

April 4, 2017

**IMLAY CITY COMMISSION  
150 N. Main Street  
IMLAY CITY, MI 48444  
REGULAR MEETING  
April 4, 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 (at 7:25 p.m.)

Commissioner Marty Rankin

Commissioner Robert Tanis

Commissioner Al Ramirez

Commissioner Mike Romine

Absent: Commissioner Amy Planck

Also Present: City Manager Tom Youatt; City Attorney David Churchill; Chief of Police Scott Pike; DPW Superintendent Ed Priehs; DDA Director Dana Walker; Deputy Clerk/Utility Biller Anne McAvoy; Fire Chief Richard Horton; Fire Captain Scott Stone; John Olson, P.E. of Spicer Group, Inc.; Keith Brown, MDOT Development Engineer; Steve Pethers, MDOT Traffic & Safety Engineer; Joshua Grab, MDOT Transportation Planner; eighteen members of the community; and two members of the media.

**4. APPROVAL OF AGENDA**

**Moved** by Rankin, seconded by Romine, to approve the agenda as presented.

**MOTION CARRIED UNANIMOUSLY**

**5. APPROVAL OF CONSENT AGENDA ITEMS**

**Motion** by Rankin, seconded by Tanis, to approve the following Consent Agenda Items as presented:

**A.** Approval of Minutes - Regular Meeting – March 21, 2017

**B.** Other Minutes - DDA Meeting – March 13, 2017

**C.** Payment of Bills - Payroll totaling \$91,408.36  
Accounts Payable and Trust & Agency totaling \$201,139.62

**ROLL CALL VOTE**

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Ayes: Rankin, Romine, Ramirez, Tanis, Bargaen

Nays: None

**MOTION CARRIED 5 - YEAS; 0 - NAYS**

## **6. CITIZENS FROM THE FLOOR**

Alan Rosenbalm, Imlay City, addressed the Commission commending Mayor Bargaen for attending and participating in the recent 4-H Auction and noting the presence of other local officials. Mr. Rosenbalm then commended the performance of the City's DPW in response to recent wind damage and seasonal snow removal. Mr. Rosenbalm noted he is grateful the City employs its own DPW versus contracting the services, further noting the attentiveness exhibited by this internal department.

Leah Montroy, Imlay City, addressed the Commission to relay concerns regarding the chip and seal efforts along Borland Road and the resulting debris that serves to litter her ditch and yard. Ms. Montroy noted that her neighbors along Borland Road experience the same overwhelming issue and inquired as to whether there may be an alternative road treatment. Ms. Montroy then addressed the Commission regarding the lack of City water service to her Borland Road address, noting her desire to have a water connection.

## **7. PUBLIC HEARING – M-53 Lane Conversion**

**Motion** by Ramirez, seconded by Tanis, to enter all notices, publications and communications into the record and open the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

Mayor Bargaen opened the Public Hearing at 7:06 p.m.

City Manager Tom Youatt thanked those present for attending the public hearing regarding the proposed M-53 trial lane conversion. Youatt introduced MDOT Development Engineer Keith Brown, who described the trial conversion as an initial project brought forth through the M-53 Corridor Study process. Mr. Brown explained the road diet south of Old M-21 to First Street would result in one northbound lane, one southbound lane and one dedicated center turn lane throughout that section, with M-53 widening back out to five lanes at M-21. Mr. Brown explained he and others from MDOT were present to hear public input and answer any questions regarding the proposed project.

Beth Murawski, Imlay City, questioned whether an increase in the speed limit would be considered at this time. Keith Brown, MDOT, noted that would require study by the Michigan State Police.

Stu Davis, Imlay City, inquired as to the lane configuration to the north. Keith Brown, MDOT, responded that M-53, north of M-21, would remain unchanged.

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Alan Casillas, Imlay City, remarked that a lot of traffic comes in and out of St. Paul's Lutheran Church on M-53. Mr. Casillas noted the difficulties especially when turning south, and relayed his concerns regarding the flow of traffic.

Keith Brown, MDOT, noted that existing traffic volumes are at the limit for recommending a road diet and that is why a trial is recommended.

