

BAY CITY
CITY COMMISSION
Synopsis of Regular Meeting
December 16, 2019

The meeting was called to order by Mayor Kathleen L. Newsham at 7:30 PM.	
Commissioners Present: Jesse Dockett, Kristen McDonald Rivet, Andrew Niedzinski, Brentt Brunner, Rachelle Hilliker, Christopher Girard, Kerice Basmadjian, Ed Clements and Cordal Morris, 9. Absent: None.	Public hearing was held Ordinance Amendment to the Code of Ordinances, Chapter 22, Aviation, section 22-29. No one came forward.
Geraldine Higgs was presented a Years of service award.	Public hearing was held Ordinance Amendment to the Code of Ordinances, Chapter 2, section 2-26, regarding Rules of Commission. No one came forward.
Public hearing was held Ordinance Amendment to the Code of Ordinances, Chapter 94, Streets, Sidewalks and Other Public Places, sections 94-1 through 94-45, 94-209	Alex Dewitt, Adam Gac, Dot Rifenbark, Richard Spencer, Brandy Swartz, James Hayes, Anthony Molar, Celina Harrell, Jeff Doyen, Chris Taylor and Ryan Tarrant spoke during public input.

SPECIAL ORDER

The following Ordinance was presented at the December 2, 2019, City Commission meeting and is herewith presented for possible adoption.

Of Commission as a Whole:

Ordinance No. 2019-17

Be It Ordained by the City of Bay City: that Chapter 94, Streets, Sidewalks and Other Public Places, sections 94-1 through 94-45, 94-209 and 94-210 has been amended by action of the City Commission of the City of Bay City. A summary of the Amendments is as follows:

Section 94-1. Obstructions and encroachments generally.

(a) – Adds paved surfaces and driveway approaches to work that requires a permit, and includes work under the sidewalk, street or other public area.

(b) - Adds paragraph to require permit for construction activities, openings, or excavation

(c) and (d) were originally (b) and (c) - content has not changed.

Section 94-42. Permit and bond

Added language to cover driveways

Changed the requirement to obtain a bond to being required in the opinion of the City Engineer

Section 94-43. Notice to Property Owners and Occupants

Added language to cover driveways

Section 94-44. Work by City when Property Owner or Occupant Fails to Act.

Added language to cover driveways

Section 94-45. Grades and Lines

Revision for situation that the line of the sidewalk may be varied, it must comply with the Americans with Disabilities Act.

94-209. Duty to Maintain Danger Signals and Space for Travel

Added language to require construction activities be in conformity with the Michigan Manual on Uniform Traffic Control Devices.

94-210. Backfilling

(a) Revised requirements for backfilling to be done in a manner and with materials approved by the city engineer.

(b) Adds requirement for permit holder to call for inspections as required in the permit or by the city engineer.

(c) Adds the requirement to correct settlement within 24 hours after notification.

A copy of this ordinance may be inspected at the Office of the Bay City Clerk, 301 Washington Avenue, Bay City, Michigan, 48708 between the hours of 8:00 a.m. and 5:00 p.m. on all business days, excluding holidays. Once adopted, a copy of the full ordinance may also be viewed on the City’s website, at www.baycitymi.org.

Commissioner Dockett moved adoption of Ordinance No. 2019-17.

Adopted by the following vote:

Yes, Commissioners Dockett, Rivet, Niedzinski, Brunner, Hilliker, Girard, Basmadjian, Clements, Morris, 9.

No, None.

SPECIAL ORDER

The following Ordinance was presented at the December 2, 2019, City Commission meeting and is herewith presented for possible adoption.

Of Commission as a Whole:

Ordinance No. 2019-18

Be It Ordained by the City of Bay City: that the Code of Ordinances of the City of Bay City, Chapter 22, Aviation, Section 22-29, be amended to read as follows:

Sec. 22-29. Airport committee.

(a) Composition of membership. An airport committee consisting of ten members shall be appointed by the mayor, subject to the approval of the city commission. One of the members shall be a member of the city commission who shall serve as a non-voting member and as a liaison between the airport committee and the city commission.

(b) Advisory capacity. The committee shall work solely in an advisory capacity to the city commission.

