

Council Chamber
Henry L. Brown Municipal Bldg.
One Grand Street
Coldwater, Michigan



September 14, 2020
5:30 p.m.
(517) 279-9501
www.coldwater.org

CITY COUNCIL MINUTES REGULAR MEETING

Any interested person or group may address the City Council on any agenda item or on any matter of City concern including items not on the Agenda during the agenda items designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Council.

For individuals who may wish to give public comment, the method for providing public comment during this remote-participation meeting is to call the following toll-free number:

1-888-475-4499 or 1-877-853-5257 (Meeting ID: 845-9532-5590) Participant ID is not required.

Callers wishing to give public comment may call in before the meeting starts and wait in a “virtual waiting room.” Those calling in will be able to hear the audio of the City Council meeting, but their microphone will be muted. At the time for Public Comment, press *9 on your telephone, and you will be called upon. Callers who do not wish to give public comment are encouraged to view the meeting live-streamed on YouTube at, bit.ly/ColdwaterVideo or on Skitter channel 61.

CALL MEETING TO ORDER

ROLL CALL

Mayor Kramer called the meeting to order with the following Councilmembers present: Councilmembers Emily Rissman and Travis Machan, representing the 1st Ward; Councilmember Jim Knaack, representing the 2nd Ward; Councilmembers Michael Beckwith and John Petzko, representing the 3rd Ward; Councilmembers Randall Hazelbaker and Scott Houtz, representing the 4th Ward.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Hazelbaker, to excuse the absence of Councilmember Chad Johnson, as presented.

Roll Call Vote:

Ayes: Councilmember: Petzko, Hazelbaker, Houtz, Rissman, Machan, Knaack, Beckwith and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

OTHERS PRESENT: Keith Baker, Megan Angell, Tom Eldridge, Susan Heath, Jeff Budd, Dean Walrack, Sheila Puffenberger, Pat Pool, Deb Sikorski, Leigh Schultz, Dave Sattler, Tim Hart, Raymond Sebastian, Mark Ott, Dave Neitzert, Al Rakocy, Dennis Babjack, Courtney Dirschell and six others.

*Councilmember Chad Johnson arrived at 5:33 p.m.

PUBLIC COMMENTS

- Dave Neitzert spoke in favor of Retail Marihuana Sales in the Downtown.
- Al Rakocy spoke in favor of Retail Marihuana Sales in the Downtown.
- Tim Hart spoke in favor of Retail Marihuana Sales in the Downtown.
- Dennis Babjack spoke in favor of taking more time with the process regarding Retail Marihuana Sales in the Downtown.
- Courtney Dirschell spoke in favor of taking more time with the process regarding Retail Marihuana Sales in the Downtown.

CLOSED SESSION

1. Closed session pursuant to Section 8(e) of PA 267 of 1976 to discuss strategy in pending litigation - Consider adoption of Resolution No. 20-52.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Beckwith, to go to closed session for the purpose of discussing litigation as the discussion in an open meeting would have a detrimental financial effect on the City's litigation or settlement position, as presented.

Roll Call Vote:

Ayes: Councilmember: Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack, Beckwith, Petzko and Mayor Kramer.

Nays: Councilmember: None.

Motion carried. (5:52 p.m.)

2. Reconvene to regular meeting of September 14, 2020.

Council Action: Motion by Councilmember Hazelbaker, seconded by Councilmember Houtz, to reconvene to regular meeting of September 14, 2020, as presented.

Roll Call Vote:

Ayes: Councilmember: Houtz, Rissman, Machan, Johnson, Knaack, Beckwith, Petzko,
Hazelbaker and Mayor Kramer.

Nays: Councilmember: None.

Motion carried. (5:57 p.m.)

3. **Council Action:** Motion by Councilmember Petzko, and seconded by Councilmember Hazelbaker, to adopt Resolution No. 20-52, as presented (attached in Addendum A) and approve the settlement agreement.

Roll Call Vote:

Ayes: Councilmember: Rissman, Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker,
Houtz and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

CONSENT AGENDA (Item Numbers 4-13):

The items listed in the Consent Agenda are considered to be routine by the City Council and the City Manager and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Councilmember or citizen. In this event, the item will be removed from the Consent Agenda and Council action will be taken separately on said item. Those items so approved under the heading "Consent Agenda" will appear in the Council minutes in their proper form.

4. City Council Regular Minutes of August 24, 2020.
 - Closed Session Minutes of August 24, 2020.
5. Downtown Development Authority Minutes of July 22, 2020.
6. Downtown Development Authority Minutes of August 26, 2020.
7. Coldwater Housing Commission Regular Minutes of August 11, 2020.
8. Planning Commission Regular Minutes of August 17, 2020.
9. Board of Public Utilities' Regular Minutes of August 5, 2020.

