

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

September 21, 2023

**CALL TO ORDER:** Mayor Colleen Brown called the regular Council meeting to order at 7:02 p.m. The meeting was held at the 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, Andrea Martin, and Todd Pangle. Also present were City Manager Neil Rankin, City Clerk Tina Rush and 7 citizens. Member Aaron Burch was recorded absent.

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

### **CITIZEN OF THE MONTH:**

1. *THE MONTH OF SEPTEMBER 2023, OFFICER DEAN POWELL:* Council honored Officer Powell for his many years of service to the Montrose Community including as an officer.

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

- **MOTION** by Richard **SECOND** by Arnold to nominate The Genesee County Planning Commission as Citizen of the Month for the month of November for the NEP Grant. All Ayes. Motion Carried.

**PUBLIC HEARINGS:** NONE

**PRESENTATIONS:** *REP. JASPER MARTUS:* Mayor Brown said Representative Martus was unable to attend tonight's meeting but asked that he placed onto October's meeting agenda.

### **REPORTS**

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

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

3. *UNDERGROUND UTILITIES:* Rankin said this is in regards to the DWAM grant project which is almost complete. Currently there was only one location that had galvanized lines. The next step is to replace any galvanized lines with copper.

**PUBLIC COMMENTS:** Citizen Warren Edwards asked council to consider rescinding the Vacant Buildings Ordinance. Citizen Dan Machuck asked for parking along the side DDA area.

- **MOTION** by Richard **SECOND** by Heslop to add onto tonight's agenda, No. 19, HomeComing Parade Event Application. All Ayes. Motion Carried.
- **MOTION** by Pangle **SECOND** by Arnold to add No. 20 onto tonight's agenda, nominate alternate to 911 Consortium. All Ayes. Motion Carried.

### **MATTERS OF COUNCIL ACTION:**

1. *APPROVAL OF THE 08/17/23 REGULAR MEETING MINUTES:*

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

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

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

3. **DISCUSSION/DIRECTION SOLID WASTE COLLECTION/CONTRACT:** I have spoken with Coetta Adams, Montrose Township Supervisor, about creating a solid waste authority. Our/their attorney drafted out the article of incorporation and steps needed. This type of authority could possibly have meant reduced costs for both units however the savings to be had would be hard to determine. However, the township has decided not to go that route and instead from what I understand will be entering into an agreement/extension with Republic. I have spoken with John Kevin Randall municipal sales manager with Republic and he had done some proforma costs if the city did the same. This would include a 27% increase over the previous contract and I took it to be a one year increase followed by 3% increases for an additional 4 years or roughly a 39% increase over five years. Same as the last contract. One of the issues if we go out for bids is that discussing this matter in public may result in the city not get a bid from Republic as the competition will know where to set pricing. Please remember last time the city only received one bid; from Republic. I know the increase may sound steep but the amount between 2009 and 2018 was a 48% increase or 5.3% per year. The increase in this scenario (please see) packet is around 7.8%. I have tried to smooth the increase as our fiscal year and contract year do not run concurrently. The increase would be \$27 increase in the first year and then \$14 a year the first and \$24 each year after that which amount to a \$2 increase per month. I would have pursued a solid waste authority where an economy of scale (large contract) could have enticed multiple bids, but now I believe asking for an extension is the safer bet. Mr. Kendall was on vacation but could draft an extension agreement by the October meeting. I would recommend requesting an extension contract for solid waste collection with Republic.

- **MOTION** by Arnold **SECOND** by Richard that we request an extension from Republic for the City's solid waste collection/contract. All ayes. Motion Carried.

4. **DISCUSSION/DIRECTION DPW GARAGE DRIVEWAY CONSTRUCTION:** The DPW garage has been slowly been getting needed improvements over the last couple of years. These necessary improvements (new salt bin), radiant heating and tankless hot water heater are bring the building up to better serve our employees. One of the issue at the garage is that the entry to the main heated part of the building is the driveway and garage door. Our DPW is wishing to install a concrete slab. The gravel and dirt from outside make keeping the floor clean very difficult to do and the fact that there is a storm drain also mean that gravel and dirt is washing into the line. The DPW would do the work but I wanted to get council approval on the purchase of the concrete. Modern Concrete which the DPW and city have an account with had the low price of \$163 a yard for a cost of just under \$9,000 for the project. This would be a 40 x 50 concrete pad and would allow the city wash equipment outside a keep water/dirt from coming in. The 2024 budget allocated \$25k in capital outlay and this along with garage doors would be the items to addressed this year. I'm waiting on quotes for the garage doors as they are on their last legs. I would request council approve spending up to \$9,500 in purchasing concrete from Modern Concrete.

