**City of Marine City**

**City Commission Minutes – *Revised***

**April 6, 2023**

A regular meeting of the Marine City Commission was held on Thursday, April 6, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Pro Tem Hendrick at 7:00 P.M.

Present: Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; Interim City Manager James Heaslip; Interim City Clerk Jason Bell.

Absent: Mayor Jennifer Vandenbossche

Also Present: City Attorney Robert Davis

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to excuse Mayor Jennifer Vandenbossche from the meeting. All Ayes. Motion Carried.

**AUDIO/VIDEO AVAILABLE**

For complete audio/video of meeting, visit the following link:

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

**APPROVE AGENDA**

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

**COMMUNICATION**

Communication from Allen Reichle.

**PUBLIC COMMENT**

Dan LaVere spoke against marijuana facilities and provided books to the Commission.

Tiffany Turke spoke on 26 Mile Road Corridor and asked the Commission to draft a resolution in opposition of it.

Joe Moran objected to having outsiders appear at meetings to speak on City issues. He requested the Mayor to speak to the East China Township Supervisor and have him speak to Allen Reichle regarding his behavior as he is a Trustee in East China.

Allen Reichle spoke on 1st Amendment right and in opposition to the investigation on Commissioner Hilferink. He also spoke on Joe Moran’s comments at previous meetings and urged everyone to focus on positive things happening in the City.

Catherine Warner spoke against marijuana facilities and provided Commissioners with a handout in opposition of marijuana. She also spoke on Commissioners comments on social media in opposition of the grant.

**APPROVE MINUTES**

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve the City Commission Meeting Minutes of March 16, 2023, with the revision that was provided. All Ayes. Motion Carried.

**CONSENT AGENDA**

Presented:

* 1. Community & Economic Development Committee Meeting Minutes – March 1, 2023
  2. 300 Broadway Committee Meeting Minutes – January 23, 2023
  3. City Manager Search Committee Meeting Minutes – March 8, 2023
  4. Business License – Eastwood Sportsman Club, Inc

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

**FINANCIAL BUSINESS**

Expenditures

Motion by Commissioner Hilferink, seconded by Commissioner Bryson, to approve total expenditures including payroll, in the amount of $209,683.23. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross, Bryson. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Bryson, seconded by Commissioner Ross, to receive and file the Preliminary Financial Statements. AllAyes. Motion Carried.

**PUBLIC HEARING**

Mayor Pro Tem Hendrick announced that the City Commission would conduct a Public Hearing to receive comments on The MEDC/CDBG Public Spaces Grant.

Public Hearing had been declared opened at 7:23 PM.

Laura Merchant of the 300 Broadway Committee spoke in support of the grant. Asked Commission for support and approval of application and matching funds.

Joe Moran spoke on importance of 300 Broadway to the Community and in support of the grant.

Sheryl Zimmer of Historical Society spoke of the importance of 300 Broadway and in support of the grant. Provided Commission with a handout indicating Community support and input on the grant.

Todd May spoke of the importance of 300 Broadway and in support of the grant.

Glenn Evans spoke in opposition of the grant.

Louise Beutell spoke of spoke of the importance of 300 Broadway and in support of the grant.

Heather Bokram of the Historical Society spoke on the grant and indicated she reached out to some organizations that could provide Cooking classes, Thai-Chi and a Legal Aid Society to those in the Community once the building was complete.

Terry Avery spoke of the importance of 300 Broadway and in support of the grant.

Kim Turner spoke of the importance of 300 Broadway and in support of the grant.

Georgia Phelan spoke of the importance of 300 Broadway and in support of the grant.

Michelle Nichter spoke of the importance of 300 Broadway and in support of the grant.

Andrew Pakeldinaz spoke of the importance of 300 Broadway and in support of the grant.

Keith Jenken spoke of the importance of 300 Broadway and in support of the grant.

Dan LaVere spoke in support of grant.

Ray Skotarczyk spoke of the importance of 300 Broadway and in support of the grant.

Joe Moran spoke on the building already being paid for by the City and this grant would allow citizens to use it free of charge.

Laura Merchant spoke on the architectural drawings that have been completed and this was phase 2 of the project. She has been in contact with contractor for updated costs.

Interim City Manager read letter from Analese Merchant in support of grant and importance of building.

Mayor Pro Tem Hendrick announced the Public Hearing was closed at 8:22 PM.

**UNFINISHED BUSINESS**

MEDC/CDBG Public Spaces Grant Discussion and Potential Action

Commissioner Hendrick spoke on the grant and the building and *did not* recommended using Monaghan Company for the contractor. She also stated that money was an issue and her opinion was to not use Guy Center money for the matching funds and that there was other money available for funding. Commissioner Hendrick also stated there were issues with the application as it was missing points and she had issues with the questions submitted online regarding charging fees to rent the space once completed. She asked how to get around the issue of charging for use.

