Minutes
Fraser City Council
Thursday, March 9th, 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, Carnagie, Foster, Hemelberg, Lesich and Schornak
Absent:
Also Present: D. Wayne O'Neal, Interim City Manager
Kelly Dolland, City Clerk
Tim Tomlinson, City Attorney

1. Call Meeting to Order - Mayor Nichols called the regular meeting to order at **7:03pm.**

Mayor Nichols asked for a moment of silence for the passing of Officer Mamrot.

2. Pledge of Allegiance

3. Approval of Agenda

Member LESICH moved, seconded by Mayor NICHOLS, TO AMEND AGENDA TO INCLUDE 8a. DISCUSS BUDGET AMENDMENTS OF FEBRUARY 2017 AND INTERPERTATION OF THE BUDGET APPROPRIATION VERSE BUDGET AMENDMENT AND TRANSFERS AS PROVIDED IN A LEGAL OPINION BY CITY ATTORNEY AND REQUEST THE REMOVAL OF PRIVILEGE.

The motion carried 7-0

Member BLANKE moved, seconded by Member LESICH, TO AMEND AGENDA TO INCLUDE 8k, TO DISCUSS THE CITY COUNCIL RULE 4.01.

The motion carried 7-0

Member LESICH moved, seconded by Member CARNAGIE, TO APPROVE AGENDA AS AMENDED.

The motion carried 7-0

4. Citizen Participation: None

5. Presentations: None

6. Public Hearing:

a.Public Hearing and City Council consideration to approve the resolution allocating Community Development Block Grant funds for 2017 in the amount of $35,673 for the Senior Center Exterior Masonry Painting and Minor Prep Project in the amount of $35,510.
Public Hearing called 7:08pm
Public Hearing closed 7:08pm

March 9th, 2017

RESOLUTION

At the regular meeting of the Fraser City Council held on Thursday, March 9th, 2017, in the Council Chambers of the City Municipal Building located at 33000 Garfield Road, City of Fraser, County of Macomb, State of Michigan, the following Resolution was offered by Member HEMELBERG, supported by Member SCHORNAK:
RESOLVED, whereby the Council of the City of Fraser approves the following projects for fiscal year (FY) 2017 Community Development Block Grant (CDBG) funding in a total amount of $35,673 for the Senior Activity Center Exterior Masonry Painting and Minor Prep Project in the amount of $35,510.
RESOLUTION DECLARED ADOPTED.

C E R T I F I C A T I O N

I, KELLY DOLLAND, duly appointed City Clerk for and in the City of Fraser, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Council of the City of Fraser at their Regular Council Meeting held on Thursday, March 9th, 2017.

____
KELLY DOLLAND, City Clerk
City of Fraser, Michigan

Member HEMELBERG moved, seconded by Member SCHORNAK, TO APPROVE THE RESOLUTION TO ALLOCATE THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR 2017 IN THE AMOUNT OF $35,673 FOR THE SENIOR CENTER EXTERIOR MASONRY PAINTING AND PREP PROJECT IN THE AMOUNT OF $35,510.

The Motion 7-0

7. Consent Agenda

a. Approval of Minutes of the Regular Council Meeting of February 9, 2017.
b. Approval of Bills for the month of February 2017 in the amount of $1,142,619.91.
c. Receive and file the minutes of the 10-3-2016 Historical Commission Meeting.
d. Receive and file the minutes of the 01-10-2017 Park & Recreation Commission Meeting.
e. Receive and file the minutes of the 12-07-2016 Planning Commission Meeting.
f. Receive and file the minutes of the 01-04-2017 Planning Commission Meeting.
g. Receive and file the minutes of the 12-01-2016 Zoning Board of Appeals Meeting.

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

The motion carried 7-0

8. Requests for Council Action –

a. Discuss Budget amendments of February 2017 and interpretation of budget appropriations verse budget amendment and transfer as provided in a legal opinion by city attorney and request the removal of privilege.

Attorney Tomlinson stated the information is attorney client privilege; a motion is needed to wave the legal privilege for discussion in a public meeting.

