

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

April 23, 2024

CALL TO ORDER: Mayor Colleen Brown called the regular Council meeting to order at 7:04 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, Robert Arnold, Ryan Heslop, Aaron Burch, (entered at 7:22 p.m.), Andrea Martin and Todd Pangle. Also present, City Attorney Ben Stoltman, City Manager Neil Rankin, Clerk Tina Rush, and **21** citizens.

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

CITIZEN OF THE MONTH:

1. *THE MONTH OF APRIL IS AMANDA RICHARD, (KEN SHERMAN IS MAY):* Council honored Amanda Richard for being the youngest member to serve on the Planning Board for over 7 years. Amanda originally began her service to the City by serving on the Zoning Board of Appeals in February of 2013.

2. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF JUNE:* No action taken.

PUBLIC HEARINGS: NONE

PRESENTATIONS: NONE

REPORTS

1. *FIRE & POLICE DEPARTMENT REPORTS:* Officer Abbey reported compliance within Montrose and there has been significant reduced speed along M-57.

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

PUBLIC COMMENTS: Mayor Pro-Tem Richard announced that public comments will be limited to 3 minutes, this is a public comment time, not discussion time, should someone think of something more and wish to speak longer than the 3 minutes, they will be allowed to speak again at the second Public Comment section that is on tonight's meeting agenda. *Member Aaron Burch entered the meeting at 7:22 p.m. Citizen Sadie Leonard asked council to put her on the agenda to discuss the Habitat for Humanity homes and to discuss the State City rules specifically several of the rules that the board adopted, rules, the Michigan City Rules that are part of the City of Montrose. Lori Machuk asked for a speed limit sign like the one located on Saginaw Street be placed on M-57 to slow traffic down. Mrs. Machuk continued saying that the DDA has not received their larger dumpsters and they need to be emptied and asked if the Building Inspector Matt Leoni be present at the round table discussion with the Business Owners. Mrs. Machuk also asked if Ryan Heslop, Mark Richard and Robert Arnold who volunteered to attend the round table meeting and voted in favor of the General Business License Ordinance, if one of them would swap out with Todd Pangle because he originally voted against it. Citizen Scott Larkin disparaged the ambulance response time when recently calling 911. Officer Abbey indicated that being short-staffed is a County wide issue. Dan Machuk complained about vehicles along M-57 and asked for a portable sign, also for a cross walk to be installed on the far side. Mr. Machuk also asked why the street sweeper hasn't been along M-57 yet and that the DDA dumpsters need to be emptied.

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Robert Urmetz commented that the city does have a crosswalk in town and if someone needs to cross, you just need to press the crosswalk button. Mayor Brown added that a crosswalk is equipped with buttons; pressing one enables diagonal crossing, while the other permits crossing in a straight, horizontal path.

MATTERS OF COUNCIL ACTION:

1. APPROVAL OF THE 03/26/23 REGULAR MEETING MINUTES:

- **MOTION** by Mayor Pro-Tem Richard **SECOND** by Burch to accept the minutes with the amendment that Mayor Brown be replaced with Mayor Pro-Tem Richard who adjourned the meeting. All Ayes. Motion Carried.

2. APPROVAL OF CHECK REGISTER & TREASURER REPORT:

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

3. APPROVAL OF BUDGET AMENDMENT # 3:

- **MOTION** by Richard **SECOND** by Arnold for the amendment 3 changes dated 04/15/2024. Pangle – Aye, Martin – Aye, Arnold – Aye, Burch – Aye, Mayor Pro-Tem Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. DISCUSSION/DIRECTION CDBG HOWARD STREET SIDEWALK: The City was awarded \$13,762 in CDBG funds which the city committed in 2022 to install sidewalks. Howard Street has no sidewalks and this would be ideal to address this improvement on the south side of the city. Council approved \$2900 in engineering costs as this project is slightly complex as there will need to be ramps, detectable surfaces, ledger to hold soil back and a jog around driveway approaches. Metro planning has approved the bid description/language and I have a date of May 28th to get bids in. I'm hoping to get some decent pricing as this is just a little over 300 ft of sidewalk. Please see contract documents. I would request council to put the Howard Street Sidewalk project out to bid.

- **MOTION** by Burch **SECOND** by Arnold to direct the city manager to publish the requests for proposal for the CDBG project. Roll Call Vote: Mayor Pro-Tem Richard – Aye, Martin – Aye, Heslop – Aye, Arnold – Aye, Burch – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. DISCUSSION/DIRECTION Watkins Ross OPEB Study: As part of our audit/GASB local units are required to conduct a OPEB study every two years. One year is the actual study and one year is a roll over year. It was every three years and now it is every two years with recent GASB changes. The price would be \$5,600. The city has used Watkins Ross for the last five years and they are one of the few firms in the state that seems to do the bulk of these studies. I would request council enter into a service agreement with Watkins and Ross to complete an OPEB valuation report in compliance with GASB 75 in the amount of \$5,600.

