**City of Marine City**

**City Commission**

**July 21, 2022**

A regular meeting of the Marine City Commission was held on Thursday, July 21, 2022 at 260 South Parker Street, Marine City, and was called to order by Mayor Vercammen at 7:00 P.M.

Present: Mayor Cheryl Vercammen; Commissioners Jacob Bryson, Elizabeth Hendrick, Wendy Kellehan, William Klaassen, John Kreidler, Brian Ross; City Manager Holly Tatman; City Clerk Shannon Adams.

Also Present: City Attorney Robert Davis

**AUDIO/VIDEO AVAILABLE**

For complete audio/video of meeting, visit the following link: https://www.youtube.com/watch?v=NNVs-kySCno

**APPROVE AGENDA**

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve the Agenda with items 7g and 7i moved to Item 12a and 12b. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Klaassen, seconded by Commissioner Hendrick to waive attorney-client privilege and remove item 15a from closed session. **Roll Call Vote.** Ayes: Hendrick, Klaassen. Nays: Bryson, Kellehan, Kreidler, Ross, Vercammen. None. Motion Failed.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to remove items 11d to closed session item 15b. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Ross to approve the Agenda subject to all changes made. All Ayes. Motion Carried.

**PUBLIC COMMENT**

Cheryl Ross, Community and Economic Development Board member, made comments related to the downtown mural project and invited business owners who were interested in participating in future mural projects and had available space to contact her.

Phil Oleksiak made comments in opposition to the sale of 303 S. Water Street by the City.

Barbara Watson made comments in opposition to the sale of 303 S. Water Street by the City.

Allison Arnold, as director of the Saint Clair County Library system made comments related to the library millage on the August ballot.

Mike Hilferink made comments in opposition to the sale of 303 S. Water Street by the City.

Will Schwartz made comments in opposition to the sale of 303 S. Water Street by the City.

**APPROVE MINUTES**

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the City Commission Meeting minutes of June 16, 2022. Ayes: Bryson, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: Hendrick. Motion Carried.

**CONSENT AGENDA**

Presented:

1. MCAFA Run Report
2. Departmental Activities Reports
3. Community and Economic Development Board Meeting Minutes – May 25, 2022
4. Planning Commission Meeting Minutes – May 9, 2022
5. Planning Commission Meeting Minutes – June 13, 2022
6. Dangerous Building Board of Appeals Meeting Minutes – June 1, 2022
7. Infrastructure Committee Meeting Minutes – June 16, 2022
8. Election Commission Meeting Minutes – March 30, 2022
9. Nickel & Saph Insurance Renewal 07/01/2022 – 07/01/2023
10. Special Event – Community Pride & Heritage Museum Concert
11. Special Event – Community Pride & Heritage Historical Cemetery Tour
12. Special Event – Maritime Days Schedule of Events with Fireworks Application
13. Special Event – Battle of the Bands
14. Business License – Little A Toys, LLC
15. Business License – One Take Media
16. Business License - Gords

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve the Consent Agenda A-P, except items G and I. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

**FINANCIAL BUSINESS**

Expenditures

Clarification was made that the bill in the packet listed as paving 300 Broadway parking lot was mislabeled and was actually for paving of the kayak launch parking lot. There was further discussion regarding the benefit of continued membership in the Economic Development Alliance, and clarification that the bills to Six Rivers, related to the marina project, would continue until the final property acquisition near the end of the calendar year.

Motion by Commissioner Kellehan, seconded by Commissioner Klaassen, to approve total expenditures including payroll, in the amount of $578,470.93. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: Hendrick. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to receive and file the Preliminary Financial Statements. All Ayes. Motion Carried.

**PUBLIC HEARING**

Motion by Commission Bryson, seconded by Commissioner Ross, to open the Public Hearing. All Ayes. Motion Carried.

Mayor Vercammen announced that the City Commission would conduct the Public Hearing beginning at 7:41 P.M. to receive public comments on Ordinance 22-002 Blight Prevention. Comments were limited to 5 minutes.

No Public Comment was made.

Mayor Vercammen declared the Public Hearing closed at 7:42 P.M.

**UNFINISHED BUSINESS**

Ordinance No. 22-002 Blight Prevention (2nd Reading/Adoption)

Commissioner Kreidler presented his concerns that the Ordinance, with potential penalties, may be a deterrent to new business and potentially drive business away. He suggested the City focus on public transit or attempt to more broadly incentivize business.