Mayor NICHOLS moved, seconded by Member FOSTER, TO WAVE THE ATTORNEY / CLIENTE LEGAL PRIVILEGE FOR DISCUSSION IN A PUBLIC MEETING.

The motion carried 7-0

Attorney Tomlinson stated he is an attorney not an accountant. This has to do with accounting rules and regulations including GASB. He contacted David Harrington with Plante Moran; it was our opinion that if there is an increase in the total amount of expenditures of a budget as whole, that is an appropriation. Secondly, our charter appropriation is not defined, in the Unified Budgeting Act it defined as language means appropriation is an authorization granted by the legislative body to incur obligation and expend public funds for stated purpose. If new line item is included, one that is added to the budget, not originally approved, the opinion is it is an appropriation, adding something for specific stated purpose, now you have an appropriation. Next under the City Charter appropriation requires five votes. A budget amendment requires four votes.
Finance Director Mary Jaganjac spoke of appropriations.
Member Lesich questioned if state laws supersede City Charter.
Member Foster spoke of lack of response from City Attorney and City Manager.

b.Request Council approve the appointments of John Keil and Bill Apps (John Keil to replace Kent Stonebreaker who resigned from the board) to the Planning Commission, terms to expire 12-31-2017.

Mayor NICHOLS moved, seconded by Member HEMELBERG, TO APPROVE THE APPOINTMENTS OF JOHN KEIL TO REPLACE KENT STONEBREAKER TO THE PLANNING COMMISSION TERM TO EXPIRE 12-1-2017.

The motion carried 7-0

c. Request Council approve the appointment of John Flemming to the Zoning Board of Appeals term to expire 12-31-2017.

Mr. Flemming thanked council for their consideration.

Member HEMELBERG moved, seconded by Member FOSTER, TO APPROVE THE REQUEST OF COUNCIL TO APPOINT JOHN FLEMMING TO THE ZONING BOARD OF APPEALS TERM TO EXPIRE 12-31-2017.

The motion carried 5-2

d. Performance Review of Interim City Manager.

In compliance with the 1-3-2017 Council motion to approve Mr. O'Neal as Interim City Manager, a 65 and 130 day employer evaluation was to be conducted. Per Mr. O'Neal's employment contact Section 9. Evaluation, City Council will evaluate the performance of the employee 65 and 130 day of hiring date. The conclusion of the evaluation will be provided to the employee, the employee shall be provided an opportunity to review and discuss the evaluative finding and recommendations. Council may further provide goals and performance objectives. Seven employee evaluations were distributed and three were returned.

CITY OF FRASER INTERIM CITY MANAGER
EVALUATION
March 2017

The purpose of this evaluation is to assist the City of Fraser Council and the Interim City Manager in determining how well the Interim City Manager has performed his duties. Furthermore, it is also intended to identify the strengths and weaknesses of the Interim City Manager and to serve as a tool to assist the Interim City Manager in providing the level of service desired by the Council. You are asked to use the number that most accurately reflects how you feel the Interim City Manager's performance has met the statement listed.

RATING: 1) Needs significant improvement
2) Needs improvement
3) Meets expectations
4) Exceeds expectations
5) Greatly exceeds expectations

Space has been provided after each sentence to make any comments you deem appropriate about the statement or your answer. If you rate the Interim City Manager's performance 1 or 2, please indicate in the comments section why you selected that rating.

