

The Crosswell City Council met in Regular Session June 7, 2010, at the William Aitkin Memorial Library, 111 N. Howard Ave., Crosswell, MI. Mayor McMillan called the meeting to order at 7:30 P.M.

Present: M. McMillan, M. Willis, J. Geiger, L. Krawczyk, R. Butler

Administration: Interim City Administrator/City Clerk Suzanne Dobson

Guests: Elwyn Neaves, Police Chief Dave Hall, Mike O’Vell, Don Levitt, Ben Green, Dave Tait, Cindy Fockler, Sheriff Garry Biniecki

I. **PLEDGE OF ALLEGIANCE:**

- II. **APPROVAL OF MINUTES** from the Regular Council Meeting of May 17, 2010  
Geiger moved to approve the minutes of May 17, 2010 as presented, second by Willis.  
Motion Carried.

III. **PUBLIC COMMENTS:**

- Cindy Fockler – Wanted to confirm that the Interim City Administrator was receiving \$200 a day? Ans: Yes.
- Elwyn Neaves – Is the Interim City Administrator also doing her other job? Ans: Yes.
- Don Levitt – Interim City Administrator should be considered for the full time position. Ans: No applying for full time position.

IV. **APPROVAL OF AGENDA:**

Add under New Business item e. Cable Authority Appointment; item f. ORV Law.

Willis moved to approve the agenda as amended, second by Butler. Motion Carried.

V. **GINGERSNAP BEAR PRESENTATION:**

Cros-Lex High School student Ben Green made a new bear for Gingersnap Park. The bear will be placed at the park with a name plate noting that Ben Green made the bear.

VI. **CORRESPONDENCE:**

- a. Charter Review Committee minutes – May 13, 2010 & June 3, 2010: Receive and file.
- b. Parks & Recreation Committee minutes – May 3, 2010: Receive and file.

VII. **ADMINISTRATOR'S REPORT:**

- DPW position of Groundsman will be holding 2<sup>nd</sup> interviews this week
- Huron Consultants is watching for grants under the Black River Water Shed
- Tom Dickensheets family planted a tree at the Gazebo
- The hole in the road on N. Howard near Keller’s will be repaired for approximate cost of \$2,500
- State St. to High School – projected cost \$280,085 + 60,000 to close in the ditch between road and soccer field. Gravel base will be done in July 2010; curbs and asphalt will be in April-May 2011.
- City Administrator applications received – 42

VIII. **COUNCIL MEMBER REPORT:**

- A. McMillan: No report
- B. Willis: No report
- C. Geiger: No report
- D. Krawczyk: No report
- E. Butler: No report

IX. **UNFINISHED BUSINESS:**

- a. Don Levitt – Speeding on Elizabeth: Concerned with the speeding on Elizabeth St. Has reported the problem to the Police Chief. There is not one particular vehicle.

Police Chief has passed on to his officers to watch this area. Has check with other officers in the area and they have not reported any speeding traffic.

- b. Police Chief Dave Hall – Officer:  
Recommendation from the committee is to use retired Officer Young and to review after 6 months. The Liaison Officer will be back in rotation.

Police Chief stressed his concern for vacations that will take place and the coverage. Police Chief also inquired about compensation for the Chief overtime.

No extra compensation is allowed.

Geiger moved to allow the use of retired Officer Young and to review after three months, second by Willis. Motion Carried.

- c. EMS Director Contract:
- d. Electric/Water Supervisor Contract:  
Willis moved to table the EMS Director and the Electric/Water Supervisor Contract until the next meeting, second by Krawczyk. Motion Carried.

- e. Copier Bids: Receive 4 bids:

**Standard Office Supply, Port Huron, MI**

- Copystar 2560B - \$4,725
  - Copystar 3060B - \$5,274
- |           |   |                                     |
|-----------|---|-------------------------------------|
| Service – | 1 <sup>st</sup> yr. 0.0075 cents per copy | \$75 – based on 10,000 copies/month |
|           | 2 <sup>nd</sup> yr. 0.0085                |                                     |
|           | 3 <sup>rd</sup> yr. 0.0089                |                                     |
|           | 4 <sup>th</sup> yr. 0.0095                |                                     |
|           | 5 <sup>th</sup> yr. 0.0099                |                                     |

**Kerr Albert Office Supply, Port Huron, MI**

- Sharp MX-M363N MFP
  - \$5,818 2/500 + 3500 sheet tray
  - \$5,508 4/500 sheet trays
  - \$5,170 2/500 sheet trays

- \$6,801            2/500 +3500 sheet tray + saddle stitch/folder  
Service - .006 per copy    \$60 – based on 10,000 copies/month

**Ikon Office Solutions, Novi, MI**

- Ricoh MP3351 - \$4,301        2 tray w/tandem large capacity tray  
Service \$80.00/month based on 10,000 copies per month

**American Output, Almont, MI**

- Canon Imagerunner 3235i - \$9,300
- Copystar CS 420i - \$7,864  
Service - \$100/month for 10,000 copies – overage billed at \$.01 per page

Recommendation to award the bid to Ikon Office Solutions for the Ricoh MP 3351 Copier.

