

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2024

**CALL TO ORDER:** Mayor Pro-Tem Mark Richard 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 Pro-Tem Mark Richard, Robert Arnold, Aaron Burch, (entered at 7:08 p.m.), Andrea Martin and Todd Pangle. Also present, City Manager Neil Rankin, Clerk Tina Rush, and 22 citizens. Members Mayor Colleen Brown and Ryan Heslop were recorded absent.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was recited.

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

1. *THE MONTH OF MARCH 2024, THE NEIGHBORHOOD POP-UP CLOTHING SHOP:* Council honored Alisha Shann, Angie Brandt, Bonnie Sly, Debra Blakely, Diane Kroll, Chris Middleton, Sada Burch and Karen Galindo for providing access to free clothing for Montrose residents.

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

- **MOTION** by Burch **SECOND** by Pangle to nominate Ken Sherman for clearing snow from other people's sidewalks. All Ayes. Motion Carried.

**PUBLIC HEARINGS:** NONE

**PRESENTATIONS:** *GENERAL BUSINESS LICENSE:* Rankin asked to defer the presentation until the building inspector can attend as well to help with answering questions.

### **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 Pro-Tem Richard announced that public comments will be limit at 3 minutes, however, council may extend that time. Property owner Lori Machuk asked council to make a motion to add onto tonight's agenda, discussion of General Business License. Sadie Leonard requested she be placed onto the next city council meeting agenda to discuss the Home Rule City Act and spoke about the water line located in the coffee shop. Larry Leonard thanked the City's Assessor for doing a good job. Deb Gross spoke on when she served on city council and expressed concerns with downtown businesses being required to follow city ordinances and State Law. Warren Edwards talked about rehabilitating his property after the 2011 downtown fire and expressed frustration with businesses having to follow city ordinances and State Law. Dan Machuk expressed frustration with businesses being required to follow city ordinances and State Law. Connie Yeaster spoke on Facebook posts that she was not happy with. Zack Hall commented it's hard to do business and there are consequences for backlash.

- **MOTION** by Pangle **SECOND** by Burch that we send the General Business License Ordinance back to Planning to re-visit. Arnold – No, Burch – Aye, Pangle – Aye, Martin – Aye, Mayor Pro-Tem Richard – No. Three (3) Ayes. Two (2) Nay's. Motion Carried.

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2024

Prior to the vote council discussed responsibility for compliance with city ordinances, Federal Law, Michigan Building Codes and holding a round table meeting between the building inspector, city attorney and business owners.

- **MOTION** by Burch **SECOND** by Arnold to create a workshop style dialogue between the City of Montrose and the Montrose business owners, attendance is at their discretion and their preference to find middle ground as far as how we are to proceed with the business license, date to be determined. Roll Call Vote: Pangle – Aye, Martin – Aye, Arnold – Aye, Burch – Aye, and Mayor Pro-Tem Richard – Aye. Motion Carried.

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

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

- **MOTION** by Arnold **SECOND** by Burch that we accept the regular 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: Pangle – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

*3. DISCUSSION/DIRECTION REPAIR OF 2008 CHEVY PICKUP:* Attached is a quote from Oliver's Garage for needed repairs for the 2008 Chevy. The truck has low miles around 60k and is primarily used by our seasonal employees. Last summer it started running rough and throwing codes. Needs new tie rods, bearings, etc. It has a value of between \$15k-\$19k. The repairs would be shared across several funds. I would recommend council approve the Oliver's Garage quote to do the repairs in the amount of \$4,498.63.

- **MOTION** by Arnold **SECOND** by Burch that we pay for the repairs on the 2008 Chevy Pickup Truck. Arnold – Aye, Martin – Aye, Pangle – Aye, Burch – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

*4. DISCUSSION/DIRECTION EMERGENCY WATER SERVICES CONTRACT:* Since 2016 the city has used Rohde Bros. based in Saginaw for emergency water repairs. We have also contracted with them in the replacement of hydrants and installation of water and sewer connection as they have directional boring capabilities. Rohde Bros. was selected by council as they had the necessary equipment and knowledge. This included trench boxes and a variety of excavating equipment. Some of the work in the last contract was invoiced to property owners that were tapping to the water and sewer. Our contract expires with Rohde on March 31<sup>st</sup> and if council wishes to enter into a new contract based on the current contract /conditions and pricing I will make the offer to Rohde Bros. I have reached out to the owner but hope to hear from him on Monday.

- **MOTION** by Arnold **SECOND** by Pangle that we have our city manager talk to Rohde Brothers and engage in a contract if the rates are the same as they were last time, same contract as we were last time. Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Pangle – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

*5. DISCUSSION/DIRECTION PURCHASE OF AED FOR CITY OFFICES:* This fall I made a request to the Blueberry Festival for funding to purchase an AED. Automatic Electronic Defibrillators are the

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2024

best means to keep someone alive who is having a cardiac emergency. The festival donated \$2000 and the price I have for a machine is \$1700 from American AED. I can add child pads/extra adult set and training to very close to the \$2000 donation. Zoll is the brand that Montrose Township has in their building and emergency equipment. I would recommend council approve the purchase of an AED and related training/accessories from American AED to not exceed \$2000.

- **MOTION** by Pangle **SECOND** by Burch that we buy the AED that you've got priced out. Roll Call Vote: Arnold – Aye, Martin – Aye, Pangle – Aye, Burch – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

6. *DISCUSSION/DIRECTION PURCHASE OF WATER PUMP*: Last month of DPW was dealing with flooding at the end of Maple Street with the melting snow and rain. The DPW has a regular water pump/sump pump the issue is that it can fill with silt, dirt and debris. A trash pump can pump solids. As hard as it is to believe the DPW does not have one. Mitch priced one out from Gross Mower Sales. I found online pricing slightly lower from Northern Tool and Equipment for \$1600.00. I will defer to council on who they wish to go with.