- **MOTION** by Richard **SECOND** by Burch to approve the Watkins Ross OPEB study agreement. Roll Call Vote: Heslop – Aye, Burch – Aye, Martin – Aye, Arnold – Aye, Mayor Pro-Tem Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

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6. **DISCUSSION/DIRECTION CONTRACTOR SIGN REMOVAL/JUDGEMENT:** This last fall the bldg. inspector and I completed inspection of vacant properties. I have a judgement at 355. E. State to remove signs. This included the arrow board and monument sign *(e)Any sign which for a period of 30 days or more which no longer advertises a bona fide business conducted, or product sold shall be removed by the owner of the property on which the sign is located, within 14 days of the receipt of the written notice by the zoning administrator, as provided in section 52-17, the provisions of which shall apply to the removal of such signs, the sign owners and the property owners in question.* (Ord. No. 435, 10-19-2017). I requested a few quotes from sign companies and contractors that would be able to complete the work. Please see attached quotes. These costs would be place as lien on the property. The city would store the sign at the DPW yard if the owner wishes to store it elsewhere. I would recommend council approve the quote from Signs by Crannie in the amount of \$1,248.00.

- **MOTION** by Arnold **SECOND** by Burch that we approve the contract to remove the sign as stated in the judgement, the lowest, Signs by Crannie. Roll Call Vote: Pangle – Aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Mayor Pro-Tem Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

7. **DISCUSSION/DIRECTION PURCHASE OF DUMP TRAILER:** The DPW this past week had a tree removed on North Street in order to install the new water lines. One of the issues they have is with the clean-up and the need for a dump trailer for these tasks but to haul the skid steer to locations in the city, clean-up of leaves in the park and anytime they need to move material or equipment. Mitch priced out a tilt lift dump trailer that would be ideal from Liberty Trailers which has a local dealer. The DPW/Water/Streets has available capital outlay funds to purchase this brand type of trailer. I definitely see a use for it as the skid steer is not designed to be driven through town and leaf cleanup would be much easier in the fall versus using tarps. Schlicht Ponds located in Montrose sells Liberty Trailers and the model LD14K83B8TS listed for \$12,200 would be the preferred option. I called to other dealers and they are all the same listed price. I would recommend council approve the purchase of the dump trailer from Schlicht Ponds/Excavation in the amount \$12,200.

- **MOTION** by Richard **SECOND** by Burch that we purchase Dexter Axle LD14k, 14,000 pond LBS telescopic hoist trailer for twelve thousand two-hundred and no cents, (\$12,200). Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

8. **DISCUSSION/DIRECTION CONTRACT FOR MOVIE IN THE PARK:** The DDA did not have a meeting this month (lack of quorum) and an item on the agenda was to approve a contract for an outdoor screen setup/sound/project. Fun Flicks would provide set up for a movie at Lion's Park for the amount of \$1045.92.. The DDA discussed having the movie in the downtown but the issue is restrooms, power and traffic/parking. The State Bank provided a donation of \$1800 to sponsor the movie night. I wanted to get the July 19th date locked in and then secure licensing of the film. I would request council approve a contract with Fun Flicks Outdoor Movies in the amount of \$1045.92.

- **MOTION** by Burch **SECOND** by Martin to approve the contract as presented with Fun Flicks for the purposes of Movie Night. Roll Call Vote: Arnold – Aye, Richard – Aye,

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Martin – Aye, Pangle – Aye, Heslop – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

9. *DISCUSSION/DIRECTION EMERGENCY WATER SERVICES*: Rankin indicated as he mentioned at the last council meeting, Rohde Bros. provides emergency water services for the city. We have used them mostly for hydrant replacement and they have done a few valve replacements. Attached is the updated contract with updated pricing. I would recommend council approve the contract with Rohde Bros. for emergency water services.

- **MOTION** by Richard **SECOND** by Burch to accept the emergency water system contract as presented. Roll Call Vote: Richard – Aye, Pangle – Aye, Burch – Aye, Heslop – Aye, Martin – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

10. *DISCUSSION/DIRECTION WADE TRIM PROPOSAL FOR HOUSING STUDY*: Attached is an agreement for Wade Trim to complete a housing study for the Montrose Community. MSHDA awarded the city \$40,000 to complete the study and would jointly work with the township to address housing needs in the Montrose Community in order to review/amend the zoning ordinances to allow for housing options. I would recommend council to approve the agreement from Wade Trim to conduct a housing study in the amount of \$40,000. Prior to the roll call vote it was clarified that this grant will be a joint study for the City and Township areas.

- **MOTION** by Arnold **SECOND** by Heslop that we accept the Wade Trim Proposal for the Housing Study. Roll Call Vote: Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Pangle – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

11. *DISCUSSION/DIRECTION DDA APPOINTMENT*: Mayor Brown recommended appointing Coetta Adams to the DDA.

- **MOTION** by Richard **SECOND** by Burch that Coetta Adams be appointed to the DDA. All Ayes. Motion Carried.

