

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES

July 23, 2024

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, Pro-Tem Mark Richard, Robert Arnold, Ryan Heslop, Aaron Burch, Andrea Martin and Todd Pangle. Also present, City Manager Neil Rankin, Clerk Tina Rush, and **9** citizens.

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

CITIZEN OF THE MONTH:

1. **THE MONTH OF JULY 2024, GREG LYMAN:** Citizen Greg Lyman was not in attendance.
2. **CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF AUGUST:**
 - **MOTION** by Richard **SECOND** by Burch that we make Fire Chief George Taylor as Citizen of the Month for the Month of August. All Ayes. Motion Carried.

PUBLIC HEARINGS: NONE

PRESENTATIONS: NONE

REPORTS

1. **FIRE & POLICE DEPARTMENT REPORTS:** *Report on file at the city office.*
2. **BUILDING INSPECTION SERVICES REPORT:** *Report on file at city office.*
 - **MOTION** by Richard **SECOND** by Arnold to accept with the amendment from council member Arnold. Roll Call Vote: Arnold – Aye, Burch – Aye, Heslop – Aye, Pangle – Aye, Richard – Aye, Martin – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

PUBLIC COMMENTS: Mayor Brown read aloud a guideline conveying the purpose of the public comment period is for the board to receive input from its community and is in fact a one-way communication to the board. The public does not participate in making decisions, instead, it provides input to the governing body which will take that input into account in making decisions. Mayor Brown set the limit of 3 minutes of speaking per citizen. Citizens Zack Hall, Sadie Leonard and Warren Edwards spoke.

- **MOTION** by Richard **SECOND** by Arnold that we put onto the agenda, No. 10) Jennings Memorial Agreement; No. 11) Fleis & VandenBrink Change order; No. 12) Fleis & VandenBrink Amendment; No. 13) TNA proposal. All Ayes. Motion Carried.
- **MOTION** by Arnold **SECOND** by Pangle to add a item No. 14) Discussion on what planning commission has come up with so far. All Ayes. Motion Carried.

MATTERS OF COUNCIL ACTION:

1. **APPROVAL OF THE 06/25/24 REGULAR MEETING MINUTES:**
 - **MOTION** by Richard **SECOND** by Heslop to accept the regular meeting minutes with the corrections. All Ayes. Motion Carried.

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2. APPROVAL OF THE 06/25/24 SPECIAL MEETING MINUTES:

- **MOTION** by Arnold **SECOND** by Richard that we approve the minutes of 06/25/24 special meeting minutes. All Ayes. Motion Carried.

3. APPROVAL OF CHECK REGISTER & TREASURER REPORT:

- **MOTION** by Burch **SECOND** Richard that we pay our bills including the check register handout of three hundred ninety-one thousand, three hundred sixty-four dollars and fifty cents, (\$391,364.50). Roll Call Vote: Pangle – aye, Heslop – Aye, Arnold – Aye, Martin – Aye, Richard – Aye, Burch – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

4. DISCUSSION/DIRECTION REPLACEMENT OF FLOORING AT CITY OFFICES: In February I started the process of getting some quotes on replacing the flooring in the city office. The carpet is probably 20 years or older and it has a tendency to create a tripping hazard as the adhesive and weather make it pop. The tile flooring in the kitchen and restroom is also chipped with holes and although I regularly mop it is showing its age. We have had the carpets cleaned several times since the office relocated, usually in the summer on a Friday. I asked for a variety of pricing/options and the best option to replacing the flooring in the office including restrooms/kitchen was from Smith and Smith. The product that would be ideal is the replaceable carpet squares so if it was stain/torn/damaged it could just be replaced. Smith and Smith would also provide moving of all furniture and removal and install of toilets. The other quotes would require the city to do this work before. I would recommend council approve the quote from Smith and Smith Carpet LLC. in the amount \$10,181.04 for new carpet and flooring.

**Prior to the roll call vote, there was disruptive behavior and cross-discussion from the audience, therefore making it impossible for city council to hear what was being asked, said and/or voted on. Mayor Brown asked for order but not all of the audience members abided so Mayor Brown recessed the meeting to contact the police department. Mayor Brown adjourned the meeting at 7:26 p.m.

*Mayor Brown brought the meeting back to order at 7:33 p.m. and announced that if anyone who disrupts the meeting and doesn't allow council to handle business will be asked to leave, thank you.

