

STANDISH CITY COUNCIL

REGULAR MEETING

SEPTEMBER 16, 2010

1. CALL MEETING TO ORDER

Mayor Winslow called the regular meeting of the Standish City Council to order at 6:05 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Winslow.

3. ROLL CALL

Present: Ireland, Winslow, Macaulay, Nelson & Reno  
Absent: Sanford & Tunney

**MOTION** by Ireland and supported by Nelson excuse the absence of Tunney and Sanford. The motion carried.

4. APPROVAL OF AGENDA

Manager Moran requested that the 2% Funding Request to the Chippewa Tribe be added under Other Business.

**MOTION** by Reno and supported by Macaulay to approve the agenda as amended. The motion carried.

5. PUBLIC COMMENT

Josette Rang appeared before Council and requested permission to use the City Streets hold the Annual 5K Depot Days Race/Walk on Saturday, October 2, 2010. Rang stated that the streets would be used from approximately 9:50 a.m. to 11:30 a.m.

**MOVED** by Reno and supported by Nelson to approve the request from Josette Rang to use the City Streets for the Annual 5K Depot Days Race/Walk to be held on Saturday, October 2, 2010 using the route provided by Rang.

A roll call vote was taken.

YEAS: Macaulay, Reno, Nelson, Ireland, Winslow  
NAYS: None  
ABSENT: Tunney & Sanford

The motion carried.

6. APPROVAL OF MINUTES

**MOTION** by Ireland and supported by Macaulay to approve the minutes of the August 19, 2010 regular council meeting as submitted. The motion carried.

7. APPROVAL OF THE BILLS

**MOTION** by Ireland and supported by Macaulay to pay the invoices as submitted in the amount of \$176,011.91. A roll call vote was taken.

YEAS: Reno, Nelson, Ireland, Winslow, Macaulay  
 NAYS: None  
 ABSENT: Sanford & Tunney

The motion carried.

8. OLD BUSINESS

A. *MICHIGAN BLOOD ORGANIZATION – BLOOD DRIVE*

Brandon Shelson appeared before Council and explained the Michigan Blood Organization and its purpose. Shelson requested permission to use the City Council Chambers to conduct a blood drive at a future date.

**MOVED** by Reno and supported by Nelson to approve the use of the City Council Chambers by the Michigan Blood Organization to conduct a blood drive with a date and time to be coordinated with the City Manager.

A roll call vote was taken.

YEAS: Nelson, Ireland, Winslow, Macaulay, Reno  
 NAYS: None  
 ABSENT: Sanford & Tunney

*IFT UPDATE*

Mayor Winslow noted that a Representative from Arenac Castings was in the audience and asked that at this time Council deviate from the agenda and allow the Arenac Castings Representative to present the IFT report. Gary Kilgus, representing Arenac Castings, stated that there are currently 57 people working and that a third (3<sup>rd</sup>) shift will be starting next week. Council congratulated Arenac Castings on their progress.

9. NEW BUSINESS

A. *MCALLISTER RESTITUTION DISCUSSION*

David Otis of Plunkett Cooney appeared before Council to discuss a possible settlement offer regarding the McAllister vs City of Standish case filed in Federal Court. Otis stated that there was a mediation conference held on August 19, 2010 at which time a tentative settlement was agreed to. Otis stated the settlement would have the City waive any remaining restitution due to the City and request the criminal court to waive any remaining court costs. Otis submitted a Resolution for Council consideration. After considerable discussion the following Resolution numbered 10-07 was offered.



**City of Standish**

**Resolution #10-07**

**WHEREAS**, the former Treasurer of the City of Standish, Melissa McAllister, was terminated by City Council after a hearing on October 8, 2008;

**WHEREAS**, Melissa McAllister was notified by correspondence of October 13, 2008, of her termination, which termination related to certain improper transactions involving City tax collections and disbursements, as more fully described in documents attached to the Notice of Hearing of October 8, 2008;

**WHEREAS**, Melissa McAllister was charged with certain misdemeanors on or about October 6, 2008, as more fully described in the charging documents in District Court Case No: 08-0604-SM;

**WHEREAS**, certain conditions were imposed on McAllister's plea and sentence, including four hundred eight (480) hours of community service, which McAllister fulfilled, restitution in the amount of approximately Twenty Thousand (\$20,000.00) Dollars and costs and fines amounting to approximately Fifteen Hundred (\$1,500.00) Dollars;

**WHEREAS**, McAllister filed against the City of Standish and other defendants a civil action making certain allegations regarding wrongful termination, which action was filed in the United States District Court for the Eastern District of Michigan, Case No: 09-cv-11911;