Laura Merchant spoke on Teen Center being completed and that area is not included in the grant application so that area could be rented for revenue. She also stated that events that were run by different organizations could accept donations to their endowment fund for maintenance. Laura Merchant also stated if the grant is approved it would complete the renovation of 300 Broadway contrary to belief. Commissioner Ross stated that 300 Broadway was not blighted, but also not finished.

Laura Merchant stated the renovation would be basic, but complete. She also indicated the costs presented from 2012 included City Offices design, but they will not be moving back in so the space would be more open and costs would be less based on current design. Commissioner Hendrick stated the costs needed to be bolted down and tangible to ensure approval of grant and that the estimates were not accurate. Lauran Merchant stated that not all estimates were received in time for the current draft application, but they have more accurate costs now.

Commissioner Ross stated the Public Hearing was for input on use of the space and Community involvement in creating the space and that not everything could be complete right away.

Commissioner Hendrick stated she did not want to make this a warming center as other buildings were already designated as such. She also stated the application needed more detail and to include a maintenance plan and marketing plan and more specifics were needed.

Commissioner Roehrig stated there are multiple communities putting in for this grant and the City was behind on the application.

Laura Merchant asked Commissioner Hendrick if she would like to assist on completing the application. Commissioner Hendrick offered her help with whatever was needed to complete the application.

Commissioner Hendrick stated a participation plan needed to be completed to submit the application. City Attorney Davis stated those pieces needed to be complete by the April 20, 2023 Commission Meeting and with all input received the City could move forward.

Laura Merchant stated the green space requirement was the hardest part of the application so ideas are needed for most points in the application.

Commissioner Roehrig thanked everyone who spoke, but inquired where the average citizen was this evening. She also stated this grant process was deficient in community participation. City Attorney Davis stated there needed to be a more targeted effort for community participation and that any communications received for the next Public Hearing to be read if requested.

Commissioner Hilferink commented on the $2.3 million estimate and inquired if it was only for the interior of the building and nothing for the exterior. Laura Merchant stated this was only for the interior with the exception of the green space and sidewalks. Commissioner Hendrick stated that drawings needed to be included and they were not there.

Commissioner Bryson asked City Attorney Davis if the City used general fund monies to match the grant could the City backfill that in the future with Guy Center monies. City Attorney Davis stated it needed to be consistent funds. Commissioner Bryson stated he was excited for the future of the application and thanked everyone who worked on it.

Commissioner Hilferink stated his main concern was the building to be completed without blight and if it can be done as proposed. He also stated that citizens watch meetings and urged them to reach out regarding their input on the grant and building.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to hold a Public Hearing on April 20, 2023 and to release new Public Notice indicating residents can submit letters via mail, email to City Clerk or in person to be read if requested and have completed revised application by April 14, 2023 and to urge public to provide input on what to include in the public space. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Bryson, Hendrick, Hilferink. Nays: None. Motion Carried.

Recess began at 9:07 PM

Recess ended at 9:16 PM

Social District Update Discussion

City Attorney Davis provided an update and information on existing structure of the open intox ordinance and indicated changing that would not work in place of a Social District. He also commented on the information submitted to the Commission of current Social Districts in Michigan. City Attorney Davis also stated the City could pick their own area, regulate times and days of the week and seasonal. He also stated the Social District statute was a sunset statute from Covid that was set to expire in 2025, but now the time limit is gone and it will exist in perpetuity at the State level until repealed.

Commissioner Hendrick stated she would like a new map with the volleyball court and Memorial removed. Commissioner Ross stated the Commission already discussed the City did not want signs everywhere that the district started and stopped.

Commissioner Hilferink inquired if the City could limit certain hours for the volleyball court and Memorial instead of excluding them all together. He also inquired to the Police Chief if enforcement would be an issue with Police Department staffing. Chief Heaslip stated enforcement would not be an issue.

Commissioner Ross inquired if the Social District ordinance could be revisited annually if issues were to arise. Commisioner Hilferink inquired on what the average times were for other Social Districts around the State. City Attorney Davis stated most Social Districts went from Happy Hour to close and that most were used in the evening hours. Commissioner Ross inquired if the Police Department preferred consistency and regularity with the hours and location. Police Chief Heaslip stated that would be ideal to limit confusion for Officers and residents.

City Attorney Davis stated he would draft a sample ordinance with the hours of 5 PM – 11 PM for 7 days a week and it could be changed at the next Commission Meeting on April 20, 2023. Commissioner Hilferink stated he would like to see the Social District be a part of a bigger plan for the City. City Attorney Davis stated people could not bring their own alcohol to the parks under the Social District and that they would need to be purchased from a licensed establishment.

