

CITY COUNCIL MINUTES

City of Hillsdale
 Council Chambers
 May 7, 2018
 7:00 P.M.

Regular Meeting

Call to Order and Pledge of Allegiance

Mayor Adam Stockford opened the meeting with the Pledge of Allegiance.

Roll Call

Mayor Adam Stockford called the meeting to order.

Council Members present:	Adam Stockford, Mayor R. Gregory Stuchell, Ward 1 Timothy Dixon, Ward 2 William Morrissey, Ward 2 William Zeiser, Ward 3 Matthew Bell, Ward 4 Raymond Briner, Ward 4
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Council Members absent:	Bruce Sharp, Ward 3
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Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, Scott Hephner (HCPD & HCFD), Chris McArthur (BPU), Jake Hammel (DPS), Bonnie Tew (Finance), Kay Freese (HR), Mary Hill (Library), Michelle Loren (Recreation), Peter Merritt (Treasurer), Corey Murray (Hillsdale Daily News), Dr. Robert Kocembo, Joseph Hendee, Pete Jennings, Dennis Wainscott, Penny Swan, Ted Jansen, Jack McLain, Ruth Brown, and Bob Finegan.

Council Member Excused

Mayor Stockford reported Council Member Sharp would not be able to attend the meeting due to an illness.

Council Member Briner, seconded by Council Member Bell, moved to excuse the absence of Council Member Sharp from the meeting. By a voice vote, the motion passed unanimously.

Approval of Agenda

City Manager Mackie request the agenda be amended to include a proclamation announcing May 6-12, 2018 as "Municipal Clerk's Week."

Council Member Morrissey, seconded by Council Member Briner, moved to approve the May 7, 2018 agenda, with the addition of the proclamation.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

Public Comment

Mr. Ted Jansen, 104 Hillsdale Street, voiced support for the appointment of Mr. Peter Merritt as the City Treasurer and Mr. Travis Stebelton to the Airport Advisory Committee (AAC). Mr. Jansen also encouraged the proposed New Year's Eve celebration include an additional "penguin drop" to be held at Greenwich Mean Time, to allow the younger children to enjoy the activities without having to wait until 12:00 midnight, Eastern Standard Time. Mr. Jansen then voiced opposition to the proposed tree planting agreement with Mr. Duke and noted approval of the request would allow anyone in the city to have unapproved species of trees in the rights of way.

Ms. Penny Swan, 192 South West Street, spoke in support of City Manager Mackie's contract terms and in opposition to the tree planting agreement with Mr. Duke. Ms. Swan also spoke in support of the appointments of Mr. Merritt as City Treasurer and Mr. Travis Stebelton to the AAC. Ms. Swan finalized her comments by discussing the return-on-investment for the proposed concession stand equipment at Sandy Beach.

Mr. Joseph Hendee, 181 Rea Street, commended Council Member Morrissey and Council Member Bell for their negotiations during the Operations and Governance Committee meetings that dealt with the City Manager's contract terms.

Mr. Jack McLain, 1445 South Bunn Road, questioned if the proposed tree planting agreement with Mr. Duke should have been presented to the Planning Commission during the original site plan review of the project. Mr. McLain also questioned if Mr. Duke's development on North West Street met the zoning requirements and also voiced concern at the accuracy of the Planning Commission minutes.

Consent Agenda

- A. Approval of Bills
 - 1. City Claims of April 19, 2018: \$100,400.62
 - 2. BPU Claims of April 19, 2018: \$221,494.40
 - 3. BPU Sewer Fund Claims of April 19, 2018: \$151,742.29
 - 4. Payroll:
 - a. April 19, 2017: \$158,632.77
 - b. May 3, 2018 \$163,309.21.
- B. City Council Minutes
 - 1. April 16, 2018
 - 2. April 25, 2018
 - 3. May 2, 2018
- C. Planning Commission Minutes of March 30, 2018
- D. Economic Development Corporation Minutes of February 15, 2018
- E. March 2018 Board of Review minutes
- F. April 5, 2018 Operations & Governance Committee Minutes

Council Member Morrissey, seconded by Council Member Dixon, moved to approve the Consent Agenda as presented.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

Communications/Petitions

- A. Resignation of Hillsdale Housing Commissioner Pat Brook
- B. 2018 Governor's Service Award – Ms. Sarah "Sally" Fallon
- C. 2018 Movies in the Park
- D. Spring 2018 City Newsletter
- E. "Art Around Town" and "Chair Affair" Events
- F. "Municipal Clerks Week" Proclamation

The communications were received for informational purposes only.

