

City of Marine City
City Commission Minutes - Revised
August 3, 2023

A regular meeting of the Marine City Commission was held on Thursday, August 3, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandebossche at 7:00 P.M.

Present: Mayor Jennifer Vandebossche, Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Scott Adkins; City Clerk Jason Bell.

Also Present: City Attorney Robert Davis

AUDIO/VIDEO AVAILABLE

For complete audio of meeting, visit the following link:

<https://www.youtube.com/watch?v=Hb3ihd6ge3w>

APPROVE AGENDA

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the agenda. All Ayes. Motion Carried.

PUBLIC COMMENT

Catherine Warner spoke on a Commissioner's actions at the July 20, 2023 meeting and their behavior on marijuana facilities. She also gave kudos to the City Manager, DPW Supervisor and City employees.

Rosalie Skwiers spoke against marijuana and businesses that could potentially close because of it. She also spoke on a Commissioner's behavior and disrespect at the July 20, 2023 meeting.

APPROVE MINUTES

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve the City Commission Meeting Minutes of July 20, 2023 as amended. All Ayes. Motion Carried.

CONSENT AGENDA

Presented:

- a. Community Economic & Development Meeting Minutes – May 24, 2023
- b. Pension Board – Pension Plan Meeting Minutes – April 13, 2023
- c. Pension Board – Retiree Healthcare Meeting Minutes – April 13, 2023
- d. Social District Permit Approval – Gord's Bar

- e. Social District Permit Approval – Marine City Fish Company
- f. Social District Permit Approval – Two Rivers Winery
- g. Social District Permit Approval – Newport Pub
- h. Social District Permit Approval – Gar’s Lounge
- i. Social District Permit Approval – Anita’s Place

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the Consent Agenda a-i. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

FINANCIAL BUSINESS

Expenditures Including Payroll - \$637,195.84

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve expenditures including payroll in the amount of \$637,195.84. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to receive and file the preliminary financial statements. All Ayes. Motion Carried.

UNFINISHED BUSINESS

300 Broadway Bandstand Rental Application

City Manager Adkins spoke on the bandstand application and the current application provided created by Michele Goodrich, which is the same as the pavilion rental form. He also stated the City was getting inquiries about renting the bandstand.

Commissioner Roehrig inquired the application stated dawn to dusk and what would happen with the Lighted Santa Parade. City Manager Adkins stated there would be a waiver or provision in regards to City related events or events that required a Special Event Permit to allow past the times.

Commissioner Ross provided the date the bandstand was originally built in 1908 and the occupancy was 20 to 30 people based on Fire Chief Slankster’s recommendation.

Commissioner Hendrick inquired about damages and a possible security deposit to cover those. City Attorney Davis recommended to run this by the general liability insurance company to see if those damages would be covered under the policy. Commissioner Ross suggested to inquire with DPW Supervisor Schmidt on a fair price for security deposit to repair potential damages. Commissioner

Hendrick suggested a security deposit to match the rental fee, \$100 for residents and \$150 for non-residents. Commissioner Ross inquired about the pricing being the same as the beach pavilion and the bandstand being smaller. Commissioner Hendrick suggested to try this pricing and see how it goes.

Commissioner Klaassen inquired if a resident who rents the bandstand brings in a group the City does not want. Commissioner Ross stated that could happen at any of the City parks.

Commissioner Hendrick inquired on the banning of portable restrooms as there were none in that area. City Manager Adkins stated renters can bring in a portable restroom with City approval and at the renter's expense.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to approve the application pending the revisions requested. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

NEW BUSINESS

FOIA Appeal- Michael Hilferink

Michael Hilferink stated it was his desire to postpone the appeal as he did not have enough evidence to present his case as he was awaiting the response of additional FOIA requests. He stated his request was denied by the City Attorney, City Manager and Clerk. Mr. Hilferink then asked City Attorney Davis to explain the appeal timeline. City Attorney Davis stated per statute there was a ten day limit to hear the appeal and provide a written response. Mr. Hilferink spoke on the differing opinion of City Attorney Davis from a previous appeal in 2022. City Attorney Davis spoke on the previous ruling of postponement of an appeal as the appellant asked the Commission as a whole to postpone and Mr. Hilferink did not. Mr. Hilferink stated he did ask for a postponement and City Attorney Davis stated he was asked, but neither himself or the City Manager can grant that postponement.

Commissioner Roehrig stated Mr. Hilferink's email to the Clerk stated he wanted the appeal to be heard at its earliest convenience and now he wanted it postponed.

City Attorney Davis then asked Mr. Hilferink if he was willing to waive his statutory right to have his appeal heard within ten days to which Mr. Hilferink responded, yes. Commissioner Bryson inquired if that postponement was only until the next regularly scheduled meeting and City Attorney Davis confirmed.

Clerk Bell stated the specific appeal tonight was based on fees and the other FOIA requests had no relevance to the appeal. Commissioner Hendrick told Mr. Hilferink to have all of his information together before requesting an appeal. Commissioner Roehrig inquired if the Commission was just voting on the fee appeal. City Attorney Davis stated that was correct.

