



**Minutes of the Annual Reorganizational Meeting
of the Cedar Springs City Council**

Thursday, November 13, 2014

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

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

Members Present: Daniel Clark, Pamela Conley, Gerald Hall, Perry Hopkins, Molly Nixon, Rose Ellen Powell, Robert Truesdale.

Also Present: City Manager Thad Taylor, City Clerk Linda Christensen, Finance Director/Treasurer Deb Brunett, Fire Chief Marty Fraser, DPW Superintendent Tom Stressman.

The City Manager reviewed agenda items with Councilmembers. Truesdale questioned why there was a need to go into closed session on the agenda. Taylor responded it was necessary to discuss strategy with the City Attorney because of the alleged Open Meetings Act violation filed by Councilmembers Truesdale and Clark.

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

1. The Meeting was Called to Order by City Clerk **Linda Christensen** at 7:00 p.m. The Pledge of Allegiance was recited.

The City Clerk issued the Oath of Office to newly elected Councilmembers: Rose Ellen Powell, Molly Nixon, Perry Hopkins and Pamela Conley.

The City Clerk opened the floor for nominations for the office of Mayor.

Motion by Conley, supported by Clark, to nominate Gerald Hall.

Motion by Hopkins, supported by Clark, to nominate Pamela Conley.
Conley declined the nomination.

Motion by Truesdale, supported by Hall, to nominate Daniel Clark.

The Clerk called the question for **Hall**.

VOTE: 5 – 2 (Hopkins, Truesdale) Motion Carried.

The Clerk stated because there was a majority vote for Hall, it was not necessary to vote on the nomination for Clark.

The Clerk issued the Oath of Office to **Hall**.

The Meeting was turned over to the new mayor.

Hall called for nominations for the office of Mayor Pro Tem:

Motion by Hopkins, supported by Truesdale, to nominate Clark.

Motion by Nixon, supported by Clark, to nominate Conley.

Hall called the question for **Clark**:

VOTE: 4 – 3 (Clark, Powell, Nixon) Motion Carried.

Clark declined the nomination.

Hall called the question for **Conley**.

VOTE: 7 – 0, Motion Carried.

The City Clerk issued the Oath of Office to **Conley**.

2. <u>ROLL CALL:</u>	Mr. Daniel Clark	Present
	Mrs. Pamela Conley	Present
	Mr. Gerald Hall	Present
	Mr. Perry Hopkins	Present
	Mrs. Molly Nixon	Present
	Mrs. Rose Ellen Powell	Present
	Mr. Robert Truesdale	Present

3. PUBLIC FORUM.

Mark Fankhauser, 91 W. Muskegon, congratulated the new councilmembers and stated he was looking forward to serving the City as a citizen. Stated there was a street light out at Church and 3rd Street and was looking forward to the new council representing the citizens of the City.

Conley thanked **Fankhauser** for his service and that he had worked very hard for the welfare of the citizens.

Kathy Bremmer, 205 E. Maple St., congratulated the new councilmembers and read a prepared statement regarding agenda items. **(Attached Item A)**

Dan Clark, 18 N. Grant St., read a prepared statement regarding a complaint filed by himself and **Truesdale** regarding an alleged violation of the Open Meetings Act and outlining conditions which will cause the complainants to withdraw the lawsuit. **(Attached Item B)**

Patricia Troost, 184 Johnston St., congratulated the new councilmembers, was excited to see where this City Council will go.

Hall thanked her for her time and service to the City and to **Ken Benham** who was also in the audience.

Conley also added her thanks and to everyone who had served the City.

4. There were no public hearings.
5. **Motion by Hopkins, supported by Conley, to approve the agenda.**

VOTE: 7 – 0, Motion Carried.

6. **Motion by Conley, supported by Nixon, to approve the consent agenda consisting of the following and with clarification of comments made by Rose Ellen Powell and Gerald Hall to be added to the minutes of the Special Meeting of October 30, 2014:**
 - A. approval of the minutes of the Regular Meeting of October 9, 2014, the Special Meeting of October 30, 2014 and the rescinded closed session minutes of August 21, 2014.
 - B. approval of the Checks Paid Prior #s 37073 – 37133 totaling \$120,204.41; the November Accounts Payable #s 37158 – 37191 totaling \$52,735.71 and Electronic Transfers totaling \$3,309.46. The total of all checks and transfers was \$176,249.58.