12. *DISCUSSION/DIRECTION BUDGET REQUEST FOR FY 2025*: I'm working on FY 2025 budget with the treasurer. One of the areas I would like to address is spending down our ARPA funds. \$44,602.81 will remain after the Master Plan is completed and funds have to be expended by Dec 2026. Additionally, the local unit is required to submit annual reports on how it was used until it spent. The city could utilize these funds in combination of a future project or stand alone. Sidewalk, water, streets, payroll, recreation etc. would all qualify. The city will need to update its Recreation Plan next year and these funds could be used in the planning or possibly leverage fund for improvement at Lion's Park. Master Plan draft will be available at the May 9th planning board meeting. Wade Trim will finish this project with the plan to look at becoming a Redevelopment Ready Community. Now is the time to give direction on what you would like to include within the budget. No action taken, informational only.

- **MOTION** by Pangle **SECOND** by Richard that we add item No. 13 MML training, No. 14 Habitat for Humanity Discussion, No. 15 Home City Rule Act and No. 16 Proclamation. All Ayes. Motion Carried.

13. *MML TRAINING*: Rankin indicated that the Mayor requested to see what options MML has

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for training in effective running of meetings. There are several options including Parliamentary Procedures and Everything Meetings. These trainings are 3 hours and cost \$1800. I could ask if the Township or City of Clio would like to be included which could help reduce the costs and provide to an opportunity for council to interact with other elected officials in the area.

- **MOTION** by Burch **SECOND** by Richard to direct the city manager to reach out to other municipalities for this Michigan Municipal League Parliamentary Procedures workshop.

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

Mayor Brown asked the city Attorney Ben Stoltman if a member of public has the right public to add an item onto a council agenda and Stoltman replied no.

14. HABITAT FOR HUMANITY: Pangle stated that Habitat for Humanity has an opportunity to purchase property anywhere. Citizen Sadie Leonard said she is specifically talking about 200 E. Maple Street and claimed that her son was sent a letter to mow the lawn next door, when a sale had already taken place. Leonard said she advised the city manager to contact the new owners and asked why the city donated the lot to Habitat for Humanity.

16. HOME CITY RULE ACT: Citizen Sadie Leonard read aloud Section 117.4R under No. 7 and started talking about if you are in the rears for taxes you are not allowed to serve on council. Stoltman said Leonard referenced a different section than what she was talking about 117.1 5F states, “before they can take their oath they have to clear themselves of any debt or default.

17. PROCLAMATION 55TH ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK:

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 the attorney 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.

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ELECTION COMMISSION: Rush referenced emailing council a 17-page report of discrepancies from the February 27th 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

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: The watermain project is moving along with just a few issues. They are on North street this week and will heading to Russell and Latting street on Monday 4/22 where they will be doing directional boring and will require residents of four homes to park on N. Genesee Street as the equipment used will take up most of the street. Once completed they will be tapping in the new lines and begin restoration work.

There will be a Special Council Meeting April 30th to discuss the General Business License. To avoid a quorum of either Planning or Council three members have RSVP to listen to business owners, citizens and our attorney from Foster and Swift on recommendations to the General Business License. Nothing will be voted as this is the townhall format that can be used.

This week a citizen requested to see documents *FOIA regarding the 200 E. Maple Street and had questions on how a Habitat Home was constructed at the site. The central question that this citizen had from what I can gather was about the property being deeded to the city and deeded to Habitat in the construction of the home and not sold.

Here are the facts about the properties at 200 E. Maple and 183 Oak Street.

- Both of these properties were **donated** to Habitat for Humanity as the funding they had secured would be used for new home construction within a year.
- Habitat does not buy lots/property.
- Property at 183 Oak Street had sat vacant since 1999. Over this same period there were no offers to purchase the property. SEV of 183 Oak Street in 2014 \$3,781. Today \$85,900

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- Home at 200 E. Maple Street was vacant since 2012. SEV in 2019 was \$12,022. Today it is at \$100,485. No offers on the property.

The city is not required to sell properties and neither of these properties were ever listed for sale. If the city had put them up for sale they would be subject to property taxes and DIVISION 4. - SALE OF REAL AND PERSONAL PROPERTY which would require the city to get a valuation, place a notice of intent to sell in the paper and go through a process, instead they were donated under: Sec. 2-145. - Sale or disposal of surplus city property. Whenever any city property, real or personal, is no longer needed for corporate or public purposes, has become unsuitable for use by reason of obsolescence, or any other reason as determined by city council and it may be offered for sale or donated to public or nonprofit organizations as permitted by law.

The city was deeded these properties in foreclosure in 2019 and 2015. 200 E. Maple was deemed by our building inspector to be too far gone to be rehabbed and would need to be demolished. Bids were advertised with the lowest bid at \$6683. This included removal of the crawl space, capped water and sewer service. Habitat is not allowed to demolish homes (they can salvage) but they only construct homes.

The reason to donate these properties versus selling these lots for either vacant land or accessory structures was to add residents and build efficient affordable housing. Actual land values in the city are quite low. For instance, the lot at 200 Perry where the new build is being constructed was assessed a value of \$8,000 in 2022 and sold for \$8500 in 2023.

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 Brown adjourned the meeting at 8:47 p.m.

Prepared by City Clerk, Tina Rush