

CITY OF LINDEN
Minutes for City Council Regular Meeting
Held at 7pm on June 24, 2019

CALL TO ORDER

The meeting was called to order at 7pm by Mayor Pro Tem Ray Culbert. The meeting was held in the Council Chambers on the lower level of the Mill Building at 201 N. Main Street, Linden, Michigan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by all present. A moment of silence for first responders and in memory of those who have served on behalf of the United States was observed by all.

ROLL CALL

City Council Present: Pam Howd, Ray Culbert, Dave Franz, Brad Dick, Brenda Simons, Heather MacDermaid

Absent: Mayor Danielle Cusson

Others Present: Scott Sutter, Interim City Manager, Pat Parker, acting City Attorney, Beverly Vondra, Treasurer, Tessa Wightman, Deputy Clerk

MINUTES

Motion by Simons, seconded by Howd, to approve the minutes of the June 10, 2019 Regular City Council meeting. Motion carried 6-0.

Motion by MacDermaid, seconded by Dick, to approve the minutes of the June 19, 2019 Special City Council meeting. Motion carried 6-0.

PUBLIC HEARING/PRESENTATION

Presentation of New Firefighter, Kennedy Kunkel by Brian Will

CORRESPONDENCE

The Mayor Pro Tem noted receipt of the correspondence, in 2019-2021 CDBG Application, Loose Senior Center Inter-Local Agreement, Will, Amendment to the Living Trust, Loose Senior Citizens Senior Center Financial Statements December 2018, and Erica Armstrong's Resignation Letter.

CITIZENS COMMENTS

Paul Jackson made comments regarding road funding and noted his desire to get involved.

Beverly Vondra made comments regarding National Night Out on August 6th.

CONSENT AGENDA

Motion by Dick, seconded by Howd to approve the consent agenda as presented.

Motion carried 6-0.

UNFINISHED BUSINESS

None.

NEW BUSINESS

(A) CAS 26-19

Ordinance No. 391 Fireworks Regulations

The State of Michigan recently updated the rules within the Fireworks Safety Act. Some of the changes of the Act are; the days that consumer grade fireworks can be used, increased penalties, billing of storage fees for confiscated fireworks and when the City can regulate fireworks usage based on emergency conditions like a burning ban. The most significant changes are the reduced number of holidays and the times in which consumer fireworks can be used.

Motion by Dick, seconded by Culbert to approve Ordinance No. 391 Fireworks Regulations.

Motion carried 6-0.

YEAS: Dick, MacDermaid, Franz, Simons, Culbert, Cusson, Howd

NAYS: None

ABSENT: Cusson

(B) CAS 27-19

Byram Lake Weeds Assessment Resolution No. 10-19

Several Byram Lake Drive property owners have expressed their interest in continuing an improvement program on Byram Lake which includes aquatic plant herbicide treatments and harvesting. Under the provisions of Chapter 3.04 of the City of Linden's Municipal Code, proceedings for such improvements may be initiated by a petition of owners having at least fifty percent of the privately-owned frontage abutting the proposed improvement. Such a petition is not binding upon, but only advisory to, the City Council. Irrespective of whether a petition is filed, the City Council may determine to make any public improvement and defray the whole cost by special assessments against properties benefited, by resolution.

In anticipation of City Council's request to prepare such a report on the proposed improvement, I am providing the information and report tonight. Included in this report is information regarding the proposed improvement, a proposed budget for the improvement, and a map of the proposed special assessment district. The annual cost to each property owner would be approximately \$266.76. The City of Linden Municipal Code requires that at this public hearing, the City Council "shall hear and consider any objections which may be submitted by any aggrieved person with respect to the making of the improvement and assessing the designated special assessment district of all or, part of the cost of the improvement which the Council has proposed to assess."

Motion by Dick, seconded by Howd, that the City Council adopt Resolution 10-19, which announces the determination to proceed with the improvement and schedules a public hearing regarding the improvement for July 22, 2019 at 7PM. Motion carried 6-0.

YEAS: Dick, MacDermaid, Franz, Simons, Culbert, Howd

NAYS: None

ABSENT: Cusson

(C) CAS 28-19

Monitoring Well Agreement - PM Environmental

Since 2015, the City of Linden has entered into access agreements with organizations that allow access to our property or right of way to conduct corrective action activities and borings. Including locations for groundwater monitor wells, soil borings and soil gas points in City right of way. The proposed agreement is for locations, as identified in the attached memo from PM

Environmental who have been doing working in the City for the B&B environmental issue.

Adam Patton from PM Environmental spoke to Council regarding the requested agreement for 22 extraction wells. Council discussed potential disruptions to traffic and/or businesses, and asked that additional language be added to reflect Council's concerns regarding notice to businesses as well as sidewalk repairs after extraction is completed.

Motion by MacDermaid, seconded by Howd that the City Council accept the Agreement between the City of Linden and PM Environmental, with the amended language as presented. Motion carried 6-0.

(D) CAS 29-19 Resolution No. 11-19 Amending Resolution 08-19, Adopting the City of Linden Fiscal Year 2019-2020 Budget

There was an error in the calculation of the Headlee Rollback factor in reference to the mosquito control millage, our new millage rate for the mosquito control is less than expected. A factor of 0.3847 for the purpose of mosquito control was approved for the 2019/2020 budget on June 10, 2019. The new factor for mosquito control is now 0.3812. The total change in general fund revenue will decrease by \$380.00.