(c) Appointment. The airport committee shall be appointed effective January 1, 2020. Members, other than the city commission member, shall be appointed for a term of three years, except the initial appointment of three members for a term of two years and three members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. The member who is also a member of the city commission shall be appointed on a yearly basis.

(d) Meetings; appointment of chairman. The committee shall meet at such times and places as are deemed advisable by the chairman, who shall be appointed by the committee.

(e) Recommendations to city manager. The committee

shall from time-to-time make recommendations for the repairing, building, maintaining, operating, and use of the municipal airport to the city manager, who shall act on such recommendations as provided in section 22-36.

Commissioner Niedzinski moved adoption of Ordinance No. 2019-18.

Adopted by the following vote:

Yes, Commissioners Dockett, Rivet, Niedzinski, Brunner, Hilliker, Girard, Basmadjian, Clements, Morris, 9.

No, None.

SPECIAL ORDER

The following Ordinance was presented at the December 2, 2019, City Commission meeting and is herewith presented for possible adoption.

Of Commission as a Whole:

Ordinance No. 2019-19

Be It Ordained by the City of Bay City: that the Code of Ordinances of the City of Bay City, Chapter 2, Administration, Section 2-26, be amended to read as follows:

Section 2-26 – Rules of Commission.

The following rules shall govern the meetings and organization of the city commission:

(1) Rule 1. The regular meeting of the commission shall be held on the first and third Monday of each month with the exception of observed holidays at 6:30 PM. If the regular scheduled meeting falls on a holiday, the meeting will be scheduled for the next business day. The Commission may hold special meetings set in accordance with the Open Meetings Act, MCL 15.261, et.seq.

(2) Rule 2. The commission shall elect a president, vice president and sergeant-at-arms during the 2nd meeting in November of each year.

(3) Rule 3. The presiding officer shall be responsible for enforcing the Rules of the City Commission, contained herein, as well as Code of Conduct. In absence of the Mayor, the responsibility shall fall upon the highest ranking officer present at the meeting.

(4) Rule 4.

a. The City administration shall have the authority to pay all bills, invoices and accounts which have been specifically approved or authorized by the city commission through the adoption of the city budget, such as those amounts due or billed on contracts, purchase orders, wages and fringe benefits, utilities, and for other goods and services required for the day-to-day operations of the city and the provision of essential city services. These expenses will be presented at the regularly scheduled city commission meeting for approval with a listing of checks attached to the agenda item. Requests for additional billing information must be received prior to the city commission meeting.

b. The City Commission shall approve the annual budget effective July 1st of each year. The approved annual city budget shall identify a spending plan for all City departments and operations. All expenses incurred by the City’s departments shall be identified as the total expenditures by each department on a bi-monthly agenda. Once approved all expenses shall be paid by the City’s Accounting Department. Expenditures and accounting for expenditures shall be in full compliance with State requirements and no additional review or approval shall be required.

(5) Rule 5. Working committees on the city commission may be appointed from time to time, when necessary for purposes of study and recommendation concerning a specific subject. Members of such committees are to be appointed jointly by the Mayor and Commission President, with approval of city commission.

(6) Rule 6. All items to be presented on the formal agenda must be received by the city clerk before 5PM on Thursday prior to the Wednesday disbursement of the agenda. The agenda Packet is available the preceding Wednesday before the meeting.

(7) Rule 7. The order of business at every legislative meeting of the commission shall be as follows:

- Calling of the roll
- Consent Agenda
- Presentations, proclamations, awards and recognitions
- Recess for Informal
- Public Hearing
- Special orders or unfinished business
- Presentation of petitions
- Presentation of accounts and claims/payroll
- Reports of officers
- Reports of committees
- Communications
- Motions and resolutions
- Items coming from the Informal meeting
- Adjournment

(8) Rule 8. A motion to reconsider may be made at the same or next succeeding meeting and the procedure shall be governed by Robert’s Rules of Order, Newly Revised. A motion to reconsider must be made by a Commissioner who voted with the majority and was on the prevailing side of the agenda item.

(9) Rule 9. All actions of the commission shall be taken by roll call, except for a motion to adjourn, receive or to refer, unless objected to by a commission member.

and 94-210. No one came forward.

