

# 1-19-2015

## Minutes FINAL

CITY OF EVART

REGULAR COUNCIL MEETING

January 19, 2015

Meeting called to order at 7:00 p.m.

Present: Mayor Eric Schmidt; Councilmembers: Dan Elliott, BJ Foster, Casey Keysor, Gregg Sherman; City Clerk Seraphim Bieri; City Manager Zack Szakacs;

Absent: Treasurer Sarah Dvoracek

Guests: Ron Woycehoski, James Holihan, Teresa Swift-Eckert, Jim White – City Attorney, Ryan Douglas, Lorne Juday, Patrick Muczynski, Miranda Lorenz, Al Weinberg – Director DDA

Citizenry Comments: None

Moved by Keysor, seconded by Sherman to accept the agenda. Passed unanimously.

Approval of Minutes:

City Clerk Bieri directs Council to changes (a) expanding guest Elkin's credentials to include representing Osceola Township and the City of Evart, and (b) to spelling error "die" .

Councilmember Elliott indicated that the Fire Department audit reference should indicate that Weinlander Fitzhugh has several municipal government clients and that there was no time to seek audit proposals when the Fire Board learned that Baird Cotter Bishop did not include this year's audit in the City of Ewart proposal.

Foster expressed his concern with regard to the style of minute taking. He expressed preference for a return to a voting record only, "Cliff's Notes" version. The City Attorney expressed concern that the past year's format may place Council at legal risk. Members of the Council and the Clerk discussed the appropriate minute contents. It was moved by Foster, seconded by Elliott to approve minutes with changes detailed by Bieri and Elliott. The Mayor requested a Roll Call Vote.

Roll Call Vote

Ayes: Elliott, Schmidt

Nays: Foster, Keysor, Sherman

Abstentions: (none)

Motion Failed with 3 nays and 2 yeas

The LDFA Director Melora Theunick, not in attendance

The DDA Director Al Weinberg reporting.

Mr. Weinberg provided a summary of DDA activities for 2014. They included the demolition of three structures, nine new businesses, two closed businesses, three façade grants, receipt of two Musicale grants for \$4,000 and \$8,000, funding of the DIG Grant request; new welcome signs, and that the 2014 Musicale attendance was up 25%. The DDA is currently accepting bids for the Corner Cupboard Café property, applying for two more grants, including a Michigan Council of Arts & Cultural Affairs grant for \$7,500 to purchase sound system components. He has met with MEDC and others considering Corner Cupboard and similar Main Street properties for available "apartment/dwelling" upgrade grants and facade grants which Weinberg feels will ignite Main Street business traffic once 25-ish renters live in improved properties in close proximity to stores.

Unfinished Business:

#### Landlord/Tenant Housing Ordinance

City Manager Szakacs discussed the proposed Landlord / Tenant Housing Ordinance and last year's proposed Senate Bill 313 regarding proposed changes in state statute. The City Manager recommends postponement of action on this ordinance and indicates the City may rely upon its existing adopted property maintenance code at this time. He also cited enforcement concerns of the Police Chief Kendra Backing.

New Business:

#### Street Administrator Designation – Act 51

Moved by Elliott, seconded by Schmidt to adopt Resolution #2015-2 to name the Interim DPW Director (City Manager Szakacs), as Street Administrator.

Roll Call Vote:

Ayes: Elliott, Keysor, Foster, Schmidt, Sherman

Nays: (none)

Abstentions: (none)

Motion unanimously approved.

Reappointment Board of Review

City Manager Szakacs related that the City Charter requires Board of Review members be appointed at the first Council Meeting in January. The City Manager approached all three current Board members regarding reappointment. Members Wilder and Benson indicated that they would serve. Member Boyd had not yet been contacted. It was moved by Keysor, seconded by Sherman to reappoint all three sitting members of Board of Review . Passed unanimously

