



INTERIM CITY MANAGER
Marc Thompson
CITY CLERK
Kelly Ann Dolland

City of Fraser

CENTENNIAL COMMUNITY

MAYOR
Michael Carnagie
MAYOR PRO-TEM
David Winowiecki

COUNCIL
Amy Baranski
Kathy Blanke
Suzanne Kalka
Michael Lesich
Patrice M. Schornak

**FRASER CITY COUNCIL – REGULAR VIRTUAL MEETING
THURSDAY – OCTOBER 22nd, 2020 @ 6:30pm
AGENDA**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL OF COUNCIL MEMBERS**
- 4. APPROVAL OF AGENDA**
- 5. CITIZEN PARTICIPATION ON AGENDA ITEMS**
- 6. CLOSED SESSION**
 - a. Strategy Session Connected with the Negotiation of a Collective Bargaining Agreement
 - b. To Consult with the City's Legal Counsel Regarding Trial or Settlement Strategy in Connection with Macomb County Circuit Court Case No. 2019-002843-CD
- 7. REQUESTS FOR COUNCIL ACTION**
 - a. Discussion/action Resolution for Recovery of Legal Review Costs for Development Projects
 - b. Discussion/action Somerset Park Walking Path
- 8. PENDING ITEMS OF UNFINISHED BUSINESS / REPORT OF THE CITY ADMINISTRATION**
- 9. REPORT OF MAYOR AND CITY COUNCIL / NEW BUSINESS**
- 10. CITIZEN PARTICIPATION**
- 11. ADJOURNMENT**

(Posted Thursday, October 15th, 2020 @ 4:00pm)

Topic: Fraser City Council Meeting

Time: Oct 22, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83977222239>

Meeting ID: **839 7722 2239**

One tap mobile

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Dial by your location

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Meeting ID: **839 7722 2239**

Find your local number: <https://us02web.zoom.us/u/kb6WX4yfrJ>

NOTICE OF ELECTRONIC PUBLIC MEETING

In accordance with Governor Whitmer's Executive Order 2020-154, which authorizes electronic meetings of public bodies, notice is hereby given that the City of Fraser City Council will be meeting electronically on Thursday, October 22nd, 2020 @ 6:30 p.m. using Zoom for videoconference and public access. The public can participate via the Zoom application, internet access via the Zoom website, and/or via telephone using the Zoom telephone number and meeting ID. The public will be able to hear Council members and will be permitted to speak for up to five minutes during the public participation portion(s) of the agenda. Please note that callers/viewers will automatically be muted, and must remain muted until called upon to speak by the Mayor. Written comments will be accepted prior to the date and time (no later than 4:30pm on the day of the meeting) by the City Clerk @ kellyd@micityoffraser.com. During the meeting, members of the public may e-mail comments to publicmeeting@micityoffraser.com. The e-mail must provide the following: 1. Your name, address, and e-mail address 2. The agenda item in your subject line, if your comments pertain to a specific agenda item. Public Hearing comments will be heard during any Public Hearing that is conducted during the meeting, and other comments will be heard or reviewed during public participation. The City of Fraser provides live public access to this meeting on Comcast Channel 5 and WOW Channel 10 and online at www.ci.fraser.mi.us. This live public access meets the OMA's requirements that all public body deliberations and decisions take place at a meeting open to the public. In addition, if technology permits, the meeting will also be streamed via the YouTube website and application.

The City of Fraser thanks everyone for his or her understanding and support as we all attempt to navigate these challenging times together.

City of Fraser Administration

September 2020

October 22, 2020 COUNCIL MEMO

To: Mayor and Council
From: Marc Thompson
Subject: October 22, 2020 Council Meeting
Date: October 15, 2020

Our October 22, 2020, meeting will begin at 6:30 pm

CLOSED SESSION

We anticipate 2 closed sessions. One will be a brief report related to the POAM labor negotiations. The 2nd will relate to Court Case 2019-002843-CD

REQUESTS FOR COUNCIL DISCUSSION/ACTION

RESOLUTIONS:

Resolution to allow for recovery of legal fees related to new development.

This is intended to allow for recovery of legal expenses incurred by the city related to development proposals and would treat legal costs in the same manner as we treat other costs such as traffic analysis, or storm water runoff analysis.