**WHEREAS**, the parties were ordered by the Federal District Court to engage in a facilitation/mediation on August 19, 2010, and the parties reached a tentative settlement of that action on that date;

**City of Standish**

**Resolution #10-07**

**WHEREAS**, the former Treasurer of the City of Standish, Melissa McAllister, was terminated by City Council after a hearing on October 8, 2008;

**WHEREAS**, Melissa McAllister was notified by correspondence of October 13, 2008, of her termination, which termination related to certain improper transactions involving City tax collections and disbursements, as more fully described in documents attached to the Notice of Hearing of October 8, 2008;

**WHEREAS**, Melissa McAllister was charged with certain misdemeanors on or about October 6, 2008, as more fully described in the charging documents in District Court Case No: 08-0604-SM;

**WHEREAS**, certain conditions were imposed on McAllister's plea and sentence, including four hundred eight (480) hours of community service, which McAllister fulfilled, restitution in the amount of approximately Twenty Thousand (\$20,000.00) Dollars and costs and fines amounting to approximately Fifteen Hundred (\$1,500.00) Dollars;

**WHEREAS**, McAllister filed against the City of Standish and other defendants a civil action making certain allegations regarding wrongful termination, which action was filed in the United States District Court for the Eastern District of Michigan, Case No: 09-cv-11911;

**WHEREAS**, the parties were ordered by the Federal District Court to engage in a facilitation/mediation on August 19, 2010, and the parties reached a tentative settlement of that action on that date;



**WHEREAS**, the City agreed to certain terms of settlement, including the agreement that it would request the probation department and criminal court to waive the remaining restitution and costs associated with Case No: 08-0604-SM;

**NOW THEREFORE**, the City Council hereby resolves that legal counsel for the City of Standish in the civil action is authorized to inform the probation department and criminal court that the City of Standish waives any remaining restitution and requests the criminal court to waive the remaining restitution and costs.

Council Member Nelson moved for adoption of the resolution Motion seconded by Council Member Ireland.

Ayes: Macaulay, Ireland, Reno, Nelson, Winslow

Nays: None

Absent: Sanford, Tunney

The Resolution was declared adopted.

**B. *CURT HILLMAN – WOOD PELLET INDUSTRY UPDATE***

Curt Hillman from the EDC appeared before Council to give them an update on the Wood Pellet Industry planning to locate in Arenac County. Hillman stated the project is still ongoing all though at a slower pace than anticipated. Hillman stated that communications from the company, International Wood Fuels, indicate a minimum of 25 direct jobs at the plant location with indirect work for support companies such as trucking jobs, maintenance jobs and logging.

**C. *MID-MICHIGAN ENTERTAINMENT AGENCY – TIM DIXON AND JERRI HARRIS***

Tim Dixon and Jerri Harris appeared before Council to update them on the “MidMichigan Rockin Fest” scheduled to be held at the Arenac County Fairgrounds on August 19, 20 and 21, 2011. Dixon stated that this will be more than just a music festival. He stated the Agency plans on having a “Kid Zone” as well as “Extreme Sports.”

Harris stated that national sponsors are being sought and already have Coke-A-Cola on board. Harris stated that nationally known recording artists will be performing and that they anticipate an attendance though the 3 day event to be from 3000 to 10,000 people.



Harris stated it is the intent to end the festival with a pyrotechnic show and asked if the City had any regulations or comments regarding them. Council felt that additional information was needed on liability issues before commenting.

D. *RESOLUTION #10-06 – REMOVAL OF SPECIAL ASSESSEMENT*

**MOVED** by Nelson and supported by Ireland to adopt the following Resolution #10-06

**RESOLUTION # 10-06**

A RESOLUTION AUTHORIZING THE REMOVAL OF A SPECIAL ASSESSMENT FROM THE  
2010 TAX ROLL

**WHEREAS,** The Arenac County Equalization Department prints the tax bills for the property owners of the City of Standish;

**WHEREAS,** The Standish City Treasurer certified, to the County of Arenac, the delinquent invoices for the 2010 tax roll;

**WHEREAS,** through the review of the tax roll, it was determined that the following Delinquent Water violation was paid in the amount of \$215.19 in the 2010 Tax year for parcel number:

Parcel # 040-2-100-000-009-00

**WHEREAS,** the City of Standish hereby approves the removal of the aforementioned special assessment from the 2010 tax roll and a refund issued if necessary.