Willis moved to accept the bids and to award the bid to Ikon Office Solutions for the Ricoh MP 3351 Copier for the amount of \$4,301, second by Butler. Motion Carried.

**X. NEW BUSINESS:**

- a. Water Tank painting bids: Receive 2 bids:  
Dixon Engineering - \$10,900.00  
Nelson Tank Engineering & Consulting, Inc. - \$9,950

Recommendation from Electric/Water Supervisor Jack Williams is to award the bid to Nelson Tank Engineering & Consulting.

Geiger moved to accept the bids and to award the bid to Nelson Tank Engineering & Consulting for the amount of \$9,950, second by Willis. Motion Carried.

- b. Proposed City Charter Amendments: The following are the recommended changes from the Charter Review Committee.

**REGULAR ELECTIONS:**

Section 2.2 ~~A regular city election shall be held on the first Tuesday following the first Monday in November of each odd year beginning with 1985.~~

A non-partisan regular city election shall be held on the first Tuesday following the first Monday of November of the odd numbered years.

**PRIMARY ELECTION:**

~~Section 2.3—A non-partisan city primary election shall be held on the first Tuesday following the first Monday in August of each off year, beginning in 1985 provided if the date prescribed by state law for the holding of general fall primary elections shall be changed, the city primary shall be held on the day prescribed by state law for the hold of the fall primary. If, upon expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next city election, then no primary election shall be held in respect to such office and the Clerk shall publish notice of such fact.. The candidates for nomination for each office to be filled at the next city election, in number equal to twice the number of persons to be elected~~

~~to each such city office, receiving the highest number of votes at any such city primary election shall be declared the nominee for the election to the respective offices, and their names, together with the names of persons for whom petitions have been filed for offices with respect to which no primary election was held, shall be certified to the election commission to be placed upon the ballot for the next subsequent regular city election.~~

### **NOMINATING PETITIONS:**

Section 2.9 Persons desiring to qualify as candidates for any elective office under this charter shall file with the city Clerk a petition therefor signed by not less than twenty (20) no more than forty (40) registered electors of the City not later than ~~4:00 p.m. the closing time of the City offices~~ on the ~~seventh-twelfth~~ (1990 State amended) Tuesday before the odd year general election ~~prior to the date of the primary and/or~~ special city election. Blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. At least one week before, and not more than three weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect.

### **ELECTION COMMISSION:**

Section 2.12 An election commission is hereby created, consisting of the City Clerk, the ~~city Attorney~~ City Treasurer and the Mayor. The city Clerk shall be chairperson. The commission shall have charge of all other activities and duties relating to the conduct of elections in the City as required by state law.

## **MISCELLANEOUS**

### **DEFAULT**

#### **Chapter 13 Add Section 13.9**

~~Default definition - As used in this Charter, "in default" means delinquent in payment of property taxes, assessments, a debt owed to the City, or the failure to fulfill a contractual obligation, whether monetary or conditional. If the person has not been provided at least thirty (30) days notice of the obligation, they shall be given a thirty (30) day period to rectify the obligation. The person shall be considered to be in default if one of the following applies:~~

- ~~(1) Property taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.~~
- ~~(2) Another debt owed to the City, including unpaid utility bills or special assessments, remains unpaid thirty (30) days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.~~
- ~~(3) The failure to fulfill a contractual obligation remains uncorrected for a period of thirty (30) days, unless the failure to fulfill a contractual obligation is the subject of an administrative appeal or a contested court case.~~

## **CITY ADMINISTRATOR: APPOINTMENT**

Section 3.7 The Council shall, as soon as possible with all due diligence after any vacancy exists in the position of City Administrator, appoint a City Administrator for an indefinite period and shall fix his/her compensation. The City Administrator shall be the Chief Administrative office of the city government. He/she shall have a college baccalaureate degree or its equivalent in a field pertinent to city administration, or he/she shall have had at least four (4) years experience in such public administrative work as would qualify him/her for the position of administrator, and said appointment shall be made without regard to his/her political or religious preferences. ~~The City Administrator need not be a resident of the City at the time of his/her appointment but shall become a resident thereof within one year after his/her appointment, and shall remain throughout his/her tenure in office.~~ No member of the Council shall be eligible for the position of City Administrator within two (2) years of the expiration of his/her last term on the Council.

## **OTHER ADMINISTRATIVE OFFICERS: APPOINTMENT AND COMPENSATION**

Section 3.18 The other administrative officers ~~shall may~~ include ~~but may not be limited to~~ the Police Chief, D.P.W. Superintendent, Superintendent of the City Water Filtration Plant, Superintendent of the City Light and Power Department, Wastewater Treatment Plant Superintendent, Cemetery Sexton, and Ambulance Director. ~~To the extent appointed,~~ all such officers shall be appointed by the City Council upon the recommendation of the City Administrator. The City Council shall fix the rate of compensation for all ~~appointed~~ administrative officers of the City within the limits of budget appropriations.