Introduction and Adoption of Ordinance/Public Hearing

There were no ordinances or public hearings on the agenda

Unfinished Business

- A. Consideration of City Manager's Employment Contract Terms

Council Member Morrissey provided a thorough review of the Operations and Governance Committee meetings that were held to develop the proposed contract terms. Council Member Morrissey stated the proposed seven-year contract balanced fiscal restraint versus the outstanding accomplishments of City Manager Mackie. Council Member Morrissey reported the contract terms included a consistent 2% cost-of-living adjustment, an additional 2% annual increase if certain street repairs were completed, and would equally allocate the costs between the city's General Fund and the BPU.

Council Member Stuchell voiced support for contract terms that reward an employee for excellent job performance. Council Member Stuchell questioned the funding source for the street improvement projects that would activate the additional 2% wage increase for the City Manager.

Council Member Morrissey noted funding for the street projects associated with the City Manager's contract terms would not rely solely on the continuation of the 3-mil sinking fund. Council Member Morrissey stated City Manager Mackie had been very successful in identifying funding sources for road projects, including an increase in PILOT payments, grant funding, and General Fund allocations.

Council Member Bell noted the discussions held at the Organization and Governance meetings were very productive and professional. Council Member Bell also noted that although Council Member Dixon may have had held different views during the negotiations, those views should be not seen as personal or not serving the citizens of Hillsdale.

Mayor Stockford, seconded by Council Member Briner, moved to approve the City Manager's employment contract terms as presented.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

Old Business

A. Consideration of City Marketing Strategy

City Manager Mackie noted the marketing strategy had been amended to include Council Member Stuchell's request to add reference to the excellent educational opportunities found throughout the city.

Council Member Briner, seconded by Council Member Dixon, moved to approve the City Marketing Strategy as presented.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

B. Appointment of Mr. Peter K. Merritt as City Treasurer

Mayor Stockford reported four finalists had been interviewed for the vacant position and that Mr. Merritt had been selected as the recommended choice. Mayor Stockford noted Mr. Merritt's extensive education and experience in financial matters.

Council Member Morrissey, seconded by Council Member Bell, moved to appoint Mr. Peter K. Merritt as City Treasurer. By a voice vote, the motion passed unanimously.

New Business

A. New Year's Eve Penguin Drop Event

Mayor Stockford reviewed a staff recommendation for Council to provide support for a grant application to the Hillsdale County Community Foundation in the amount of \$12,800 for the first annual "New Year's Eve Penguin Drop" on December 31, 2018 from 9 p.m. to 12:00 a.m. (midnight) throughout Downtown Hillsdale. Mayor Stockford noted the plan included the closure of Howell Street and McCollum Street for a music DJ, a beer & wine tent, a hot chocolate or coffee area, portable heaters, tables and chairs, and portable restrooms.

Responding to a question from Council Member Bell, City Manager Mackie stated the event would occur only if full funding had been received from the grant application or other donors; however, City Manager Mackie noted the city was very confident the grant would be awarded by the Community Foundation.

Council Member Bell, seconded by Council Member Zeiser, moved to approve the submission of a grant to the Hillsdale County Community Foundation in the amount of \$12,800 for support for the first annual "New Year's Eve Penguin Drop."

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrissey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

B. Contract with Anco Concrete Raising for the Millpond Dam Notching

DPS Director Hammel reported a partial collapse had occurred at the Millpond Dam at the exit end of the corrugated metal pipe (CMP) bypass next to the spillway. Mr. Hammel noted the pipe helped regulate the height of the pond and allowed water to drain from the pond from a secondary location, which minimized the rise in the pond following a major rain event. Mr. Hammel stated the city had been instructed by the MDEQ after the partial collapse to quickly fill the bypass CMP with concrete to eliminate the risk of a breach in the earthen embankment around the pipe. Mr. Hammel indicated the MDEQ had now recommended the city either cut in a riprap lined overflow channel across the earthen embankment or cut a notch in the top of the concrete spillway to lower the level of the pond. Mr. Hammel recommended Council approve a contract to notch the spillway, which would be the first step in the dam removal process.

