

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 20, 2024

CALL TO ORDER: Mayor Colleen Brown called the regular Council meeting to order at 7:01 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, Pro-Tem Mark Richard, Ryan Heslop, and Todd Pangle. Also present, City Manager Neil Rankin, Clerk Tina Rush, and 13 citizens. Members Robert Arnold, Aaron Burch and Andrea Martin were recorded absent.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF FEBRUARY 2024, NEIL RANKIN:* Council honored Neil Rankin for his hard work and the amount of grants he has obtained for the city residents.

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

- **MOTION** by Pangle **SECOND** by Heslop to have Amanda Richard as Citizen of the Month. All Ayes. Motion Carried.

PUBLIC HEARINGS: NONE

PRESENTATIONS: *NICOLE ODETTE, PROGRAM SERVICES SPECIALIS, GCMPC:* Odette spoke on 2 home improvement programs available to property owners in Genesee County; Home Improvement Allotment and Urgent Repair program. These programs are available annually. information is located on Genesee County's website or brochures located in the City Offices.

REPORTS

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

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

PUBLIC COMMENTS: Mayor Brown announced that public comments will be limit at 3 minutes. Property owners Zack Hall, Lori & Dan Machuk, Warren Edwards and Wayne White spoke in opposition of having to follow the State Building Code and ADA Compliance codes indicating that their buildings should be grandfathered in because it is too expensive to bring them up to code. They also expressed frustration with General Business License policies. Marie Powell asked council to consider allowing the car show during the Blueberry Festival.

MATTERS OF COUNCIL ACTION:

1. *APPROVAL OF THE 12/21/23 REGULAR MEETING MINUTES:*

- **MOTION** by Richard **SECOND** by Heslop to accept the minutes. All Ayes. Motion Carried.

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

- **MOTION** by Richard **SECOND** Heslop to approve the check register and treasury report. Roll Call Vote: Richard – Aye, Heslop – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 20, 2024

3. *DISCUSSION/DIRECTION COMMUNITY EVENT PERMIT BLUEBERRY FESTIVAL*: Attached is the permit from the Blueberry Festival. The events on the weekend at Lion's park have the hours of the entertainment tent open from 11am-1am. As you know the city decided to change the hours with the entertainment tent closing at 12am. One of the issues is that Nighttime, unless otherwise specifically noted, means the hours from 10:00 p.m. to 7:00 a.m. and use or operate for any commercial purpose any loudspeaker, public address system or similar device so that the sound therefrom creates a noise disturbance: a. Across a real property boundary b. During a nighttime or on a public right-of-way or public space, (Ord. No. 355, § 6, 5-13-2003). This is also compounded by Lion's Park being in a residential district which lowers the decibel level even when the event is held during the daylight hours. Simply put, after 10 p.m. the city would be allowing a violation of its own noise ordinances, however, the Planning Board can approve temporary Special Land Uses which do not require the erection of any capital improvement of a structural nature, such as, civic festival events and church fair. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held a further provided for in this ordinance. This may be something planning board should discuss. Discussion ensued on the end time for the band, cars speeding along residential neighborhoods and trees being damaged in the park. Alternate locations for the car show was discussed. It was suggested the city manager contact the police to have them patrol during the car show.

- **MOTION** by Pangle **SECOND** by Richard that we approve the permit as presented. Three (3) Ayes. One, (1) Nay – Richard. Motion Carried.

4. *DISCUSSION/DIRECTION PRIORITY WASTE CONTRACT/DUMPSTERS DDA ALLEYWAY*: Rankin reported The DDA is requesting that a larger dumpster (8 yard) replace the (4 yard) in the DDA North Alley. The cost would be an additional \$52.00 a month or \$624 per year.

- **MOTION** by Richard **SECOND** by Pangle that we contract with Priority Waste for the 6-yard dumpster. Roll Call Vote: Richard – Aye, Heslop – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. *DISCUSSION/DIRECTION CONTRACT FOR 2024 CAPE SEAL PROJECT*: Attached is the contract I drafted up for the Capeseal project. I added performance bonds into the contract as I wanted to ensure that the project that includes several streets is completed in a timely manner and that the company has the resources. This increased the cost an additional \$600 over the proposal but will address any issues including the work taking longer than 50 days or clean up of material in yards. The tentative dates of work would start in July at the earliest. Our attorney reviewed the contract as presented.

- **MOTION** by Richard **SECOND** by Heslop that we go forward with the contract for the 2024 Cape Seal Project. Roll Call Vote: Pangle – Aye, Heslop – Aye, Richard – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

6. *DISCUSSION/DIRECTION CLERK COMPENSATION FOR ELECTION/EARLY VOTING*: The City Clerk who has duty to conduct elections is now required to have early day voting which means each year up to 36 days where she will need to be available. It also requires her to maintain an

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 20, 2024

absentee voter list and address all the over related This precludes her from taking the day off, going on vacation or doing just about anything outside election duties. The Michigan Association of Municipal Clerk is emphasizing the additional workload and compensation that should be acknowledged. As you may or may not know this summer, Gov. Gretchen Whitmer signed several bills to implement the changes brought about by Proposal 2. These bills address everything from new early voting rules (Senate Bill 367) and drop box requirements (House Bill 4697) to the Secretary of State's new electronic tracking system for absentee ballot applications (Senate Bill 339), voter ID requirements (Senate Bill 373) and more.

