



**Minutes of the Regular Meeting of the
Cedar Springs City Council**

Thursday, March 13, 2014

**Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan**

**Workshop
6:15 p.m.**

Members Present: Ken Benham, Ashley Bremmer, Daniel Clark, Gerald Hall, Robert Truesdale, Mark Fankhauser.

Members Absent: Patricia Troost.

Also Present: City Manager Thad Taylor, City Clerk Linda Christensen, Finance Director Debra Brunett, Police Chief Roger Parent, DPW Director Tom Stressman, Fire Chief Marty Fraser.

The City Manager reviewed agenda items with Councilmembers.

Fankhauser asked for Councilmembers to consider a request to have the City Manager and City Attorney to cause an investigation to be conducted under the authority granted under the City Charter to determine if the Council violated the Open Meetings Act by its actions on July 11, 2013 as was being alleged in the recall petition. He asked the Council to consider adding this item to that evening's agenda. He felt it was important to conduct such an investigation to protect the integrity of the Council, to bring transparency back to the City Council and to bring closure to the allegation. He felt this was the best thing to do for the Council and the City.

Hall questioned the cost involved in such an investigation.

Taylor responded that if the State Police or prosecutor's office conducted the investigation, there would be no cost to the City.

Clark asked about a time limit for an investigation.

Fankhauser also discussed an email **Truesdale** had sent to the Michigan Municipal Attorney's List Serve inquiring how to change the City Charter to have the mayor elected by residents. He acknowledged the fact the email was sent to the wrong organization and should have been directed to the Michigan Mayor's organization (of which Truesdale was a member when he was mayor) and acknowledged this was

done through no fault of Truesdale; but through a mix-up at the MML level. A further email from Truesdale stated the Council and City officials had not responded to his questions about this item when he had brought it up. Fankhauser stated this item had been discussed by the Council when it was brought up by Truesdale at a June, 2013 Council meeting. He felt if Truesdale wanted to discuss it again, it should be brought up at a goal setting session and should not have been handled through email insinuating the Council had not responded when he had originally brought it up. He asked councilmembers, if they had questions or concerns about certain issues, to direct those questions to the City Manager, City Clerk or other Councilmembers to keep things "in house."

**Meeting
7:00 p.m.**

1. The Meeting was Called to Order by Mayor **Mark Fankhauser** at 7:00 p.m. The Pledge of Allegiance was recited.

2. <u>ROLL CALL:</u>	Mr. Ken Benham	Present
	Mrs. Ashley Bremmer	Present
	Mr. Daniel Clark	Present
	Mr. Gerald Hall	Present
	Mr. Robert Truesdale	Present
	Mayor Pro Tem Mrs. Patricia Troost	Excused
	Mayor Mr. Mark Fankhauser	Present

3. PUBLIC FORUM.

Rose Powell, 316 W. Cherry St., stated the recall was not just against Ashley Bremmer and Patricia Troost; but that Ken Benham and Mark Fankhauser were up for re-election and could not be recalled at this time. She also asked that a vote on the city policies, which was on the agenda that evening, be postponed until the people had an opportunity to vote on them. She also suggested a policy be put in place regarding having a beer tent on City property.

Mark Laws, 54 S. First St., stated the City had a lot of potential going; but its lack of vision and leadership for the past decade was pulling it down. He cited examples of what he deemed poor leadership qualities Residents were afraid to come to City Hall for fear of retaliation, he said and were forced to seek resolution to their problems by talking to hourly employees for relief.

Pam Morris, 10 S. Main St., said the City had an ordinance for dog refuse to be taken care of and asked when it was going to be enforced.

Shawn Kiphart, Chamber of Commerce President, stated that there were 52 members in the Chamber and felt the City was working well with the Chamber. It was a vocal minority that was bringing the City down, he said.

Roger Parent, Police Chief, said if anyone was complaining about how his office was handling things, they needed to come to him to voice those complaints.

4. There were no Public Hearings.

5. **Motion by Benham, supported by Clark, to approve the agenda with the addition of Item E under New Business authorizing an investigation of a violation of the Open Meetings Act.**

VOTE: 6 – 0, Motion Carried.