On some development projects, the city has legal expenses related to review of documents (deeds, as an example), drafting documents (specific requirements for approval). Currently those legal costs are at the expense of the tax payers. This would shift those costs to the applicant/business/developer.

MOTIONS:

Motion related to the path at Somerset Park. Attached is a map showing the approximate locations of the existing path, and the alternate path. In an effort to reduce our costs, our DPW removed the existing path and began to prepare that path for new asphalt in the summer.

In June council authorized an agreement with Michigan Rec to replace the path at a cost of \$39,280, and that can still be done at a reduced cost of \$29,210 because of the work done by our DPW.

In the alternative, Mich. Rec can install the alternative path as shown on the attached photo. In concrete the cost would be \$24,535 or in asphalt the cost would be about \$17,500.

Thank you,

Marc Thompson

RESOLUTION NO. 2020-006

RESOLUTION FOR RECOVERY OF LEGAL REVIEW COSTS FOR DEVELOPMENT AND CONTRACT-BASED PROJECTS WITHIN THE CITY

WHEREAS, the complexity of real estate development and other contract-based projects within the City has resulted in a need for increased legal and administrative review and documentation of the legal relationships between the City and parties seeking to develop or redevelop property within the City or do other business with the City for their financial benefit (the “Requesting Parties” or “Requesting Party”).

WHEREAS, the City incurs administrative and legal costs and expenses (“Legal Review Costs”) associated with the review, negotiation, and preparation of agreements, contracts, leases, easements, and other legal documents relating to relationships (collectively referred to as the “Legal Review”) between the City and the Requesting Parties.

WHEREAS, the City believes that it is equitable and necessary that the Requesting Party which benefits from the relationship with the City should bear all Legal Review Costs relating to documentation of the relationship between the Requesting Party and the City.

WHEREAS, the City wishes to establish and memorialize this cost reimbursement policy under which the Requesting Party making a request to the City which requires Legal Review is responsible for paying the Legal Review Costs incurred in connection with reviewing the request.

THE CITY COUNCIL OF THE CITY OF FRASER, THEREFORE, ADOPTS THE FOLLOWING RESOLUTION:

1. In those instances where a Requesting Party makes a request of the City that results in the City determining that Legal Review is necessary to protect the interests of the City, the Requesting Party shall be responsible for payment of the Legal Review Costs incurred by the City in connection with review of the request. The policy shall not apply to requests where such reimbursement is prohibited by law.

2. The City Attorney, together with the administrative staff, may establish a schedule of Legal Review Costs for routine legal matters. In other instances, the fees and expenses to be charged in connection with the Legal Review of a request shall be based upon the actual legal fees or expenses incurred by the City based upon the time expended by the City Attorney or member of the City administrative staff.

3. Prior to Legal Review Costs being incurred, the Requesting Party shall deposit with the City an amount equal to the estimated Legal Review Costs to be incurred in connection with such Legal Review as determined by the City Attorney and City

administrative staff, unless the Legal Review is authorized to proceed by the City Council or the City Manager for good cause without the deposit. A deposit shall not be required for administrative review that is covered by an existing permit or review fee paid by the Requesting Party, or for Legal Review where reimbursement for such Legal Review Costs is prohibited by law.

4. If the amount deposited by the Requesting Party exceeds the actual costs incurred by the City for the Legal Review of the request, the excess deposit shall be refunded to the Requesting Party upon execution, delivery, and acceptance of the legal documentation. If the amount deposited is less than the actual costs incurred by the City for such Legal Review, the Requesting Party shall pay the deficiency to the City, and prior to the request or proposal being considered for approval by the City Council or other City official or body. The Requesting Party is not entitled to a refund of any Legal Review Costs paid if the request is ultimately not approved.

On motion of Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYE:

NO:

ABSENT:

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Fraser, County of Macomb, Michigan, at a regular meeting held on October 8, 2020.

KELLY DOLLAND, CITY CLERK

October 22, 2020

Somerset Park Path



GREEN: Approximate location of original path

YELLOW: Approximate location of alternate path



Photos 10-14-20 Play structure nearly complete. Original path removed and prepared by DPW