Responding to a question from Council Member Bell, Director Hammel stated additional environmental testing and administrative reviews would have to occur prior to the complete removal of the dam.

Council Member Bell, seconded by Council Member Morrisey, moved to approve a contract with Anco Concrete Raising, LLC at a cost of \$13,199.00 for work on the Millpond Dam.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrisey	Aye
	Council Member Stuchell	Aye
	Council Member Zeiser	Aye
	Mayor Stockford	Aye

Motion passed 7-0.

C. Tree Planting, Maintenance, and Indemnity Agreement with Mr. Thomas Duke

Mayor Stockford reviewed a request from Mr. Thomas Duke to plant catalpa trees in the city rights-of-way at his development on North West Street. Mayor Stockford noted the trees were not an approved species to be planted in the city rights-of-way based on their size, location, and species. Mayor Stockford indicated Mr. Duke and Hillsdale College had submitted a proposed agreement that would require the college to maintain the trees and bear responsibility for all indirect damages caused by the trees.

DPS Director Hammel reported himself and the City Forester had met with Mr. Duke to discuss the request and to present alternative species of trees that had been approved for inclusion in the city's rights-of-way.

Council Member Morrisey noted the limitations that were involved in planting trees on the development site, based on the non-permeable areas and the relatively small space between the front of the building and the street. Council Member Morrisey noted that although the catalpa trees were deer and salt resistant, the tree's wood was very soft and the pods/leaves were very large.

DPS Director Hammel reported the city had developed a list of trees that were not allowed to be planted in the city's rights-of-way due to the tree's size and the impact of the tree on the surrounding infrastructure. Mr. Hammel also noted the trees would be owned by the city, and if the trees were not properly maintained, city crews would simply remove the trees from the rights-of-way.

Council Member Briner, seconded by Mayor Stockford, moved to deny the Tree Planting, Maintenance, and Indemnity Agreement with Mr. Thomas Duke.

Roll call:	Council Member Bell	Aye
	Council Member Briner	Aye
	Council Member Dixon	Aye

Council Member Morrisey	Aye
Council Member Stuchell	Aye
Council Member Zeiser	Aye
Mayor Stockford	Aye

Motion passed 7-0.

D. Purchase of Concession Equipment for Sandy Beach

Recreation Director Loren presented a staff recommendation to purchase a new soft serve ice cream machine and a slushy machine for the concession stand at Sandy Beach from Taylor Freezer Equipment at a cost of \$15,323.12. Ms. Loren reported the Recreation Department had historically leased a similar machine at a cost of \$1,500 for the entire summer; however, the rental program had been discontinued by Taylor Freeze and alternate leasing options were not feasible. Ms. Loren noted the equipment was advertised for bids and the bid from Taylor Freeze was the only responsive bid received.

Recreation Director Loren stated that when the Hillsdale Rotary Club completed the renovations of Sandy Beach, service of soft serve ice cream and slushies was an expectation as part of the concession stand amenities. Ms. Loren noted the ice cream and slushies were the two most popular items offered on the park's menu.

City Manager Mackie provided a report that detailed the concession stand revenues and entrance fees for Sandy Beach exceeded the costs of personnel and food expenses by \$2,600 in 2017; \$6,400 in 2016; and \$4,600 in 2015. City Manager Mackie stated the receipt amounts varied each year due to weather and other special circumstances that impacted the number of visitors to the park. City Manager Mackie reported the funding for the recommended purchase would be paid from the Owen Memorial Park Fund, which had a current fund balance of approximately \$85,000.

Council Member Stuchell questioned if the city had researched alternatives to the purchase, such as a freezer with hand-dipped ice cream or individually wrapped ice cream treats. Council Member Stuchell also voiced concern that the ice cream machine and food service equipment would be properly cleaned after each use.

Finance Director Tew reviewed the spending restrictions of the Owens Memorial Park Fund and reported the fund received approximately \$8,000 of interest revenue each year. Ms. Tew noted supplies such as disc golf equipment and picnic tables had been purchased from the account in recent years.