Motion by Dick, seconded by Howd that the City Council adopt Budget Resolution No. 11-19. Motion carries 6-0.

YEAS: Culbert, Franz, MacDermaid, Howd, Dick, Simons

NAYS: None

ABSENT: Cusson

(E) CAS 30-19 Resolution No. 12-19 Amending the FY 2018-2019 Budget

Each year we make budget amendments based upon unforeseen expenditures or corrections to the budget. At this time, we would like to make budget amendments to the 2018-2019 Budget. We have included for your review and adoption the funds that are affected and the reasons for the amendments.

Motion by MacDermaid, seconded by Dick that City Council approve the budget amendments to the 2018-2019 Budget as outlined. Motion carried 6-0.

YEAS: MacDermaid, Simons, Howd, Dick, Culbert, Franz

NAYS: None

ABSENT: Cusson

(F) CAS 31-19 Appointment of New City Clerk

The City Council has received a copy of the resignation letter from Erica Armstrong, current City Clerk. Her last day will be Monday, July 8th, 2019. The interim City Manager and the current City Clerk both recommended hiring Tessa Wightman (current Deputy Clerk) to the promoted position of City Clerk.

Motion by Dick, seconded by Howd that City Council approve the promotion of Tessa Wightman to City Clerk, effective July 9, 2019, at a salary rate of \$46,000, with a review after 90 days in consideration of a higher salary. Motion carried 6-0.

YEAS: Simons, Dick, MacDermaid, Culbert, Howd, Franz

NAYS: None

ABSENT: Cusson

The current City Clerk recommended that comp time policy be discussed in consideration of the considerable unpaid overtime the Clerk puts in annually.

(G) CAS 32-19 Resolution No. 13-19 – To Designate the Depositories for the City Funds and to Repeal Resolution No. 18-18

The proposed resolution is required to officially change the City Clerk name for signature and representative purposes. Proposed Resolution 13-19 officially designates the new City Clerk Tessa Wightman as the authorized signer for its financial transactions and puts Tessa Wightman's name on the signature card for City bank accounts.

Motion by Howd, seconded by MacDermaid that the City Council adopt Resolution No. 13-19 officially changing the City Clerk name for signature and representative purposes. Motion carried 6-0.

YEAS: Howd, Culbert, Simons, Franz, MacDermaid, Dick

NAYS: None

ABSENT: Cusson

(H) CAS 33-19 Resolution 14-19 CDBG Signature Cards

Genesee County Metropolitan Planning Commission requests that we sign the signature cards to demonstrate who is authorized by our local government to sign CDBG related documents.

Motion by Dick, seconded by Howd that City Council to review and authorize the following staff members (Scott Sutter, Tessa Wightman, Beverly Vondra) to sign CDBG related documents on behalf of the City of the City of Linden. Motion carried 6-0.

YEAS: Franz, Howd, Culbert, Dick, Simons, MacDermaid

NAYS: None

ABSENT: Cusson

(I) CAS 34-19 Resolution No.s 15-19 and 16-19 - Consumers Lighting Contracts

The City periodically receives a Standard Lighting Contracts from Consumers Energy. This contract relates to the lighting that is owned by Consumers Energy and located in the City of Linden for which we pay for electricity.

Motion by Dick, seconded by Howd that the City Council approve the attached contracts and the attached Resolution No.s 15-19 and 16-19. Motion carried 6-0.

YEAS: MacDermaid, Simons, Howd, Culbert, Franz, Dick

NAYS: None

ABSENT: Cusson

CITY MANAGER'S REPORT

City Managers Search: On July 8th, at the Council work session and possibly July 9th we will be conducting interviews for City Manager.

Performance by German Balletschule Feibicke: Please plan on attending the performance by the German Balletschule Feibicke on Friday, June 28th, 6:30pm, at Linden High School. This is sponsored by the Linden Arts Council.

Farmers Market: The Farmers Market is going to be held on the Walmar Property this year. We have also received permission from the owner of the Fairbanks Gas Station property to utilize her property for the Farmers Market.

Gus Macker: The Gus Macker Basketball Tournament will be held this weekend, Saturday and Sunday, at the Linden High School.

Eagles Wooden Park: Come join the Linden Parks and Recreation Committee along with some of our great Community groups on Saturday, July 13th, from 10a to 2 to stain the wood playscape at Eagles Wooden Park.

CITY ATTORNEY'S REPORT

None.

DEPARTMENT REPORTS

The Council reviewed the Police, Fire, and Code Enforcement, Building Department monthly activity reports.

COUNCIL COMMENTS AND REPORTS

Howd commented about street lighting on E. Silver Lake Rd. She also commented on running in the Wings of Mercy 5k.

FINANCIAL REPORTS

Motion by Howd, seconded by MacDermaid, to approve accounts payable in the amount of \$158,625.53. Motion passed 6-0.

YEAS: MacDermaid, Howd, Culbert, Franz, Dick, Simons

NAYS: None

ABSENT: Cusson

CLOSED SESSION

None.

ADJOURNMENT

The meeting was adjourned at 8:12 PM.

Respectfully Submitted,

Erica Armstrong, Clerk

Approved: _____