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- **MOTION** by Richard **SECOND** by Heslop that we spend up to nine thousand five hundred dollars, (\$9,500.00) for placing of a new concrete pad with Modern Concrete. Roll Call Vote: Heslop – Aye, Martin – Aye, Arnold – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

5. *DISCUSSION/DIRECTION SIDEWALK INSTALLATION HOWARD STREET/CDBG*: Last week I signed the CDBG contract for public improvements. The request for project was completed over two years ago and the amount that the city will receive is \$13,762. The work proposed was replacement of sidewalks where needed and the installation of ADA compliant ramps located at intersections. This would include grading, pouring of concrete and ADA mat installation. This project originally identified the location of several intersections that would need to meet ADA standards of sidewalk approaches. This could include approaches at intersections located at S. Saginaw Street, Washington Street, Maple Street, Coke Drive, S. Genesee Street, Perry Street, Ash Street, Howard Street and Oak Street. Fortunately, some of this work was completed two years ago. However, Howard Street was never completed and the city has no sidewalk located on the North side. With an estimate of a little over 800 square feet of sidewalk at \$15 this would work out to be around \$12,000. Please see packet for location of the sidewalk. I would like to get this work done this year and request council to solicit bids as specified by CDBG rules.

- **MOTION** by Arnold **SECOND** by Martin that we install sidewalks along Howard Street using CDBG funds. Roll Call Vote: Pangle – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

6. *DISCUSSION/DIRECTION SANITARY SEWER OPERATING AGREEMENT*: The sanitary sewer agreement the city has with GCWWS is set to expire at the end of the year. One of the issues that Sam and I have run across is that the lift station is one of the few pieces that would need to be addressed. Currently the station has an autodialer which means it has a dedicated land line that will (being the word) call when it has an issue. The lift station a few months back had an issue and did not call. Luckily a resident did that reported that their toilet didn't flush. The issue we seem to have identified is that the backup power for the autodialer is only meant to last for about 5 years. Most lift stations have gone away from autodialers for a number of reasons. The county lift station use a SCADA system. Supervisory Control and Data Acquisition (SCADA) is a system that aims to monitor and control field devices at your remote sites much like a lift station and they use cellular data. The previous agreement the lift station was not part of the agreement possibly because the lift station was working or was new. However, with these issues it might make more sense for the county to operate it as if any issue like in the past the DPW would not have to worry about working on the controls or regular maintenance. The cost would be an additional \$4,000 per year, (approximately \$395.00 per month).

- **MOTION** by Richard **SECOND** by Arnold to approve Genesee County's proposal for the addition of the City's Lift Station. Roll Call Vote: Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All ayes. Motion Carried.

7. *DISCUSSION/DIRECTION INTERFUND LOAN AGREEMENT*: The good news is that the funding for Feher Drive looks to be pending so hopefully around February without a government shutdown the city will have \$484,261 to cover construction costs. Minus the engineering and part of the construction cost the entire project the TIP funding will have covered all but \$213,000

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with PE being completed the previous fiscal year. To cover these costs the Sewer fund will cover payments as the project wraps up late this fall. The agreement allows the city to pay over a period of years or all at once without a penalty while preserving the fund balance of major street to tackle other future projects. I would recommend council approve the interfund loan resolution as presented.

- **MOTION** by Richard **SECOND** by Pangle to approve the interfund loan from the Sewer Fund to Major Streets Fund. Roll Call Vote: Arnold – Aye, Richard – Aye, Martin – Aye, Pangle – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