VOTE: 7 – 0, Motion Carried.

7. Correspondence was reviewed from the following:
 - A. a letter from the Cedar Springs Rotary Club.
 - B. a retirement open house invitation for Steven Servaaas.
8. UNFINISHED BUSINESS.
 - A. City Engineer Mike Berrevoets provided an update on the USDA sewer/water projects slated to begin in 2015.
 - B. There was no mayoral business matters.
9. NEW BUSINESS.
 - A. **Motion by Hopkins, supported by Powell, to enter into Closed Session to discuss pending litigation with the City Attorney.**

Nixon questioned the need to go into closed session and felt the discussion should be done in public.

City Attorney **Jeff Sluggett** stated, in his opinion, neither Dan Clark or Bob Truesdale, should vote on the matter and not recess with the remaining councilors when they retired to closed session as they were the plaintiffs in the pending lawsuit.

Conley said she agreed with **Nixon** and felt the conversation should be done in public.

Taylor stated that this was an acceptable reason to go into a closed session. It would be a disservice to the community if strategy was discussed in the open and the plaintiffs knew what had been discussed.

Hall said he would like to go into closed session to discuss the offer **Clark** had made earlier in the meeting.

VOTE: 5 – 0 (Clark & Truesdale abstaining) Motion Carried.

The Council minus members Truesdale and Clark, retired to closed session at 7:50 p.m.

Motion by Conley, supported by Hopkins, to return to Open Session.

VOTE: 5 – 0, Motion Carried.

The Council returned to open session at 8:30 p.m.

- B. Discussion regarding an appeal of a Freedom of Information Act (FOIA) denial dated October 24, 2014:

Sluggett provided background on several FOIA requests that had been submitted to the City. They had been properly denied, **Sluggett** stated. The individual, however, was appealing the denial and had requested that the City Council vote on his request to waive the attorney/client privilege associated with the written, legal opinion/memo's that address issues regarding the City Manager's contract which he had requested. **Sluggett** stated most communities protect that privilege in which they receive a candid legal opinion from their attorney. If that privilege is waived such documents could put a city at risk financially or provide exposure. The Council did not need to make a decision that evening, he said. They had 10 days in which to render a decision. The Council could either affirm the denial or reverse the denial based on comments made that evening.

Conley asked if there was any reason why this individual needed the information.

Sluggett replied that he was asked to attend the meeting to state his reason for the appeal. The City did not know what his reasoning was.

Motion by Conley, supported by Clark, to uphold the FOIA decision based on comments made that evening.

Conley stated that without a concrete reason she didn't see any reason to violate the attorney/client privilege.

VOTE: 7 – 0, Motion Carried.

- C. **Motion by Truesdale, supported by Conley, to approve an extension of the EverKept Service Agreement for residential refuse, recyclables, bulky waste, yard waste and white goods.**

VOTE: 7 – 0, Motion Carried.

- D. **Motion by Powell, supported by Conley, to approve the CS Chamber of Commerce's application for Events that Impair the Use of Streets and Public Ways for a the Mingle With Kris Kringle Event.**

Powell suggested that someone be available on Main Street to watch traffic and help children cross the street during the event.

VOTE: 7 – 0, Motion Carried.

- E. Motion by Conley, supported by Hopkins, to approve the purchase of Direct Logic 405 and accessories from Automation Direct in an amount not-to-exceed \$1,187.00.**

VOTE: 7 – 0, Motion Carried.

- F. Motion by Clark, supported by Powell, to approve a \$10,300 expenditure for the purchase and installation of another emergency warning siren for the City.**

VOTE: 7 – 0, Motion Carried.

- G. Discussion regarding City meetings open to the public being recorded and posted on You Tube:**

Nixon said relatively few things were need to set up an account on You Tube and that ads were also available as a revenue generating source; but cautioned that the ads were not censored for content or subject. A webcam with a high resolution was needed as was a good quality lens. She felt that providing council meetings on You Tube would provide increased transparency and an opportunity for greater public input. The meetings could be viewed at any time and citizens with disabilities could see the meetings without having to come to City Hall.

