

**IMLAY CITY COMMISSION  
150 N. MAIN STREET  
IMLAY CITY, MI 48444**

**REGULAR MEETING  
TUESDAY, APRIL 02, 2024  
7:00 PM**

**1. CALL TO ORDER**

Mayor Joi Kempf called the meeting to order at 7:00 PM.

**2. PLEDGE OF ALLEGIANCE**

Mayor Joi Kempf led the Pledge of Allegiance.

**3. ROLL CALL**

**Present:** Mayor Joi Kempf, Mayor Pro Tem Ted Sadler, Commissioner Shane Collison, Commissioner Joe DeLuca, Commissioner Al Ramirez, Commissioner Bob Tanis, Commissioner Barbara Yockey

**Absent:** None

**Also Present:** City Manager Craig Horton, City Attorney Robert Seibert, Zoning Administrator Lonnie Hayes (in at 7:05 PM), DPW Superintendent Ed Priehs, DDA Director Christine Malzahn, Code Enforcement Officer Charles Cutajar, Fire Chief Keith Klobucar, Clerk/Treasurer Dawn Sawicki-Franz and Public

**4. APPROVAL OF AGENDA**

**MOTION** by Yockey seconded by Tanis to approve the agenda with additions of: **NEW BUSINESS D. ALVIN NORLIN POOL AND SPLASH PAD REPAIR REQUEST, E. M-53 SANITARY SEWER/E FOURTH STREET PROJECT-PAY APPLICATION/PAY ORDER, F. APPOINT KEITH KLOBUCAR TO LAPEER COUNTY CENTRAL DISPATCH AUTHORITY FOR A TERM OF THREE (3) YEARS ENDING APRIL 2, 2027, G. APPROVAL TO SEND CITY MANAGER CRAIG HORTON TO THE I-69 NMDC MEETING, APRIL 16-18 WITH LAPEER DEVELOPMENT CORPORATION AS THE IMLAY CITY, LAPEER COUNTY, MICHIGAN, NORTH AMERICAN REGION BOARDER REPRESENTATIVE**  
**MOTION CARRIED UNANIMOUSLY**

**5. APPROVAL OF CONSENT AGENDA**

**MOTION** by Ramirez seconded by Sadler to approve the consent agenda to include:

**A. APPROVAL OF MINUTES** March 19, 2024 – Regular Meeting

March 25, 2024 – Special Meeting Budget Work Session

**B. OTHER MINUTES**

February 8, 2024 – Ruth Hughes Memorial District Library

February 20, 2024 – Planning Commission Special Joint Meeting

February 21, 2024 – Planning Commission Regular Meeting

**C. PAYMENT OF BILLS IN THE AMOUNT OF:** General Fund Checking \$ 457,141.69

Tax Account \$ 600.00

HRA Account \$ 000.00

Total \$ 457,741.69

**ROLL CALL VOTE**

Ayes: Ramirez, Sadler, Tanis, Yockey, Collison, DeLuca, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

**6. CITIZENS FROM THE FLOOR**

None

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**7. DEPARTMENT HEAD REPORT**  
None

**8. PUBLIC HEARING-HAZARDOUS BUILDING 330 S CEDAR STREET #19-98-040-00 FUENTES AND LAFONTAINE**

**A. NOTICES AND PUBLICATIONS TO RECORD**

**MOTION** by Yockey seconded by Collison moved that approval be granted to enter all notices and publications for this public hearing into record in regard to the hazardous building.

**MOTION CARRIED UNANIMOUSLY**

**B. PUBLIC HEARING – OPEN**

Mayor Kempf opened the Public Hearing at 7:12 PM

Attorney Seibert stated for the record: let the records reflect that for this public hearing a notice was published in the Tri-City Times on March 14, 2024 of this hearing and in addition to this public notice in the local newspaper, were two written letters dated February 28, 2024 sent by Building Inspector Lonnie Hayes to Adan and Maria Fuentes with proof of service that is filed by Mr. Hayes and also a letter dated February 28, 2024 to Paul Lafontaine Newark Promotions through USPS return receipt requested mail that was also received as part of the record. This will be noted that both parties: Mr. & Mrs. Fuentes and a representative from Newark Promotions Inc did accept both letters, so the letters have been received by both of the interested parties plus it was published in the newspaper and then the purpose of tonight's public hearing is pursuant to the City Ordinance which requires the City Building Inspector to indicate to the City Commission why he believes that the buildings that we are seeking some action on, constitute unsafe buildings under the Ordinance. Building Inspector Hayes continued describing the inspections that were done on these buildings numerous times including photos and postings. Hayes' concern as the Building Inspector is, the rust on the structural members is not just surface rust, it is deep rust and the roof supports and wall supports are in danger if not addressed.

