

June 6, 2017

**IMLAY CITY COMMISSION  
150 N. Main Street  
IMLAY CITY, MI 48444  
REGULAR MEETING  
June 6, 2017**

**1. CALL TO ORDER**

Mayor Bargaen called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Mayor Bargaen led the Pledge of Allegiance.

**3. ROLL CALL**

Present: Mayor Walt Bargaen  
Commissioner Joi Kempf  
Commissioner Marty Rankin  
Commissioner Robert Tanis

Commissioner Amy Planck  
Commissioner Mike Romine

Absent: Commissioner Al Ramirez

Also Present: City Manager Tom Youatt; City Attorney David Churchill; Fire Chief Richard Horton; Ruth Hughes Memorial District Library Director Tracy Aldrich; five members of the community; and one member of the media.

**4. APPROVAL OF AGENDA**

**Moved** by Rankin, seconded by Romine, to approve the agenda with the following addition:  
7.C. Purchase Agreement/Land Contract Discussion.

**MOTION CARRIED UNANIMOUSLY**

**5. APPROVAL OF CONSENT AGENDA ITEMS**

**Motion** by Romine, seconded by Kempf, to approve the following Consent Agenda Items as presented:

**A.** Approval of Minutes – Regular Meeting – May 16, 2017

**B.** Payment of Bills - Payroll totaling \$92,551.67  
Accounts Payable and Trust & Agency totaling \$208,143.49

**ROLL CALL VOTE**

Ayes: Rankin, Romine, Kempf, Tanis, Planck, Bargaen

Nays: None

**MOTION CARRIED 6 - YEAS; 0 - NAYS**

## 6. CITIZENS FROM THE FLOOR

Alan Rosenbalm, Imlay City, addressed the Commission to relay comments he had heard from two retired police officers who were getting short changed on their pensions. Mr. Rosenbalm implored the Commission to not take from the pension fund in times of budget constraints and noted that public servants who vest in their pensions should enjoy a pension in full. Mr. Rosenbalm then relayed his concerns over the common practice of switching to a 401(k) type of pension plan for new hires and opined that this type of plan was not as solvent.

Mayor Barga responded to Mr. Rosenbalm, noting the officers he referenced were not retired from Imlay City, and as such, their pensions were not included in the City budget. Mayor Barga noted that the City is funding its liability, discussed the trade-off involved with funding pension liabilities versus ongoing operating costs, and noted it is fiscally responsible to cover current debts.

City Manager Tom Youatt responded that the City has been active in decreasing its pension liability by reducing the retirement benefit for new hires after September 1, 2014 as well as requiring a 50/50 cost-share on the funding of those plans. Youatt continued by noting that the City has negotiated with the POAM and TPOAM unions such that those union employees are now contributing to their pensions and the City appropriated an additional \$100,000.00 payment to MERS in December 2016 to further help fund its liability. Youatt stated it is not accurate to compare our situation to other municipalities.

Richard Jurn, Imlay City, congratulated the Commission on the adoption of its budget and noted his appreciation for the proper management of taxpayer dollars. Mr. Jurn then addressed the Commission regarding the bidding process for air conditioner repairs at the Lamb Steele Building. Mr. Jurn recalled that when a product was over a certain dollar amount, then it would be bid out. Mr. Jurn then relayed his conversation with the City Manager over the matter and noted he was told the City signed a contract with a company for Lamb Steele Building HVAC repairs.

Mayor Barga responded that the bidding process depends on the work required and if there is an existing service contract, then the City must have the service performed by that company.

City Manager Tom Youatt responded that the City has entered into a maintenance agreement with Kapala Heating & Air Conditioning for such repairs, and that is why they performed the services. Youatt added that without a maintenance agreement or service contract, the City would have bid the services.

Richard Jurn then relayed instances of government fraud and noted that the City should go out for bids and not have contractors charge whatever they want. Mr. Jurn noted that when he sat on the Commission, they turned down low bids for better service and there are too many kickbacks today. Mr. Jurn requested the Commission look into placing a police car on every corner along Van Dyke Road and a traffic light at Borland Road.

