AND BY THE REMOVAL OF CERTAIN DEFINITIONS IN SECTION 30-136":* Mayor Brown opened the hearing at 7:04 p.m. and closed the hearing at 7:05 p.m. There were no questions and/or comments from the public and no written letters were received by the city prior to the meeting.

PRESENTATIONS: *GUIDE TO UNDERSTANDING PROPERTY TAXES:* Rankin gave an oral report.

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 Eva Gist complained about blight properties located within the city limits. Dan & Lori Machuk gave a back-ground of how long they've been in the community and what happened to businesses during Covid. Machuk's suggested placing advertisement for local businesses in the newsletters and complained about the vacant building ordinance, building code enforcement and general business licenses.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 03/16/23 MEETING MINUTES:*

- **MOTION** by Richard **SECOND** by Arnold to approve the meeting minutes of March 16th as presented. All Ayes. Motion Carried.

2. *APPROVAL OF CHECK REGISTER & TREASURER REPORT:* Prior to the roll call vote Richard asked if there was anything out of the ordinary and Rankin replied that included within tonight's council

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packet is the different bank accounts, sweep account, CD's, etc. and what the average interest rate is for each account is and how secure they are.

- **MOTION** by Richard **SECOND** Arnold to approve the register as presented. Roll Call Vote: Arnold – Aye, Heslop – Aye, Richard – Aye, Martin – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

3. *DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 455 ENTITLED, "AN ORDINANCE TO AMEND THE CITY OF MONTROSE CODE OF ORDINANCES CHAPTER 136 BY THE REPEAL AND REPLACEMENT OF SECTION 30-136 MAKING CERTAIN MARIJUANA OFFENSES PUNISHABLE AS CIVIL INFRACTIONS AND BY THE REMOVAL OF CERTAIN DEFINITIONS IN SECTION 30-136"*: Rankin explained that approval of this ordinance would allow the police to enforce a violation as a civil-infracton in both the City and Township.

- **MOTION** by Arnold **SECOND** by Martin that we adopt Ordinance No. 455 to put us in line with the request of our police. Roll Call Vote: Martin – Aye, Arnold – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. *DISCUSSION/DIRECTION REPUBLIC SERVICES/RFP FOR SOLID WASTE*: The contract with Montrose Township for Public Safety is expiring in December and to budget accordingly council will need to approve a contract. The proposed increase of 5%, 3%, 3% for the first three years followed by a re-opening of the contract seems to be quite fair as inflation since 2021 has risen 18.5%. In Section VII I have requested to add, "The City shall have the opportunity to appoint a member of their Council to sit in on all Township Public Safety Committee meetings that deal with Police / Fire or Rescue services", which will give the city the opportunity to work more closely with the township in addressing public safety issues that may arise. I have also spoken with Mark Emmendorfer in giving council a tour of the township public safety facilities as I realized that most members probably have not had the opportunity to see their new facilities and operations. This is tentatively scheduled for May 18th at 5:30 pm before the council meeting. I will send out reminders as the date gets closer for those that would like a tour. Mayor Brown mentioned that at the Genesee County Metropolitan Planning Commission meeting, they are encouraging municipalities to work together with all future contracts.

- **MOTION** by Richard **SECOND** by Arnold to do an RFP for waste services. Roll Call Vote: Richard – Aye, Martin – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye All Ayes. Motion Carried.

5. *DISUCSSION/DIRECTION PUBLIC SAFETY CONTRACT*: The contract with Montrose Township for Public Safety is expiring in December and to budget accordingly council will need to approve a contract. The proposed increase of 5%, 3%,3% for the first three years followed by a reopening of the contract seems to be quite fair as inflation since 2021 has risen 18.5%. In Section VII I have requested to add: "The City shall have the opportunity to appoint a member of their Council to sit in on all Township Public Safety Committee meetings that deal with Police/Fire or Rescue services" which will give the city the opportunity to work more closely with the township in addressing public safety issues that may arise. I have also spoken with Mark Emmendorfer in giving council a tour of the township public safety facilities as I realized that most members probably have not had the opportunity to see their new facilities and operations. **This is**

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tentatively scheduled for May 18th at 5:30pm before the council meeting. I will send out reminders as the date gets closer for those that would like a tour. Mayor Brown commented that she would like to see a voting privilege from the City and not just an advisory position.