6. **Motion by Bremmer, supported by Benham, to approve the Consent Agenda consisting of the following:**
 - A. **approval of the minutes of the Regular Meeting of February 13, 2014 and the Special Meeting of February 27, 2014.**
 - B. **approval of the Checks Paid Prior #s 36298 – 36354 totaling \$93,382.00; the March Accounts Payable #s 36355 – 36376 totaling \$38,126.96 and Electronic Transfers totaling \$4,908.66. The total of all checks and transfers was \$136,417.62.**
 - C. **Resolution No. 2014 – 09, a resolution to collect 100% of Cedar Springs Public Schools' imposed Summer Property Tax Levy for 2014.**

VOTE: 6 – 0, Motion Carried.

- 7, There was no Correspondence.

8. **UNFINISHED BUSINESS.**

- A. **Dave Ringler**, Cedar Springs Brewing Company, gave an update on the proposed use of 95 N. Main St. He provided preliminary conceptual drawings of the proposed brewery. Plans call for seating for 156 patrons indoors and outdoor seating for 96. He stated they are moving as quickly as possible; but are waiting for the licenses necessary for operation: a micro brewery, small distillery and small wine making licenses. He said he hopes to come back to the April Council meeting regarding the option to purchase the property. Once the business is up and running, he hopes it is a place that everyone can call home and be a hospitality destination, he said.

- B. There were no Mayoral Business matters.

9. **NEW BUSINESS.**

- A. **Motion by Clark, supported by Hall, to approve Resolution No. 2014 – 08, a resolution to commit to the amount of the local match in terms of dollar amount or percent of total project cost and all sources of match as specified in the DNR Passport Grant Application.**

City Manager **Thad Taylor** stated this was the same resolution passed by the Council last year when applying for a DNR Passport Grant for improvements to Veteran's Park. The City did not receive funding last year and was applying again this year for the grant.

VOTE: 6 – 0, Motion Carried.

- B. **Motion by Truesdale, supported by Hall, to approve the annual flow testing of the ISI Viking Flow Packs for the Fire Department from Douglass Safety in an amount not-to-exceed \$1,900.00.**

VOTE: 6 – 0, Motion Carried.

- C. **Motion by Clark, supported by Benham, to approve City Policies: Casual Friday, Banner, Conflict of Interest Disclosure, Escrow Fund, Standards of Conduct for Elected Officials, Fund Balance, Utility Billing Deferral, Social Security Numbers, Identity Theft Prevention and Sprinkling Meters. The Profession Leadership Policy is to come back to the Council for action after a minor rewrite.**

Hall asked about adding language regarding sprinkling meters for businesses to the Sprinkling Meter Policy.

Motion by Clark, supported by Benham, to withdraw the motion.

Motion by Clark, supported by Benham, to approve City Policies: Casual Friday, Banner, Conflict of Interest Disclosure, Escrow Fund, Standards of Conduct for Elected Officials, Fund Balance, Utility Billing Deferral, Social Security Numbers and Identity Theft Prevention. The Professional Leadership and Sprinkling Meter Policies are to come back to the Council for action after some minor language rewrites.

VOTE: 6 – 0, Motion Carried.

- D. **Motion by Benham, supported by Bremmer, to approve Resolution No. 2014 – 10, a resolution recognizing the CS Area Chamber of Commerce’s Founder’s Weekend as a Community Event.**

VOTE: 6 – 0, Motion Carried.

- E. **Fankhauser** read a prepared statement as follows: “On March 7, 2014, the Kent County Elections Commission certified, as clear and factual, language filed by a resident for the recall of Council members, Patricia Troost and Ashley Bremmer. One of the two reasons cited for their recall was “On July 11, 2013 Ashley Bremmer/Patricia Troost voted to go into a closed session to hear complaints against Council member Truesdale. The Open Meeting Act 267, 15.268, 8a allows for a closed session if it is requested by the person to be disciplined or reprimanded. Council member Truesdale made no such request.”