(10) Rule 10. These rules may be suspended or amended by an affirmative vote of six or more Commissioners.

(11) Rule 11. Upon a receipt of a veto from the mayor, the question before the commission at the next Commission meeting shall be:

Shall the ordinance, resolution, motion or order of the commission vetoed by the mayor, be passed notwithstanding such veto?

(12) Rule 12. For the purpose of public participation during public hearings or input, every speaker must provide his or her name and address on the register provided. Each speaker will be allowed to speak for no more than five minutes at a meeting, except that a speaker’s time may be extended by a majority vote of the commission for no more than two additional minutes. The sergeant at arms, or an acting sergeant at arms designated by a majority vote of the commission, shall act as official timekeeper for the commission for purposes of this rule and for other purposes. Derogatory comments directed at another person are prohibited.

(13) Rule 13. No resolution, motion or order or other action of the commission shall take effect or become operative until five days after its passage, unless the mayor shall, within the five days, have signified his/her approval in writing, filed with the City Clerk. No ordinance shall take effect or become operative until the publication requirements of the Charter have been complied with.

(14) Rule 14. Additional meetings may be called at the request of five members by giving, through the clerk’s office, adequate prior notice in writing, verbally, email or by phone. Additional meetings may be called of the commission during the regular Monday meetings by a vote of the majority of the commissioners present if they deem it necessary. Notice to the public shall be given as required by the Open Meetings Act. No business shall be transacted at any special meeting of the commission unless the same has been stated in the required notice of such meeting.

(15) Rule 15. Executive sessions of the commission shall be governed by the applicable laws of the state. Information provided during executive session shall be confidential and shall not be discussed outside of the executive session.

(16) Rule 16. Use of consent agenda. Those items on the city commission agenda which are considered routine by the city manager, i.e., deeds, easements, accounts payable, payroll, standard agreements, reports of administrative actions, leases and agreements previously approved in principal, etc., shall be marked with an asterisk (*); and, unless the mayor, city commission or public, specifically requests that such item on the agenda so marked be considered separately and removed therefrom and city commission action to be taken separately on said item in the order appearing on the agenda, those items so marked shall be approved, adopted, accepted, referred, etc., by motion of the city commission and roll call vote. Those items so approved under the heading “Consent Agenda” will appear in the city commission minutes in their proper form, i.e. resolution accepting grant deed or easement, approval of reports of officers, etc.

(17) Rule 17. City Commissioners will abide by all rules set forth in 1976 PA 267, MCL 15.261 through 15.275, also known as The Open Meetings Act or (OMA).

(18) Rule 18. Subject to the foregoing rules, the proceedings of the city commission shall be governed by the parliamentary rules contained in the current edition of Robert’s Rules of Order, Newly Revised.

Commissioner Niedzinski moved adoption of Ordinance No. 2019-19.

Adopted by the following vote:

Yes, Commissioners Dockett, Rivet, Niedzinski, Brunner, Hilliker, Girard, Basmadjian, Clements, Morris, 9.

No, None.

The following items were approved:

- City Commission Minutes (12/2/19)
- Accounts and Claims in the amount of \$239,364.45 and Investments and Wire Transfers in the amount of \$1,067,643.25 (12/9/19) and Accounts and Claims in the amount of \$885,692.07 and Investments and Wire Transfers in the amount of \$418,531.04 (12/16/19)
- Payroll in the amount of \$968,209.85 (12/11/19)
- Temporary easement for the Morton Street Rail Trail Extension
- Acquisition and Development Agreement with UBP Bay City, LLC, to convey Independence Bridge and Liberty Bridge
- Approval of the Collective Bargaining Agreement for UWUA local 542, effective December 20, 2019 through December 31, 2022
- Provisional Medical Marihuana Facilities License to Revolution Strains, Inc, to operate a Provisioning Center at 412 Washington Avenue, contingent upon final inspection
- Finance Policy Committee Minutes (12/2/19)
- Resolution approving Contract #2019-0634 with Michigan Department of Transportation for State Trunkline Maintenance expiring September 30, 2024
- Resolution allocating initial bridge fund deposit to the infrastructure fund.

The meeting adjourned at 8:55 PM.

Kathleen L. Newsham, Mayor
Tema J. Lucero, City Clerk