## **PURCHASING PROCEDURE.**

Section 8.9 The City Administrator shall be responsible for city purchasing. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the lowest competent bidder deemed to be in the best interest of the City. On the recommendation of the City Administrator or department head and four-fifths Council approval, the bid requirement may be waived for the following reasons: 1) emergency purchases, 2) purchase of used equipment, 3) one-of-a-kind equipment or merchandise, 4) specialty services. However, formal sealed bids shall be obtained in all other transactions involving the expenditure of more than ~~the amount as set by City Council in Resolution form by the second meeting in May of each year One Thousand Five Hundred and 00/100 Dollars (\$1,500.00)~~ and the transaction evidenced by written contract submitted to and approved by the Council; provided that in cases where the Council indicates by formal resolution upon the written recommendation of the City Administrator or department head that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Such purchasing without competitive bids should, however, be limited to the above exceptions and shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding. No contract shall be made with any person, firm or corporation in default to the City.

## **TAXES DUE - NOTIFICATION THEREOF.**

Section 9.14 City taxes shall be due on the first day of July of each year. The treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he/she shall give notice to the taxpayers of the city, at least ten (10) days prior to the due date of such taxes of each year, of the time when said taxes will be due for collection by publication, at least once, in one or more of the newspapers published or circulated in the City, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Such notice shall also state that payments of taxes may be made to

him/her at any time up to and including ~~the 31st day of August~~ 14<sup>th</sup> day of September without penalty and that an addition of ~~three and three fourths (3.75%)~~ four (4%) percent shall be made on the ~~first day of September~~ 15<sup>th</sup> Day of September and ~~three fourths percent (.75%)~~ one percent (1%) on the first day of each month thereafter that the tax remains unpaid until returned to the county treasurer by the city treasurer. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of the same.

#### **ADMINISTRATION FEES AND INTEREST.**

Section 9.15 The taxes assessed in the general city tax roll, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before ~~the last day of August~~ 15<sup>th</sup> day of September of the same year, with an administration fee of one percent (1%). ~~An additional charge of three and three fourths (3.75%)~~ four (4%) percent shall be added to all unpaid general city taxes on the ~~first day of September~~ 15<sup>th</sup> day of September of the same year, and thereafter an additional charge of ~~three fourths of one percent (.75%)~~ one (1%) percent shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or charges, shall be made to the county treasurer. And the said county treasurer, or auditor general of the State, as the case may be, shall account to the City for all such accrued penalties of charges.

Ms. Fockler questioned the “in Default” requirement be unconstitutional.

This will be reviewed by the City Attorney and the Attorney General.

Ms. Fockler questioned procedure for petition to submit for adding “term limits” into the Charter.

Butler moved to forward the recommended changes onto the City Attorney for review, second by Willis. Motion Carried.

c. Dave Tait – Final Pay:

Final pay for City Administrator Dave Tait is \$2,365.90.

Willis moved to approve the final pay for Dave Tait in the amount of \$2,365.90, second by Butler.

Roll Call Vote: Willis, yes; Butler, yes; Geiger, yes; Krawczyk, yes; McMillan, yes. 5 yeas; 0 nays. Motion Carried.

d. City Vehicles:

McMillan moved that city vehicles are not to be taken home on a day to day basis unless authorized by the City Administrator, excluding the Police Chief, second by Butler. Motion Carried.

e. Cable Authority Appointment:

Willis moved to appoint Interim City Administrator Sue Dobson to the Cable Authority, second by Butler. Motion Carried.

- f. ORV Law: Sanilac County has passed their Ordinance. Discussion of ordinance for the city.

Geiger moved to table until the next meeting, second by Willis. Motion Carried.

XI. **PUBLIC COMMENTS**

- Sheriff Biniecki gave an update on County Issues
- Elwyn Neaves – Texting law
- Cindy Fockler – 1. Website; 2. Campground where? Ans: Top of Riverbend Park. D.D.A did a feasibility study for it, bottom is in the floodplain and behind old DPW building; 3. P.L. Graham Park charging a fee not just a donation.
- Don Levitt – Where is the stage? Ans: It is stored at the DPW and is used doing festivals.

XII. **APPROVAL OF ACCOUNTS PAYABLE:**

Willis moved to approve the Accounts Payable in the amount of \$286,814.86 and the bills be paid, second by Krawczyk. Motion Carried.

XIII. **CLOSED SESSION – LAWSUIT – MCKEAND:** No update.

XIV. **ADJOURNMENT:**

With no further business Mayor McMillan adjourned the meeting.

Meeting adjourned at 8:31 p.m.

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Suzanne Dobson, CMC  
Croswell City Clerk

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Michael McMillan, Mayor