Barb Yockey, Imlay City, commented that when she drives north on M-53 she often turns left at First Street even though it extends her route, because of the fear of being rear-ended turning left at Third Street.

Frank Demske, Imlay City, inquired as to whether the curbing would remain where it is in the affected area. Keith Brown, MDOT, responded that the curbing will stay where it is currently and will accommodate the three 12 foot lanes and associated shoulders.

Mayor Walt Barga noted that the City is not looking at construction activities, but rather only restriping at this time, and if the trial is successful then the City will consider construction.

Mayor Walt Barga inquired as to whether any left turns would be eliminated in the affected section of M-53. Keith Brown, MDOT, responded that no left turns would be eliminated.

Mayor Barga inquired as to whether a listing could be produced of three or four places in Michigan where a road diet has been implemented successfully. Keith Brown, MDOT, responded that sections of M-21 in Flint and M-57 in Clio have responded well.

Steve Pethers, MDOT, remarked that the average daily traffic counts are on the edge of the "20,000 and below" recommendation, with some days at 22,000, but noted other areas where a road diet has been successful with similar volumes.

City Manager Tom Youatt noted the unique factors along the affected section of M-53 including narrow lanes, topography changes, a curve in the road and overhead railroad viaduct, that all make this trial worth trying.

Commissioner Marty Rankin noted he has been a daily witness to the commuter traffic utilizing the affected section of M-53 as an acceleration lane to see who can get in front of who.

Steve Pethers, MDOT, cautioned those in attendance that the proposal is to widen the lane widths to 12 feet, and this will serve to increase the speeds somewhat.

Commissioner Al Ramirez noted this proposal is on a trial basis and it is the right thing to do for the community. Commissioner Ramirez noted he has witnessed distracted driving on M-53. Commissioner Ramirez believes that widening the road will make it better.

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Kerri Murawski, Imlay City, offered that he has also witnessed the commuter “race track” along M-53 and inquired as to whether three lanes should be maintained all the way through north of M-21.

Steve Pethers, MDOT, responded that the concept would require further traffic study and is not within the scope of the proposed trial lane conversion, but that is why the lanes of M-53 open back up at the M-21 intersection.

Beth Murawski, Imlay City, inquired as to whether signage would be installed to provide notice of the upcoming merge. Keith Brown, MDOT, responded that signage would be installed and the merge would occur near the Rite Aid.

City Manager Tom Youatt noted that south of M-21, the northbound right lane should be designated as a right turn only lane. Steve Pethers, MDOT, indicated that could be studied.

Frank Demske, Imlay City, inquired as to whether any additional space within the lanes had been considered for bike paths. Keith Brown, MDOT, responded that bike paths were not being considered at this time. Steve Pethers, MDOT, responded that three lanes at 12 foot each will only allow for two feet on each side and four feet is the absolute minimum for a bike lane.

Frank Demske, Imlay City, inquired as to when the average daily traffic volume data was obtained and whether the road diet would cause a backup of traffic through the City. Steve Pethers, MDOT, noted that the trial period should reveal whether any traffic backups will occur. Pethers explained that traffic volume data was collected last October on weekdays and the weekend, and noted volume spikes on Friday.

City Manager Tom Youatt noted this is just a trial and it really needs to be tried for a full year to understand the traffic pattern involved. Youatt added that the City has worked with MDOT to produce the M-53 Corridor Plan and this is one thing that can be done to make M-53 safer. Youatt explained that a sanitary sewer project is being planned for the affected section of M-53 in 2018, when permanent markings would be installed if the trial proves successful.

Alan Rosenbalm, Imlay City, expressed concern regarding travelers’ ability to get out of businesses along M-53. Keith Brown, MDOT, responded that with less travel lanes it should be easier to enter and exit businesses.

Kelly Villanueva, Imlay City, inquired as to when the trial conversion would start. Keith Brown, MDOT, responded that the restriping would occur along with the normal striping efforts in May so as to avoid any extra costs.

Leah Montroy, Imlay City, inquired as to where the three lanes would start coming from the south. Steve Pethers, MDOT, responded that the right travel lane will drop at First Street and the lane markings for a three lane will begin there. Keith Brown, MDOT, added that the markings will continue until just south of M-21.

