Minutes
Fraser City Council
Thursday, January 12th, 2017 @ 7pm

A Regular meeting of the Fraser City Council was conducted on the above date at the City Municipal Building, located at 33000 Garfield Road, Fraser, County of Macomb, Michigan.

Present: Mayor Nichols and Council Members Blanke, Foster, Hemelberg, Lesich and Schornak
Absent: Member Carnagie
Also Present: Richard Haberman, City Manager
D. Wayne O'Neal, Interim City Manager
Kelly Dolland, City Clerk
Jack Dolan, City Attorney

1. **Call Meeting to Order** - Mayor Nichols called the regular meeting to order at **7:04pm.**

Pastor Robert Brannon led the meeting in prayer

2. **Pledge of Allegiance**

3. **Approval of Agenda**

Mayor NICHOLS moved, seconded by Member LESICH, TO EXCUSE MEMBER CARNAGIE FOR THE JANUARY 12TH, 2017 REGULAR CITY COUNCIL MEETING.

The motion carried 6-0

Member LESICH moved, seconded by Member SCHORNAK, TO REMOVE ITEM 8H. REQUEST COUNCIL DISCUSS AND APPROVE CONTRACT FOR TOWING SERVICES.

Roll Call vote:

Blanke	Yes
Carnagie	
Foster	No
Hemelberg	No
Lesich	Yes
Nichols	No
Schornak	Yes

The motion failed 3-3

Mayor NICHOLS moved, seconded by Member LESICH, TO APPROVE AGENDA AS SUBMITTED.

The motion carried 6-0

4. **Citizen Participation:**

5. **Presentations:**

a. Presentation of 5-year Capital Improvement Plan

Representatives of A.E.W. Scott Lockwood and Mike Vigneron presented a Five-Year Capital Improvement Plan for the city of Fraser. The main areas of infrastructure improvement focus were; roads, water main, sanitary sewer storm sewer, buildings and grounds, motor pool and street lighting.
Mr. Vigneron stated an estimate dollar value over the five year plan would be $10 million dollars.
Member Foster questioned the inspection frequency of the sewers. ~ Every 8-10 years is normal.
Member Blanke asked about Fruehauf.
Member Schornak questioned the sewer lines.
Member Lesich spoke of the road repair program in the northwest quadrant of the city and water. He also inquired to the 2017 Utica Rd, Garfield Rd and 15 Mile Rd road work.
Mr. Haberman recommended a renewal of the 10 year road millage.
Member Schornak questioned the water tower at Faurecia.
Mr. Haberman spoke of a joint water tower project with the city of Roseville.

.

b. Presentation of FY 2015-16 Audit

Mr. Aaron Stevens representing Abraham & Gaffney provided the fiscal year 2015-2016 City of Fraser audit.
Member Lesich spoke of net pension liability, liability rate increased, ~ liability was always there, what has changed is the method it is now recorded
Mr. Haberman stated MERS actuary review had changed the rated from 8 to 7.5 and increased the mortality rate.
Member Schornak asked if the city is okay with MERS. ~ Mr. Haberman stated the city closed the books on everything.
Mayor Nichols thanked Mary Jaganjac, Finance Director for all her hard work and long hours.
Member Foster thanked Mary Jaganjac, Finance Director for all the good work, long hours and working Saturdays.
Mr. Stevens spoke of Gatsby 75, post-employment pension; this will not have a positive effect on the cities net position.

6. Public Hearing: None

7. Consent Agenda

a. Approval of Minutes of the Regular Council Meeting of December 8, 2016.
b. Approval of Bills for the month of December 2016 in the amount of $1,157,492.59.
c. Approval of Minutes of the Special Council Meeting of December 19, 2016.
d. Approval of Minutes of the Regular Council Meeting of December 26, 2016.
e. Approval of Minutes of the Special Council Meeting of January 3rd, 2017.
f. Receive and file the minutes of the September 7, 2016 Planning Commission meeting
g. Receive and file the minutes of the September 1, 2016 Zoning Board of Appeals meeting.
h. Receive and file the minutes of the November 1, 2016 Parks and Recreation Commission meeting.

Member LESICH, seconded by Member HEMELBERG, TO APPROVE CONSENT AGENDA AS PRESENTED.

The motion carried 6-0

8. Requests for Council Action –

a. Swearing in of Interim City Manager D. Wayne O'Neal by City Clerk.

b. Request Council approve the reappointments of Member Hinkle, Member Farina, and Member Stimac to the Zoning Board of Appeals for terms that would expire on December 31st of 2019.

Member BLANKE moved, seconded by Member HEMELBERG, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE REAPPOINTMENTS OF MEMBERS HINKLE, FARINA AND STIMAC TO THE ZONING BOARD OF APPEALS FOR TERMS THAT EXPIRE DECEMBER 31ST, 2019.

