

CITY COUNCIL MINUTES

City of Hillsdale
February 20, 2023
7:00 P.M.

Regular Meeting

Call to Order and Pledge of Allegiance

Mayor Stockford opened the meeting with the Pledge of Allegiance.

Roll Call

Mayor Adam Stockford called the meeting to order. Clerk Price took roll call.

Council Members present: Adam Stockford, Mayor
Greg Stuchell, Ward 1
Anthony Vear, Ward 1
William Morrissey, Ward 2
Cynthia Pratt, Ward 2
Bruce Sharp, Ward 3
Gary Wolfram, Ward 3
Josh Paladino, Ward 4

Council Members absent: Robert Socha, Ward 4

Also Present: Attorney Tom Thompson, Katy Price (City Clerk), Scott Hephner (HPD/HFD), Kimberly Thomas (Assessor), Kristin Bauer (Engineer), Jake Hammel (BPU Electric), Keith O'Neil, Mike Maier, Cheryl Maier, Doug Covert, Tom Thompson, Mary Thompson, Karla Schaerer, Sheri Ingles, Doug Ingles, Allison Grimm, Ezra Bertakis, Casey Sullivan, Paul Rogers, CJ Toncray, Joan Harvey and Sarah Gillcrist.

Approval of Agenda

Motion by Council Member Morrissey, seconded by Council Member Sharp to approve the agenda as presented.

By a voice vote, the motion passed unanimously.

Public Comment

Tom Thompson, Barry St., commented on the public nuisance request for 61 S. Howell St., as he was in favor of it.

Consent Agenda

- A. Approval of Bills
 - 1. City and BPU Claims of February 2, 2023: \$2,345,218.46
 - 2. Payroll of February 2, 2023: \$190,402.32
- B. City Council Minutes of February 6, 2023
- C. Finance Committee Meeting Minutes of January 17, 2023
- D. BPU Minutes of January 10, 2023
- E. BPU Special Meeting Minutes of February 1, 2023
- F. Community Development Minutes of December 8, 2022 & February 13, 2023
- G. Homeless Task Force Minutes of February 14, 2023
- H. Hillsdale College Alley Closure for Centralhallapalooza Event
- I. Hillsdale College Use of Street Agreement for Taste of Manning Event
- J. HBA Right of Way & TCO request for Open Air Market

Motion by Council Member Morrissey, seconded by Council Member Wolfram to approve the consent agenda as presented.

By a voice vote, the motion passed unanimously.

Communications/Petitions

- A. REU Update – Keith O’Neil
- B. 2023 Spring Newsletter
- C. Winterfest Event
- D. Cemetery Cleanup
- E. Ridenour Letter

Mr. O’Neil gave a brief update on REU and stats from the previous year.

All items presented for the purpose of information only.

Introduction and Adoption of Ordinances/Public Hearings

- A. Public Hearing: Declare 61 S. Howell St. a Public Nuisance

Hillsdale Municipal code Section 14-33 provides that the code official shall present a recommendation to council for removal of a hazard or nuisance as defined by the code. Upon recommendation, council shall accept or reject such recommendation and, if council determines that a public hazard or nuisance exists, shall issue an order to the owner of the property requiring the owner to abate the hazard or nuisance within a time commensurate with the nature of the hazard or nuisance. If, at the expiration of the deadline set by council, the owner fails to correct the violations, council may order the violations corrected by city staff or by contract. The costs for such removal shall be born against the property as a special assessment, pursuant to Hillsdale City Charter, Section 11.4.

The property located at 61 S. Howell St. experienced a catastrophic structure fire on November 21, 2022. The property has been declared a hazard due to fire under the International Property Maintenance Code (IPMC). The owner has been notified of the requirement to make the property safe and abate all violations created by the fire. At this time the owner does not have a plan or the finances to do so. Code Enforcement staff is pursuing means to board and secure the property against rodent harborage.

Due to the hazards the property poses to the neighborhood, Code Enforcement staff is requesting Council to declare the structure located at 61 S. Howell St. a public nuisance and order the property owner to abate the public hazard, demolish the building or allow the City to complete the work at the owner’s expense.

Mayor Stockford opened podium at 7:34 p.m.

Mary Thompson, resident behind structure, mentioned she had her home effected by this fire, she has damage to her siding, an out building and other damage. She is out money as 61 S Howell Street didn’t have insurance on the home. She mentioned the driveway they have is a shared driveway between a few neighbors.