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Leah Montroy, Imlay City, inquired as to what will happen to the right turn only lane that one turns right onto Third Street from. Keith Brown, MDOT, responded that the lane will stay as long as there is room for it.

Deanna Davis, Imlay City, commented that while traveling north on M-53 and turning left at First Street, drivers will enter M-53 from the east and cross your travel path. Mrs. Davis noted that enforcement efforts were needed to ensure that drivers do not turn until clear and this is also needed at Kroger.

Mayor Walt Barga noted that while the M-53 Corridor Plan addressed other areas of concern, the trial conversion being proposed would only address north of First Street. Mayor Barga added that the main concern is not the average daily traffic volumes, but rather the hourly average traffic volumes, as that is what backs up traffic and the reason for the trial basis. Mayor Barga stated that City Manager Tom Youatt has a list of other areas where one can see the results of a road diet if interested.

Kerri Murawski, Imlay City, noted that the hardest part of the trial will be retraining drivers that are used to it as it is. Mr. Murawski inquired as to whether flexible sticks could be used in retraining efforts. Steve Pethers, MDOT, responded that drivers see the pavement markings and adjust. Pethers noted that signage and message boards are also used to alert drivers to the change.

Alan Rosenbalm, Imlay City, inquired as to whether any additional traffic lights would be installed on M-53. Keith Brown, MDOT, responded that the Borland Road intersection was considered for a traffic light but it failed to meet any of the nine warrants.

Kelly Villanueva, Imlay City, commented that she believes the traffic will flow well until drivers brake to turn right into a business. Keith Brown, MDOT, responded that exists now.

Leah Montroy, Imlay City, noted how tight and congested the affected section of M-53 is and inquired as to how it is going to be policed and how police are going to be visible. City Manager Tom Youatt responded that enforcement is a bigger issue now than with the road diet. Youatt remarked that Michigan State Police as well as Lapeer County Sheriff Department officers have had more of a presence in Imlay City and that is not going away with the road diet.

Commissioner Marty Rankin remarked that Imlay City officers are very visible along M-53 and it does serve to slow the traffic down.

Chief of Police Scott Pike noted that his department utilizes the speed sign extensively and can collect traffic data averages from it during periods of regular use. Pike added that he is working with the Michigan State Police on a countywide effort to reduce traffic crashes 12-15% this year and has extra officers at high incident areas.

Mayor Barga closed the Public Hearing at 7:39 p.m.

## **8. OLD BUSINESS**

### **A. Resolution 2017-6 to Recommend MDOT Conversion of M-53 to Three Lanes**

Mayor Barga inquired of the Commission as to whether further discussion was required on the issue.

**Motion** by Rankin, seconded by Romine, to approve Resolution 2017-6 to recommend MDOT perform a one year trial conversion of M-53 to two travel lanes and a center turning lane, from south of Old M-21 to First Street.

#### **ROLL CALL VOTE**

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

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

### **B. SAW Grant Summary**

City Manager Tom Youatt introduced John Olson, P.E. of Spicer Group, Inc. who was present to relay a summary of the wastewater portion of the SAW Grant. Mr. Olson detailed the wastewater grant, totaling over \$457,000.00 of the \$828,879.00 in MDEQ SAW Grant funds. Mr. Olson explained the project involved an Asset Inventory, Condition Assessment, Cleaning and Televising of the system by Michigan Pipe, Inc., Level of Service Analysis, Critical Assets Determination, Revenue Structure Calculation and Capital Improvement Plan to arrive at a sustainable strategy for managing the City's wastewater assets in the future. Mr. Olson revealed the results of comprehensive inspections of the City's manholes, pump stations and Wastewater Treatment Plant, and noted the overall good condition of the system. Mr. Olson detailed the calculation of risk factors utilized to determine likelihood of failure of each asset and presented a Capital Improvement Plan which serves to incorporate both short and long term recommended improvement projects funded by a recommended 3% annual increase in sewer rates.

DPW Superintendent Ed Priehs noted the SAW Grant had been a great project, with John Olson and Spicer doing a great job. Priehs added that the project shows the City what needs to be done and allows the City to better prioritize its improvements.