ADMINISTRATIVE SKILLS

3.33 KEEPS THE COUNCIL INFORMED OF ONGOING ISSUES AND PROJECTS.
Comments:
Yes, through emails or phone call. Rarely will visit city hall always open
2.66 PROVIDES SUFFICIENT INFORMATION AND ALTERNATIVES FOR THE CITY OF FRASER COUNCIL TO MAKE INFORMED DECISIONS ON ISSUES FACING THE CITY OF FRASER
Comments:
Tries and at times lots of friction from lack of political job knowledge
Lacks alternatives
3.33 WILLINGNESS TO MAKE DECISIONS AND COMMIT TO ACTION.
Comments:
Lacks willingness as seen on request by members of council
3.66 ABLITY TO MAKE DECISIONS BASED ON LOGICAL ASSUMPTIONS.
Comments: No Comment
3.0 ABILITY TO IDENTIFY PROBLEMS, RELEVANT INFORMATION AND POSSIBLE CAUSES.
Comments:
Brought to attention problems, relevant information and ignored
3.0 Only two responded ABILITY TO ESTABLISH A COURSE OF ACTION FOR SELF OR OTHERS TO ACCOMPLISH GOALS.
Comments:
Needs to confirm all the right people are in the right seat per the city manager's need are
3.5 Only two responded EFFECTIVE EXPRESSION OF IDEAS, BOTH WRITTEN AND VERBAL
Comments: No comment
2.66 ABILITY TO BUILD CONCENSUS ON ISSUES.
Comments:
Seen nothing in regards to this. Aware of ongoing problems within this area.
3.5 Only two responded ABILITY TO REPRESENT THE CITY OF FRASER TO OUTSIDE GROUPS, ORGANIZATIONS AND CITIZENS IN A PROFESSIONAL MANNER.
Comments: No Comments
3.5 Only two responded ABILTY TO REPRESENT THE CITY OF FRASER TO ELECTED OFFICIALS AT THE LOCAL AND STATE LEVELS.
Comments: No Comments
3.5 Only two responded ABILITY TO INFLUENCE OTHERS WITHOUT RELIANCE ON AUTHORITY OR POSITION.
Comments: No Comments
3.33 MAINTAINS SOCIAL, ETHICAL AND ORGANIZTIONAL NORMS.
Comments: No Comments
3.0 Only two responded IS ABLE TO PERFORM JOB DUTIES AND DEMONSTRATES STABLE PERFORMANCE UNDER PRESSURE.
Comments: No Comments
4.0 Only two responded DEMONSTRATES LEADERSHIP AND ACTIVE ROLE IN ATTEMPTS TO INFLUENCE EVENTS.
Comments: No Comment
4.0 Only two responded ABILITY TO IDENTIFY ORGANZATIONAL GOALS AND TO ASSESS AND ENGAGE IN GOAL-ORIENTED ACTIVITIES.
Comments: No Comment
4.5 Only two responded MAINTAINS A HIGH LEVEL OF CONTACT WITH THE PUBLIC AND MEETS THEIR NEEDS WITHIN AVAILABLE RESOURCES.
Comments: Glad, happy you came, just in time. I have not heard any complaints at this early time of duties.
4.0 Only two responded PRESENTS AND MAINTAINS AN IMAGE OF THE CITY OF FRASER THAT REPRESENTS SERVICE, VITATLITY AND PROFESSIONALISM.
Comments: No Comments

GENERAL COMMENTS

In your opinion, what are the Manager's strong points and performance?

- Has good experience and has been honest and to the point with my discussions.
- At this point the City Manager has been honest and detailed with my discussions.
- Providing council updates by every department.

Are there areas of the Manager's performance where you would like to see improvements/adjustments?

- Improve on e-mail information and comment on subject matter. Not just an FYI
  What can the Manager do to make your job as a Council Member easier and more effective?
- Continue to be a City Manager that runs the day to day operations and is accountable for all department heads to maintain smooth operations.
  Any other comments you would like to make?
- With all the experience that a City Manager has and should have. He or She needs to insure City Council that the City of Fraser has all the right people in the right seats and also to confirm they have the right tools in the tool box to do their job to the best of their ability that meets all the people's needs.
- I cannot answer all questions at this time. My understanding is Wayne's task is to present a budget.