The motion carried 6-0

c. Request Council approve the reappointments of Member Rickard and Member Loy, and the appointment of Applicant Czarnecki to the Planning Commission for terms that would expire on December 31st, 2019.

Member Hemelberg questioned the member's absentees.
Attorney Dolan stated Council has the authority to remove a commission or board member, action at next regular council meeting.

Member LESICH moved, seconded by Member BLANKE, TO REAPPOINT MEMBER RICKARD TO THE PLANNING COMMISSION TERM TO EXPIRE DECEMBER 31ST, 2019.

The motion carried 6-0

Member LESICH moved, seconded by Mayor NICHOLS, TO APPOINT APPLICATANT CZARNECKI TO THE PLANNING COMMISSION TERM TO EXPIRE DECEMBER 31ST, 2019.
The motion carried 6-0

Member LESICH moved, seconded by Mayor NICHOLS, TO REPLACE MEMBER LARAMIE WITH APPLICANT COOK TO THE PLANNING COMMISSION TERM TO EXPIRE DECEMBER 31ST, 2019.

The motion carried 6-0

Ms. Kathy Czarnecki thanked the council and stated she is happy to serve on the Planning Commission.

d. Request Council approve the appointments of Tom (Daniel) Colwell, Laura Lesich and Sherry Stein to the Park and Recreation Commission term to end December 31, 2019.

Member Lesich moved, seconded by Member stated he will abstain from voting for Member Lesich.
Roll call vote:

Blanke	yes
Foster	yes
Carnagie	
Hemelberg	yes
Lesich	yes
Nichols	yes
Schornak	yes

The motion carried 6-0

Member SCHORNAK moved, seconded by Member BLANKE, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE APPOINMENT OF TOM (DANIEL) COLWELL TO THE PARK AND RECREATION COMMISSION TERM TO END DECEMBER 31ST, 2019.

The motion carried 6-0

Member SCHORNAK moved, seconded by Member BLANKE, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE RE-APPOINMENT OF LAURA LESICH TO THE PARK AND RECREATION COMMISSION TERM TO END DECEMBER 31ST, 2019.

The motion carried 5-0

Member SCHORNAK moved, seconded by Member BLANKE, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE RE-APPOINMENT OF SHERRY STEIN TO THE PARK AND RECREATION COMMISSION TERM TO END DECEMBER 31ST, 2019.

The motion carried 6-0

e. Request Council approve the appointment of Ken Perry to the Assessing Board of Review term to end December 31, 2018.

Member BLANKE moved, seconded by Member FOSTER, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE APPOINTMENT OF KEN PERRY JR. TO THE ASSESSING BOARD OF REVIEW TERM TO END DECEMBER 31ST, 2018.

The motion carried 6-0

f. Request Council set a Public Hearing for February 9, 2017 for the allocation of $7,793 of CDBG funds to Macomb County approved service providers.

Member BLANKE moved, seconded by Mayor NICHOLS, TO APPROVE THE REQUEST OF COUNCIL SET A PUBLIC HEARING FOR FEBRUARY 9TH, 2017 FOR THE ALLOCTION OF $7,793 OF CDBG FUNDS TO MACOMB COUNTY APPROVED SERVICE PROVIDERS.

The motion carried 6-0

g. Request Council approve a lease to purchase the Ground Master Toro from Spartan Distributors of Sparta, MI in the amount of $106,032.75 using National IPA a Cooperative Purchasing Agency serving pubic agencies consistent with our purchasing ordinances.

DPW Director, BJ VanFleteren stated this is a very valuable piece of equipment which is used 9-10 months out of the year. Mayor Nichols asked Ms. Jaganjac if this was a good investment ~ yes.
No audience participation.
Member Blanke commented on topic.
Member Schornak commented on topic.

Member FOSTER moved, seconded by Member HEMELBERG, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE A LEASE TO PURCHASE THE GROUND MASTER TORO FROM SPARTAN DISTRIBUTORS OF SPARTA, MI IN THE AMOUNT OF $106,032.75 USING IPA A COORERATIVE PURCHASING AGENCY SERVING PUBLIC AGENCIES CONSISTENT WITH OUR PURCHASING ORDINANACES.

The motion carried 6-0

h. Request Council discuss and approve contract for towing services.