- **MOTION** by Richard **SECOND** by Burch to accept the contract with Smith & Smith. Roll Call Vote: Burch – Aye, Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Pangle – Nay, and Mayor Brown – Aye. Six (6) Ayes. One, (1) Nay – Pangle. Motion Carried.

5. APPROVAL OF RESIGNATION OF JOSH SINCISSEN FROM PLANNING BOARD:

- **MOTION** by Arnold **SECOND** by Burch that we accept the resignation from Josh on the Planning Board. All Ayes. Motion Carried.

6. DISCUSSION/DIRECTION CODE ENFORCEMENT: Rankin conveyed that council requested a general job description, essentially it now considered. Heslop asked what rate of pay range is proposed and Rankin replied \$18 to \$22 per hour because the work load changes seasonally.

- **MOTION** by Richard **SECOND** by Arnold that we go forward with this and that the manager reach out to other municipalities particularly Clio and since the Township is close or Montrose Township maybe other municipalities in the area that may want to work with us and share this code enforcement officer. All Ayes. Motion Carried.

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7. APPROVAL/DISAPPROVAL AARON'S BURCH'S ABSENCE AT THE 06/25/24 SPECIAL COUNCIL MEETING:

- **MOTION** by Richard **SECOND** by Arnold to approve Mr. Burch's 06/25/24 special council meeting. All Ayes. Motion Carried.

8. APPROVAL/DISAPPROVAL MAYOR COLLEEN BROWN'S ABSENCE AT THE 06/25/24 SPECIAL COUNCIL MEETING:

- **MOTION** by Richard **SECOND** by Pangle to approve the absence of the 06/25/24 special council meeting for Mayor Brown. All Ayes. Motion Carried.

9. APPROVAL/DISAPPROVAL MAYOR COLLEEN BROWN'S ABSENCE AT THE 06/25/24 COUNCIL MEETING:

- **MOTION** by Richard **SECOND** by Burch to approve the absence of Mayor Colleen Brown 06/25/24 regular council meeting. All Ayes. Motion Carried.

10. JENNINGS MEMORIAL AGREEMENT: Rankin communicated that the DDA applied for a handicap accessible grant through the Jennings Memorial which also requires council approval. This grant would provide funding for the next 2 years. The program guidelines are located on the City's website.

- **MOTION** by Burch **SECOND** by Richard to accept the Jennings Memorial Grant. All Ayes. Motion Carried.

11. FLEIS & VANDENBRINK CHANGE ORDER:

- **MOTION** by Burch **SECOND** by Arnold to approve the change order from Fleis Vandenbrink for Feher Drive in the amount of fourteen thousand six hundred fifty dollars and forty cents, (14,650.40). Roll Call Vote: Pangle – Aye, Burch – Aye, Richard – Aye, Martin – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

12. FLEIS & VANDENBRINK AMENDMENT: The buy out for MDOT funding for the Feher Drive Project allowed cost savings to the City.

- **MOTION** by Richard **SECOND** by Burch to approve the change order amendment in the positive of five thousand two hundred eighty dollars and no cents, (-5,280.00). Roll Call Vote: Martin – Aye, Richard – Aye, Burch – Aye, Arnold – Aye, Heslop – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

13. PROPOSAL FROM TNA: While trying to connect water/sewer @ 200 Perry Street , a 24" storm was discovered. TNA volunteered to install the catch basins without charging labor & equipment. Fleis recommended upgrading the pipe connect from 8 to 12" to ensure future proper flow.

- **MOTION** by Richard **SECOND** by Burch that we accept TNA's proposal to put in the catch basins with a 12" pipe, with a cost not to exceed thirty-five thousand dollars and no cents, (3,500.00). Roll Call Vote: Arnold – Aye, Martin – Aye, Heslop – Aye, Richard – Aye, Burch – Aye, Pangle – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried;.

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14. DISCUSSION ON WHAT PLANNING COMMISSION HAS COME UP WITH SO FAR:

- **MOTION** by Arnold **SECOND** by Richard that we have Foster and Swift attend virtually and/or in person at the next council meeting. Roll Call Vote: Richard – Aye, Heslop – Aye, Pangle – Aye, Martin – Aye, Burch – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.
- **MOTION** by Pangle **SECOND** by Richard that we add No. 15 for a very, very, brief discussion on the City Home Rule Act question. All Ayes. Motion Carried.
- **MOTION** by Pangle **SECOND** by Arnold that we request a written opinion on the City Home Rule Act on what applies to late property taxes in the City of Montrose, State of Michigan so we know what rules apply to everybody. All Ayes. Motion Carried.