Neither party for this dangerous building were present at this Public Hearing.

**C. PUBLIC HEARING CLOSED**

Mayor Kempf closed the Public Hearing at 7:25 PM

**D. ACTION**

**RESOLUTION 2024-08 TO CONSIDER BUILDING INSPECTOR DETERMINATION AND APPROVE ORDER REGARDING DANGEROUS BUILDING**

**MOTION** by Collison seconded by Tanis to approve Resolution 2024-08 to consider Building Inspector determination and approve order regarding dangerous building as presented

**ROLL CALL VOTE**

Ayes: Collison, Tanis, Yockey, DeLuca, Ramirez, Sadler, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Yockey seconded by Collison to preauthorize our City Attorney Robert Seibert to file a Circuit Court action at the end of this process so that we continue with resolution of this.

**MOTION CARRIED UNANIMOUSLY**

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9. UNFNISHED BUSINESS

A. GRAND TRUNK WESTERN RAILROAD LEASE

Attorney Robert Seibert explained his opinion regarding the Grand Trunk Railroad Lease and the indemnification provisions included in this lease. Seibert's recommendation, since we do not have a current lease and we are encroaching on their property, is to delay signing this lease and continue discussion with Grand Trunk to negotiate some better terms on the indemnification provisions and what do we do after five (5) years or could we extend this contract or possibly automatic extensions. This should be deferred to a further meeting to allow the Attorney Seibert to negotiate better lease terms.

**NO MOTION, DISCUSSION ONLY**

B. 2024-2025 DRAFT BUDGET REVIEW

i. REVIEW

ii. AUTHORIZE PUBLIC NOTICE FOR PUBLICATION

**MOTION** by Yockey seconded by Sadler that since we reviewed the draft budget line-by-line at the Budget Workshop held on Monday, March 25, 2024, I motion to authorize the budget public notice to be published as presented.

**MOTION CARRIED UNANIMOUSLY**

iii. SET PUBLIC HEARING

**MOTION** by Yockey seconded by Tanis to set the Budget Public Hearing for Tuesday, May 07, 2024 at the regularly scheduled City Commission Meeting at 7:00 PM

**MOTION CARRIED UNANIMOUSLY**

10. NEW BUSINESS

A. PROCLAMATION – ARBOR DAY, APRIL 26, 2024

**MOTION** by Sadler seconded by Tanis to approve the request for the Proclamation in observance of Arbor Day for Tuesday, April 26, 2024 as presented

**MOTION CARRIED UNANIMOUSLY**

B. RESOLUTION 2024-06 TO ESTABLISH SPECIAL ASSESSMENT TAX ROLL OF UNPAID 2023 CHARGES

Clerk/Treasurer Sawicki-Franz informed that these are charges that are left unpaid and the Resolution will allow publication and creation of a special assessment tax roll to add these outstanding charges to the 2024 summer tax roll.

**MOTION** by Collison seconded by Yockey to approve Resolution 2024-06 to establish 2024 special assessment tax roll of unpaid 2023 charges

**ROLL CALL VOTE**

Ayes: Collison, Yockey, DeLuca, Ramirez, Sadler, Tanis, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

C. SPECIAL EVENT APPLICATION - HERITAGE CHURCH, BLESSING OF THE BIKES

City Manager Horton stated that all City Department Heads have reviewed and signed off on the Special Event Permit Application as submitted by Pastor Randy Hall on behalf of Heritage Church as presented.

Pastor Randy Hall spoke giving details of the upcoming event to be held Sunday, May 05, 2024. Hall continued speaking about supporting the Imlay City Community in regard to Heritage Church being involved with the upcoming Summerfest and a Community Block Party.

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**MOTION** by Collison seconded by Tanis to approve the Blessing of the Bikes Special Event Application as presented by Heritage Church  
**MOTION CARRIED UNANIMOUSLY**

**D. ALVIN NORLIN POOL AND SPLASHPAD**

DPW Superintendent Priehs shared that the surface of the pool has some surface finish coating deterioration and gouges in it that need repair. A proposal in the Commission packet is from Johnson Pools and Supplies, Inc that we have worked with for many years and the last time this was done was about 2016-2017. The pool will need to be recoated and includes some tile repair and painting as well. Priehs recommends approval of the proposal from Johnson Pools and Supplies Inc. in the amount of \$36,595.00 as presented which also includes the annual opening and cleaning for this year that they normally do as well.