#### Amend City Code – Chapter 1044 User Fees & Charges

City Manager Szakacs presented the City Attorney's Water/Sewer Ordinance amendment to Chapter 1044. The City Manager suggested several changes, including to the typographical error on page 1, where "maybe" should read "may be"; page 3 "quarterly" vs. monthly corrections which City Clerk Bieri discovered, as well as Mr. Szakacs' preference to have specific charges not identified but phrased as "user charges shall be established by City Council Resolution" (page 5, sections a and b); the insertion of that " multi-unit complexes having each unit charged monthly " in closer physical proximity (page 3, section i) to the top of the paragraph where Ready to Serve charges are identified as being meter related; and his preference in light of 4-day City Hall work weeks, to change (page 4, section k) 24 hour notice to 72 hours. Elliott urged Council to change (page 4, section m) the mandate from "monthly" meter readings to "at least quarterly", arguing that the quarterly clause might shield the City from violating its own Ordinance in the face of inclement weather, future desire to read sections of town "in rotation", or other unforeseen impediments to a monthly read. Foster concurred that "quarterly" at least preserves options for the future. Sherman sought verification to assure that none of the language precludes the City from granting meritorious bill adjustments.

It was moved by Foster, seconded by Sherman to accept the City Attorney's amendments once corrected to reflect all of the Szakacs, Bieri, and Elliott changes. Passed unanimously

#### Treasurer Report, City Manager, reporting

The City Manager noted that the Treasurer is keeping quite busy with Evert's IT technology transition. The Treasurer provided a work report, the Manual Check Report through 1/19/15, Summary of All Funds as of 12/1/14 and Vendor List with Mini Vendor List attached. Moved by Foster, seconded by Sherman to accept the Vendor List.

Passed unanimously

City Manager's Report – Zack Szakacs, reporting

The City Manager provided a written “City Manager’s Communications – 11/18/14 thru 1/15/2015. He indicated that the new Airport SRE Building is now in use. He also related the DPW’s need for an asset management plan, and that there were three interviews for Park & Rec Coordinator position.

The City Manager indicated that a meeting with Nestle’s Arlene Vincent is scheduled for 10:00 am to discuss a water contract extension.

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The City Manager related that an ordinance violation letter of cease and desist (dated 1/19/15) was issued to resident Bill Bradley regarding protest signs located on his 7<sup>th</sup> Street and any other properties.

The City Manager noted the December receipt of Wellhead Protection reimbursement from Lansing in the amount of \$15,326.10.

The City Manager reported the approval of the Fire Department’s forthcoming \$65,441.29 flood reimbursements from the State. Upon receipt of the State funds the City Treasurer will provide a check to the Fire Department who will then provide the payments to the vendors receiving reimbursements, including those of the City of Ewart DPW and Police Departments.

There was discussion regarding a proposed February 12, joint meeting of governmental units comprising the Ewart Area Joint Fire Department for the purpose of consideration of funding a brush truck replacement, proposed budget presentation and other matters of joint fire department interest. Mr. Elliott proposed that each unit of government post that meeting as a Special Meeting in order that a majority of elected officials may attend and possibly act on any actions that may be needed. There was a discussion about the Brush Truck replacement and the proposed financing requirements with Chemical Bank requiring resolutions from each governmental unit supporting the potential loan for the truck purchase.

The City Manager reported that former Well #5, now known as Well #13 has been tested to be in compliance with all state and federal regulations..

Police Department, Chief Kendra Backing, reporting

Chief Backing introduces new departmental secretary Teresa Swift-Eckert. Teresa will work 28 hours from 8 a.m. to 3 p.m. Officer Juday's two week resignation notice was announced. He has taken a position with a larger municipality. Chief Backing explained that the part time officer position will remain open until a worthy hire is located. Chief Backing notes the work they are doing by request with the school system on internet safety. Chief Backing also provided a written Monthly report.

Department of Public Works – Interim DPW Director Szakacs, reporting

City Manager Szakacs announces that February will mark the beginning of Lead Operator Patrick Muczynski reporting on all things water, with his own reports on other DPW aspects.

Szakacs also reported that the City assisted MDOT with a sewer truck and that our salt truck was in Marion being repaired; Cass Welding repaired the plow. There was discussion regarding the failed lighting in the downtown business district.

City Attorney – Jim White, reporting

The City Attorney reports that he is working on Ordinance and Police Department items.

Councilmember Foster inquired about questions regarding DUI enforcement with drug use versus alcohol issues of several months ago. Mr. Foster asked if any resolution was yet achieved. The City Attorney indicated that there had not been a resolution.

It was moved by Sherman, seconded by Schmidt the Meeting be adjourned at

8:03 p.m. Passed unanimously