*8. DISCUSSION/DIRECTION LOSS CONTROL RECOMMENDATION FOR DEPOT:* Over Labor Day weekend the Depot was rented out for a family function. On Tuesday September 5<sup>th</sup> there was found to be damage to one of the display cases and the glass was broken. Fortunately, no one was injured as these cases are old and have plate glass. My concern is that this type of accident may happen again and someone would get injured. I asked our loss control at MML/Meadowbrook Insurance to look into addressing this potential issue and they provided us the attached recommendation. Two of these cabinets hold nothing of value and all three were likely donated. The third cabinet is much larger with lighting built in and has a few random items but takes up a significant amount of floor space. The Depot/DDA would likely have more invested in modifying these cabinets with tempered/safety glass than what they are worth. Additionally MICHIGAN COMMUNITY FOUNDATION ACT (EXCERPT) Act 38 of 2017 123.905 Receipt of property by municipality, school board; intermediate school board, or public library; sale; disposal; use of proceeds. (4) Whenever any property, real, personal, or intangible personal, now or hereafter held and used for the purpose of a municipality, school board, intermediate school board, or public library by any municipality, school board, intermediate school board, or public library, in the judgment of that municipality, school board, intermediate school board, or public library, is no longer needed for that purpose, that property may be sold and disposed of by the municipality, school board, intermediate school board, or public library unless the sale and disposal are inconsistent with the terms and conditions upon which the property was acquired, at a price and upon terms and conditions as the municipality, school board, intermediate school board, or public library may deem proper, and the proceeds of that property shall be used and applied for the purpose of the municipality, school board, intermediate school board, or public library. Act 38 allows for the local unit to dispose of the cabinets as it deems appropriate. I would recommend the removal of the cabinets at this time and putting cabinets up for sale with any proceeds going to the Depot. Mayor Brown asked that the status of the cabinets be placed onto the November agenda.

- **MOTION** by Arnold **SECOND** by Martin that we have the DPW move them to storage to a secure location. One (1) Nay – Pangle, Four (4) Ayes. Motion Carried.

*9. DISCUSSION/DIRECTION CHICKEN ACCESSORY STRUCTURE APPLICATION/FEE SCHEDULE:* After being approved last meeting I have put together a chicken application to allow for chicken as an accessory structure. Once the fees are paid and location of structure was approved I would do a final site visit once constructed. The property would remain approved for chickens until either it was found not in compliance whether through complaint or observation ( neighbors calling about smell, noise, rooster) or observed that it is clear that

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there are 10 chickens and failure to correct. Or the owner/applicant tells me that they no longer have chickens. The application cost would be a one time \$30 fee. Richard suggested revisiting this in a year for review.

- **MOTION** by Arnold **SECOND** by Martin that we adopt the chicken accessory structure application fee schedule. One (1) Nay – Pangle, Four (4) Ayes. Motion Carried.

*10. DISCUSSION/DIRECTION SALE OF PARCEL 60-21-504-007:* I spoke the neighboring parcel that were interested and invited them to the council meeting. They seemed to be interested in placing an accessory structure on the parcel. I have yet to approach Habitat about a third build but I would like to try applying for the next round of MSHDA Mod grants to see if the city could build a unique home on that parcel. The taxable value of the land is just a little over \$15k..The fact that water and sewer are available would make a new home construction the highest and best use of the property. I would request that council not sell the property until attempts are made to build a residential home. No action taken, informational only.

*11. AGREEMENT FOR 9-DAY EARLY VOTING WITH MONTROSE CHARTER TOWNSHIP:* Rush indicated that Montrose Township offered the township hall as a place designated for the 9-day early voting. If council agrees to this, then the next step would be to approve the location.

- **MOTION** by Arnold **SECOND** by Richard that enter into an agreement with Montrose Township. Roll Call Vote: Pangle – Aye, Richard – Aye, Martin – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

*12. RESOLUTION RE: ESTABLISHING 9-DAY EARLY VOTING LOCATION:* Rush indicated that State Statute requires council approval.

- **MOTION** by Richard **SECOND** by Arnold to approve the resolution establishing 9-day early voting precinct location at the Montrose Township Hall. Roll Call Vote: Martin – Aye, Richard – Aye, Arnold – Aye, Heslop – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

*13. APPROVAL OF LECLERC CHRISTMAS DECORATION LEASE:* Rankin said this is a lease renewal.

- **MOTION** by Pangle **SECOND** by Richard to enter into a new lease agreement with Leclerc up to one thousand six hundred forty dollars and no cents, (\$1,640.00). Roll Call Vote: Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

Rush commented that charter requires attorney approval of each agreement and/or contract. Ben Stolt who was present at the meeting said he would have Odette view the packet and send a written report.

*14. SET HALLOWEEN TRICK OR TREAT HOURS:*

- **MOTION** by Pangle **SECOND** by Richard that we set the Trick-or-Treat hours from 6 – 8 per past practice so that it works well for everybody. All Ayes. Motion Carried.