6. *DISCUSSION/DIRECTION TITLE VI/NON-DISCRIMINATION POLICY*: Working on the MI-Hope and Mod II MSHDA grant I came across a requirement to include a non-discrimination policy. In 2013 Amy Planck certified to the USDA that we did, and annually I certify to MDOT, however, I could not find an actual policy. This policy deals exclusively with discrimination between customers, vendors, and how related complaints are reported. This policy in particular addresses Federal law when those funds are involved. I did a policy for my last employer as the county requested this policy as they received federal funds and had to ensure they along with MDOT that awards federal highway dollars were meeting their own guidelines

- **MOTION** by Richard **SECOND** by Heslop to adopt the policy as presented, Title VI Non-Discrimination Policy as submitted by the city manager. All Ayes. Motion Carried.

7. *APPROVAL OF DONATION FROM BLUEBERRY FESTIVAL*: The Blueberry Festival has generously donated \$2,000 towards our tree planting efforts that will be on October 6th this year. The State Bank also donated \$800 to cover the cost of licensing the movie at Lion's and Barber Park for the movies in the park this summer.

- **MOTION** by Richard **SECOND** by Arnold to accept the donation from Blueberry Festival. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

8. *APPROVAL OF DONATION FROM THE STATE BANK*:

- **MOTION** by Richard **SECOND** by Arnold to accept the donation from State Bank pertaining to the movies that are mentioned here. Roll Call Vote: Martin – Aye, Arnold – Aye, Heslop – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *APPOINTMENT TO DDA*: Eric White has submitted an application to serve on the DDA. City council in 2019 reduced the number of members from 12 to 8 as multiple meetings had a lacked quorum. Currently the DDA has 8 members, however, one of the members is in Florida for half of the year and perhaps an alternate might be appropriate. Mayor Brown approved the appointment.

- **MOTION** by Richard **SECOND** by Arnold to put Eric White as an alternate on the DDA based on the Mayor's recommendation. All Ayes. Motion Carried.

10. *APPROVAL OF BUDGET AMENDMENT #2*: Rankin reported that these are due to updating the Master Plan which ARPA funds will cover.

- **MOTION** by Richard **SECOND** by Arnold to approve budget amendment No. 2 as presented by the city manager. Roll Call Vote: Arnold – Aye, Richard – Aye, Martin – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

11. *DISCUSSION/DIRECTION GREAT LAKE OUTDOOR CINEMA CONTRACT*: The DDA approved hosting two movie one at Barber Park and the other at Lion's. The township will cover the cost of the movie at Barber Park.

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- **MOTION** by Arnold **SECOND** by Richard that we enter into a contract with Great Lake Outdoor Cinema for the movie night. Roll Call Vote: Arnold – Aye, Richard – Aye, Martin – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

12. *DISCUSSION/DIRECTION VACANT BUILDING APPLICATION/LETTER*: Attached is the vacant building application and letter to be sent to those buildings that have been vacant. Initial registration fee would be \$25.00 with quarterly inspections every 3 months at \$125.00, (\$400.00 annually). I attempted to answer common questions in the letter and I priced the cost to be comparable to the business license inspections and other related permits/costs billed by the Building Inspector. If it goes unpaid, then it would go onto the property taxes as a lien.

13. *DISCUSSION/DIRECTION PER PARCEL REPORT CHARGES/TAX DATABASE*: I have included the opinion from the attorney. The treasurer was reviewing the fee schedule and realized that perhaps the city should adjust the fee for abstracts/databases as the number of parcels changes annually. I would recommend adopting .30 cents per parcel for information.

- **MOTION** by Arnold **SECOND** by Richard that we adopt the updated fee schedule. Roll Call Vote: Richard – Aye, Heslop – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

14. *DISCUSSION/DIRECTION FEE SCHEDULE UPDATE*: The addition of the vacant building application and changes in the charges for abstracts/databases I would recommend council adopt the new fee schedule as presented.