Member Foster liked Mr. O'Neal's Friday Report and believed the evaluation questions were not appropriate and could not answer at this time.
Member Carnagie stated the Interim City Manager will be judged on the budget. He stated the employee's feedback has been very positive. He would appreciate more information in his e-mails.
Member Blanke stated the staff is confident with the Interim City Manager and believes he is a leader.
Member Lesich stated it is early to judge, the day to day operation is good and he is does the job asked to do. He has exceeded expectations.
Member Schornak stated Mr. O'Neal has mentored employee and Department Heads are happy with his leadership; he's fair and appreciates his follow-up.
Member Hemelberg stated Mr. O'Neal does not responded to e-mails. He stated he did not submit the MML evaluation, doesn't have a problem.
Mayor Nichols stated he did not submit the MML evaluation. Mr. O'Neal is here to complete the budget and does not have open communication.
Interim O'Neal spoke of the City of Fraser form of government and he took the oath of office to uphold the charter and appreciates the opportunity to serve the City of Fraser.

e. Request Council approve amending Interim City Manager Contract for Car Allowance in the amount of $450.00 per month starting March 1, 2017 in lieu of providing an automobile.

DPW Director BJ VanFleteren spoke of the cost of a leased car which was in the Interim City Manager contract. The car that was allocated to the Interim was assigned to the Rental Inspector in the Building & Code Enforcement Department. The Interim was promised a car and we do not have a car to give him, we can provide him a car or offer $450 a month. Mr. VanFleteren stated he needed direction from Council to lease a car or not.

Member LESICH moved, seconded by Member CARNAGIE, TO POSTPONE ITEM 8E. UNTIL THE APRIL 13, 2017 COUNCIL MEETING.

The motion carried 7-0

Member BLANKE moved, seconded by Member FOSTER, TO AMEND AGENDA TO INCLUDE 8F. DISCUSS THE COMPENSATION OF MR. O'NEAL FOR $450 FOR THE MONTH OF MARCH 2017.

The motion carried 6-1

f. Request Council approve a $450 car allowance compensation for the month of March 2017.

Member BLANKE moved, seconded by Member HEMELBERG, TO REINBURSE MR. O'NEAL FOR THE MONTH OF MARCH 2017 IN THE AMOUNT OF $450 FOR CAR ALLOWANCE.

The motion carried 5-2

g. Request Council approve the Letter of Engagement for Abraham & Gaffney Audit Services for the 2017-2019 calendar years.

Finance Director Mary Jaganjac spoke of the audit services.
Member Hemelberg asked if this went out for bid ~ no.
Member Schornak stated she would like a bid process for the service.

Member LESICH moved seconded by Member FOSTER, TO APPROVE THE LETTER OF ENGAGEMENT FOR ABRAHAM AND GAFFNEY AUDIT SERVICES FOR THE 2017-2019 CALENDAR YEARS.
Roll Call Vote:

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

The motion failed 4-3

h. Request Council approve by resolution the Parks and Recreation 5-year plan for required submission to Michigan Department of Natural Resources.

Member Lesich stated the Park & Recreation Commission meeting did not have a quorum to approve and present to Council for approval, he stated he would like to postpone this item for the April 2017 meeting.

Interim Wayne O'Neal stated you can approve the Five Year Plan contingent of the Park & Recreation Board approving it. The DNR requires that plan for grant purposes.

Member LESICH moved, seconded by Member SCHORNAK, TO APPROVE PARK & RECREATION FIVE YEAR PLAN PERSUENT TO RECREATION COMMISSION ALSO ADOPTING THE PLAN BEFORE APRIL 1ST, 2017.
Roll Call Vote:

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

The motion failed 4-3

i.Request Council approve the purchase of the replacement of 37 ballistic vests. A 50% match from the DOJ will have a calculated cost of $11,747.32 with funds to come from the drug forfeiture account.

Direct George Rouhib was present and thanked Council.
No Public to be heard.

Member FOSTER moved seconded by Mayor NICHOLS, TO APPROVE THE REQUEST OF COUNCIL TO PRUCHASE THE REPLACEMENT OF 37 BALLISTIC VESTS. WITH A 50% MATCH FOR THE DOJ WILL HAVE A CALCULATED COST OF $11,747.32 WITH THE FUNDS TO COME FROM THE DRUG FORTEITURE ACCOUNT.

The motion carried 7-0

j. Request Council Approve going out for bids for the replacement of water mains on Rainbow, South Wind and North Wind.