**NOW, THEREFORE BE IT RESOLVED** that the Standish City Council hereby adopts resolution #10-06, authorizing the removal of a special assessment from the 2010 tax roll.

A roll call vote was taken as follows:

YEAS: Ireland, Winslow, Macaulay, Reno, Nelson

NAYS: None

ABSENT: Sanford & Tunney

The motion carried and the Resolution was declared adopted.

E. *DAVID E MUNSON, CHAIRMAN OF PLANNING COMMISSION*

David Munson appeared before Council to inform them of action taken by the Planning Commission at their regular meeting the previous evening. Munson reported that the City Planning Commission adopted a resolution to reduce the number of members of the Planning Commission from nine (9) to seven (7). Munson also addressed concerns with the lack of communication between the two boards. Winslow encouraged members of the City Council to attend Planning Commission meetings as well as the Planning Commission members attending City Council meetings.



*F. APPOINTMENT OF OFFICAL REPRESENTATIVE FOR MML ANNUAL MEETING*

**MOVED** by Nelson and supported by Macaulay to appoint the City Manager as the official representative to the Michigan Municipal League Annual Meeting.

A roll call vote was taken as follows:

YEAS:	Winslow, Macaulay, Reno, Nelson, Ireland
NAYS:	None
ABSENT:	Sanford & Tunney

The motion carried.

*G. MERS – BENEFIT E COST PROPOSAL*

Council was presented with the retirement actuarial for the Benefit E 2% cost of living allowance for January 1, 2010. The Clerk reported that to give the current retirees a 2% cost of living increase on January 1, the City would need to pay a lump sum of \$52,267.00 or make 14 annual payments of \$5,352.00.

Winslow declared a conflict of issue on this matter citing a family relationship with 2 current retirees of the City. Winslow stated he would not take part in the discussion or decision if Council wished. Council stated they had no issues with Winslow discussing or voting on the issue.

After discussion, no action was taken by Council.

*H. MERIT NETWORK – R.O.W. TELECOMMUNICATIONS PERMIT*

**MOVED** by Reno and supported by Ireland to approve the Right-Of-Way Telecommunications permit with Merit Network Incorporated as submitted and authorize the City Manger to execute same.

A roll call vote was taken as follows:

YEAS:	Macaulay, Reno, Nelson, Ireland, Winslow
NAYS:	None
ABSENT:	Sanford & Tunney

The motion carried.

*I & J FOCO ROAD PROPERTY- OFFER & SALE OF POLICE CAR*

**MOVED** by Reno and supported by Nelson to table these two items until after the City's 2009/2010 audit is completed.

A roll call vote was taken as follows:

YEAS:	Reno, Nelson, Ireland, Winslow, Macaulay
NAYS:	None
ABSENT:	Sanford & Tunney

The motion carried.

K. *SSC HOMECOMING PARADE*

**MOVED** by Nelson and supported by Macaulay to approve the use of the City Streets for the parade route for the Standish Sterling Community School Homecoming Parade to be held on Friday, September 24, 2010.

A roll call vote was taken as follows:

YEAS: Nelson, Ireland, Winslow, Macaulay, Reno  
NAYS: None  
ABSENT: Sanford & Tunney

The motion carried.

10. OTHER BUSINESS

*2% FUNDING REQUEST TO THE CHIPPEWA TRIBE*

Moran submitted the items to be submitted to the Chippewa Tribe for their 2% funding distribution. Moran stated the request is for \$120,000.00 which consists of partial funding of roof repair, lawn mower, mapping and a general allocation.

**MOVED** by Reno and supported Ireland to authority the City Manager to submit the 2% funding request to the Chippewa Tribe as presented.

A roll call vote was taken as follows:

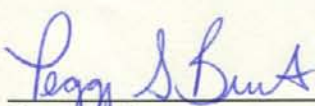
YEAS: Ireland, Winslow, Macaulay, Reno, Nelson  
NAYS: None  
ABSENT: Sanford & Tunney

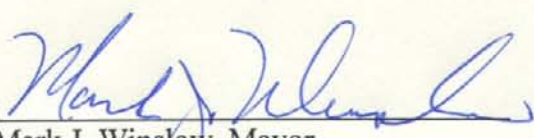
The motion carried.

11. ADJOURNMENT

With nothing further to come before Council, Mayor Winslow adjourned the meeting at 7:53 p.m.

Respectfully Submitted:

  
\_\_\_\_\_  
Peggy S. Burtch  
Clerk/Treasurer

Attest:   
\_\_\_\_\_  
Mark J. Winslow, Mayor