- **MOTION** by Arnold **SECOND** by Richard that we adopt the updated fee schedule. Roll Call Vote: Richard – Aye, Heslop – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

15. *DISCUSSION/DIRECTION CITY OFFICE 4-10 HOUR DAYS*:

- **MOTION** by Arnold **SECOND** by Richard that we approve the city office 4-10 hour days starting May 29th Memorial Day to September 4th Labor Day. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Mayor Brown – Aye. All Ayes. Motion Carried.

16. *DISCUSSION/DIRECTION SETTING BUDGET WORKSHOP & BUDGET PUBLIC HEARING DATE*:

The month of June is always busy and this year our clerk will be attending the Michigan Clerk Summer Institute from June 12-16 and I will be on vacation for two weeks from June 5-16. In regards to the grants, street projects, water projects and the end of the fiscal year it would be easier for the staff if the June workshop/council meeting be pushed back to either June 22nd or ideally June 29th. I will request the DDA to reschedule the June meeting to June 22nd. I will have most everything budget related ready but with a few million dollars in grants/bid still up in the air combined how the county is often the last to sign off on our L-4029 this would make sense this year. The Feher Drive project RFP's will be due at the end of June as well. Prior to the roll call vote, Arnold asked council to consider changing the 2024 council meeting dates other than the 3rd Thursday to so they do not conflict with work commitments, METRO Committee reporting and Blueberry Festival Committee meeting.

- **MOTION** by Richard **SECOND** by Arnold to move the June city council meeting to June 29th, the budget workshop will start at 6:00 p.m. with the regular meeting at 7:00 p.m.

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Roll Call Vote: Martin – Aye, Heslop – Aye, Arnold – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

17. *DISCUSSION/DIRECTION REVENUE SHARING PLEDGE AGREEMENT*: Bond Counsel Attorney recommended the City pledge the revenue sharing funds so if the city were to ever default on the bonds, then the revenue sharing funds would be utilized.

- **MOTION** by Richard **SECOND** by Arnold adopting the revenue sharing pledge agreement. Roll Call Vote: Martin – Aye, Richard – Aye, Arnold – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

18. *APPROVAL/DISAPPROVAL MEMBER AARON BURCH'S ABSENCE AT THE 02/16/23 COUNCIL MEETING*:

- **MOTION** by Richard **SECOND** by Arnold to approve Aaron Burch's absences at the February 16th and March 16th council meeting. All Ayes. Motion Carried.

19. *APPROVAL/ DISAPPROVAL MEMBER AARON BURCH'S ABSENCE AT THE 03/16/23 COUNCIL MEETING*: Action taken under agenda item No. 18.

20. *APPROVAL/DISAPPROVAL MEMBER ROBERT ARNOLD'S ABSENCE AT THE 03/16/23 COUNCIL MEETING*:

- **MOTION** by Richard **SECOND** by Martin to approve Bob Arnold's absence March 16th council meeting. All Ayes. Motion Carried.

PUBLIC COMMENTS: Dan Machuck asked council to consider local businesses donating towards Citizens of the Month plaques.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: Unable to meet due to no quorum.

ELECTION COMMISSION: Rush reported that 48 absentee ballots went out for the upcoming May election. Two items affecting this election regarding the constitutional amendments voted in by Proposal 2-2022 were the requirement to supply an envelope & return postage for anyone requesting an absentee ballot "application" "and" return postage on the return absentee ballot envelope even though more than 3/4th's of the community will pick up the absentee ballot application and the absentee ballot and bring the absentee ballot back inside physically and/or place it inside the drop box, so the additional cost for this election was . The amendments voted in by Proposal 2-2022 will be affecting the city dramatically. In the past, because of the city's small population we were able to stay under the radar and not be affected by certain changes, however, the biggest unexpected cost will be the mandated 9 day early voting, (3 election inspectors working each day), and will permanently take place starting in 2024 for all future elections. The Bureau of Elections is currently working on promulgated rules to begin implementation of Proposal 2-2022, but they have warned all clerk's that one process may take place one week, could change the following week, so please be patient until they have things figured out. The only amendment that will affect this May election is the requirement to supply