10. Michigan South Central Power Agency Regular Minutes of July 2, 2020.
11. Board of Public Utilities' Reports and Financial Statements for July, 2020.
12. City of Coldwater monthly Financial Report for July, 2020.
13. Memo from Mayor Kramer regarding board appointments.
 - Brownfield Redevelopment Authority – Jeffrey Budd – term expires October, 2023; Bud Norman – term expires October, 2023
 - Economic Development Corporation (EDC) – Keith Baker – term expires October, 2026
 - Local Development Finance Authority (LDFA) – Kurt Miller – term expires October, 2024; Caroline P. Lowe – term expires October, 2024.

ACTION ON CONSENT AGENDA

Council Action: Motion by Councilmember Beckwith, seconded by Councilmember Johnson, to approve Consent Agenda Items 4-13, as presented.

Roll Call Vote:

Ayes: Councilmember: Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

END OF CONSENT AGENDA

14. Letter from Megan Angell, City Attorney regarding affirmation of votes taken at meeting of August 24, 2020 – Consider adoption of Resolution No. 20-55.

Council Action: Motion by Councilmember Hazelbaker, seconded by Councilmember Petzko, to adopt Resolution No. 20-55 (attached in Addendum B), as presented.

Roll Call Vote:

Ayes: Councilmember: Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

15. Bills and Accounts: \$181,490.24.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Houtz, to approve Bills and Accounts in the amount of \$181,490.24, as presented.

Roll Call Vote:

Ayes: Councilmember: Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan, Johnson and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

16. City Manager's Report.

- **November Election** – Applications for absentee ballots for the November election are available through the City Clerk's office. You may contact City Clerk Susan Heath at 279-6928 if you would like to apply to vote via absentee. The election date is Tuesday, November 3, 2020.
- **City Projects:**
 1. Milnes Plaza Parking Lot – Ongoing/Estimated October completion.
 2. Smith Street – Ongoing/Estimated October completion.
 3. N. Monroe St. – Ongoing/Estimated October start and November completion.
 4. Butters Ave. Substation – Ongoing/Estimated November completion.
 5. "Big Boy" Sewer Lift Station – Ongoing/Estimated November completion.
- **Haunted Forest** - Mark your calendars for the City's annual Haunted Forest (\$5/person) to be held Thursday October 15, Friday, October 16 and Saturday October 17, 2020 at Rotary Park. Plans are underway to make this a safe family event following the State's Covid-19 safety guidelines.
- **Fire Prevention Month** – October is National Fire Prevention Month. Due to Covid-19, there will not be any in person programs. However, Fire Marshal Steve Trall is working with schools to offer a program virtually. The Coldwater Fire Department reminds everyone that this is a good time to replace batteries in smoke detectors and check and service your home's heating system prior to the onset of cold weather. Coldwater maintains a professional fire department comprised of 14 full time, 6 part-paid firefighters and one civilian staff person.
- **Household Hazardous Waste** – The CBPU's annual Household Hazardous Waste collection event will be held on Saturday, September 26, 2020 from 9 a.m. until 2 p.m. at the Branch County Fairgrounds. A list of items that will be accepted and participating communities and townships can be found on the attached flyer or on the City's website at www.coldwater.org.

- **Hops on Monroe** – The popular weekly event has been extended into September. Come down on Thursday nights from either 5 to 7 p.m. or 7 to 9 p.m. to enjoy music, beverages, food and games under the lights of S. Monroe Street.
- **Hoptober Fest – Save the Date!** Plans are underway to have an extended grand finale to the Hops on Monroe season with an Oktoberfest type event on Saturday October 3, 2020, from 4 to 10 p.m. More food trucks, music and beverages with a Bavarian theme will celebrate autumn on S. Monroe St.
- **Halloween** – item to be included on next agenda regarding participation and the possibility of a Halloween Parade; the closure of US-12 for a parade has already been approved.

Council Action: Motion by Councilmember Johnson, seconded by Councilmember Houtz, to approve and place on file the City Manager’s Report, as presented.

Roll Call Vote:

Ayes: Councilmember: Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

17. Memo from Debra Sikorski, NSD Director/City Assessor, regarding request for a public hearing for application for consideration of a Commercial Rehabilitation Exemption Certificate for 152 Division Street, Wild Smile Properties, LLC.

Council Action: Motion by Councilmember Beckwith, seconded by Councilmember Machan, to set a public hearing September 28, 2020 to consider a Commercial Rehabilitation Exemption Certificate for 152 Division Street, Wild Smile Properties, LLC, as presented.