Motion by Commissioner Hendirck, seconded by Commissioner Klaassen, to adjourn the FOIA Appeal until the next Commission Meeting based on appellant waiving statutory rights to a timely appeal. **Roll Call Vote.** Ayes: Hendrick, Klassen. Nays: Bryson, Roehrig, Ross, Vandenbossche. Motion Failed.

Mr. Hilferink presented his appeal by stating the excessive fees to locate the information at 107 minutes as the files are simple to locate and place a flash drive as he requested. Mr. Hilferink also stated that the lowest wage employee was not used according to the law as it was the Clerk's wages used in the fee and that the Clerk was not the lowest paid employee.

Clerk Bell presented as the FOIA Coordinator stating the law specifically states to search, locate and examine files and with the videos requested being a total of 107 minutes long, all of the video needed to be examined for exempt and non exempt material. Clerk Bell further stated the law indicates the lowest paid employee capable of searching, locating, examining and that himself and the Chief of Police are the only two employees capable of performing that task. Clerk Bell asked the Commission to uphold his decision as the FOIA Coordinator.

Mr. Hilferink rebutted Clerk Bell's argument and the accusations brought by members of the Commission stating he already had the information. City Manager Adkins clarified the accusations and the timeline of the audio on the thumb drive.

Mr. Hilferink further inquired on the fact it only took 30 minutes to redact the information and inquired to what office the Clerk was working in while processing the FOIA.

Clerk Bell responded to Mr. Hilferink's questions by outlining the processing of the FOIA in its entirety and confirmed that he was still in dual roles with the City working as the City Clerk and Office Manager at the Police Department.

Mr. Hilferink thanked the Commission for their time and consideration and stated he would take his appeal to Circuit Court.

Motion by Commissioner Bryson, seconded by Commissioner Roehrig, to uphold the fee based on the Clerk's presentation. **Roll Call Vote.** Ayes: Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Klaassen. Nays: None. Motion Carried.

ADMINISTRATIVE REPORTS

City Attorney Report

None.

City Manager Report

City Manager Adkins informed everyone that Maritime Days was this weekend and for everyone to attend. He also thanked all of the volunteers. City Manager Adkins stated there was still no word on the 300 Broadway grant but there were other grant opportunities that were appealing to the City.

City Manager Adkins also stated he was in the process of writing the Marina ordinance and would present that to the Commission at the next meeting. He also thanked Commissioner Ross for his discussion and work on the bandstand rental and encouraged everyone to see City Offices to rent the beautiful space.

Reports from Department Heads

None.

COMMISSIONER PRIVILEGE/LIAISON REPORTS

Commissioner Klaassen stated the weekend weather for Maritime Days looks good and for everyone to attend and be safe.

Commissioner Bryson apologized for leaving during the last meeting due to a work emergency and spoke on Maritime Days and for everyone to enjoy and be safe.

Commissioner Hilferink spoke on his behavior at the last meeting and his reasoning with City Manager Adkins. He also read the email he sent City Manager Adkins. Commissioner Hilferink thanked all of the blue collar workers who cant make the meetings to support him and he feels as if his first amendment rights were being attacked. He also spoke on Rita M. Roehrig asking the tough questions as a previous City Commissioner and asked for the public to continue to support him.

Commissioner Ross offered his thoughts and prayers to the family of a victim of the last storm. He also urged everyone to go and enjoy Maritime Days. Commissioner Ross also congratulated the participants in the Port Huron to Mackinac and Mackinac to Chicago sailboat races. He also stated it was great to see all of the applicants for the Social District and spoke on other grants being available for community centers and more money if the other 300 Broadway grant does not come through.

Commissioner Roehrig wanted everyone to enjoy Maritime Days and the fireworks.

Commissioner Hendrick spoke on her mother asking tough questions but she followed the rules and the charter so there was a difference than what was happening now. She informed everyone of the Maritime Days and Boy Scouts car show and Sunday was the pancake breakfast.

Mayor Vandenbossche thanked everyone for the support and condolences for her mother's hospital stay and passing. She also thanked City administration and staff for their great work during her issue with her mother. Mayor Vandenbossche wanted everyone to support Maritime Days as the volunteers did a great job organizing. Mayor Vandenbossche also wanted to call for a Special Meeting next week to clarify the Commission and Administration relationship in open session and she wanted to poll the Commission on a day for Wednesday, August 9, 2023 at 7pm.

CLOSED SESSION

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to enter into closed session at 9:03 pm after a short break. **Roll Call Vote.** Ayes: Ross, Vandenbossche, Bryson, Hendrick, Klaassen, Roehrig. Nays: Hilferink. Motion Carried.

Motion by Commissioner Roehrig, seconded by Commissioner Ross, to return to open session at 9:48 pm. All Ayes. Motion Carried.

There was a loud recital of the Constitution being played coming back into open session.

Motion by Commissioner Ross, seconded by Commissioner Hendrick, to authorize the City Manager and City Attorney to put together a letter of intent package to purchase property adjacent to Washington Life Center and the Woodlawn Cemetery.

ADJOURNMENT

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 9:49 p.m. All Ayes. Motion Carried.

Respectfully submitted,

Jason A.Bell
City Clerk