

Minutes
Fraser City Council
December 13th, 2018

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 Carnagie, Council Members; Foster, Kalka, Lesich, Schornak and Winowiecki
Absent: Member Blanke
Also Present: D. Wayne O'Neal, City Manager
Kelly Dolland, City Clerk
Donald DeNault, City Attorney

1. Call Meeting to Order / Pledge of Allegiance -Mayor Carnagie called the regular meeting to order at 7:02pm

2. Roll Call –

Members: Carnagie, Foster, Kalka, Lesich, Schornak and Winowiecki - Present.
Member Blanke - Excused.

Member SCHORNAK moved, second by Member FOSTER, TO EXCUSE MEMBER BLANKE FROM THE DECEMBER 13TH, 2018 FRASER COUNCIL MEETING.

Motion carried 6-0

3. Approval of Agenda

Mr. O'Neal requested the removal and postponement of item 8h from the agenda, the bids came in to high.

Member Carnagie moved, second by Member LESICH, TO REMOVE AND POSTPONE ITEM 8H. APPROVAL OF MDOT MASONIC BOULEVARD RESURFACING PROJECT - FAP 80% MATCH.

Motion carried 6-0

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

Motion carried 6-0

4. Presentations

a. Timothy Sadowski – Finance Director/Treasurer 2018 – 2019 Budget Presentation and PA 33 Tax Increase

Mr. Sadowski presented an overview of the General Fund 2018-2019 Projection, 2016-2017 Organizational Structure, impact of PA 33, pension funding and retiree health care costs and corrective action requirements.

Conversation ensued regarding pension debt, retiree health care, corrective action plan, winter tax bill.

Member Carnagie complemented Mr. Sadowski on the presentation.

Member Schornak requested more information regarding the 'Step Forward' program, residents claiming hardships.

Member Kalka thanked Mr. Sadowski.

Member Winowiecki references Mr. Sadowski City of Ecorse comparison to the City of Fraser.

Member Foster questioned the union contract and lack of funding into the MERS retirement fund for new hires.

Public to be heard:

Resident Deanna Reiner

Resident David Aspey

Resident Karl Haus

Resident Amy Baranski

Resident Frank Farina

5. Citizen Participation on Agenda Items - None

6. Public Hearing - None

7. Consent Agenda

- a. Approval of Minutes of the Regular Council Meeting of November 8, 2018
- b. Approval of Bills for the month of November - 2018 in the amount of \$1,007,843.16
- c. Receive and File Finance Budget to Actual Report ending October, 2018
- d. Approval of the 2019 City of Fraser City Council Meeting Calendar
- e. Receive and File Historical Commission Meeting Minutes of 10-01-20
- f. Receive and File Historical Commission Meeting Minutes of 09-04-2018

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- g. Receive and File Historical Commission Meeting Minutes of 11-05-2018
- i. Receive and File Parks & Recreation Commission Meeting Minutes of 11-13-2018

Member LESICH moved, second by Member WINOWIECKI, TO APPROVE CONSENT AGENDA AS PRESENTED.

Motion carried 6-0

8. Requests for Council Action

- a. Approval of Appointment of Kathy Czarnecki as Alternate Assessing Board of Review member term ending 12-31-2020

Member WINOWIECKI moved, second by Member LESICH, TO APPROVE THE APPOINTMENT OF KATHY CZARNECKI AS ALTERNATE ASSESSING BOARD OF REVIEW MEMBER TERM ENDING 12-31-2020.

Motion carried 6-0

- b. Approve the re-appointment of Ken Perry to the Assessing Board of Review term ending 12-31-2020

Member WINOWIECKI moved, second my Member LESICH, TO APPROVE THE RE-APPOINTMENT OF KEN PERRY TO THE ASSESSING BOARD OF REVIEW TERM ENDING 12-31-2020.

Public to be heard: None

Motion carried 6-0

- c. Approve the re-appointment of David Bogdan to the Parks and Recreation Commission for a term ending 12-31-2021

Member KALKA moved, second by Member SCHORNAK, TO APPROVE THE RE-APPOINTMENT OF DAVID BOGDAN TO THE PARKS AND RECREATION COMMISSION FOR A TERM ENDING 12-31-2021

Public to be heard: None

Motion carried 6-0

- d. Approve the appointment of Melissa Mills to the Parks & Recreation Commission term ending 12-31-2021

Member Kalka moved, second by Member SCHORNAK, TO APPROVE THE APPOINTMENT OF MELISSA MILLS TO THE PARKS AND RECREATION COMMISSION TERM ENDING 12-31-2021

Public to be heard: None

Motion carried 6-0

- e. Postponed Item - Approval of Contract – Fraser Lions Club - Steffens Park City Picnic License Agreement

Director Christina Woods and Fraser Lions Club representative Derrick Dominico , presented and spoke of the annual cost natural agreement to the city, city of Fraser and Fraser Lions Club City Picnic License Agreement. Member Winowiecki complemented Mr. DeNault on the drafting of the city of Fraser and Fraser Lions Club Agreement. Conversation ensured regarding loss of revenues during the picnic, special equipment reimbursement, and five (5) year term agreement.

Member FOSTER moved, second by Member CARNAGIE, TO APPROVED THE CONTRACT - FRASER LIONS CLUB - STEFFENS PARK CITY PICNIC LICENSE AGREEMENT.

