

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

August 17, 2023

CALL TO ORDER: Mayor Colleen Brown called the regular Council meeting to order at 6:15 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, (entered at 6:18 p.m.), Ryan Heslop, Aaron Burch, (entered the meeting at 6:36 p.,m.), and Todd Pangle. Also present were City Manager Neil Rankin and City Clerk Tina Rush. Member Andrea Martin were recorded absent. There were also 3 citizens in attendance.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF AUGUST 2023, ASHLEY & BUBBA PERSALL:* Council honored Ashley and Bubba for taking on a fundraiser for a recent loss in the community.

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

- **MOTION** by Heslop **SECOND** by Arnold to nominate Mark Emmendorfer as Citizen of the Month for the month of September. All Ayes. Motion Carried.

PUBLIC HEARINGS: Mayor Brown opened the public hearing at 6:18 p.m.

1. *PROPOSED ORDINANCE NO. 457 AMENDING THE CITY OF MONTROSE CODE OF ORDINANCES CHAPTER 72 ARTICLE 3 SECTION 110 SURFACE AND GROUND WATER DISPOSAL:* There were no questions and/or comments from the public. Mayor Brown closed the public hearing at 6:19 p.m.

Mayor Brown opened the public hearing at 6:19 p.m.

2. *PROPOSED ORDINANCE NO. 458 AN ORDINANCE AMENDING THE CITY OF MONTROSE CODE OF ORDINANCE CHAPTER 105 ARTICLE 15 SECTION 15.4 KEEPING OF ANIMALS:*

*There were no questions and/or comments from the public. Mayor Brown closed the public hearing at 6:20 p.m.

Mayor Brown opened the public hearing at 6:20 p.m.

3. *PROPOSED ORDINANCE NO. 459 AN ORDINANCE AMENDING THE CITY OF MONTROSE CODE OF ORDINANCE CHAPTER 103 ARTICLE 8 SECTION 8.3 AND ARTICLE 9 SECTION 9.3 TO REGULATE MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS:*

*There were no questions and/or comments from the public. Mayor Brown closed the public hearing at 6:21 p.m. and brought the regular meeting to order.

PRESENTATIONS: NONE

REPORTS

1. *FIRE & POLICE DEPARTMENT REPORTS:* Chief Jamie Cochran gave an oral report.

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

3. *HYDROCORP REPORT:* Report on file at city office.

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PUBLIC COMMENTS: Citizens Sadie and Larry Leonard spoke in protest of the Blueberry Festival having to shut down the band music at midnight.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 06/29/23 SPECIAL MEETING MINUTES:* Member Aaron Burch entered the meeting @ 6:36 p.m.

- **MOTION** by Richard **SECOND** by Arnold to accept the minutes as written. All Ayes. Motion Carried.

2. *APPROVAL OF THE 07/20/23 REGULAR MEETING MINUTES:*

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

Mayor Pro-Tem Richard asked if an item be added onto tonight's agenda, Discussion of Blueberry Festival.

- **MOTION** by Richard **SECOND** by Pangle to add this onto the agenda, item No. 14. All Ayes. Motion Carried.

3. *APPROVAL OF CHECK REGISTER & TREASURER REPORT:* Rush asked council to include approving tonight's check register handout.

- **MOTION** by Arnold **SECOND** Burch that we pay our bills including the hand out of sixty-seven thousand, fifty-five dollars and fifty-four cents, (\$67,055.54). Roll Call Vote: Pangle – Aye , Arnold – Aye, Burch – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. *DISCUSSION/DIRECTION FEHER DRIVE RECONSTRUCTION BIDS:* Bids are due August 15th for Feher Drive Reconstruction project. If you remember the city opted to do a buyout of TIP/Federal funding at the rate of 90 cents on the dollar. The buyout would allow the city to reduce some of the engineering cost and related state oversight. The amount the city will receive in the buyout would be \$484,261.20. The engineer estimate for the project is \$612,000 and the city budgeted \$852,000. The difference was that the city had an estimate from 2022 of \$571,000 and was anticipating higher costs including water related work that would not be covered by the buyout. I spoke with Dan Mayle who had no issues with what was proposed but recommend contacting Jacob Mauer with GCMPC to see if there was a reduction as funding was reduced after the 2020 census. I have not heard back. Geric will be tableting the bids and will have a recommendation from one of the seven bidders at the meeting as well as engineering proposal at the meeting.

- **MOTION** by Richard **SECOND** by Burch that go with company Glaeser Dawes and move forward with the Feher Drive Project. Roll Call Vote: Richard – Aye, Heslop – Aye, Arnold – Aye, Burch – Aye, Pangle – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.
- **MOTION** by Richard **SECOND** by Burch to approve the proposal from our engineering firm in the amount of sixty-three thousand five hundred dollars and no cents, (\$63,500) from Fleis & Vandebriink. Roll Call Vote: Pangle – Aye, Burch – Aye, Arnold – Aye, Heslop – Aye, Richard – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

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5. *DISCUSSION/DIRECTION REPLACEMENT OF DPW GARAGE WATER HEATER*: The DPW garage has an older 15+ year old electric tank water heater. It is likely on its last legs as it is starting to make noise when heating. It is also not very practical as it is used extensively in the winter for washing salt /snow off DPW equipment and runs out of water. The DPW garage has a gas line when the new radiant heating comes in and the most efficient and practical would be to replace this with a tankless water heater so the DPW garage has on demand hot water. I priced similar model 199,000 BTU Rheem and Navian. Our building inspector was a one hundred sixty-two dollars less to remove the existing tank and replace with a tankless.