Roll Call Vote:

Ayes: Councilmember: Petzko, Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack, Beckwith and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

18. Memo from Jeffrey Budd, CBPU Director, regarding proposed Time of Use “TOU” Rate and update to *Rules, Regulations & Rates* – Consider introduction and adoption of Ordinance No. 836.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Beckwith, to introduce and adopt Ordinance No. 836 (attached in Addendum C), as presented.

Roll Call Vote:

Ayes: Councilmember: Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack, Beckwith, Petzko and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

19. Memo from Jeffrey Budd, CBPU Director, regarding proposed Power Supply Cost Adjustment and update to *Rules, Regulations & Rates* – Consider introduction and adoption of Ordinance No. 839.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Houtz, to introduce and adopt Ordinance No. 839 (attached in Addendum D), as presented.

Roll Call Vote:

Ayes: Councilmember: Houtz, Rissman, Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

20. Memo from Patrick Pool, IT Director, regarding Council Chamber Upgrades – Consider adoption of Resolution No. 20-49 and approval of Agreement No. A20-15.

Council Action: Motion by Councilmember Johnson, seconded by Councilmember Knaack, to adopt Resolution No. 20-49 and approve Agreement No. A20-15 (attached in Addendum E), as presented.

Roll Call Vote:

Ayes: Councilmember: Rissman, Machan, Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

21. Letter from Megan Angell, City Attorney, regarding amending Codified Ordinances, Planning and Zoning Code, to:

Version A: Eliminate the Separation Distance Requirements between Marihuana Establishments in the C-2 and C-4 Districts; or

Version B: Eliminating the Separation Distance Requirement between Marihuana Establishments in the C-4 District and Eliminate Marihuana Retails from the C-2 District.

Redline version showing effect of changes on current Ordinance.

– Consider introduction either Version A or Version B of Ordinance No. 838.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Rissman, to introduce for first reading Version A Ordinance No. 838, as presented.

Roll Call Vote:

Ayes: Councilmember: Machan, Beckwith, Petzko, Hazelbaker, Houtz, Rissman and Mayor Kramer.

Nays: Councilmember: Johnson and Knaack.

Motion carried.

22. Letter from Keith Baker, City Manager, regarding proposed approval of bids for the Public Safety Building's women's restroom – Consider adoption of Resolution No. 20-54.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Petzko, to adopt Resolution No. 20-54 (attached in Addendum F), as presented.

Roll Call Vote:

Ayes: Councilmember: Johnson, Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

23. Letter from Keith Baker, City Manager regarding sale of vacant lot at 106 N. Hanchett St. to Welch – Consider introduction of Agreement No. A20-14.

Mayor Kramer asked to abstain from the vote on this issue.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Beckwith, to allow Mayor Kramer to abstain from the vote on this issue, as presented.

Roll Call Vote:

Ayes: Councilmember: Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack, Beckwith and Petzko.

Nays: Councilmember: None.

Motion carried.

Council Action: Motion by Councilmember Beckwith, seconded by Councilmember Johnson, to introduce for first reading Agreement No. A20-14, as presented.

Roll Call Vote:

Ayes: Councilmember: Knaack, Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan and Johnson.

Nays: Councilmember: None.

Motion carried.

24. Letter from Keith Baker, City Manager, regarding proposed donation from the Coldwater Kiwanis Club and Purchase of a Snow Making Machine for Kiwanis Hill – Consider adoption of Resolution No. 20-50.

Council Action: Motion by Councilmember Knaack, seconded by Councilmember Petzko, to adopt Resolution No. 20-50 (attached in Addendum G), as presented.

Roll Call Vote:

Ayes: Councilmember: Beckwith, Petzko, Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

25. Letter from Keith Baker, City Manager, regarding proposed purchase of downtown Christmas Décor tree lights and installation service – Consider adoption of Resolution No. 20-51.

Council Action: Motion by Councilmember Machan, seconded by Councilmember Johnson, to adopt Resolution No. 20-51 (attached in Addendum H), as presented.

Roll Call Vote:

Ayes: Councilmember: Petzko, Hazelbaker, Houtz, Rissman, Machan, Johnson, Knaack, Beckwith and Mayor Kramer.

Nays: Councilmember: None.

Motion carried.

PUBLIC COMMENTS

- None

UNFINISHED BUSINESS

- Councilmember Rissman asked about improvements to the Waterworks Park Soccer Field.
- Councilmember Petzko asked about a sound system in the Downtown.

NEW BUSINESS

- None.

ADJOURNMENT

Noting no other business to come before Council, Mayor Kramer adjourned the regular meeting at 8:06 p.m.



Susan E. Heath, CMC
City Clerk