City Manager Tatman stated that similar blight prevention ordinances had proven successful in other communities and that the current City ordinances were not effective; she suggested trying something new in an effort to clean up and utilize vacant storefronts for the benefit of the City. She addressed possible exceptions to the fee structure of the Ordinance and encouraged an open dialogue between the City office staff and the owners of the identified properties. City Manager Tatman clarified that the Ordinance was geared toward commercial buildings.

Commissioner Hendrick presented her concerns related to the fees incorporated in the Ordinance.

Attorney Davis clarified that business owners were not being forced to sell their property.

Commissioner Kellehan believed that certain property owners could make more of an effort and she stated that the Ordinance must be properly enforced.

Motion by Commissioner Kellehan, seconded by Commissioner Ross, approve and adopt Ordinance No. 22-002 and to revisit the matter annually. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen, Kreidler. Motion Carried.

Board Vacancies Announcement

Motion by Commissioner Kellehan, seconded by Commissioner Klaassen, to receive and file Board Vacancies memo. All Ayes. Motion Carried.

**NEW BUSINESS**

Resolution No. 011-2022 – Sale of 823 Bruce Street

Commissioner Hendrick questioned when the price of the property was reduced from $15,000 to $8,000. City Manager Tatman responded that the price had never been lowered and $8,000 was the sale price approved by the Commission.

City Manager Tatman advised that a survey had not been done. City Attorney Davis stated that the buyer had not requested a survey be completed.

City Manager Tatman confirmed the parcel was a non-conforming lot; it was buildable with variances obtained through the Zoning Board of Appeals.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to adopt Resolution No. 011-2022 and approve the sale of 823 Bruce Street per the purchase agreement. **Roll Call Vote.** Ayes: Bryson, Kellehan, Kreidler, Ross, Hendrick, Vercammen. Nays: Klaassen. Motion Carried.

Remove Dangerous Building Board of Appeals Member: Larry Nichols

Due to lack of communication and attendance, City Clerk Adams recommended removal of Mr. Nichols from the Dangerous Building Board of Appeals and to list the seat as vacant.

Motion by Commissioner Hendrick, seconded by Commissioner Kreidler, to remove Larry Nichols from the Dangerous Building Board of Appeals subject to verification his absences had not been excused by the Board. **Roll Call Vote.** Ayes: Bryson, Kellehan, Kreidler, Ross, Vercammen, Hendrick. Nays: Klaassen. Motion Carried.

Dangerous Building Board of Appeals Referral 172 Bruce Street

Commissioner Hendrick questioned if a hearing board needed to be appointed under the sub-chapter. City Attorney Davis responded that the City was not limited to that remedy and other action could be taken under the power of the Circuit Court.

Motion by Commissioner Bryson, seconded by Commissioner Hendrick, to allow City Attorney Davis to begin litigation against property owner Jennifer Kinnie to show cause related to the condition of her property at 172 Bruce St. as a dangerous building. All Ayes. Motion Carried.

Traffic Control Order P22-003

Traffic Control Order P22-003 addressed no parking at the end of Riverview Street. Commissioner Ross confirmed that Riverview Street was located just north of the City Beach.

Per DPW Superintendent Itrich, the City will put yellow stripes near the driveway entrances and in front of the guardrail to indicate no parking zones.

Motion by Commissioner Ross, seconded by Commissioner Kreidler, to approve Traffic Control Order P22-003. All Ayes. Motion Carried.

Traffic Control Order P22-002

The Commission confirmed the Traffic Control Order ended in 002 and it addressed no parking 15 feet from the North Market Street curb on to Riverview Street.

Commissioner Ross instructed the City Clerk to revise the Agenda to reflect the accurate Traffic Control Order.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve Traffic Control Order P22-002. All Ayes. Motion Carried.

Bell River Pump Station: Pump 3 Replacement

DPW Superintendent Itrich confirmed Detroit Pump was the sole manufacturer for the pump and to switch to another pump, the City would need to go through EGLE and supply engineered drawings. He advised the Commission that the pump was approximately 20-22 years old and with the replacement of the 1,2 and 4 pumps the call outs at the Belle River Pump Station have decreased significantly.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to waive competitive bidding to purchase a pump from Detroit Pump for replacement of pump #3 at the Belle River Pump Station. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

DPW Superintendent Itrich informed the Commission that it has become increasingly more difficult to find vendors to provide quotes or look at his machinery because the vendors are either too busy or the jobs are two small. He reminded the Commission that certain things were out of his control, such as how many vendors respond or if they use the word “quote” or “bid” on their paperwork. He further expressed that he resented that Commissioner Hendrick stated he hired his “buddies” at the previous City Commission meeting.