- **MOTION** by Burch **SECOND** by Heslop to accept the bid from Accountable Building Co. LLC in the amount of four thousand five hundred twenty dollars and no cents, (\$4,520.00) fore the replacement of the water heater at the DPW garage. Roll Call Vote: Heslop – Aye, Burch – Aye, Arnold – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

6. *DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 457 AMENDING THE CITY OF MONTROSE CODE OF ORDINANCES CHAPTER 72 ARTICLE 3 SECTION 110 SURFACE AND GROUND WATER DISPOSAL*: Currently the Michigan Building Code specifies the discharge of untreated water in new home construction. GCWWS is very vague on discharge as each community may or may not have storm sewer. The issue the City of Montrose is that the current ordinance lacks addressing existing properties discharging water that could affect the right of way/streets or neighboring properties.

(1) A stormwater lateral shall be provided for each parcel at the time of storm sewer construction. If no lateral is provided, the property owner shall discharge said water in such a manner as to not impact neighboring land or public streets. If a stormwater lateral does not exist, and if it is technically feasible to construct one, the property owner may install one at their expense. Any work to be conducted within the right-of-way must be expressly authorized by the City of Montrose.

The ordinance would not require properties to connect but if there is a lateral residents will need to connect their sump pumps to the storm sewer with appropriate check valves.

- **MOTION** by Richard **SECOND** by Arnold to adopt Ordinance No. 457. Roll Call Vote: Pangle – No, Heslop – Aye, Arnold – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. Five (5) Ayes. One (1) No. Motion Carried.

7. *DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 458 AN ORDINANCE AMENDING THE CITY OF MONTROSE CODE OF ORDINANCE CHAPTER 105 ARTICLE 15 SECTION 15.4 KEEPING OF ANIMALS*: The Planning Board drafted the ordinance from the standards set my MSU extension. For zoning requirements these were the recommendations.

- *Limit the raising of chickens to single or two-family residences only and the number of chickens to 4 to 6 per site.*
- *No roosters (male adult chickens) may be kept.*
- *Poultry should not be allowed in a residence, porch or attached garage. Chickens must be confined in a house or coop in the backyard of the residence with a minimum of 1 square foot per bird (144 square inches). An outside, enclosed run may or may not be allowed. The run*

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should be no larger than 8 feet by 8 feet, and it should be attached to the coop. The facilities should be built to keep dogs, cats and wildlife from gaining entry.

- *The poultry facility should be 5 to 10 feet from any property line and at least 10 to 20 feet from a neighboring residence.*

The Planning Board recommended chicken coops be located 10 ft from a property line which is the same as the least side for single family for an accessory structure. No roosters, maximum of six chickens and allows for a chicken run. Property must have a four foot fence and comply with the fence ordinance and rear-setback of 30 feet and 40 feet from adjacent dwellings.

This ordinance restricts chickens/chicken coops from being located on many of the smaller lots with the city. These would be lot that are in the 7,500 to 10,000 square foot range. See photo #1. However, chickens would be allowed in photo #2. Heslop questioned the definition of animals which includes fish. Mayor Brown recommended adopting the ordinance tonight and having the Planning Board address the five animals including fish. Pangle questioned the rear set back requirements in Section 15.32 paragraph b. No. 1 that would exclude ½ of the homes along M-57. Mayor Brown noted that according to the Planning Board notes, there is a clerical error with the ordinance setback minimum and rear yard setback.

- **MOTION** by Burch **SECOND** by Richard that we adopt Ordinance No. 458 with updating Section 15.32 paragraph b. No. 1) to read, “The coop and pen shall be setback a minimum of ten feet from all side and rear lot lines and a minimum of 40 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen shall have a 30-foot rear yard setback. Roll Call Vote: Burch – Aye, Arnold – Aye, Heslop – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

8. DISCUSSION/DIRECTION PROPOSED ORDINANCE NO. 459 AN ORDINANCE AMENDING THE CITY OF MONTROSE CODE OF ORDINANCE CHAPTER 103 ARTICLE 8 SECTION 8.3 AND ARTICLE 9 SECTION 9.3 TO REGULATE MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS: This proposed ordinance would amend the current marihuana establishments to add language the distance between establishments be a minimum of 750 feet.