Council Member Dixon noted the city had leased the equipment at an annual cost of \$1,500 while the cost for purchasing the equipment was \$15,000. Council Member Dixon stated the purchase would save the city money in the long term, as the equipment was expected to last 15-20 years.

Council Member Briner, seconded by Council Member Dixon, moved to purchase concession stand equipment from Taylor Freezer Equipment at a cost of \$15,323.12.

Roll call:	Council Member Bell	No
	Council Member Briner	Aye
	Council Member Dixon	Aye
	Council Member Morrisey	No
	Council Member Stuchell	No
	Council Member Zeiser	No
	Mayor Stockford	Aye

Motion failed 3-4.

Miscellaneous Reports

A. Appointment of Mr. Travis Stebelton to the Airport Advisory Committee

Council Member Briner, seconded by Council Member Dixon, moved to appoint Mr. Travis Stebelton to the Airport Advisory Committee. By a voice vote, the motion passed unanimously.

General Public Comment

Mr. Joseph Hendee voiced support for the purchase of concession stand equipment at Sandy Beach. Mr. Hendee also provided the City Clerk with a copy of a lawsuit recently filed by Mr. Jeff King against the City of Hillsdale.

Ms. Ruth Brown, Hillsdale County Commissioner, encouraged Recreation Director Loren to speak with Mr. John Beckwith regarding alternatives to the ice cream machine at Sandy Beach. Ms. Brown reported she had attended the Hillsdale Chamber of Commerce breakfast and commended Mayor Stockford for his speech at the event. Ms. Brown also encouraged Council Members to continue their service to the community and encouraged all of Council to focus on their constituents.

Mr. Dennis Wainscott, 34 Garden Street, also voiced support for the purchase of the concession stand equipment at Sandy Beach. Mr. Wainscott thanked Council for their denial of Mr. Duke's request for catalpa trees on N. West Street.

Mr. Jack McLain stated the development on N. West Street could have palm trees imported during the summer months instead of having catalpa trees planted. Mr. McLain discussed the changes to the Millpond Dam and the installation of more signs during large rainfalls that warned of standing water in the city roadways. Mr. McLain also questioned why the Planning Commission was not consulted with the catalpa tree issue that was raised by Mr. Duke. Mr. McLain finalized his comments by discussing local purchasing preference and questioned which other entities besides the City of Hillsdale were supporting the New Year's Eve celebration.

Ms. Penny Swan voiced support for the purchase of concession equipment at Sandy Beach and for Council's action to deny the request from Mr. Duke regarding catalpa trees on N. West Street.

Mr. Ted Jansen noted the street signs on River Street had still not been replaced and someone had stolen a flag from his porch. Mr. Jansen then provided an update on the activities at the Hillsdale Municipal Airport.

City Clerk French encouraged everyone to vote on Tuesday, May 8th and stated the election would be the first election to use the new voting equipment.

Recreation Director Loren recognized Ms. Sally Fallon for the Governor's Service Award and invited any interested persons to attend the Service Award celebration on June 5th in Lansing.

City Manager's Report

City Manager Mackie:

1. Announced the May 21, 2018 Council Meeting will include a public hearing on the FY2019 budget.
2. Thanked Recreation Director Loren for her efforts to nominate Ms. Sally Fallon for the Governor's Service Award and noted the nomination process was very detailed and time consuming.
3. Announced the city-wide brush collection had started.
4. Noted the Commencement Services for Hillsdale College would be held on Saturday, May 12, 2018 and reported many roads would be closed before and after the event for the extra security measures for Vice President Pence.

Council Comments

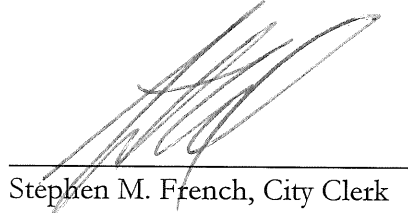
Council Member Zeiser encouraged city staff to research alternatives for offering ice cream at Sandy Beach during the summer months.

Adjournment

Council Member Bell, seconded by Mayor Stockford, moved to adjourn the meeting. By a voice vote, the motion passed unanimously.

The meeting adjourned at 9:03 p.m.



Adam L. Stockford, Mayor

Stephen M. French, City Clerk