Motion by Commissioner Bryson, seconded by Commissioner Kreidler, to purchase a pump from Detroit Pump for replacement of pump #3 at the Belle River Pump Station, not to exceed $19,000.00. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Mill & Cap Street Project

DPW Superintendent Itrich provided the Commission with his rough cost estimates for the mill and cap project that included sections of Gladys, Metropolis, North Fourth and Scott streets.

City Manager Tatman stated the road projects would show good faith to the residents that the City was trying to complete road projects within its financial capacity and reiterated that there was no available road funding for the capacity of projects that the City would require. She stated that the City needed to obtain the financials from the City’s engineering firm to verify what the City could afford.

DPW Superintendent Itrich stated the roads that were selected required no major underground water infrastructure improvements.

Commissioner Hendrick questioned the feasibility of a company bidding on the project this late in the season.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to hire one of the City’s engineering firms to draw up plans and a bid sheet for the mill and cap street project for sections of Gladys, Metropolis, North Fourth and Scott streets. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

303 South Water Street Purchase Agreements

Commissioner Ross questioned the redacted purchase price to which City Manager Tatman replied that releasing the numbers would allow for a disadvantage to the purchasers.

Commissioner Hendrick presented concerns related to the proposed 28.71 foot easement; City Manager Tatman responded that including an easement in the sale of the building was presented at a previous meeting and that when doing the survey, PCE, had established the 28.71 was an acceptable amount of footage to allow for the purchasers to make potential site improvements but not detract from the park space.

Commissioner Hendrick stated her opinion that the City could not sell property that was included in the Master Plan. Commissioner Ross clarified that the City was not selling the park in its entirety, nor taking the park from the Master Plan, just a portion was included in the sale however, agreed that the City needed to verify that any portion of a park that was listed in the Master Plan could be sold.

Commissioner Ross questioned how the City parks were defined.

City Attorney Davis discussed the necessity of having to determine how to allocate funds from the sale of 303 South Water related to the bequeath to the City, as it pertained to a Community Center. Commissioner Hendrick informed the Commission that she had another attorney opinion that stated all proceeds needed to be put toward a Community Center which City Attorney Davis requested she provide as he had spoken to the previous City Attorney and was informed there were no additional documents.

City Manager Tatman reiterated the due diligence done by the City staff and appointed Board Members in an effort to provide the public with the opportunity to provide feedback and input on the outcome of 303 South Water Street. She reminded the Commission that the discussions related to 303 South Water Street began two years ago.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to permit the City Manager to ask bidders for their highest and best offers by July 26, 2022 at 12:00pm and for the City Attorney to clarify the legalities of offering 28 feet of property behind the building as part of the sale. **Roll Call Vote.** Ayes: Bryson, Kellehan, Kreidler, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Reschedule August 18, 2022 City Commission meeting

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve rescheduling the August 18, 2022 meeting to August 11, 2022. **Roll Call Vote.** Ayes: Bryson, Vercammen. Nays: Hendrick, Kellehan, Klaassen, Kreidler, Ross. Motion Failed.

**ITEMS REMOVED FROM CONSENT AGENDA**

Infrastructure Committee Meeting Minutes – June 16, 2022

Motion by Commissioner Hendrick, seconded by Commissioner Kellehan, to approve the Infrastructure Committee Meeting Minutes of June 16, 2022 as Consent Agenda item 7g. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Nickel & Saph Insurance Policy Renewal

City Manager Tatman advised that she had reviewed the policy with Mr. Saph and since it was an administrative function, to her knowledge, the policy renewal had never been brought before the City Commission for review or approval.

Commissioner Hendrick stated that the insurance policy renewal had been brought before the Board annually for the 12 years she had been on the Board and that the policy needed to be put out for bids. Mayor Vercammen requested Commissioner Hendrick provide the minutes where the insurance policy renewal was previously put before the City Commission and subject to competitive bidding.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve 7i as a Consent Agenda item and to ratify the execution of the contract with the provision it gets rebid next year. **Roll Call Vote.** Ayes: Bryson, Kellehan, Kreidler, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

**CITY MANAGER’S REPORT**

City Manager Tatman defaulted to the packet she provided related to her activities over the previous month and requested the Commissioners read it.