City Manager Tom Youatt noted that the SAW Grant produced state-of-the-art technology to help the City move forward with improvement projects.

### **C. DNR Fire Hall Property Application**

City Manager Tom Youatt presented the Land Transaction Application needed to acquire the DNR property on Borland Road. Youatt explained that a description of need will

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accompany the application when submitted in this first step to acquisition. Youatt further explained there would be an appraisal process the City must follow but the location looks promising for a new fire hall location.

**Motion** by Ramirez, seconded by Romine, to proceed with submittal of the DNR Land Transaction Application for acquisition of the DNR property on Borland Road, and authorize City Manager Tom Youatt to sign the same.

#### **ROLL CALL VOTE**

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

Nays: None

**MOTION CARRIED 6 - YEAS; 0 – NAYS**

### **9. NEW BUSINESS**

#### **A. Medical Marihuana Discussion**

City Manager Tom Youatt presented information regarding the new Medical Marihuana Facilities Licensing Act (MMFLA) from City Attorney Brian Garner and from Dunaskiss Consulting & Development, Inc. Youatt noted he had recently attended an informational town hall meeting hosted by the City of Lapeer regarding Medical Marihuana and it is his understanding that the City Commission does not have to take any action unless there is a desire to allow medical marihuana related facilities within the City. Youatt added that he has been approached by several interested developers and there is revenue that could be generated for the City, as well as costs. Youatt stated that he wanted to get the information out to the Commissioners and if there is interest in moving forward, the Commission can do so at a future date.

City Attorney David Churchill explained that while the new MMFLA addresses dispensaries, growers, processors, labs and transporters, it does not cover growers for caregivers. Churchill cautioned that even with no action of the City Commission, a caregiver can still operate as a caregiver as they are covered by a separate law, and the City Commission cannot limit that.

Mayor Bargaen called for any further discussion on the matter and there was none.

#### **B. Part-time Public Works Laborer Position**

City Manager Tom Youatt stated that he had been amazed at how much the City's DPW is able to accomplish with only four full-time employees and recognized that additional staff is needed in that department. Youatt presented the proposed job description for a year-round part-time Public Works Laborer, noting the need for its approval as a first step in obtaining the new position. Commissioner Rankin inquired as to the City's success in recruiting part-time staff. Youatt responded there needs to be a decent pay rate and at least 28-30 hours per week. Some discussion took place regarding sharing a full-time

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position with other departments and cross training. Commissioner Ramirez noted that all of the City's departments are lacking personnel and commended the departments for the outstanding jobs they do with limited staff.

**Motion** by Romine, seconded by Kempf, to approve the part-time Public Works Laborer job description, as presented.

**MOTION CARRIED UNANIMOUSLY**

**10. MANAGER'S REPORT**

Additional information was attached to the packet.

City Manager Tom Youatt presented the First Quarter 2017 newsletter of ROWE Professional Services Company, showcasing the award-winning Almont Avenue road reconstruction project. Youatt presented a letter from the Michigan Association of Municipal Clerks congratulating City Clerk/Treasurer Nicole Frost on earning the Certified Michigan Municipal Clerk designation. Youatt noted the designation required a lot of work on Frost's behalf and the designation speaks well of her ambition. Youatt reported that hearings were scheduled before Circuit Court Judge Holowka regarding the November EMS ballot language and whether the County can continue to collect and the EMS Authority can continue to spend the millage dollars. Youatt reported that his work on the FY17/18 Budget continues, noting the need to schedule a budget work session with the Commission. Youatt reported that he, along with WWTP Superintendent Patrick Rankin, will be starting interviews soon for WWTP Operator, adding good candidates have surfaced with recent advertisements. Youatt reported that at the April 18, 2017 meeting John Olson of Spicer Group will present a summary of the storm water portion of the SAW Grant and Abilita will be reviewing the finalists for the new phone system. Youatt noted that, as a precursor to the VOIP phone system, fiber optics will be installed to city hall.

**11. OTHER BUSINESS - None**

**12. ADJOURNMENT**

**Motion** by Romine, seconded by Kempf, to adjourn the meeting at 8:22 p.m.

**MOTION CARRIED UNANIMOUSLY**

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

Approved: April 18, 2017