Taylor said he had reached out to the school to see if there was any interest in students videotaping meetings to give them some real work experience. Such videos could be put on the website and live streamed. He said he would look at options available and report back to the Council with his findings.

- H. Discussion regarding a policy not to act or vote on items presented to the City Council as information in the same meeting as they are presented:**

Conley said when she first came on the Council she had asked if the City had a policy where it didn't take action on things that haven't had an opportunity to be openly discussed or the public had not had an opportunity to weigh in on. She understands that a search was made of City records and such a policy had not been put down on paper.

Hopkins stated that if something was put into effect, there needed to be leeway on some things.

Hall said circumstances arise that need immediate action.

Conley said there should be a standard that the Council did not take action on things that haven't first been presented to the community.

Taylor said that staff looked at that when putting together an agenda. Some items appeared on the agenda as discussion items versus action items, he said.

Conley said there were things that had been on the agenda that had not been put on it for discussion.

Powell said if such a policy was adopted, the Council would have to vote to waive the policy if things came up that needed immediate action.

Conley said she would like to see this added as an action item at December's Council meeting.

It was the consensus of the Council to have a draft policy presented at the December Council meeting for action.

- I. Discussion regarding on creating a mechanism for maintaining an organized record of policies that have been passed by previous Councils.

Conley said a record was needed going forward to organize the City's policies.

Taylor said the City Clerk had done a search of policies previously passed and he was in the process of updating them and having the Council approve them in their new format. Several had already been updated and were in a binder and stored on the City's server.

Councilors wanted them on the City's website and emailed to them.

- J. Discussion on the future operation of the City's Department of Public Works.

Truesdale said he was not prepared to discuss this at this time and asked that it be placed on the December agenda. He said he would put something together that could be included in the agenda packet for review prior to the meeting.

Motion by Hopkins, supported by Conley, to table discussion on the item until the December Council meeting.

VOTE: 7 – 0, Motion Carried.

- K. Discussion regarding the restoration of the City's Model A Fire Truck and ownership.

Truesdale said he was not prepared to discuss this item and wanted it to be placed on the December agenda. He said he would provide information to be included in the agenda packet.

Motion by Hopkins, supported by Powell, to table discussion on the item until the December Council meeting.

Vote: 7 – 0, Motion Carried.

10. CITY MANAGER'S REPORT.

- A. General Information and Special Project discussed included the following:

- Assistance to Firefighters Grant was not funded for the City. Staff will explore other grant opportunities.
- Solon Township Competitive Grant Assistant Program Award. The township had received a grant to conduct a feasibility study to determine areas of cooperation or consolidation. The City may be asked to contribute funding toward the study.
- Council Training. The Michigan Municipal League has scheduled training for newly elected officials.
- Speedway Lease. The environmental monitoring at Morley Park was complete.

- Change over ceremony for the Police Department.

B. Monthly Reports were provided by the following:

1. Department of Public Works.
 - a. Infrastructure Alternative's operational & maintenance report.
2. Fire Department.
3. City Clerk.
4. Finance Officer/Treasurer.
 - a. Cash Summary Report.
 - b. Revenue/Expenditure Report.
5. Professional Code Inspections.
6. Code Enforcement Log.
7. Minutes from the following Boards and Commissions were offered:
 - a. the October 18, 2014 Election Commission Meeting.
 - b. the October 1, 2014 Industrial Facilities Tax Advisory Committee Meeting.
 - c. the September 2, 2014 CS Area Parks & Recreation Board Meeting & the October 2014 Director's Report.

11. COUNCIL COMMENTS.

Hopkins - thanked everyone who elected him; he will do what's best for the community.

Conley - thanked the department heads, thanked the citizens who wanted her back in this seat; she will do her best to be the citizen's eyes and help the city.

Truesdale - thanked everyone for coming out; the council wanted citizen input.

Nixon – even if you didn't vote for her; she still represented you; it was her job to represent everyone.

Powell – thanked everyone for their support.

Clark – was looking forward to working with everyone this year.

Hall – appreciated the confidence the City Council had in him and hoped he did it justice; looks forward to working with everyone; he will not allow personal attacks from the Council or audience; thanked everyone for being here and hopes the Council can move forward in a positive direction.

12. The Meeting adjourned at 9:55 p.m.

Linda Christensen, City Clerk

Gerald Hall, Mayor