CITY OF MT. MORRIS CITY COUNCIL AGENDA

11649 N. Saginaw Street Mt. Morris, MI 48458 November 25th, 2024 7:00 P.M.

- 1. MEETING CALLED TO ORDER: Mayor Sara Dubey
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a. Approval of regular meeting minutes from November 11th, 2024.
- 6. COMMUNICATIONS:

None.

- 7. APPROVAL OF WARRANT: Approval of Warrant #24-26 in the amount of \$ 320,804.85.
- 8. PUBLIC COMMENT (Agenda Items Only /Five Minute Time Limit).
- 9. PRESENTATION: Fiscal Year 2023-2024 Audit by Plante Moran
- 10. UNFINISHED BUSINESS:

None

- 11. NEW BUSINESS:
 - a. RESOLUTION 24-30: Remaining A.R.P.A. funds, payroll recovery obligation
 - b. RESOLUTION 24-31: Termination of Woodside Trails Agreement
- 12. PUBLIC COMMENT (Five Minute Time Limit).
- 13. COUNCIL MEMBER AND STAFF COMMENTS
- 14. ADJOURNMENT

PLEASE SILENCE ALL CELL PHONES AND OTHER ELECTRONIC DEVICES PRIOR TO THE MEETING.

CITY OF MT. MORRIS CITY COUNCIL – REGULAR MEETING November 11th, 2024

At 7:00 p.m.,	Mayor Sara Dubey called the Regular Council Meeting to order.
PRESENT:	Dubey, Templeton, Irwin, Heidenfeldt, Black, and Sorensen.
ABSENT:	Black.
OTHERS:	DPW Supervisor Paul Zumbach, Police Chief Kevin Mihailoff, City Attorney Amanda Doyle, and City Clerk Spencer Lewis.
The Pledge of	Allegiance.
ROLL CALL	:
A motion was member listed	made by Councilmember Vance, and seconded by Councilmember Walter to approve absent above.
All ayes. Motion carried	ł.
APPROVAL	OF AGENDA:
	made by Councilmember Templeton, and seconded by Councilmember Sorensen to approve the ended, removing #15.
All ayes. Motion carried	l.
MINUTES:	
	made by Councilmember Vance, and seconded by Councilmember Smith to approve the regular res from October 28 th , 2024.
All ayes. Motion carried	1.
COMMUNIC	CATIONS:
None.	
APPROVAL	OF WARRANT:
	made by Councilmember Sorensen, and seconded by Councilmember Vance to approve 25 in the amount of \$43,798.04.
Roll call:	6Ayes0Nays1Absent (Black)
Motion Carrie	d.
PUBLIC CO	MMENT:
None.	
UNFINISHE	D BUSINESS:
a. ORDI	NANCE 2024-02: Mobile Transient Vendor (second reading and adoption)
	made by Councilmember Sorensen, and seconded by Councilmember Smith to approve 24-02: Mobile Transient Vendor (second reading and adoption)
Roll call:	6Ayes0Nays1Absent (Black)
Motion Carrie	d.

Council Minutes November 11 th , 2024. Page Two.	
ADJOURNMENT:	
Meeting adjourned by Mayor Dubey "sine die"	
MEETING CALLED TO ORDER: Spencer Lewis, City Clerk.	
OATH OF OFFICE:	
City Clerk Spencer Lewis administered the Oath of Office to Councilmember Wayne Walter, term ending 11/2028.	
City Clerk Spencer Lewis administered the Oath of Office to Councilmember Michael Withey, term ending 11/2028.	3
City Clerk Spencer Lewis administered the Oath of Office to Councilmember La'Shaya Darisaw, term end 11/2028.	ing
ELECTION OF MAYOR PRO-TEM:	
Mayor Sara Dubey opened the floor for nominations for Mayor Pro-Tem.	
Mayor Sara Dubey nominated Councilmember Templeton.	
A motion was made by Mayor Dubey, seconded by Councilmember Darisaw to appoint Councilmember Templeton as Mayor Pro-Tem.	
Roll Call:7Ayes0Nay0Absent	
Motion carried.	
OATH OF OFFICE:	
City Clerk Spencer Lewis administered the Oath of Office to Councilmember Templeton, as mayor pro-ter	n.
NEW BUSINESS:	
a. RESOLUTION 24-28: Fee schedule amendment	
A motion was made by Councilmember Vance, and seconded by Councilmember Darisaw to approve resolution 24-28.	lution
Mayor Dubey questioned the fees for the mobile transient vendor permitting.	
Roll call:7Ayes0Nays0Absent	
Motion carried.	
b. RESOLUTION 24-29: Change work order for the parking lot / ADA ramp	
A motion was made by Councilmember Templeton, and seconded by Councilmember Smith to approve resolution 24-29.	
Councilmember Smith questioned if this was based on the condition of the parking lot?	
DPW Superintendent stated that was correct, once they milled the west side/corner of the parking lot it was	3

