

**City of Marine City
City Commission Minutes
September 21, 2023**

A regular meeting of the Marine City Commission was held on Thursday, September 21, 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=XmIB0saTwa0>

APPROVE AGENDA

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

PRESENTATIONS, PROCLAMATIONS & RECOGNITIONS

PUBLIC COMMENT

City Attorney Davis spoke on Public Comment and the Open Meetings Act and what constitutes a Public Body to clarify who can speak during public comment.

Commissioner Hilferink walked to the podium. Mayor Vandebossche called Commissioner Hilferink out of order three times.

Motion by Commissioner Hendrick, seconded by Commissioner Ross to call Commissioner Hilferink out of order. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Ross, Vandebossche. Nays: None. Motion Carried.

Rudy Menchaca spoke in agreement with the City Attorney and how Robert's Rules and how they govern meetings. He also spoke on the previous meeting's actions of Commissioner Hilferink and was opposed to the removal of Commissioner Hilferink.

APPROVE MINUTES

City Commission Meeting Minutes – September 7, 2023

Motion by Commissioner Bryson, seconded by Commissioner Hendrick, to approve the City Commission Meeting Minutes of September 7, 2023. All Ayes. Motion Carried.

City Commission Closed Session Meeting Minutes – September 7, 2023

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Closed Session Meeting Minutes of September 7, 2023. Ayes: Bryson, Hendrick, Klaassen, Roehrig, Vandenbossche. Motion Carried. *Commissioners Ross and Hilferink could not approve Closed Session Minutes as they were not present at the previous meeting.

CONSENT AGENDA

Presented:

- a. MCAFA Run Report
- b. Departmental Activity Monthly Reports
- c. Planning Commission Meeting Minutes – July 10, 2023
- d. Business License –By the Water Thrift Store
- e. Special Event Permit – The Mike Miller River Run

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

ITEMS REMOVED FROM CONSENT AGENDA

None

FINANCIAL BUSINESS

Expenditures Including Payroll - \$3,244,104.88

Commissioner Hilferink inquired on the \$3,200,000 in expenditures when the annual budget was only \$3,500,000. City Manager Adkins explained the high amount was due to taxes collected by the City then paid out to other entities.

Commissioner Hilferink inquired on the Cynergy Products purchase and what it was for. City Manager Adkins explained that was for the outfitting of the Police Patrol vehicle.

Commissioner Hilferink stated for the public's benefit the expenditures report was now shorter with less info and he would like the longer report back. City Manager Adkins stated the Treasurer determined this report was easier for everyone to read and understand. Commissioner Hilferink inquired if the other reports were still available and City Manager Adkins stated they were and were required by law to be available.

Commissioner Hilferink inquired on the high amounts of the past few Davis-Listman invoices. City Manager Adkins stated this was due to a significant amount of additional requests sent to City Attorney Davis. City Attorney Davis stated when he was interviewed for the contract the Commission requested more information to be provided in writing.

Commissioner Hilferink inquired on what the Fifer Investigations expense was for. City Manager Adkins stated they were for Police Department background investigations.

Commissioner Hilferink commented on the Comcast bills being high and City Manager Adkins stated that some City facilities required higher internet bandwidth so the bills could vary by location.

Motion by Commissioner Ross, seconded by Commissioner Klaasen, to approve expenditures including payroll in the amount of \$3,244,104.88. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

UNFINISHED BUSINESS

Recreational Marijuana Facilities Ballot Initiative Language Discussion

Commissioner Hilferink inquired how the Commission arrived to this point when there was a legal passed motion to put the issue on the ballot. City Attorney Davis stated spoke on written memo from February 2023 for three alternatives of the Commission as well as the memo from September 1, 2023 that stated a ballot initiative by the City was not possible.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to call the motion to question. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: Hilferink. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to set the current version for the first reading for the next meeting. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: Hilferink (qualified vote as this should go to the voters). Motion Carried.

Update and Status on Charter Section 5.4 – Removal from Office

Commissioner Bryson spoke on Charter Section 5.4 and wanted to present a draft resolution and place it on the next meeting agenda for consideration and possible action. He also asked if anyone had any changes or suggestions to contact him. He would also like to suggest if a resolution is approved at the next meeting to set a time date for the removal hearing and for approved resolution of charges be formally served to Commissioner Hilferink.