Update on City Manager Search

Interim City Manager Heaslip gave an update on the City Manager search and application deadline and stated that Scott Adkins, who is currently consulting for the City, gave interest in applying for the City Manager position. Interim City Manager Heaslip stated he would have a proposal and contract for Scott Adkins at the April 20, 2023 meeting to offer Scott Adkins the City Manager job and indicated Scott would be interested in part time work. He also stated Scott would be a great asset to the City as he has a wealth of knowledge and has been in City administration for years. Commissioner Hendrick inquired if Scott Adkins would require benefits and Interim City Manager Heaslip stated he would not. Interim City Manager Heaslip stated a level 2 background check would still be completed.

Commissioner Ross inquired if there would still be a City Manager Search Committee Meeting on April 17, 2023 to discuss details. Interim City Manager Heaslip stated there would still be a City Manager Search Committee Meeting on April 17 and he would have the proposal, resume and draft contract for that meeting to be discussed before bringing it to the Commission on April 20.

Update on Office Staffing

Interim City Manager Heaslip spoke on office staffing at City Offices and indicated interviews were held for the Admin Clerk position, a job offer was extended to a candidate and that she accepted and starts on April 12th.

**NEW BUSINESS**

Master Plan Firm Selection

Commissioner Hendrick read a letter from Planning Commission Chari Joe Moran recommending McKenna for the Master Plan update as they offered more for the price.

Commissioner Klaassen stated there was plenty of discussion at the Planning Commission on this topic and Wade Trim would not cut their price.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to accept the Planning Commission’s recommendation for contracting with McKenna for the City’s Master Plan and Recreation Plan Updates as outlined in their proposal for a fee not to exceed $40,000. **Roll Call Vote.** Ayes: Roehrig, Ross, Bryson, Hendrick, Hilferink, Klaassen. Nays: None. Motion Carried.

Consulting Agreement – Scott Adkins

Interim City Manager spoke on the consulting agreement and that he worked on it with City Attorney Davis and Scott Adkins and it included up to 30 hours per week. Commissioner Ross inquired if there was reasoning behind the 30 hours per week or could it be more. Interim City Manager Heaslip stated the Commission previously approved 30 hours. Commissioner Ross inquired if the motion can be amended to not exceed 40 hours per week.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to to approve the consulting agreement for Scott Adkins and not exceed 40 hours per week. **Roll Call Vote.** Ayes: Ross, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

EGLE Cross Connection Program

DPW Supervisor Itrich spoke on the EGLE Cross Connection Program and it needed to include residential inspections and required the DPW to go into every home to inspect for cross connections to prevent backflow of inappropriate materials into the water supply.

Commissioner Hendrick inquired if the cost of the inspections was on the City and the remedy was on the homeowner. Itrich stated that was correct.

Commissioner Roehrig inquired how often the inspections needed to be done. Itrich stated possibly every 5-10 years.

City Attorney Davis stated a quote should be sought from Hyrdocorp as a third party inspector as they were usually cheaper and more convenient to the City as it put less stress on City staff.

Commissioner Hilferink inquired if homeowners did not comply with this program or make the repairs what the penalty was. Itrich stated there were penalties included in the current ordinance.

Motion by Commissioner Roehrig, seconded by Commissioner Ross, approve the EGLE Cross Connection Residential Program. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

DPW Salt Purchase

DPW Supervisor Itrich spoke on the Mi-Deal contract for salt purchase and the cost savings by being a part of it year after year.

Motion by Bryson, seconded by Commissioner Ross, to waive competitive bidding for the DPW salt purchase as a single source through Mi-Deal. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross, Bryson. Nays: None. Motion Carried.

DPW Crack Sealant Purchase

DPW Supervisor Itrich spoke on the annual crack sealant purchase from NHMS that includes the machine for free. He also stated this company is MDOT approved.

Motion by Ross, seconded by Commissioner Klaassen, to waive competitive bidding for the DPW crack sealant purchase from NHMS. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Bryson, Hendrick. Nays: None. Motion Carried.

Motion by Bryson, seconded by Commissioner Klaassen, to purchase crack sealant from NHMS not to exceed $14,000. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Bryson, Hendrick, Hilferink,. Nays: None. Motion Carried.

DPW Supervisor Itrich provided an update on the Waste Water Treatment Plant emergency repair for screw pumps. He stated he received a quote to replace of $475,000. Stated Kennedy Pump is coming in to give a quote to put flight pumps in at a cheaper price and right now the temporary pumps are $11,000 per month.