“That is a very serious charge; in fact, a violation of the Open Meetings Act is, potentially a criminal act. While the recall language is specific to Council members Troost and Bremmer, the vote to go into closed session was unanimous. In fact, three additional members of our current Council voted to go into closed session on July 11, 2013. It stands to reason that if Council members Troost and Bremmer violated the Open Meetings Act by their vote on July 11, the additional three current Council members did so as well.

“The Kent County Elections Commission has certified the recall language as clear and factual. While there is a legal distinction between factual and true, I’m concerned that for many of our citizens those words have the same meaning. I don’t believe that we, as the City Council, can allow the citizens to

believe that Council violated the Open Meetings Act without some conclusive evidence.

“To protect the integrity of the Council, I’m asking Council to authorize the City Manager and City Attorney to cause an investigation to be conducted pursuant to the authority granted the Council under the City Charter, to determine if the Council violated the Open Meetings Act by its actions on July 11, 2013 as alleged in the recall petition.”

Bremmer asked if the investigation would result in charges being brought against all seven councilmembers.

Fankhauser said his intent was for the City Manager and City Attorney to seek out a means for an investigation of the matter to ensure the integrity of the City Council.

Taylor said to make sure the investigation was done correctly he would rely on the City Attorney’s advice as to the best way to conduct an investigation.

Bremmer asked if an investigation would open all avenues.

Taylor responded that investigators take investigations where they go. They would look at the whole picture, he said.

Bremmer stated that someone in the closed session violated the dictates of a closed session for it to have gone this far.

Truesdale said this would be a costly way to go – spending City money on an investigation. It never should have happened and he was ready to let it go and see some healing take place.

Taylor stated an investigation would be costly if the City hired a private attorney to conduct it; but if the State Police or prosecutor’s office was the tool used to conduct the investigation, there would be no cost to the City.

Benham said he called Bob (Truesdale) and asked about going into a closed session. The discussion could take place in open session; but it would be more professional to go into a closed session he told Bob and Bob agreed to go into a closed session.

Motion by Bremmer, supported by Benham, to authorize the City Manager and City Attorney to cause an investigation to be conducted pursuant to the authority granted the Council under the City Charter, to determine if the Council violated the Open Meetings Act by its actions on July 11, 2013 as alleged in the recall petition.

VOTE: 5 – 1 (Truesdale), Motion Carried.

10. CITY MANAGER’S REPORT.

A. General Information and Special Projects discussed include the following:

- Consumer’s Energy Grant.
- Retirement of Richard Pajak.
- Retirement of Roger Parent.
- Sale of Metro Health to a for profit making enterprise.
- Wage/benefit costs for employees.
- Goal setting workshop April 3.
- 3 % increase in health insurance costs.

- B. Monthly Department Reports were offered from the following:
1. Department of Public Works.
 - a. Infrastructure Alternative's operational & maintenance report.
 2. Police Department.
 3. Fire Department.
 4. City Clerk.
 5. Finance Officer/Treasurer.
 - a. Cash Summary Report.
 - b. Revenue/Expenditure Report.
 6. Professional code Inspections.
 - a. Rental Registration Report.
 7. Minutes from the following Board and Commission Meetings:
 - a. the February 3, 2014 CS Area Parks & Recreation Board Meeting and Director's Report.
 - b. the January 27, 2014 CS Library Board Minutes.

11. COUNCIL COMMENTS.

Bremmer – thanked department heads; congratulations to Tom Stressman and Christine Fah!; congratulations to Roger on his pending retirement.

Benham – thanked department heads, it had been a tough winter and was looking forward to the Cedar Springs Brewery coming to town.

Truesdale – reported on meetings with the Community Building Team; exciting things were happening.

Clark – thanked the Clerk for her work on the cemetery records.

Hall – thanked the staff; it had been a hard winter; welcomed the brewery company to town.

Fankhauser – thanked the residents for coming out; thanked the staff for the jobs they are doing; thanked Dave Ringler for his presentation and felt the action taken by the Council that evening would go a long way to improving Cedar Springs.

12. The Meeting adjourned at 8:26 p.m.

Linda Christensen, City Clerk

Mark Fankhauser, Mayor