Commissioner Hilferink spoke on State law regarding a conflict between local charter and State law. He read the State law on removal from office.

NEW BUSINESS

Board Consolidation Discussion

Commissioner Hilferink stated nobody wanted to speak on this topic. Commissioner Ross stated the 300 Broadway Committee would go away once a grant is received and progress is made on the building and that the Historical Commission needs to exist per State Law because that is a Historical site. He also stated the Community and Economic Development Board is good for the City.

Commissioner Hilferink stated there was a discussion a few months ago to combine multiple boards and that discussion has since died. City Manager Adkins stated discussions did take place but he received nothing from staff about being overburdened and he was looking for direction from the Commission on how to proceed.

Business Retention Discussion

City Manager Adkins stated the CED Board was active on addressing a business retention plan and they have EDA and MEDC speakers coming to meetings in the near future and these plans would be presented to the Commission at a later date.

Commissioner Hilferink stated the discussion died to bring the CED Board together with the Commission to discuss a plan. City Manager Adkins stated the Master Plan update was an important piece before moving on with a business retention plan.

Commissioner Roehrig stated if Commissioner Hilferink requested this to be on the agenda where was his plan.

Blue Care Network Retiree Healthcare Group Benefit and Rate Contract

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to approve the Blue Care Network Retiree Healthcare Group Benefit and Rate Contract. **Roll Call Vote.** Ayes: Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

Traffic Control Order Rescind – No U-Turns on S Water St

Chief Heaslip spoke on the U-Turn Traffic Control Order and stated it is still occurring and officers were enforcing it but most offenders were from out of town and it was his opinion that is an unfair welcome to them. He also stated there have been zero accidents from u-turns and this can be revisited if necessary. Commissioner Hendrick stated u-turns were still occurring and also drivers going the wrong way down a one way and this issue may get worse if it is rescinded, but stated it could be rescinded and revisited in one year. Commissioner Roehrig stated most small towns have a no u-turn order.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to rescind Traffic Control Order P-18-004, prohibiting U-Turns on S Water St and revisit in one year. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Ross, Vandenbossche. Nays: Roehrig. Motion Carried.

Traffic Control Order Rescind – No Parking 3a-6a on S Water St

Chief Heaslip stated the current traffic control order was passed in 1977 and he had no idea why it was done. Commissioner Hendrick stated it was for snow plowing, street sweeping and to prohibit apartment dwellers from parking on the street for extended periods. Chief Heaslip stated the main reason he was asking for this to be rescinded was people park their cars overnight when they have visited the bars and they are too intoxicated to drive home and it was unfair to punish them for doing the right thing. Commissioner Hilferink gave kudos to Chief Heaslip for doing the right thing. Commissioner Roehrig inquired if there could be a parking stipulation of not more than 24 hours and Chief Heaslip stated he would look into how other towns handle this. Commissioner Ross inquired if this could be brought back if there were issues.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to rescind permanent traffic control order pursuant to Act 300, P.A. 1949 to have no parking from 3:00am to 6:00am on Broadway and S Water Street. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Ross, Vandenbossche, Bryson. Nays: Hendrick, Roehrig. Motion Carried.

ADMINISTRATIVE REPORTS

City Attorney Report

City Attorney Davis had nothing to report. Commissioner Hilferink inquired when the Commission was going to talk about UHY. City Attorney Davis stated that was set for August 3rd but the Commission did not get to it that night and it was up for discussion tonight.

City Manager Report

City Manager Adkins spoke on the Master Plan Open House on October 10, 2023 from 4:00pm to 8:00pm and he encouraged everyone to attend and give their ideas and opinions and this session would be one of many. Commissioner Hilferink inquired if this would be a drop in open house and if there would be any dialogue. City Manager Adkins stated McKenna will have staff there to facilitate dialogue and will have some interactive sessions, but more details will be coming in the next week when he meets with Brigitte from McKenna. Commissioner Hilferink stated that was not enough dialogue and the time frame was not good for working people and inquired if there would be a virtual option. City Manager Adkins stated ideas, comments, input on the Master Plan can be submitted at any time to City Offices and he would check on a virtual option.