Vacant Building Ordinance Discussion

Commissioner Hilferink spoke on the ordinance and stated the public input he has received has not been positive and residents did not like it. Commissioner Hendrick stated she disagreed with the ordinance and the current language that was in there. Commissioner Klaassen stated there are remedies in the Property Maintenance Code for this reason. Commissioner Hendrick stated the ordinance creates confusion and frustration and it was her opinion the ordinance needed to be repealed.

Commissioner Ross stated the original motion to approve the ordinance included language to revisit the ordinance in one year and that motion should be adhered to and revisited in December 2023.

Business License Ordinance Discussion

Commissioner Hendrick commented on the cost of business licenses and renewal fees and it was her opinion they were too high and other communities around us were far cheaper. She also stated the renewal should be based on the City’s fiscal year and not calendar year. City Attorney Davis stated the Commission sets the fee schedule which includes business license fees.

Interim City Manager Heaslip indicated the City had a 99% compliance rate with business licenses and renewals.

Commissioner Ross stated the original motion when the ordinance was adopted included language to revisit it in one year.

Commissioner Hilferink stated the City should be comparable to neighboring communities.

Charter Section 6.8 Investigation on the Phone Contacts between Mike Hilferink and the City Police Department/City Police Chief During the Arrest Process on February 10, 2023

Commissioner Bryson asked if the Commission would support his request for an investigation on Commissioner Hilferink’s phone call with the Police Chief during his arrest on February 10, 2023. Commissioner Bryson stated it was extremely important to hold the public’s trust in the Commission.

Commissioner Hendrick stated this occurred before and there was no investigation and it was her opinion this request was odd.

City Attorney Davis stated the Commission would need to vote to investigate then proceed from there according to charter.

Commissioner Roehrig inquired as to who would complete the investigation. Commissioner Hendrick wanted to appoint two members of the Commission, Commissioner Roehrig and Commissioner Klaassen, to investigate the claims.

Commissioner Hilferink inquired as to what was being investigated and it was his opinion this was all a joke.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to authorize an investigation under section 6.8 of the Charter to find facts and for all votes to be roll call votes. **Roll Call Vote.** Ayes: Roehrig, Ross, Bryson, Hendrick. Nays: Hilferink, Klaassen. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to appoint Klaassen and Commissioner Roehrig to investigate Bryson’s questions with assistance of City Attorney on legal issues. **Roll Call Vote.** Ayes: Ross, Bryson, Hendrick, Klaassen, Roehrig. Nays: Hilferink. Motion Carried.

**CITY MANAGER’S REPORT**

Interim City Manager Heaslip stated he just came back from a week long vacation. He assisted with the interview process of the Admin Clerk, will have a meeting with City Clerk candidate on Monday, April 10, 2023 and will have a contract on April 20 and a potential start date of May 4, 2023 with a background check being completed as well.

Interim City Manager Heaslip stated he attended the Zoning Board of Appeals and Dangerous Board of Appeals Meetings.

Interim City Manager Heaslip stated it was brought to his attention that the City was lacking a Construction Board of Appeals as required by Charter.

Interim City Manager Heaslip stated that Mi-Deal was for more than salt as the Police Department has purchased patrol cars from there in the past and that he had a patrol car in his budget for 2023-2024.

Interim City Manager Heaslip stated for a Rental Program the City would effectively need a resolution.

Interim City Manager Heaslip thanked citizens for their patience with the Police Department being closed at times and solution was coming soon. He also indicated City Offices would be closed on Monday, April 10, 2023 due to short staffing and planned days off.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Klaassen spoke on the Planning Commission’s recommendation for the Master Plan update and why he doesn’t use ISO anymore in his communities he works for. He also stated he hopes the rain slows so the rivers quit swelling.

Commissioner Bryson thanked everyone for the grant support and wished everyone a Happy Easter.

Commissioner Hilferink thanked everyone for the grant support and showing up. He also urged citizens to reach out on the use of space and how awesome it was to see the board working together.

Commissioner Ross thanked everyone for their work on the grant and looked forward to working with others for completion with community input/feedback. He also wished everyone a Happy Easter.

Commissioner Roehrig stated the Zoning Board of Appeals approved a variance the old Tag-A-Long for a new RV park and now it will be referred to the Planning Commission and once it is approved the work will start. She also wished everyone a Happy Easter.

Commissioner Hendrick stated she doesn’t want anyone to feel like they can’t show up to speak at any City Meeting in any community as they have the right to do so. She also stated the grant is for Community Space not center and for citizens to send ideas to incorporate. She also wish everyone a Happy Easter.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 10:40 p.m. All Ayes**.** Motion Carried.

Respectfully submitted,

Jason A.Bell Interim City Clerk

Jennifer Vandenbossche

Mayor