- **MOTION** by Pangle **SECOND** by Burch to accept Ordinance No. 459 as written. Roll Call Vote: Arnold – Aye, Richard – Aye, Pangle – Aye, Heslop – Aye, Burch – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

9. APPROVAL/DISAPPROVAL APPOINTMENT OF ASHLEY PUTNAM TO THE PLANNING BOARD: Mayor Brown recommended the appointment.

- **MOTION** by Richard **SECOND** by Burch to appoint Ashley Putnam to the Planning Board. All Ayes. Motion Carried.

10. DISCUSSION/DIRECTION THREE-YEAR TREE MAINTENANCE AGREEMENT WITH RELEAF OF MICHIGAN: Rankin conveyed that Releaf of MI is partening with the City again, this agreement designates the City to maintain the trees.

- **MOTION** by Arnold **SECOND** by Richard that we enter into an agreement with Releaf of Michigan. Roll Call Vote: Richard – Aye, Pangle – Aye, Burch – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

11. APPROVAL FOR PURCHASE OF TREE FOR OCTOBER 6TH ARBOR DAY PLANTING:

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- **MOTION** by Richard **SECOND** by Burch to approve the purchase of trees for planting on Arbor Day, October 6th. Roll Call Vote: Arnold – Aye, Heslop – Aye, Burch – Aye, Pangle – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

12. *DISCUSSION/DIRECTION SALE OF PARCEL 60-21-504-007*: Rankin read aloud an email from the adjoining neighbors wishing to purchase the vacant lot. Discussion ensued on the potential development of another dwelling, possibly another habitat home. Council asked Rankin to gather more information on the potential development of the property.

13. *DISCUSSION/DIRECTION SOLID WASTE AMENDMENT RESOLUTION*: Rankin indicated that the State is requiring municipalities to have a 10-year capacity plan for landfills. Approving this resolution addresses the deficiencies of solid waste disposal. Mayor Brown mentioned the closing of the Richfield landfill and the Genesee County Planning Commission wanting to divert to Brent Run. Council requested more information before making a decision, possible having someone from the Genesee County Planning Commission come to speak at the next council meeting.

14. *BLUEBERRY FESTIVAL*: Mayor Brown announced that yes, the Blueberry Festival was asked to shut their music down @ midnight due to being in a residential area which is considered a compromise. Most festivals are held in an entertainment area specifically for this and suggested placing in the City's Master Plan an area that would accommodate festivals and/or live music. Discussion ensued on the current noise ordinance and a compromise.

PUBLIC COMMENTS: Citizens Sadie, Larry Leonard, and Billy Persails spoke in protest of the Blueberry Festival having to shut down the band music at midnight. Citizen Anthony Brown commented that the Blueberry Festival application was approved in June, this is now the weekend of the festival, also, citizens don't intentionally blow grass into the streets while they are mowing, he personally takes a blower and blows the grass clippings out of the street once he is finished mowing. Mr. Brown also encouraged more participation from the community and better communication. Citizen Harry Powell spoke in protest of the Blueberry Festival having to shut down the band music at midnight.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: Mayor Brown reported the DDA approved a small business visioning workshop for Thursday September 14th 6-8 p.m. at the Depot.

ELECTION COMMISSION: Rush announced that the city will be holding a November 7TH election due to the schools submitting a resolution requesting a bond proposal be placed onto the ballot. Since the city must now hold an election, the City's safety public renewal will be on the ballot as well.

GENESEE COUNTY COMMUNITY DEVELOPMENT ALLOCATION COMMITTEE: Mayor Brown indicated they approved left over grant funds.

GENESEE COUNTY METROPOLITAN ALLIANCE: NONE

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GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: NONE

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

PLANNING BOARD: Richard said council approved the proposed ordinances tonight.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Rankin read aloud his report; The DPW was busy the last couple week with a variety of projects including patching streets, painting lines and prepping Lion's Park for Blueberry Festival. Our contractor for the DWAM grant has been working throughout the city and is sending daily reports showing that the all but one of the water lines is copper. The DDA will be hosting a Small Business Workshop on October 3rd at 6pm. Please review you packet as the Habitat Home will have a dedication next week and the Master Plan workshop will be September 14th from 6-8pm at the Depot.

CITY ATTORNEY: NONE

MAYOR AND COUNCIL COMMENTS: Heslop asked if council would consider re-visiting the Blueberry Festival Event Application. Mayor Brown commented that the Blueberry Festival Event Application was approved in June, the event is this weekend, they already have a plan to shut the music down at midnight, maybe consider this in the future when they submit a new application. Pangle recommended council attack any grants available for early voting and suggested citizens get advice from an attorney regarding future event applications. Richard, Arnold and Heslop expressed the need for communication in the future regarding complaints instead of presenting them the night of an event. Burch apologized missing last months meeting due to a family matter and entertained the idea of adding to the City's Master Plan, building a structure to accommodate events. Burch also expressed apprehensions with he and his family being harassed for voicing their opinions. Mayor Brown suggested future written formal complaints, asked Rankin to send violation notices if there is a valid complaint and asked the public to please bring concerns to council earlier than the night of.

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 8:01 p.m.

Prepared by City Clerk, Tina Rush