Due to the volume of changes and nuances with each update, what follows is a look at two of the biggest impending changes: early voting days and early voting centers. Enrolled Senate Bill 367, which has been codified as Act No. 81 of Michigan's Public Acts of 2023 and approved by Gov. Whitmer sets the foundation for early voting. The Act states that early voting sites for municipalities must be designated in the same manner as polling places, and each registered voter in the municipality may engage in early voting at any early voting site in that municipality. Section 720e(2). Additionally, for each federal and statewide election, each municipality must have one or more early voting sites and the clerk of the municipality may set additional hours for early voting on any of the required nine consecutive days of early voting. Section 720e(4).

The clerk of a municipality may also offer additional days of early voting beyond the required nine consecutive days, and may set the hours for those additional days of early voting without regard to the hours on the required nine consecutive days. Any additional days of early voting must take place on or after the 29th day before an election. Section 720e(5). The same applies to clerks of municipalities participating in a municipal agreement and the county clerk. Sections 720f(8) and 720(g)(9).

The 2024 presidential primary election will be the first statewide election with the Proposal 22-2 changes in effect. Fortunately, the state of Michigan will be covering the cost of election workers this year. I have proposed an addendum to the Clerk's Contract to compensate her \$2600 per election per year. The more costly option would be to hire a part-time deputy clerk which would be difficult to find. There will be 3 elections this year. Our attorney has reviewed the addendum and I would recommend council approve the addendum to the Clerk's Contract. Council expressed concern with a permanent compensation and asked whether or not the hours are required. Rush responded that she had to delay burying her father who recently passed away because there is no one else qualified or certified to run these elections.

Rush indicated that this is the first major constitutional amendment since 1952 which requires each municipal clerk to have polls open for no less than 8 hours every day for 9 consecutive days. This does not include the setting up and/or recording of the opening/closing of the polls every day during the early days of voting, so we are expecting to work no less than 10 hours each day. Questions were asked whether or not 1 person could handle the work and Rush indicated that the city and township went into a joint agreement for the 9-day early voting to save the city \$6,000 for the equipment now required by the passing of Proposal 22-2 for the 9-day early voting, however, the constitutional amendment does not absolve a clerk from working less than 8 hours each day of those 9 consecutive days for the early voting. Since this is new to all municipalities

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 20, 2024

state wide, we do not know what to expect and/or how many more hours of work will be required but the fact is, only another constitutional amendment would change these current requirements.

- **MOTION** by Richard **SECOND** by Heslop to approve the addendum for one year as written adding the phrase for the 2024 calendar year. Roll Call Vote: Heslop – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

PUBLIC COMMENTS: Lori & Dan Machuk, Warren Edwards, Zack Hall and Wayne White expressed frustration with State Building Codes, ADA Compliance and the General Business License requirements deterring new businesses. Dennis Graham asked for an email communication between council and the business owners if there are issues with compliance.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: The DDA met, asked for the upgraded dumpster in the north alley which council approved tonight. They also discussed ways to spark the downtown, approved banners for the upcoming centennial celebration and approved an appraisal for the old Naples building.

ELECTION COMMISSION: The first of the 5 days of the 9-Day Early Voting went smooth. 7 voters attended Saturday, 3 of them were city voters, Sunday there were 4 voters, Monday was very busy so I was not able to obtain the final count, however, Wednesday was the highest turnout of 34 voters.

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Montrose hosted the meeting at the Montrose Historical Museum. Discussion was the history of the museum and of Montrose.

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: Next meeting February 21st.

GENESEE COUNTY METROPOLITAN ALLIANCE: Next meeting February 21st

PLANNING BOARD: Richard reported they held their annual organizational meeting.

911 CONSORTIUM: Pangle reported they approved placing a ballot proposal onto the August 6th election asking for an additional \$3.

ZONING BOARD OF APPEALS: The ZBA held their annual organizational meeting February 14th.

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: The DPW has been out plowing and salting this last week or so. You have probably have seen Sam or Mitch out early in the mornings. Our clerk has been working on the election which will be February 27th. Absentee ballots are available and voting has started. I have been working on a number of projects and hope to have updates in March. Looking at a busy Spring-Summer 2024.

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

February 20, 2024

CITY ATTORNEY: NONE

MAYOR AND COUNCIL COMMENTS: Pangle expressed concerns with tonight's public comments and asked if a form could be created so that someone can contact council prior to coming to a council meeting. Richard expressed the need for professionalism and he works for the State and needs to abide by those rules, however, he does not know the leniency regarding the need to follow building construction codes and ADA compliance. Mayor Brown said yes she knew there were concerns with structural work being completed and she will look into ADA requirements. Mayor Brown also offered to meet anyone including Mr. Hall to discuss city issues.

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

ADJOURNMENT:

- **MOTION** by Richard **SECOND** by Heslop to adjourn. All Ayes. Motion Carried.

Mayor Brown adjourned the meeting at 8:07 p.m.

Prepared by City Clerk, Tina Rush