____7__Ayes ____0__Nays ___0__Absent

worse than expected.

Roll call:

Motion carried.

Council Minutes November 14th, 2022. Page Three.

c. Request from Kiwanis Club for street closure for holiday gathering on December 7, 2024.

A motion was made by Councilmember Vance, and seconded by Councilmember Withey to approve the request from the Kiwanis Club for street closure for the holiday gathering on December 7th, 2024.

All ayes.

Motion carried.

d. Discussion on remaining ARPA funds

City Manager/Clerk Spencer Lewis stated that the list in front of them was brought to them by Councilmember Darisaw as some suggestions of what we could possibly use the remaining ARPA funds on.

City Manager/Clerk Spencer Lewis stated that after speaking with the auditors, having to have the funds obligated by December 31, 2024, and speaking with staff, that obligating the remaining ARPA funds to cover payroll costs from this current fiscal year would be a good choice.

PUBLIC COMMENT:

Larry Bryant, 9997 Belsay Rd. - Mr. Bryant spoke upon due process and his rental house issues.

Rodney Wier, Masonic Lodge – Rodney was present, along with other members of the lodge, to raise the issue of North Street after it rains. So much water builds up in front of the lodge and its parking lot, it is deteriorating the parking lot itself from all of the water and erosion.

COUNCIL MEMBER AND STAFF COMMENTS:

Councilmember Walter welcomed the new councilmembers and thanked the public for coming in.

Councilmember Smith & Councilmember Vance welcomed the new councilmembers.

Councilmember Templeton stated the horse races were a couple weekends ago, and the carpeting project at the library has been completed. She also touched on the Christmas wreaths that will be put up in the city this year.

Chief Mihailoff congratulated the new councilmembers and thanked the public for coming in as well. He stated that the police department will be gathering donations this year for Voices for Children Advocacy Group.

City Manager/Clerk Spencer Lewis thanked the previous councilmembers, and welcomed the new councilmembers, and thanked all the election inspectors for helping with the elections this year.

Mayor Sara Dubey welcomed new councilmembers as well.

ADJOURNMENT:

With no further business	the Council Meeting	was adjourned at 7:29 p.m
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Spencer	Lewis,	City	Clerk	

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PARTITION CONTRIBUTION CONTRIB	Invoice Description	Amount Check#
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& DUES FILINT AREA NARCOTICS GRO AINTENANCE - VEHICL LOUIS: TOWING & AUTO RE	MONTHLY BILLING FOR NOVEMBER	00.66
VEHICL LOUIS LOWING & BOLD IN	FANG DUES OII. CHANGE #103 DIIRANGO	1,488.66 66 00
& MAINIENANCE - VEHICL HOOIE 3 IOWING & ACIO INE	MASS AIRFLOW SENSOR - TAHOE #122	347.95
REPAIR & MAINTENANCE - VEHICL LOUIE'S TOWING & AUTO RE NEW HE	ADLIGHT BULBS - TAHOE	125.00