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envelopes and return postage for voters requesting an absentee ballot. A factoid to consider when figuring future budget costs, for the May election there are 1,271 registered voters, for one mailing to process absentee ballots, it could potentially cost \$2,173.41 per election, (1,271 x .10 for each application = \$127.10; 1,271 x .13 cents per envelope = \$165.23; 1,271 x .03 cents per label = \$38.13; and 1,271 x .60 cents for postage on the return absentee ballot envelope = \$762.60; 1,271 x .85 cents for postage to mail the complete kit for the absentee ballot = \$1,080.35). Arnold questioned having enough election inspectors working the full 9 days and having an election official available for the 9 days voting and possibly hiring a deputy clerk and/or someone certified to run elections should the clerk be unavailable. Rush continued to explain that “Super Precincts” are being discussed, currently it is a County wide decision and Genesee County has decided at this time not to implement these, however, it could change in the future. We are unaware of when the next Presidential election which will be, February or March of 2024, but there will be 4 elections in 2024.

GENESEE COUNTY COMMUNITY DEVELOPMENT ALLOCATION COMMITTEE: Meeting is next Thursday.

GENESEE COUNTY METROPOLITAN ALLIANCE: NONE

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Mayor Brown reported that the meeting was held in Clio and the speaker was Martin Cousineau who is the County Commissioner of District 48, (The City’s District is 7). Mayor of the City of Flushing, Joe Karlicheck, is gathering data from the millages on taxes to discuss what services citizens are actually receiving from these millages.

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

PLANNING BOARD: There was no meeting.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE

Mayor Brown announced she attended the Capital Conference Monday and Tuesday and was awarded the Level III Elected Officials Academy Award. She also received a scholarship to attend the Building Michigan Communities Conference in Lansing with hopes to bring back grant information.

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; City Staff is ramping up for a busy summer. This includes road work, installing hanging baskets in the DDA, preliminary water upgrades, DWAM grant and many other improvements. The City is hiring seasonal employees. If you know someone that is interested the job description/application is on the city website. I’m working on a few grants including the MI-Hope which I hope to have everything ready to go in the next few days. The Mod II grant for 261 Oak Street is in the works and a MML Mainstreet Grant to replace the downtown planters. Our engineering firm is moving quickly through the process of

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getting all our bid documents ready to issue and answering all related EGLE questions in the DRWF project. According to our financial advisors the city meets the threshold as the amount the city is bonding and not required to get a bond rating which would cost \$10-13k but rather can pledge its revenue sharing if it were to go into default under the Glenn Steil Revenue Sharing Act 141.917a Withholding amount equivalent to delinquent payments due on emergency municipal loan; withholding payment under act; extent; plan for financing outstanding obligations upon which municipality defaulted; use of amounts withheld; payment of debt service on bonds or notes; agreement assigning or pledging payment; statement; withholding payment to satisfy payment due and owing to state. Street sweeper is currently out getting fixed and should be up and running shortly. Cameras at Blueberry Park have been installed. Newsletters went out last week and hopefully you have received yours.

CITY ATTORNEY: NONE

MAYOR AND COUNCIL COMMENTS: Heslop asked if the city could look into acquiring an AED, (Automated external defibrillator), Mayor Brown suggested using public safety grants. Heslop agreed with the city having voting rights with the upcoming police/fire contract so that the City can be informed if there are complaints. Richard expressed concerns with addressing blight and asked if the Machuks pulled a deck permit, if they did, please address the issues they are having. Arnold asked if the city were to have a “vote” in the decisions with Montrose Twp. Police Department contract, if they were to be sued, would the city also be liable. Arnold also mentioned that the new librarian will be contacting the city, township and school for grant programs. Martin commented she likes the idea of promoting businesses in the newsletters and certificates from the businesses to support the Citizen of the Month. Mayor Brown mentioned that generally individual municipalities Chamber of Commerce promotes businesses, however, ours is currently inactive but she is trying to correct that. Mayor Brown mentioned the reasons why the general business licenses were implemented and even though building inspectors are not generally liked, permits are required to be pulled, it is up to an engineer and/or licensed builder to guide home owners, not the building inspector. Mayor Brown said she will take pictures of the blight house if needed for Gist and added that she promotes the city as a whole, not just individual businesses.

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 8:43 p.m.

Prepared by City Clerk, Tina Rush