**MOTION** by Yockey seconded by Ramirez to approve the proposal from Johnson Pools and Supplies Inc. of \$36,595.00 to do the scope of work in this proposal as presented

**ROLL CALL VOTE**

Ayes: Yockey, Ramirez, Sadler, Tanis, Collison, DeLuca, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

**E. M-53/4<sup>TH</sup> STREET SANITARY SEWER PROJECT PAY APPLICATION/PAY ORDER**

DPW Superintendent Priehs presented the payment application #2 in the amount of \$334,931.51 for the M-53/4<sup>th</sup> Street Sewer project after review of the unit prices with the engineers and recommends approval.

**MOTION** by Sadler seconded by Collison to approve payment application #2 in the amount of \$334,931.51 as presented

**ROLL CALL VOTE**

Ayes: Sadler, Collison, DeLuca, Ramirez, Tanis, Yockey, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

Priehs continued with explanation of Change Order No: 2 to the Commission which includes, adding \$44,748.56 for items related with dewatering the bore pit at Third Street due to unexpected wet conditions, moving a manhole at the Fourth Street bore because of the depth of the gas main and in addition includes removing \$9,394 for not removing the existing box culvert under Fourth Street and includes removing the lining of the sanitary sewer through the concrete plant saving \$159,764.

**MOTION** by Collison seconded by Ramirez to approve Change Order No: 2 for a decrease of \$124,409.45 as presented.

**ROLL CALL VOTE**

Ayes: Collison, Ramirez, Sadler, Tanis, Yockey, DeLuca, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

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**F. APPOINT FIRE CHIEF KEITH KLOBUCAR TO LAPEER COUNTY CENTRAL DISPATCH AUTHORITY AND TECHNICAL BOARDS FOR A TERM OF THREE (3) YEAR ENDING APRIL 02, 2027**

Fire Chief Klobucar explained that he would be taking the place of Police Chief Brett Selby who is our current representative.

**MOTION** by Sadler seconded by Tanis to approve the appointment of Fire Chief Klobucar to the Lapeer County Dispatch Authority Board for a term of three (3) years ending on April 02, 2027

**MOTION CARRIED UNANIMOUSLY**

**G. APPROVAL TO SEND CITY MANAGER CRAIG HORTON TO THE I-69 NMDC MEETING ON APRIL 16-18 WITH LAPEER DEVELOPMENT CORPORATION AS THE IMLAY CITY, LAPEER COUNTY, MICHIGAN, NORTH AMERICAN REGION BOARDER REPRESENTATIVE**

City Manager Horton shared that he is a member of the I-69 Corridor Committee and they asked for two representatives from each county to go to DC to promote the I-69 Corridor and it will be Lapeer County Development Corporation Executive Director Sam Moore and myself at no cost to City.

**MOTION** by Yockey seconded by Sadler to approve sending City Manager Craig Horton to the I-69 NMDC Meeting on April 16-18 with the Lapeer Development Corporation as the Imlay City, Lapeer County, North American Region Boarder representative.

**MOTION CARRIED UNANIMOUSLY**

**11. CITIZENS FROM THE FLOOR**

None

**12. CLOSED SESSION - AS NEEDED**

None

**13. CITY MANAGER REPORT**

*City Manager Horton* stated that he thought the Public Hearing would take up more time and he has nothing at this time.

**14. CITY COMMISSIONER TIME**

*Commissioner Ramirez* spoke regarding the feelings of public after the recent millage election.

*Commissioner DeLuca* requested for clarification on the interviews for Public Safety Administrative Assistant and the possibility of another Police Officer.

*Commissioner Sadler* commented on spending tax dollars locally if possible but this cannot always be the case.

*Mayor Kempf* shared that she spoke with the Sheriff and others during her review from a previous meeting.

**15. ADJOURNMENT**

**MOTION** by Yockey seconded by Tanis to adjourn at 8:08 PM

**MOTION CARRIED UNANIMOUSLY**

Next Regular Commission Meeting Date: Tuesday, April 16, 2024 at 7:00 PM

Respectfully submitted by: \_\_\_\_\_  
Dawn Sawicki-Franz, City Clerk

**APPROVED: April 16, 2024**