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	-	WARRANT 24-2		
GL Number	Involce Line Desc	Vendor	Invoice Description	Amount Check #
Fund 101 General Dept 305 POLICE DEPARTMENT		Total For Dept 305 POLICE DEPARTMENT	: DEPARTMENT	2,981.85
Dept 336 FIRE DEPARTMENT 101-336-745.000 101-336-745.000 101-336-825.000	GAS & FUEL GAS & FUEL MAINTENANCE AGREEMENTS	WEBSTER & GARNER WEBSTER & GARNER VC3, INC	UNLEADED GAS DIESEL MONTHLY BILLING FOR NOVEMBER	20.51 42.60 37.00
		Total For Dept 336 FIRE D	FIRE DEPARTMENT	100.11
Dept 441 PUBLIC WORKS 101-441-740.000 101-441-740.000	OPERATING EXPENSE OPERATING EXPENSE	MENARDS - CLIO MENARDS - CLIO MENARDS - CLIO	SUPPLIES / CLEANER DRYWALL SUPPLIES SIDDITES / DAINT	34.20 13.98
101-441-745.000		∪8 r	DOI: 11.1.1 NG FOR NOVEMBER	11.00
101-441-920.000	PUBLIC UTILITIES		DPW GARAGE	489.72
		Total For Dept 441 PUBLIC	MORKS	592.81
Dept 528 TRASH COLLECTION 101-528-801.000	PROFESSIONAL SERVICES	WM CORPORATE SERVICES, I	GARBAGE SERVICES	18,335.20
		Total For Dept 528 TRASH	COLLECTION	18,335.20
Dept 790 LIBRARY 101-790-740.000 101-790-920.000	OPERATING EXPENSE PUBLIC UTILITIES	MENARDS - CLIO CONSUMERS ENERGY	SUPPLIES / CLEANER LIBRARY	6.89 312.49
		Total For Dept 790 LIBRARY		319.38
Dept 904 CAPITAL OUTLAY 101-904-970.600 101-904-970.600	CAPITAL OUTLAY-GENERAL ADMIN CAPITAL OUTLAY-GENERAL ADMIN	DIAMOND EXCAVATING, LLC. DIAMOND EXCAVATING, LLC.	ADA RAMP/PARKING LOT PAYAPP #1 RETAINAGE - ADA RAMP / PARKING LOT	209,759.71 2,348.78
		Total For Dept 904 CAPITA	CAPITAL OUTLAY	212,108.49
		Total For Fund 101 General	I.e.	253,486.35
Fund 202 Major Street Dept 463 STREET ROUTINE MA 202-463-801.000	MAINTENANCE PROFESSIONAL SERVICES	CURBCO	STREET SWEEPING	1,875.00
		Total For Dept 463 STREET	STREET ROUTINE MAINTENANCE	1,875.00
		Total For Fund 202 Major	Street	1,875.00
Fund 203 Local Street Dept 463 STREET ROUTINE MAINTENANCE 203-463-801.000	INTENANCE PROFESSIONAL SERVICES	CURBCO	STREET SWEEPING	1,475.00
		Total For Dept 463 STREET	STREET ROUTINE MAINTENANCE	1,475.00
VIDEOLIBEITE TERMENATA PETTER KEINDERENAAT 040 6	VOTOCHINA MINE	Total For Fund 203 Local	Street	1,475.00
Fund 240 DOWNTOWN DEVELORING DEPT 103 AUTHORITY BOARD			0 68480 9 4 4440	() () () () () () () () () ()
248-103-740.000	OPEKATING EXPENSE	ON COXON	D.D.A. CHKISIMAS IREE 2024	00:001
		Total For Dept 103 AUTHOR	AUTHOKITY BOARD	00.001
		Total For Fund 248 DOWNTC	DOWNTOWN DEVELOPMENT AUTHORITY	100.00