City Manager Adkins stated there would be a nationwide FEMA Alert Test on October 4th at 2:20pm. He also spoke on the water infrastructure grant and the City was one of the higher scoring communities in the State and the City was awarded \$13,000,000 in grant funds and a \$13,000,000 low interest loan option to

complete the project. City Manager Adkins also stated DPW Superintendent Schmidt and himself are looking into a road improvements plan and condition study for grants and programs once a qualified engineered study was done.

City Manager Adkins also sent his condolences to the White family on the passing of Judy White.

Commissioner Ross inquired if the water grant included road repair with the infrastructure repair. City Manager Adkins stated it did, where the infrastructure was replaced.

Commissioner Hilferink inquired on the Water Plant wall leaking. City Manager Adkins stated there was a crack on the interior of a holding tank and there was no harm to the water supply or a health issue and repair options were being sought.

Reports from Department Heads

Clerk Bell provided clarification on internet rumors regarding FOIA and his pay. He also provided updates from the Clerk's Department on grants, cemetery, early voting grant and Granicus Peak Agenda timeline to implementation.

COMMISSIONER PRIVILEGE/LIAISON REPORTS

Commissioner Klaassen stated the Planning Commission approved the truck mechanic on King Road and apartments are scheduled for the next meeting. He also spoke on receiving his agenda packet ahead of time and to read it to get questions answered prior to the meeting.

Commissioner Bryson spoke on the drinking water grant and the necessity for it and it is a huge benefit for the City. He also thanked all who worked on it.

Commissioner Hilferink spoke on questions he asks being a benefit to the public and he also spoke on the Police Department being closed during business hours and requested to stagger staff to accommodate citizens. He also spoke on the Clerk contract and pay and it not affecting City services but it is affecting City services. Commissioner Hilferink spoke on his FOIA being denied and he stated he was going to fulfill the deposit until City Attorney Davis gave an opinion he could not have it. He also stated the City needs a new attorney and the overall approval of the City not being good via his ratings of City staff from his Facebook poll.

Commissioner Ross congratulated the Marine City football team and congratulated the cheerleaders as well. He also thanked Mike Itrich for work on the drinking water grant. He sent his blessings to the White family. Commissioner Ross stated he reaches out to as many people as possible and they approve of the board and encouraged people to reach out if they feel the board is doing anything wrong.

Commissioner Roehrig stated the people who ask the tough questions should listen to the answers so nothing needs to be repeated.

Commissioner Hendrick stated nobody broke the law in the City and that Commissioner Hilferink keeps violating the rights of employees in the City and that the Commission must protect them. She also stated Commissioner Hilferink was creating liabilities and the City could not afford liabilities. Commissioner Hendrick stated Scott Adkins was doing a wonderful job and the City could lose quality employees who worked hard to get where they're at. She also stated Commissioner Hilferink did not understand the Charter and the City could lose grants due to the behavior that is going on. Commissioner Hendrick apologized to the community for what was going on.

Mayor Vandenbossche offered her condolences to the White family. She stated she has a SEMCOG event coming up as well as her first CED meeting. Mayor Vandenbossche thanked all City employees and volunteers for their work. She also recognized Cece Forester for receiving the Star Award.

CLOSED SESSION

Chief Heaslip stated he was postponing his complaint in closed session until a later date. Commissioner Hilferink stated he was glad the Chief was withdrawing his complaint, Mayor Vandenbossche confirmed that Chief Heaslip was not withdrawing his complaint but only postponing it. Commissioner Hilferink stated these were also public officials and the complaint sessions should be open.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to enter into closed session at 9:07pm. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Roehrig, Vandenbossche, Bryson. Nays: None. Motion Carried.

Entered into closed session at 9:16pm.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to return back to open session at 9:47pm. All Ayes. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to carry out strategy discussed in Closed Session. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: Hilferink. Motion Carried.

ADJOURNMENT

Motion by Commissioner Bryson, seconded by Commissioner Ross, to adjourn at 9:50 p.m. All Ayes.
Motion Carried.

Respectfully submitted,

Jason A.Bell
City Clerk