June 6, 2017

Ruth Hughes Memorial District Library Director Tracy Aldrich addressed the Commission to present the library's Summer 2017 newsletter and to relay details about upcoming adult, youth and family programs including the Summer Reading Program, a presentation of Kit Homes, Family Forts Nite, Fines Forgiveness Day, Bubbleman Show at the Blueberry Festival, computer classes, and a Solar Eclipse Extravaganza.

Stu Davis, Imlay City, addressed the Commission to relay his displeasure with how First Street was recently completed. Mr. Davis noted that Spicer was supposed to fix the elevation of the manhole but did more damage to the road than good. Mr. Davis stated that Spicer might be a good engineer but they are not good in the field with construction services.

City Manager Tom Youatt responded that Spicer Group oversaw the construction of Bancroft Street and that project turned out great. Youatt added it is important to mention the good projects as well.

## **7. OLD BUSINESS**

### **A. Water Asset Management Plan Payment #3**

City Manager Tom Youatt presented payment #3 from Spicer Group for work performed on the Water Asset Management Plan in the amount of \$7,219.50. Youatt noted the project is moving along well and must be completed by the end of the calendar year.

**Motion** by Romine, seconded by Kempf, to approve the Water Asset Management Plan Payment invoice for Spicer Group in the amount of \$7,219.50, as presented.

### **ROLL CALL VOTE**

Ayes: Romine, Kempf, Tanis, Planck, Rankin, Bargaen

Nays: None

**MOTION CARRIED 6 - YEAS; 0 - NAYS**

### **B. Notice of DEQ Scrap Tire Award**

City Manager Tom Youatt presented notice from the DEQ that the City had received a Scrap Tire Grant for a 50% match of the costs to mill and resurface Capac Road from M-53 west to Almont Avenue and north on Fairgrounds Road to the City limits. Youatt noted that ROWE Professional Services Company had prepared the application on behalf of the City and the grant amount is for \$155,000.00 or half of the estimated \$310,000.00 project. Youatt noted that the City is 1 of 14 successful applicants for the grant, along with Imlay Township, and he will be looking to bid the project together to realize cost savings for both.

### **C. Purchase Agreement/Land Contract Discussion**

City Manager Tom Youatt presented a proposed purchase agreement and land contract regarding the purchase of 320 N. Almont Avenue from the First Congregational Church.

June 6, 2017

Youatt noted the documents had been prepared by City Attorney David Churchill. Youatt noted the Commission had previously approved the total amount of the \$70,500.00 purchase option with three annual payments of \$23,500.00. Youatt stated that while the Commission is asked to consider both documents for approval, only the Purchase Agreement should be signed at this time.

**Motion** by Rankin, seconded by Romine, to approve the Purchase Agreement and Land Contract in the amount of \$70,500.00 for the purchase of 320 N. Almont Avenue from the First Congregational Church, with Mayor Barga and Clerk/Treasurer Frost to sign on behalf of the City.

**ROLL CALL VOTE**

Ayes: Kempf, Tanis, Planck, Rankin, Romine, Barga

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

**8. NEW BUSINESS**

**A. Resignation of Andrew Kustowski**

City Manager Tom Youatt presented a letter from Assistant Fire Chief Andrew Kustowski announcing his resignation, effective January 1, 2018. Youatt noted the outstanding service Mr. Kustowski has provided to the City throughout his tenure and indicated he will be greatly missed and difficult to replace.

**Motion** by Rankin, seconded by Romine, to accept the resignation of Assistant Fire Chief Andrew Kustowski, effective January 1, 2018, with regrets.

**MOTION CARRIED UNANIMOUSLY**

**B. Adopt Proclamation for Matthew Van Dyk**

City Manager Tom Youatt presented a proclamation recognizing Imlay City native Matthew Van Dyk for his fantastic career at Michigan State University and for representing and promoting the Imlay City community admirably.