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Fund 590 SEWER FUND Dept 215 ADMINISTRATION					•
590-215-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE MONTHLY RILLING FOR NOVEMBER	133.02	
590-215-874.000	RETIREE INSURANCE BENEFITS	BLUE CARE NETWORK	HEALTH INSURANCE DEC. 2024	816.91	
590-215-991.000	COPIER	US BANK EQUIPMENT FINANC	COPIER	74.56	
		Total For Dept 215 ADMINISTRATION	STRATION	1,057.49	
Dept 536 SEWER DISTRIBUTION 590-536-740.000 590-536-745.000	N OPERATING EXPENSE GAS & FUEL	MENARDS - CLIO WEBSTER & GARNER	SUPPLIES / PAINT DIESEL	49.96 40.91	
		Total For Dept 536 SEWER I	DISTRIBUTION	90.87	
		Total For Fund 590 SEWER H	FUND	1,148.36	
Fund 591 Water Fund Dept 000 591-000-255.000	WATER DEPOSITS PAYABLE	CITY OF MT. MORRIS	WATER DEPOSIT FINAL- 717 NORTH	250.00	
		Total For Dept 000	1	250.00	
Dept 215 ADMINISTRATION 591-215-740.000 591-215-85 000	OPERATING EXPENSE MAINTENANCE AGREEMENTS	PITNEY BOWES BANK INC	POSTAGE MONTHLY RILLING FOR NOVEMBER	133.02	
591-215-874.000 591-215-874.000 591-215-991.000	RETIREE INSURANCE BENEFITS COPIER	BLUE CARE NETWORK US BANK EQUIPMENT FINANC	HEALTH INSURANCE DEC. 2024 COPIER	816.91 74.56	
		Total For Dept 215 ADMINISTRATION		1,057.49	
Dept 537 WATER DISTRIBUTION 591-537-725.000	FRINGE BENEFIT-NON	CINTAS CORP	UNIFORMS	47.65	
591-537-725.000 591-537-740.000	FRINGE BENEFIT-NON PAYROLL OPERATING EXPENSE	CINTAS CORP BOIS PLUMBING	UNIFORMS PLUMBING REPAIR FROM METER CHANGE	47.65 170.58	
591-537-740.000	OPERATING EXPENSE		WATER SAMPLING	75.00	
591-537-745.000	GAS & FUEL	WEBSTER & GARNER WFRSTER & CARNER	UNLEADED GAS	155.37	
591-537-743.000	₈	GENESEE COUNTY DRAIN COM	1	60,241.77	
591-537-932.000	REPAIR & MAINTENANCE - VEHICL	C & S MOTORS, INC.	STARTER #57	487.02	

61,412.65 62,720.14

Total For Dept 537 WATER DISTRIBUTION

Total For Fund 591 Water Fund

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Amo		253,486.35	1,875.00	1,475	100	1,148	62,720.14	320,804.85
Invoice Description	Fund Totals:	Fund 101 General	Fund 202 Major Street	Fund 203 Local Street	Fund 248 DOWNTOWN DEVE	Fund 590 SEWER FUND	Fund 591 Water Fund	Total For All Funds:
Vendor								
Invoice Line Desc								

CITY OF MT. MORRIS RESOLUTION 24-30

WHEREAS:	Plan Act) funds; and	ris has received \$298,002.14 if	I ARPA (American Rescue
WHEREAS:		ng that the remaining \$ 59,018. other administration and operat	
WHEREAS:	The City is authorize FY 2025 General fun	ed to use ARPA funds in such and payroll; and	n manner by recovery of the
WHEREAS:	the City cannot use A	ARPA funds for OPEB or any o	other debt.
NOW THER	EFORE, BE IT RES	OLVED, that:	
	does hereby authorize FY 2025 General fund		ining \$ 59,018.65 from ARPA
	City Council of the C		per, and thereafter eeting held Monday, November
	_Yea	Nay	Absent
Sara Dubey, N	Mayor	Spenc	er Lewis, City Clerk

RESOLUTION 24-31

MUTUAL TERMINATION OF CONTRACT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS

WOODSIDE TRAILS, GENESEE COUNTY, MICHIGAN

THIS MUTUAL TERMINATION OF CONTRACT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS (the "Termination") is made and entered into as of the latest date on which it is signed (the "Effective Date"), by and between WJH LLC, a Delaware limited liability company (hereinafter, "Buyer"), and CITY OF MOUNT MORRIS, a Michigan municipal entity (hereinafter, the "Seller", alternatively a "Party", and collectively with the Buyer, the "Parties").