Several questions were then asked of the City Manager by Commissioner Hendrick, including:

Q: When would the gazebo (bandstand) plans for 300 Broadway be brought before the Commission?

A: That was a Friends of City Hall and Historical Society project. Inquiry would have to be made of their groups.

Q: It was reported in the newspaper that additional asbestos was found in the marina project house, how much were the related costs they?

A: $3,000 and a last minute decision to pay the costs was required to avoid additional costs and fees, which the City Manager stated was entirely within the scope of her office to authorize.

Q: Who owned the property where the now demolished house sat?

A: 6 Rivers. The City had a lease agreement to run the lot.

Q: Were City vehicles used to haul debris away?

A: No. The contractor’s trucks were used.

Q: Could future projects include road closures as there was a lot of traffic?

A: There wasn’t any traffic and the Chief of Police was in his vehicle near the site.

Q: Will the American Rescue Plan Act (ARPA) funds be on the next agenda?

A: Projects were currently being developed to bring before the Commission to have more specific conversations but there were still questions to be answered before those projects could be completed for presentation.

Q: Was there an exit date for UHY when the treasurer will be fully trained?

A: No date yet available.

Commissioner Hendrick then asked DPW Superintendent Mike Itrich questions including:

Q: Where was the debris on King Road from because it contained garbage and smelled?

A: It was project dirt and it was permissible to relocate it to King Road. Anything his department relocated should not contain garbage or bad smells, therefore it must have been an illegal dump and it would be checked into.

 Q: There was a tree in bad condition near where the ice rink was erected annually, could it be checked?

A: It would be looked at.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Ross thanked the DPW for putting down cold patch in places where needed. He stated the Historical Commission had met as well as the 300 Broadway Committee, and that the Committee decided to have their meetings at the 300 Broadway location and to award one of the resident seats to a member of the Historical Society.

Commissioner Bryson reminded the public of the August 2, 2022 election and urged them to vote.

Commissioner Kellehan reported that the Splash Bash was a big success and thanked the volunteers, the Chamber of Commerce, and the Community and Economic Development Board for their involvement in putting on the event.

Commissioner Klaassen indicated the Planning Commission had met and were reviewing the master plan for changes and revisions.

Commissioner Hendrick showed a copy of the Chamber of Commerce’s Rediscover Your Downtown event and requested that in the future it be renamed to “Rediscover Your Whole Town” to include all businesses, not just those downtown. She also thanked the members of the community who attended the meeting to speak about the Guy Center.

Commissioner Kreidler referenced the difficulty of the task of deciding the fate of 303 South Water Street and 300 Broadway but felt the Work Group was fair in deliberating the ideas and feedback from the public.

Mayor Vercammen announced the upcoming election on August 2, 2022 from 7:00 a.m. to 8:00 p.m. and reminded the public to bring their photo identification. She indicated the Storm Drain painting project had begun as well as installation of the murals on the building north of Gar’s. She announced the forthcoming yard sale trail which would take place August 12 – August 14, 2022 which meant lots of traffic. She invited the public to visit the new Drake Park photo chair and stated it would be painted in the coming weeks.

Mayor Vercammen also addressed accusations against DPW Superintendent Mike Itrich related to a recent project and expressed that the accusations were not helpful and that he deserved to be treated with dignity and respect. She indicated her disappointment related to negative and misleading information posted on social media related to the sale of 303 South Water Street and clarified the process had included feedback from residents and had been voted on and decided by the Commission.

**CLOSED SESSION**

Motion by Commissioner Bryson, seconded by Commissioner Ross, to enter closed session at 9:49 P.M. under MCL 15.268(h) to consider Material Exempt from Discussion or Disclosure by State or Federal Statute related to the Marine City Landfill Legal Opinion and under MCL 15.268(C) to discuss Strategy Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by the Police Officers Association of Michigan (POAM) and Employees Represented by the Teamsters Local 214. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to enter Open Session at 11:19 P.M. All Ayes. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Kellehan to approve the POAM wage opener for an additional 1% raise in addition to the 2% raise already approved as part of the annual budget. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Ross to approve the bonus plan for $1,500 for full time City employees and $750 for the 3 permanent part time employees. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Kreidler, Ross, Vercammen. Nays: None. Motion Carried.

**ADJOURNMENT**

Motion by Commissioner Klaassen, seconded by Commissioner Ross, to adjourn at 11:21 P.M. All Ayes**.** Motion Carried.

 Respectfully submitted,

 Shannon M. Adams City Clerk