**Motion** by Planck, seconded by Tanis, to approve the proclamation for Matthew Van Dyk, as presented.

**ROLL CALL VOTE**

Ayes: Tanis, Planck, Rankin, Romine, Kempf, Barga

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

June 6, 2017

**C. Personnel Policy Amendment 2017-1**

City Manager Tom Youatt presented proposed language for Personnel Policy Amendment #2017-1 regarding employee contributions to their respective retirement plans. Youatt stated it is important to update the language to recognize that all employees are now contributing to their retirement plans in a cost-sharing relationship with the City. Youatt further noted that this policy is in line with negotiated terms of the union contracts and a motion of the City Commission should be made to include the non-union employees as well.

**Motion** by Romine, seconded by Kempf, to approve Personnel Policy Amendment #2017-1, as presented.

**MOTION CARRIED UNANIMOUSLY**

**Motion** by Romine, seconded by Planck, all non-union employees hired prior to September 1, 2014 shall contribute 3% towards their MERS B-4 retirement plan, effective July 1, 2017.

**ROLL CALL VOTE**

Ayes: Rankin, Romine, Kempf, Tanis, Planck, Bargaen

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

**D. Reappoint Dennis Jackson to the Zoning Board of Appeals with the Term Ending June 2020**

City Manager Tom Youatt noted that this reappointment would have taken place along with the others at the May 16, 2017 meeting, but Mr. Jackson was unavailable to verify his interest in continuing to serve in this capacity.

**Motion** by Romine, seconded by Kempf, to reappoint Dennis Jackson to the Zoning Board of Appeals, with the term to expire June 2020.

**MOTION CARRIED UNANIMOUSLY**

**E. Resolution 2017-9 – To Authorize MERS Service Credit Purchase**

City Manager Tom Youatt presented proposed Resolution 2017-9 to authorize Nicole Frost to purchase five years of generic service credit in the MERS Defined Benefit Retirement Plan. Youatt noted the City's MERS Retirement Plan Document allows for this and recommended Commission approval of the purchase.

**Motion** by Planck, seconded by Rankin, to approve Resolution 2017-9 to authorize MERS service credit purchase.

**ROLL CALL VOTE**

June 6, 2017

Ayes: Kempf, Tanis, Planck, Rankin, Romine, Bargaen

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

**9. MANAGER’S REPORT**

Additional information was attached to the packet.

Mayor Bargaen spoke to a letter that was distributed from a local carwash regarding a recent event in the township, stating that is not something the City has authority over.

City Manager Tom Youatt reported that he will be meeting June 29, 2017 with Spicer Group and MDOT regarding the Gateway Project. Youatt noted he and Chief Pike had scheduled interviews for the Police Department Administrative Assistant position for June 12, 2017 and had received applications from very qualified candidates. Youatt reported he had met with DPW Superintendent Ed Priehs and DDA Director Dana Walker to discuss proposed street projects that the DDA is able to contribute towards, noting that the DDA has an annual appropriation for capital improvements within the District. Youatt reported that the Meter Pit Project is very close to completion with the pressure reducing valve now installed and SCADA equipment in progress. Youatt reiterated to the Commission that this will allow the City to better monitor the water coming into the City, and when filling the water towers, leading to more efficiency in water use and purchase. Youatt reported that the new phone system is on schedule to be cutover to VOIP on June 20, 2017. Youatt noted that City staff is excited about the new system and thanked City Clerk/Treasurer Nicole Frost for coordinating the project. Youatt presented the City’s Summer 2017 newsletter and commended employee Shannon Hamel for the great job she does in formatting the newsletter and assembling the articles on time. Youatt reported the M-53 restriping project should occur later this month, beginning the nine month trial reconfiguration period. Youatt noted that the Commission is scheduled to present the proclamation to Matthew Van Dyk at the June 20, 2017 meeting.

**10. OTHER BUSINESS - None**

**11. ADJOURNMENT**

**Motion** by Romine, seconded by Tanis, to adjourn the meeting at 7:39 p.m.

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted by: Nicole F. Frost: \_\_\_\_\_  
City Clerk/Treasurer

Approved: June 20, 2017