Elite Towing, Foster's Towing and Maxx Towing were all present.
Representative of Elite Road Service and Recovery spoke of the amenities, inside storage and close proximity of facility.
Representatives of Foster's Towing spoke of longevity in the City of Fraser, the submitted bid proposal and noted letters of reference.
Representative of Maxx Towing thanked the administration and provided a background of his business and pointed out highlights of his bid proposal.
Member Foster inquired to the storage lot across the street from Maxx Towing.
Member Blanke spoke of a conflict of interest.
Attorney Dolan stated the city of Fraser is a home rule city, years ago the city voted in a charter and that is how home rule cities are established, it's like the constitution. In the Charter there is an area that goes over conflict of interest. Today, the conflict of interest is an elected official with an interest in a contract. The city charter has a broad conflict of interest provision. Mr. Dolan stated initially we looked at the charter and we perceived that type of conflict would and does exist. However, there is also another law that applies, and states it is the sole law that deals with conflicts. Michigan Public Act Contracts and Public Servants with Public Entities Act. Michigan Compile Law 15.321, MCL 15.328 stated that it is the state law that supersedes other laws. This is the exception.
Attorney Dolan stated the state law applies and it supersedes our charter. This state law has a much more narrow definition of conflict. Mr. Dolan stated his opinion was none of the council members have a conflict of interest under this state law.
Member Schornak believes the City Manager and Public Safety Department should make the decision on the Towing Contract, not the council.
Member Lesich spoke to Mr. Dolan in regard to the two conflicting opinions.
Member Hemelberg believes this all personal.
Member Foster spoke on topic.
Member Blanke spoke to the Foster Family.
Member Foster requested five minute recess.
Recess 9:38pm
Resumed 9:46pm

Mayor NICHOLS moved, seconded by member HEMELBERG, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE FOSTER'S TOWING AND REPAIR SERVICES FOR A TOWING CONTRACT FOR THE CITY OF FRASER.

Audience to be heard:
Fraser Grettel Ave. resident spoke on topic.
Fraser resident Ronald Thornton resident spoke on topic.
Fraser resident Gil Harris resident spoke on topic.
Fraser Lt. Dave Bisby spoke on topic.
Fraser resident Robert Brannon spoke on topic.
Fraser business owner Ken Immler spoke on topic.
Fraser employee Nathan Foster spoke on topic.
Fraser resident Bobbie Parisi spoke on topic.
Fraser resident Ray Goldman spoke on topic
Fraser resident Chares Cammarata spoke on topic.
Member Hemelberg spoke to the Maxx Towing representative directly.
Member Lesich spoke to City Manager and City Attorney regarding the cost of the contract to the city of Fraser. The responded no and the financial benefit to the city? The City Manager stated it was neutral.
Member Hemelberg spoke on topic.
Resident Nancy Jolly spoke on topic.
Member Blanke spoke on topic.

Mayor NICHOLS moved, seconded by member HEMELBERG, TO APPROVE THE REQUEST OF COUNCIL TO APPROVE THE TOWING R.F.P. TO FOSTER'S TOWING AND REPAIR SERVICES FOR A TOWING CONTRACT FOR THE CITY OF FRASER FOR ONE YEAR.

Roll call vote:

Blanke	no
Foster	yes
Carnagie	
Hemelberg	yes
Lesich	no
Nichols	yes
Schornak	no

Motion fails 3-3

9. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS

Interim City Manager Mr. D. Wayne O'Neal thanked the administration and look forward to get started with the 2017-2018 budget.

10. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

Member Blanke — Nothing at this time

Member Carnagie

Member Foster — Thanked all who helped the residents and spoke of the Knights of Columbus Fundraiser.

Member Hemelberg — Member Hemelberg made the motion to amend the agenda to compel the attendance of everybody at the January 31st, 2017 meeting.

Member HEMELBERG moved, seconded by Mayor NICHOLS, TO COMPELL THE ATTENDANCE OF COMPLETE COUNCIL FOR THE JANUARY 31STH, 2017 EMERGENCY SINKHOLE UPDATE MEETING.

The motion carried 4-1.

Member Lesich — Thanked all who supported the Sinkhole efforts and mentioned the businesses on the Fifteen Mile Rd corridor affected by the sinkhole.

Member Hemelberg noted Member Blanke exited the meeting at 10:16pm

Member Schornak — Thanked all the people who helped the displaced residents in Fraser. Spoke of a February 8th, 2017 Alix&Ani Band Fundraiser.

Mayor Nichols — Thanked the new and re-appointments to the boards. Thanked Ms. Apps, Ed Horn and will be heading to Lansing for the State of the State address. Requested draft board and commission minutes submitted to council in a more timely fashion.

11. CITIZEN PARTICIPATION

Fraser resident Gil Harris
Fraser resident Carrie Hanie
Fraser resident Nancy Berube
Fraser resident 34710 Hayes

12. ADJOURNMENT

Mayor NICHOLS moved, Member SCHORNAK seconded by, to ADJOURN THE REGULAR COUNCIL MEETING OF JANUARY 12TH, 2017 @ 10:46PM.

The motion carried unanimously,

Respectfully submitted,

____
Kelly Dolland, City Clerk

____
Joe Nichols, Mayor

/KD