RECITALS:

WHEREAS, Buyer and Seller entered into a certain Contract for Purchase and Sale and Escrow Instructions dated April 19, 2022, as amended (the "Agreement") for the purchase of property located in Mount Morris, Michigan, commonly known as WOODSIDE TRAILS (referred to in the Agreement in greater detail as the "Property");

WHEREAS, Buyer deposited Ten Thousand and No/100 Dollars (\$10,000.00) in Earnest Money in escrow with First American Title Insurance Company ("Escrow Agent");

WHEREAS, Buyer exercised its option to extend the Inspection Period for two periods of fifteen (15) days each and deposited an additional Two Thousand and No/100 Dollars (\$2,000.00) in escrow with Escrow Agent for a total Earnest Money balance of Twelve Thousand and No/100 Dollars (\$12,000.00);

WHEREAS, 9 Lots were conveyed to Buyer at the Initial Closing on May 1, 2023, and Buyer received a credit for a portion of the Earnest Money in the amount of Six Thousand and No/100 Dollars (\$6,000.00). The remaining balance of Earnest Money is Six Thousand and No/100 Dollars (\$6,000.00); and

WHEREAS, Buyer and Seller agreed to terminate the Agreement as provided herein.

NOW THEREFORE, for and in consideration of the promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

- 1. <u>Incorporation of Recitals</u>. The foregoing Recitals are incorporated and made a part hereof by this reference to the same extent as if fully set forth herein in this paragraph.
- 2. <u>Termination of Agreement</u>. By and upon execution of this Termination, Buyer and Seller agree that the Agreement is and shall be terminated and of no force and effect, and that neither Party shall thereafter have any rights or obligations thereunder.
- 3. <u>Return of Earnest Money</u>. Buyer and Seller agree all Remaining Earnest Money held by Escrow Agent will be released to Buyer. This Termination is authorization by Buyer

- and Seller to Escrow Agent to immediately release all Remaining Earnest Money to Buyer.
- 4. <u>Counterparts</u>; <u>Electronic Signatures</u>. This Termination may be executed in duplicate counterparts, each of which collectively shall be deemed an original. Electronic (i.e., scanned and e-mailed and facsimile signatures) shall have the same effect as original signatures.
- 5. Construction of Termination. This Termination shall be construed and enforced in accordance with the laws of the State of Michigan. Any reference herein to the singular shall include the plural, and any reference to any gender shall include the neuter and the other gender. Captions contained herein are inserted only for the purpose of convenient reference, and in no way define, limit or describe the scope of this Termination or any part hereof. Notwithstanding the presumption of law whereby an ambiguity or conflict in provisions is to be construed against the drafter, the Parties hereby agree that although one Party may have generated this Termination, both Parties have been afforded the opportunity to consult with counsel of its own choosing and each has participated in the drafting of this Termination. Therefore, such presumption shall not be applied if any provision or term of this Termination requires judicial interpretation. Any capitalized terms not otherwise defined herein shall have the same meaning as stated in the Agreement.

The persons who have signed this Termination are duly authorized to do so, and by signing this Termination personally represent they are authorized to bind themselves to its terms.

IN WITNESS WHEREOF, the undersigned have executed this Termination as of the latest date on which it is signed by either Party.

CELLED

DIMED

BUYEK:	SELLER:	
WJH LLC, a Delaware limited liability company	CITY OF MOUNT MO a Michigan municipal	
By: Michael B. Madden Title: Corporate VP of Land Acquisition	By:	
Title: Corporate VP of Land Acquisition Date:	Title: Date:	
Moved by Councilmember, seconded by the City Council of the City of Mt. Morris at a regat 7:00 p.m.		
Yea	Nay	Absent
Sara Dubey, Mayor	Spencer Lewis, (City Clerk