Tom Thompson, mentioned he had to pay out of pocket and through his insurance company for the damage done to his home from the neighbor’s fire.

Casey Sullivan, 60 S. Howell St., mentioned the structure is on the main street in the City. It’s an eye sore and encouraged Council to declare it a public nuisance.

No other public comment, Mayor Stockford closed Podium at 7:38 p.m.

Council comment ensued.

Motion by Council Member Sharp, seconded by Council Member Pratt to declare 61 S. Howell St., a public nuisance. **Resolution # 3536.**

By a voice vote, the motion passed unanimously.

- B. Public Hearing: Final Confirmation of Special Assessment District Rolls SAD 22-05 Uran St., SAD 22-06 Howell St., Lynwood Blvd., Morry St.

Council received plans for proposed street improvements at a meeting held February 21, 2022. The costs for these improvements were to be partially offset by special assessment to the specially benefitting property owners. An opportunity for all interested persons to be heard was given at a public meeting.

Council adopted resolutions 3489 (SAD 22-05) and 3490 (SAD 22-06) establishing the special assessment districts and directing the work to be completed. City policy for street improvement special assessments adopted February 15, 2021 splits the total cost of the project 50/50 between the City and the adjacent property owners, and limits the per parcel special assessment to no more than \$5,000. Hillsdale Municipal Code Section 2-335 further limits the per parcel special assessment amount to no more than 25% of the value of the parcel. The first installments for these special assessments were billed in 2022 without interest. Some property owners chose to pay their assessments in full prior to September 1, 2022. Unpaid installments as of September 1 were added to the 2022 winter tax bills.

The City Engineer has now tallied the final costs of the projects and forwarded them to the Assessor for certification of the final assessments to be confirmed by Council. The breakdown for each district based on the final total costs are as follows:

District	Total Cost	50% of Total	# of Parcels in district	Per Parcel Share @ 50% of total	Actual District Share after applying per parcel maximum assessments	Actual % of Total Cost
22-05	\$241,535.19	\$120,767.60	8	\$15,095.95	\$35,700	15%
22-06	\$726,818.08	\$363,409.04	58	\$ 6,265.67	\$277,300	38%

Council discussion ensued on the cost of materials used and on the interest rate amount.

Mayor Stockford opened podium at 7:43 p.m.

No public comment.

Mayor Stockford closed podium at 7:44 p.m.

Council member Paladino inquired about the six percent interest rate.

Further discussion ensued on the interest rate and Special Assessment District policy.

Motion by Council Member Vear, seconded by Council Member Stuchell to approve the final confirmation of the special assessment rolls for SAD 22-05. **Resolution # 3537.**

By a voice vote, the motion passed unanimously.

Motion by Council Member Morrissey, seconded by Council Member Vear to approve the final confirmation of the special assessment rolls for SAD 22-06. **Resolution # 3538.**

By a voice vote, the motion passed unanimously.

Old Business

None

New Business

A. MDOT HIP- COVID Funds Contract

City Engineer Bauer stated the city has received \$40,602.00 in funds through the State of Michigan's Small Urban Program designated as HIP-COVID Relief funds. Working with the State regarding eligible projects it was determined that the city would utilize these funds to upgrade traffic/pedestrian signals including all the electronics at the intersections of Bacon & Howell and McCollum & Howell. Parts for the current systems are quickly becoming obsolete and this will bring the traffic signal control systems up-to-date. The new signals will be upgraded from 8" diameter incandescent signals to 12" LED signal heads thus reducing our electric usage at each location. In July 2022 City Council approved the purchase of above traffic signal equipment.

Motion by Council Member Wolfram, seconded by Council Member Pratt to approve the resolution directing City Manager Mackie to execute the contract. **Resolution # 3539.**

By a voice vote, the motion passed 7 ayes 1 nay, (Stockford).

B. Hillsdale Farmer's Market Right of Way Request

The Hillsdale County Farmer's Market has requested the closure of North Howell Street between East Bacon Street and McCollum Street for the purpose of "Market Activities". The closure would be each Saturday from 6:00 a.m. until 2:00 p.m. beginning May 13, 2023 through October 28, 2023.

Discussion ensued on the location, parking spots and storefront business owners effected.

Motion by Council Member Sharp, seconded by Council Member Vear to approve the Hillsdale County Farmer's Market Right of Way Request and TCO 2023-05.

