

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

**REGULAR MEETING
TUESDAY, JUNE 06, 2023
7:00 PM**

1. CALL TO ORDER

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

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, Attorney Howard Shifman, DPW Superintendent Ed Priehs, DDA Director Christine Malzahn, Clerk/Treasurer Dawn Sawicki-Franz and Public.

4. APPROVAL OF AGENDA

- A. MOTION** by DeLuca seconded by Yockey to approve the agenda as presented.
MOTION CARRIED UNANIMOUSLY

5. APPROVAL OF CONSENT AGENDA

MOTION by Sadler seconded by Yockey to approve the consent agenda to include:

- A. APPROVAL OF MINUTES** May 16, 2023 – Regular Meeting
B. OTHER MINUTES May 25, 2023 – Lapeer County Board of Commissioners
May 24, 2023 – Construction Code Authority

C. PAYMENT OF BILLS IN THE AMOUNT OF:	General Fund Checking	\$ 371,770.27
	Tax Account	\$ 000.00
	HRA Account	\$ 299.61
	Total	<u>\$ 372,069.88</u>

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY

6. CITIZENS FROM THE FLOOR

None

7. DEPARTMENT HEAD REPORT

None

8. PUBLIC HEARING – RESOLUTION 2023-10

A. NOTICE AND PUBLICATIONS TO RECORD

MOTION by Yockey seconded by Ramirez to enter all notices and publications for the public hearing to record.

MOTION CARRIED UNANIMOUSLY

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B. PUBLIC HEARING – OPEN

MOTION by Sadler seconded by Tanis to open the public hearing at 7:03PM.

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY

Clerk/Treasurer Sawicki-Franz briefed the Commission on the Resolution 2023-10 explaining that this year the tax rate will not increase for the City and with the real estate values going up so much it is going to allow the City to receive the exact same tax rate as last year and collect the additional taxes for the increased taxable values. This will allow the increased revenue to pay for services to the residents as real estate values continue to climb and the millage rate will be the same as last year.

Questions from the public were answered as they were asked.

C. PUBLIC HEARING – CLOSED

Mayor Kempf closed the public hearing at 7:06PM.

D. ACTION – RESOLUTION 2023-10, 2023 TRUTH IN TAXATION MILLAGE

MOTION by Yockey seconded by Collison to adopt the Resolution 2023-10 City of Imlay City 2023 Truth in Taxation Millage which was noticed and published, and presented at the public hearing.

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY

9. UNFINISHED BUSINESS

A. DDA BY-LAWS UPDATE FOR APPROVAL

DDA Director Malzahn explained the changes in the DDA By-Laws as removing Section 9 in its entirety due to remote meeting attendance is not allowed under the OMA with the expiration of Covid emergency orders, reduce the number of board members to nine (9), add item i to the order of business - comments from the board, and scheduling the two (2) required meetings in July and December to meet the TIF statute.

MOTION by Sadler and seconded by DeLuca to approve and accept the changes to the DDA By-Laws as presented.

ROLL CALL VOTE

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

Nays: None

Absent: None

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B. FIRE DEPARTMENT INVOICE

City Manager Horton presented the invoice for the new Jaws for the Imlay City Fire Department and explained that this purchase was approved at the December 20, 2022 meeting when the fire department was permitted to order the Jaws.

NO MOTION, DISCUSSION ONLY

C. IMLAY CITY POLICE DEPARTMENT SUCCESSION PLAN

MOTION by DeLuca seconded by Sadler to postpone the Police Department succession plan to the next City meeting.

MOTION CARRIED UNANIMOUSLY

D. CITY OWNED PROPERTY

City Manager Horton stated that the attorneys from both parties are involved and will meet at City Hall on the 8th of June to work out details and hope to bring back results to the Commission very soon.

NO MOTION, DISCUSSION ONLY

E. 425 AGREEMENT – IMLAY TOWNSHIP UPDATE

City Manager Horton reported an update on the 425 Agreement and will hope to have more on this at the next City meeting.

NO MOTION, DISCUSSION ONLY

10. NEW BUSINESS

A. THE PURCHASING OF TIME

Commissioner Yockey spoke regarding the MERS pension plan stating that she had conferred with the MERS representative and received some information and got some questions answered regarding the calculations and actuarial computations for the early buy of extra years.

MOTION by Yockey seconded by Tanis to authorize City Manager Horton to sign the form with MERS that the City of Imlay City will not allow anyone to buy additional years of service.

ROLL CALL VOTE

Ayes: Yockey, Tanis, Collison Sadler, Kempf

Nays: DeLuca, Ramirez

Absent: None

MOTION CARRIED

B. RESOLUTION 2023-11 EDF CATEGORY B PROGRAM-BLACKS CORNERS ROAD

DPW Superintendent Priehs explained to the Commission the Resolution 2023-11 and the areas of Blacks Corners Road and nearby roads that are included in this possible grant funding and the required match by the City.

MOTION by Collison seconded by Yockey to approve Resolution 2023-11 to establish a request for funding, designate an agent, attest to the existence of funds and commit to implementing a maintenance program for road rehabilitation funded by the Transportation Economic Development Fund Category B Program as presented.