- **MOTION** by Arnold **SECOND** by Burch that we purchase the water full trash pump from Northern Tools as presented in the amount of one thousand five-hundred ninety-nine dollars and no cents, (\$1,599.00). Roll Call Vote: Pangle – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, and Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.

7. *DISCUSSION/DIRECTION SUMMER HOURS*: Rankin indicated he is proposing Monday through Thursday 8:00 a.m. to 6:00 p.m. The hours will start after Memorial weekend.

- **MOTION** by Burch **SECOND** by Pangle to approve the city office for 4, 10-hour days for the summer. All Ayes. Motion Carried.

8. *DISCUSSION/DIRECTION QUASQUICENTENNIAL EVENTS*: There was discussion on holding kickball tournaments, having bands, including the army band, and hosting a scavenger hunt. These activities would start sometime in May ending sometime in October.

9. *DISCUSSION/DIRECTION BUDGET REQUEST FOR FY 2025*: Rankin asked council to submit requests for what projects they would like included within the upcoming 2024/2025 Budget. Informational only, no action taken.

- **MOTION** by Arnold **SECOND** by Pangle that we add item No. 10 resolution revoking OPRA certificate (Obsolete Property Rehabilitation Act). All Ayes. Motion Carried.

10. *RESOLUTION REVOKING OPRAH*: 103 W. State Street, (Naples), lost designation for the OPRA certificate once the property changed owners due to litigation. The State Tax Commission Authority is asking council to rescind via resolution.

- **MOTION** by Arnold **SECOND** by Pangle to approve the resolution. Roll Call Vote: Burch – Aye, Pangle – Aye, Martin – Aye, Arnold – Aye, Mayor Pro-Tem Richard – Aye. All Ayes. Motion Carried.
- **MOTION** by Pangle **SECOND** by Arnold that we add No. 11, direction to the city attorney to give us an opinion on the Home Rule Act. All Ayes. Motion Carried.

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2024

11. *DIRECTION TO THE CITY ATTORNEY FOR OPINION ON HOME RULE ACT:* City Attorney Amanda Odette indicated that The Home Rule City Act is a statute that cities are required to adopt to be governed under it and asked for clarification from Pangle. Pangle quoted 117.5 A city does not have power to do any of the following (f) To make a contract with, or give an official position to, one who is in default to the city; Pangle asked whether or not this pertains to an elected official and whether or not it pertains to property taxes. Odette replied that it does apply to both, no one can enter into a contract and/or agreement with the city and must be current in taxes and payments or fees.

**PUBLIC COMMENTS:** Anya Coxon asked the attorney if there is anything council can do tonight to ensure the coffee shop will not be closed and Odette replied that she cannot answer that, it is up to code enforcement. Warren Edwards asked if the grandfather clause would apply to the coffee shop and doesn't want council to enforce the general business license. Dan Machuk asked council to table the general business license until after the round table meeting. Debbie Gross commented to council that they can have a motion tonight to pause the general business license ordinance and started criticizing the city manager for doing his job. Gross also asked if the newsletter could include what businesses are opening in the downtown. Sadie Leonard asked to be put on the agenda to talk about the city council giving away free property and asked council to get a couple of estimates for fixing vehicles expressing her disappointment for accepting work outside the city limits. Leonard also asked council to remove the current Mayor because she is behind on her taxes. Scott Webster indicated that he received a letter but he hasn't even opened yet and feels he is being harassed. Zack Hall thanked council for considering a workshop regarding the general business license and asked them to consider making a motion to bring in another building inspector.

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

*DOWNTOWN DEVELOPMENT AUTHORITY BOARD:* Rankin said they met and discussed a couple of things including purchasing Naples but that has not moved forward yet.

*ELECTION COMMISSION:* Rush referenced emailing council a 17-page report of discrepancies from the February 27<sup>th</sup> Presidential Primary, emphasizing the significance of adhering to the election process. Rush added that the city's election day precinct passed, however, the 9-day early voting located at Montrose Township was un-recountable. Rush indicated that if a precinct is un-recountable, that does not mean your vote did not count, it just means if a citizen pays asking for a recount, that precinct only is un-recountable. Rush also announced that she was nominated for MAMC Clerk of the Year Award and should know the results in a couple of weeks.

*GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION:* NONE

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

*GENESEE COUNTY METROPOLITAN ALLIANCE:* The old McDonald Dair Building will be utilized for a main recycling location. Appointments will be required.

*PLANNING BOARD:* NONE

## MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2024

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: They held their annual meeting reviewing by-laws and appointing the Chairperson and Vice-Chairperson.

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

CITY MANAGER: Hopefully the warmer weather will be here. Coke Drive new water line is going well and our contractor is hoping to get to Alfred Street in the next week. The hiring process to replace Patricia is underway and Janet is in the office a couple of days a week to keep everything rolling. Lot of projects are being lined up for this summer. Rankin will be at the city office this week on Wednesday and Thursday between 5 – 8 p.m. to accept grant applications for the insulation grant.

CITY ATTORNEY: NONE

**MAYOR AND COUNCIL COMMENTS:** Burch, Martin, Arnold, Pangle and Richard congratulated Rush on her nomination wishing her luck and concurred with looking forward to a successful round table meeting to reach a consensus between council and the business owners. Martin also encouraged the public to attend future council meetings so that they can keep informed and Arnold promoted the Pop-Up Clothing Shop.

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

### **ADJOURNMENT:**

- **MOTION** by Burch **SECOND** by Arnold to adjourn. All Ayes. Motion Carried.

Mayor Pro-Tem Richard adjourned the meeting at 8:47 p.m.

Prepared by City Clerk, Tina Rush