By a voice vote, the motion passed unanimously.

C. On Premises Tasting Room Permit for 89 McCollum St.

Smoke In Pines LLC, doing business under the assumed name Big Pines Brewing, is requesting local government approval to submit an application to the Michigan Liquor Control Commission for a new On-Premises Tasting Room Permit for 89 McCollum Street. The former storefront is being renovated and will reopen as a small micro-brewery with an on-premises tasting room. Once open, the anticipated hours of operation will be 2-10 p.m. Thursday and Friday, 12-10 p.m. Saturday, 12-8 p.m. Sunday, and 2-10 p.m. Monday.

Motion by Council Member Sharp, seconded by Council Member Wolfram to approve the resolution for an On Premise Tasting Room from Smoke In Pines LLC. **Resolution #3540.**

By a voice vote, the motion passed unanimously.

D Settlement Agreement Hillsdale Mobile Home Park

City Manager Mackie reviewed Hillsdale Mobile Home Park, LLC (HMP) owns and operates a mobile home park within the City of Hillsdale, Michigan (the "Park"). The City, through its Board of Public Utilities (the "BPU"), provides electric, water, and sewer services to the residents in the Park. The BPU previously individually read all of the tenant water meters located within the Park and billed the tenants directly for their use of water based on those meter readings, billing HMP directly for the remaining difference between the total amount invoiced directly to the tenants of the Park and the total amount of water usage shown on the master meter installed at the Park. Earlier in 2022 the BPU informed HMP that it would no longer continue reading the individual tenant meters and billing the Park's tenants directly but would instead send a single bill for water usage to HMP based on the Park's total water usage as shown on the master meter. HMP filed suit against the City in the Hillsdale County Circuit Court in the matter of *Hillsdale Mobile Home Park, LLC v City of Hillsdale, et al*, file number 22-328-CB, (the "Lawsuit"), seeking an order requiring the BPU to continue reading the individual tenant water meters and billing the tenants directly for their water usage. The City filed an answer and affirmative defenses to the suit denying liability. Subsequently, the parties, through their counsel, negotiated a resolution of the issues raised in the Lawsuit and enter into an agreement to effectuate that resolution.

Motion by Council Member Sharp, seconded by Council Member Vear to approve the settlement agreement and mutual release and authorized the Mayor and Clerk to sign on behalf of the City.

By a voice vote, the motion passed unanimously.

E AMP Michigan Behind the Meter Project

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City Manager Mackie, reviewed the intention of the Project that the City of Hillsdale agrees to the construction and purchase of 15 MW of BTM power/capacity generation with Power Secure units at two City locations. One location is in the Industrial Park and the other is east of Public Services Building. The agreements have been approved by the AMP and MSCPA attorneys and are currently being reviewed by the City Attorney. On February 1st the BPU Board held a special meeting to review the Project. Present at the meeting included: MSCPA's General Manager Pam Sullivan, MSCPA's Finance Director Tom Sillasen and the BTM Project Manager William Sandell. At the end of the meeting the BPU Board approved moving forward with the Project. At their February 14th meeting the BPU Board approved recommending the Documents to the City Council pending legal review.

Motion by Council Member Morrissey, seconded by Council Member Stuchell to approve the Power Sales Contract Supplemental agreement and **Resolution# 3541**.

By a voice vote, the motion passed unanimously.

Miscellaneous Reports

- A. Proclamation – None
- B. Appointments- None
- C. Other- None

General Public Comment

CJ Toncray, asked about the cost of the AMP Project and inquired about the Special Assessment Districts, the interest rate and how the districts are established.

City Manager's Report

AMP Project costs are equated by capacity costs. Dollar per kilowatt per month.

Winterfest event on February 25, 2023 from 1-5p.m. at the Hillsdale High School.


Council Comments

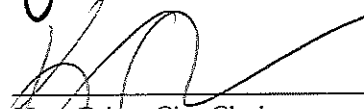
Council member Paladino inquired about the bags on the walking trail and asked about the five to 10 year road reconstruction plan and asked if there was a maintenance plan attached to that as well.

Adjournment

Motion by Council Member Sharp, seconded by Council Member Morrissey moved to adjourn the meeting.

By a voice vote, the motion passed unanimously. The meeting adjourned at 8:53 p.m.


Adam Stockford, Mayor


Katy Price, City Clerk