ROLL CALL VOTE

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

Nays: None

Absent: None

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C. CONSUMERS ENERGY ORDINANCE 14.2 - GRANTS CONSUMERS FRANCHISE TO UTILIZE THE HIGHWAYS AND STREETS WITHIN THE CITY OF IMLAY CITY FOR PUBLIC UTILITY PURPOSES

City Manager Horton shared that this ordinance is a renewal so that Consumers Energy can continue to provide services to our residents.

MOTION by Sadler seconded by Tanis to authorize the City Manager to sign the renewal of Ordinance 14.2 with Consumers Energy and grants Consumers franchise to utilize the highways and streets within the City of Imlay City for public utility purposes as presented.

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY

D. MML LIABILITY & PROPERTY POOL UPDATE

City Manager Horton described the insurance renewal for MML property and liability at a cost for the new premium at \$97,394 compared to the expiring premium of \$92,996 at an increase of \$4,398 and payment of dividends with renewal at \$8,096 for this year.

MOTION by Tanis seconded by Yockey to approve the renewal premium with MML for the July 01, 2023-July 01, 2024 fiscal year at \$97,394 at presented.

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY

E. SPECIAL EVENT PERMIT-SWING OUT PARADE FOR THE 2023 GRADUATES FROM IMLAY CITY HIGH SCHOOL

MOTION by Yockey seconded by DeLuca to approve the special event permit for the Swing Out Parade for the 2023 Graduates from Imlay City High School as presented.

MOTION CARRIED UNANIMOUSLY

F. SPECIAL EVENT PERMIT-GATEWAY ASSEMBLY GAS GIVEAWAY

MOTION by Tanis seconded by Ramirez to approve the Gateway Assembly Gas Giveaway to be held at the Shell Gas Station, N Cedar on July 18, 2023 at 9:00AM-1:00PM or while supplies last as presented.

MOTION CARRIED UNANIMOUSLY

G. REAPPOINTMENTS

MOTION by Yockey seconded by Collison move that the slate of appointments be approved as presented as:

- i. Board of Review – Heather Sample for a 3-year term, to expire 2026
- ii. Downtown Development Authority – Kelly Villanueva, Walt Bargaen, Justin Shattuck 4-year term, to expire 2027
- iii. Lamb/Steele Board – none (open positions)
- iv. Parks and Recreation – Kelly Villanueva, Renee Hoag for a 2-year terms, to expire 2025

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- v. Planning Commission – Tom Germayne, Walt Barga for a 3-year terms, to expire 2026
- vi. Zoning Board of Appeals – Bob Tanis, Tom Blount for a 3-year terms, to expire 2026

MOTION CARRIED UNANIMOUSLY

11. CITIZENS FROM THE FLOOR

None

12. CLOSED SESSION

MOTION by Yockey seconded by Tanis to approve to recess into closed session to consider attorney/client privileged communication and labor negotiations pursuant to Section 8 of the Open Meetings Act at 7:31PM.

ROLL CALL VOTE

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

Nays: None

Absent: None

MOTION CARRIED

Attorney Howard Shifman spoke.

Mayor Kempf returned the meeting to an open meeting at 8:11PM.

13. CITY MANAGER TIME

City Manager Horton informed the Commission that the walkway under the trestle is well underway and will be open soon as this is a great addition for safety for our residents. Horton continued with information regarding the vegetation on the banks of the area and the DDA's process on working with designs as well as working with CN to possibly paint the bridge. Horton stated that an Emergency Planning meeting at the Fire Department with CN will be on the 14th with possible derailment discussion. In closing Horton spoke regarding the City's Intern Sam Howard and how he is shadowing the department heads for experience and today Sam worked side-by-side with DPW Superintendent Priehs.

Intern Howard shared his experience with the DPW Department and asked the Commissioners if he could meet with each of them in an interview fashion to hear their experiences as a Commissioner for the City of Imlay City.

Clerk/Treasurer Sawicki-Franz informed the City Commission that a new candidate for Utility Biller/Deputy Clerk was hired and started this week. Tina Young comes to the City with a good amount of experience and a willingness to learn new things.

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14. CITY COMMISSIONER TIME

Mayor Kempf mentioned the recent accidents on M-53.

Commissioner Sadler spoke regarding the traffic and would like to see the speed limit on M-53 from Newark to M-21 lowered to 35MPH.

Yockey said a huge thank you to Commissioner Sadler for his persistence in getting the walkway under the trestle to come to fruition and stated that this was a "big team effort" by all. Yockey asked about funding for this project and Horton responded with the answer stating this project used approximately \$217,000 of funds from the Streets and Sidewalks Millage money.

15. ADJOURNMENT

MOTION by Sadler seconded by Tanis to adjourn at 8:43PM

MOTION CARRIED UNANIMOUSLY

Next Regular Commission Meeting Date: Tuesday, June 20, 2023 at 7:00PM

Respectfully submitted by: _____
Dawn Sawicki-Franz, City Clerk

APPROVED: June 20, 2023