PUBLIC COMMENTS: Mayor Brown read aloud the guidelines again for public comments. Citizens Tom Banks, Warren Edwards, Sadie Leonard, Lori Machuk, Marion Johnston, and Zack Hall spoke.

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: A representative from MDOT attended the DDA meeting allowing questions and answers for cross walks & signage. Fleis & Vandebrink will be putting together a safety study agreement as well.

ELECTION COMMISSION: Absentee ballots are now available for the August Primary. Early Day Voting will be every day starting Saturday July 27th through Monday August 1st, polls will be open 9:00 a.m. to 5:00 p.m.

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Next meeting will be in December.

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: One municipality lost funding through CDBG. Brown asked how smaller community could capture these funds and was told the communities with engineering plans that have a project ready to go would be eligible. The emergency Repair Program available through Genesee County was also highlighted

GENESEE COUNTY METROPOLITAN ALLIANCE: July 25th at 10:00 a.m. will be a meeting for call to projects, hopefully to obtain funding for a future road project.

PLANNING BOARD: Discussed earlier in tonight's meeting.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: Rankin reported that an application was received, a meeting will be scheduled for Wednesday August 14th.

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: Water Main Project on Coke Dr. is complete; milling and filling should be completed shortly. Howard Street sidewalks are **being** addressed. MIHope Grant RFP for

Commented [C1]:

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insulation and energy audits are located on the City's website. Under item 11 of the 6/25/24 Regular Council Meeting a motion was made to provide a report regarding 103 W. State Street that the city manager provide a rundown on the events leading up to the issuance of a lawsuit and present the report at the next meeting. Please see attached. Planning board met on July 11th to review and recommend changes to the General Business License. They made a motion to "recommend to suspending enforcement activities of building inspections and current infrastructure activities suspended until we receive the totality on the best this site and have it complete". I have listened to the recording from this meeting many times and I'm not sure what was being proposed. I assume it is to stop enforcement on building structure/license enforcement which is very broad in nature. As ordinances are local laws they can be repealed but not suspended. The only ordinance that can be suspended that I know of is the purchasing ordinance in times of an emergency. Other ordinances already provide the authority including state law for State Licensed/Appoint Officials authority not prescribed by ordinance to take enforcement action without an ordinance.

For instance. Sec. 101-2. - Responsibility for administration and enforcement of certain codes.

b) The responsibility for the administration and enforcement of the City of Montrose Construction Codes, Residential Code, Property Maintenance Code and Michigan Building Code shall be under the control of the building inspector and code enforcement officer hired by the City of Montrose for such purposes. In the event that it becomes necessary to transfer the responsibilities identified in this subsection to the State of Michigan Bureau of Construction Codes pursuant to Public Act 230 of the Public Acts of 1972, or to a different vendor, the same may be done by resolution of the Montrose City Council.

(Ord. No. 395, § 1, 10-23-2007; Ord. No. 406, §§ 1, 2, 8-27-2009)

You can see the issue that multiple ordinances including the adoption of Michigan building code tie into enforcement.

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)
Act 230 of 1972

125.1512 Inspection of construction; consent; time; inspectors; notice of violation; stop order; injunction.

Violation letters sent by either the Bldg Official, Code Enforcement, Zoning Administrator may also be lumped into this recommendation.

CITY ATTORNEY: NONE

MAYOR AND COUNCIL COMMENTS: Arnold spoke about the Genesee County Health Program available to Genesee County residents. Pangle spoke on the Montrose Business Association hosting a Farmer's Market located in the downtown alleys this past weekend. Richard commented about Facebook and how a family member actually moved back to Genesee County to have access to the Genesee County Health Plan. Mayor Brown commented she has not

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attacked anyone and/or called names of any businesses, but did thank Warren Edwards for improvements to his building. The DDA did not have any vendors at Movie night, however, City Council approved the Montrose Porch Project did and in fact did provide insurance. Regarding Facebook, Brown has been providing educational posts on how to inform the public how government works. Brown also reiterated that the State creates and regulates the qualifications for the Home Improvement Grant, not the City.

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

ADJOURNMENT:

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

Mayor Brown adjourned the meeting at **8:22 p.m.**

Prepared by City Clerk, Tina Rush