DPW Director BJ VanFleteren spoke of the Five Year Plan and continues with year two. Three bids would go out; 1. Open Cut, 2. Direct Drilling 3. Pipe Bursting. Mr. VanFleteren provided an estimate cost. Also stated there were 25/30 water breaks so far this year.

Member FOSTER moved, seconded by Member CARNAGIE, TO APPROVE THE REQUEST OF COUNCIL TO GO OUT TO BID FOR THE REPLACEMENT OF WATER MAINS ON RAINBOW, SOUTH WIND AND NORTH WIND.

The motion carried 7-0

k. Request Council approve the replacement of Mercury Vapor and High Pressure Sodium lights with LED Lighting as proposed by DTE.

DPW Director BJ VanFleteren spoke of the Five Year Plan and the cost to the city of $248,210 to begin this program with an annual cost savings of $67,000 a year. After three years the system would pay for itself.
Interim Wayne O'Neal stated the $248,210 would be a budget appropriation; the payment would come out of the general fund balance.

Mr. VanFleteren stated this opportunity may not be available next year.
Member Schornak stated she does not want to miss an opportunity.
Member Hemelberg stated we should wait to make a decision.
Mayor Nichols stated spoke of the Senior Housing needs.
Member Lesich stated this is an investment.
No Public to be heard

Member CARNAGIE moved, seconded by Member HEMELBERG, TO POSTPONE COUNCIL'S REQUEST TO APPROVE THE REPLACMENT OF MERCURY VAPOR AND HIGH PRESSURE SODIUM LIGHTS WITH LED LIGHTING AS PROPOSED BY DTE FOR MR. VANFLETEREN TO PROVIDE ADDITIONAL INFORMATION.

The motion carried 7-0

I. Request Council Discuss the City Council Rule 4.01.

Member Blanke requested a wording change in Rule 4.01, any agenda at any council meeting can be amended by the majority of the quorum.
Member Foster questioned the need for the change.
Member Hemelberg stated why we should change what we voted the Mayor to do, why are we trying to strip the Mayor of his duties.
Member Lesich spoke of the Fraser City Council rules.
Member Foster spoke on topic.
Member Carnagie stated residents are not happy with the agenda; many things are added and removed. It is not working, something needs to be done.
Mayor Nichols pointed out he receives little communication from members of council regarding.

Member LESICH moved, seconded by Member FOSTER, TO POSTPONE THE DISCUSSION OF AGENDA ITEM 4.01 UNTIL APRIL 13TH, 2017 COUNCIL MEETING.

No Public to be heard

The motion carried 7-0

9. REPORT OF THE CITY ADMINISTRATION/PENDING ITEMS

Nothing at time.

10. REPORT OF MAYOR AND CITY COUNCIL/NEW BUSINESS

Member Blanke	Wanted to acknowledge Easter Sale, Valentines Dance and apologized to residents for council's poor behavior.
Member Carnagie	State the S.I.U. does a lot of good for the City. Spoke of Officer Sutton's ceremony.
Member Foster	Must have trust among Council.
Member Hemelberg	Questioned what S.I.U. brings into the City. Thanked Ms. Apps and Ms. Goetz for the Valentine Dance. Spoke of incorrect spelling of Fraser street signs. Spoke of a group to run the Fraser Senior Housing.
Member Lesich	Thanked the Fraser First Booster Club, spoke of Phase 2 of McKinley Park
Member Schornak	Thanked those who sponsored the Valentine Dance, Fraser High School Marching Band Fundraiser and Rental Ordinance.
Mayor Nichols	spoke of lack of communication of some of the members of council.

11. CITIZEN PARTICIPATION

Resident Gary Lane	spoke on topic
Resident Nancy Berube	spoke on topic

12. ADJOURNMENT

Mayor NICHOLS moved, Member CARNAGIE seconded by, TO ADJOURN THE REGULAR COUNCIL MEETING OF March 9th, 2017 @ 11:16PM.

The motion carried unanimously,

Respectfully submitted,

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Kelly Dolland, City Clerk

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Joe Nichols, Mayor