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15. *DISCUSSION/DIRECTION GENESEE COUNTY SOLID WASTE PLAN*: Mayor Brown reported that there is opposition for a plant location and suggested deferring any action until a better plan is in place. Discussion only, no action taken.

16. *APPROVAL/DISAPPROVAL PAUL WIXSON TO PLANNING BOARD*: Mayor Brown recommended appointing Paul Wixson to the Planning Board.

- **MOTION** by Richard **SECOND** by Pangle to put Paul Wixson on the Planning Board. All Ayes. Motion Carried.

17. *APPROVAL/DISAPPROVAL MEMBER AARON BURCH ABSENCE AT THE 07/20/23 COUNCIL MEETING*: Heslop reminded council they usually vote when the member is present in case there are questions regarding the absence. No action taken.

18. *APPROVAL/DISAPPROVAL MEMBER ANDREA MARTIN ABSENCE AT THE 08/17/23 COUNCIL MEETING*:

- **MOTION** by Richard **SECOND** by Heslop to approve Andrea Martin's absence. All Ayes. Motion Carried.

19. *HOME COMING PARADE EVENT APPLICATION*: Mayor Brown asked if proof of insurance is required and Rankin replied no, it's just a parade that is located on the local streets, the biggest thing is to notify the police and ensure blockades are available.

- **MOTION** by Richard **SECOND** by Arnold to approve the Home Coming Parade October 6, 2023. All Ayes. Motion Carried.

20. *NOMINATE ALTERNATE TO 911 CONSORTIUM*: Pangle indicated that 911 Consortium is asking the City for an alternate in case Pangle cannot attend.

- **MOTION** by Pangle **SECOND** by Richard to elect Robet Arnold as the alternate. All Ayes. Motion Carried.

**PUBLIC COMMENTS**: NONE

### **REPORTS FROM BOARDS & COMMISSIONS**:

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD*: NONE

*ELECTION COMMISSION*: Applications for election inspectors are available.

*GENESEE COUNTY COMMUNITY DEVELOPMENT ALLOCATION COMMITTEE*: Mayor Brown indicated they are wrapping up the current HUD grant and another call for projects is coming up.

*GENESEE COUNTY METROPOLITAN ALLIANCE*: Mayor Pro-Tem Richard reported there have been adjustments to urban communities and Genesee County is growing faster than other communities.

*GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION*: Mayor Brown reported the meeting was held in Fenton. One of the speakers was the Chairman of the MTA, (Mass Transportation

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Authority). Mayor Brown said she expressed concerns with Montrose residents being turned away from Your-Ride if they were not a senior and/or disabled. This is public transportation that city residents pay for on their taxes. Also, Chairman Joe Kovalchek is working on a matrix of services Genesee County residents are receiving versus what they are paying for in taxes.

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

*PLANNING BOARD:* Mayor Brown said the Visioning Workshop held @ The Depot had a good turnout.

*911 CONSORTIUM:* Pangle said they approved the upcoming budget within \$200,00.00 from last years budget. Pangle also said that the County has their own system, however, our local 911 system is 100% funded by the per line fee on your phone bill. Also, within the next 2 elections there will be a ballot proposal to raise the per line fee. They are also looking into major improvements for the Criminal Justice Information System.

*ZONING BOARD OF APPEALS: NONE*

### **REPORTS FROM CITY MANAGER AND CITY ATTORNEY:**

*CITY MANAGER:* 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 14<sup>th</sup> from 6-8pm. Saturday October 6<sup>th</sup> will be Arbor Day Tree Planting. Saturday October 21<sup>st</sup> "Touch A Truck" will be held at the Montrose Community Schools from 9am to Noon.

*CITY ATTORNEY:* Ben Stoltman announced that Genesee County is considering closing satellite court locations, Flushing which is what the City of Montrose residents utilize is one of them.

**MAYOR AND COUNCIL COMMENTS:** Mayor Pro-Tem Richard encouraged local businesses but expressed concerns with vacant buildings and safety to the residents. Habitat from Humanity also brings revenue from housing instead of a vacant building being turned into a garage. Pangle conveyed that the intent of the vacant building ordinance was not to harass, but to enhance the safety throughout the community. Arnold, Martin and Mayor Brown concurred.

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

### **ADJOURNMENT:**

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

Mayor Brown adjourned the meeting at 8:37 p.m.

Prepared by City Clerk, Tina Rush