Public to be Heard: None

Motion carried 5-1
Member Winowiecki no

- f. Approval of January 10, 2019 for the Public Hearing Date for Use of Community Development Block Grant Funds

Member LESICH moved, second by Member KALKA, TO APPROVE THE JANUARY 10TH, 2019 PUBLIC HEARING DATE FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Public to be heard: None

Motion carried 6-0

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g. Approval of Purchase of Lot at 34980 Eberlein Drive from Macomb County Drain Commissioner's Office

Member Carnegie spoke of his conversation with Ms. Candace Miller, Macomb County Public Works Director.
Member Lesich questioned Mr. DeNault of any restrictions - Mr. DeNault stated this is a conception agreement.

Member WINOWEICKI moved, second by Member KALKA, TO APPROVE THE PURCHASE OF LOT 34980 EBERLEIN DRIVE FROM MACOMB COUNTY DRAIN COMMISSIONER'S OFFICE FOR THE PURCHASE PRICE OF ONE (\$1.00) DOLLAR.

Public to be heard: None

Motion carried 6-0

h. Approval of MDOT Masonic Boulevard Resurfacing Project - FAP 80% match - POSTPONED

i. Approval of 2018-19 Budget Amendment #1

Finance Director Tim Sadowski spoke of the 2018-2019 Budget Amendment.

Member LESICH moved, second by Member FOSTER, TO APPROVE THE 2018-2019 BUDGET AMENDMENT #1.

Public to be heard: None

Motion carried 6-0

j. Adoption of an ordinance amending Chapter 16 of the City Code to conform with the Michigan Regulation and Taxation of Marihuana Act of 2018

City Attorney Mr. Don DeNault spoke of the proposal reinforcement, law effective date December 6th, 2018 and what the new law governs.

Member KALKA moved, second by Member CARNAGIE, TO APPROVE THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY CODE TO CONFORM WITH THE MICHIGAN REGULATION AND TAXATION OF MARIHAUNA ACT 2018 EFFECTIVE DECEMBER 14TH, 2018 AT 12AM.

Roll Call Vote:

Blanke	excused
Carnegie	yes
Foster	yes
Kalka	yes
Lesich	yes
Schornak	yes
Winowiecki	yes

Public to be heard:

Resident Karl Haus

Motion carried 6-0

9. Pending Items of Unfinished Business / Report of the City Administration

City Manager Wayne O'Neal spoke of current clerical staffing concerns, Healthmark Industries, Community Development Special Land Use - non- compliance concerns, the roof bid opening in January 2019, department head salary report, possible CDBG fund allocation for Fraser Senior House roof top units and the closing of City Hall City Hall between Christmas and New Year.

10. Report of Mayor and City Council / New Business

Member Blanke	excused
Member Carnegie	spoke of the Christmas open house, great turn out, questioned Mr. DeNault what can the city do with the Dairy Queen on the corner of Groesbeck and 14 Mile Rd. blight and an eyesore. Spoke of the Interim DPW Director Nick Schaefer and the use of the Eberlein property.
Member Foster	wished all a Merry Christmas
Member Kalka	spoke of the passing of PA 33
Member Lesich	wished all a Merry Christmas and condolences to the Shereda family
Member Schornak	thanked and wished all a Merry Christmas
Member Winowiecki	thanked all and spoke of the passing of PA 33

11. Citizen Participation

Resident Nancy Berube spoke on topic
Resident Frank Farina spoke on topic
Resident Amy Baranski spoke on topic
Resident Karl Haus spoke on topic
Resident Laura Lesich spoke on topic

12. Closed Session

a. Closed Session - To consult with the City's attorney regarding trial or settlement strategy in connection with Macomb County Circuit Court Case Number 2017-003757-CD for the reason that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City

Member SCHORNAK moved, second by Member CARNAGIE, TO ENTER CLOSED SESSION AT 10:30PM

Roll call vote:

Blanke	excused
Carnegie	yes
Foster	yes
Kalka	yes
Lesich	yes
Schornak	yes
Winowiecki	yes

Back in Session 10:55pm

b. Closed Session - To consult with the City's attorney regarding trial or settlement strategy in connection with Macomb County Circuit Court Case Number 2017-000053-AS for the reason that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City

Member WINOWIECKI moved, second by Member LESICH, TO ENTER CLOSED SESSION AT 10:56PM

Roll call vote:

Blanke	excused
Carnegie	yes
Foster	yes
Kalka	yes
Lesich	yes
Schornak	yes
Winowiecki	yes

Back in session 11:02pm

Motion to add to agenda 12c. Closed Session - 18cv12196 Federal Court.

Motion by Member SCHORNAK, second by Member FOSTER, TO ADD 12C. CLOSED SESSION 18CV12196 FEDERAL COURT TO THE AGENDA.

Motion carried 6-0

c. Closed Session - To consult with the City's attorney regarding trial or settlement strategy in connection with Federal Court Case Number 18cv12196 for the reason that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City

Member WINOWIECKI moved, second by Member SCHORNAK, TO ENTER CLOSED SESSION AT 11:04PM

Roll call vote:

Blanke	excused
Carnegie	yes
Foster	yes
Kalka	yes
Lesich	yes
Schornak	yes
Winowiecki	yes

Motion carried 6-0

Back in session 11:10pm

13. Adjournment

Member KALKA moved, second by Member FOSTER, TO ADJOURN THE REGULAR COUNCIL MEETING OF DECEMBER 13TH, 2018 MEETING @ 11:11PM.

The motion carried unanimously,
Respectfully submitted,

Kelly Dolland, City Clerk

Michael Carnegie, Mayor