

OFFICIAL PROCEEDINGS OF THE
CITY COMMISSION OF THE
CITY OF SCOTTVILLE, MICHIGAN

The 1489th Regular Commission Meeting of the Scottville City Commission was held virtually on January 18th, 2021. Called to order at 6:30 p.m. by Mayor Marcy M. Spencer.

Roll Call:

Present:

Sally Cole
 Nathan Yeomans
 Bruce Claveau
 Brian Benyo
 Ryan Graham
 Rob Alway
 Mayor Marcy Spencer

Also, in attendance: Chief Murphy, Clerk Lester, Treasurer Shafer, and Attorney Alvarado.

ADDITIONS TO AGENDA:

A. Spencer requested Item C under New Business be updated to reflect three (3) FOIA requests.

APPROVAL OF AGENDA:

Approve
 Agenda
 21-09 Motion, by Cole with support from Graham to approve the agenda with the above noted corrections.
 Roll Call Vote
 Motion carried.

APPROVAL OF MINUTES:

Approve
 Minutes
 21-10 Motion, by Claveau with support from Yeomans to approve the 1488th regular meeting minutes.
 Roll Call Vote.
 Motion carried.

APPROVAL OF BILLS:

Approve
 Bills
 21-11

Motion, by Cole with support from Benyo to approve the bills in the amount of \$63,597.76.

Roll Call Vote.

Motion Carried.

PUBLIC COMMENT:

Theresa Nutter of Ludington (on behalf of 108 S. Reinberg Ave) provided an update on the nuisance abatement at 108 S. Reinberg Ave.

Shelby Nutter of 108 S. Reinberg Ave expressed her gratitude to The City of Scottville Commission for their willingness to work with her regarding her nuisance abatement.

David Bossick; Managing Editor of the Ludington Daily Newspaper thanked the commission for considering the appeals to the FOIA request denials submitted by the Ludington Daily News.

COMMUNICATIONS:

DPW staff member Eric Buter's resignation letter provided in packet. Mayor Spencer wished Mr. Buter luck on his new endeavor.

REPORTS:

A. Interim City Manager:

Murphy provided he recently attend the DDA monthly meeting. The group is moving forward with estimates for work to be done at the Optimist Building. Additionally, the idea of a revamped farmers market is being actively discussed. Finally, he commented the Chamber of Commerce provided information on a second round of COVID relief for small businesses. He has been in contact with owners he feels could benefit from this opportunity.

B. City Attorney:

Alvarado commended Shelby Nutter on the efforts put forth towards the nuisance abatement at 108 S Reinberg. He attended the DDA meeting and was impressed with the energy and ideas flowing within the group. He will comment on items further into the agenda.

C. Police Department:

Chief Murphy provide his department is working primarily on the surplus of active truancy cases at both local schools. Most of these infractions involve students learning virtually. He has been working on end of year paperwork through MCOLES to ensure all training and accreditation records are up to date with City officers.

D. Treasurer:

Treasurer Shafer had nothing to report.

E. Committee Reports:

a. Buildings/Grounds/Infrastructure

Chair reported the group has not met.

b. Finance

Chair reported next meeting is scheduled for 1/28/21.

c. Public Safety

Chair reported the group has not met.

d. Ordinance

Chair reported the next meeting is scheduled for 1/26/21.

e. Personnel/Rules/Ethics

Chair reported the next meeting is scheduled for 1/19/21.

OLD BUSINESS:

A. **Scheduled 5th and Main St Scope Investigation:**

Interim City Manager reported Fleis&Vandenbrink Engineering has scheduled additional camera work to commence 1/21/21 at 8am.

Members of DPW staff will be present to assist/shadow this project.

B. **Remote Meeting Authorization:**

Alvarado reported DHHS extended the hybrid schedule adhering to OMA provisions to 1/31/21. This allows a mixture of in person and virtual attendance within jurisdictions. He will continue to monitor the situation.

C. **RFP Lawncare Services 2021:**

Bids presented by TNT Enterprises and Mow time Lawncare Services.

Motion, by Claveau with support from Youmans to approve the bid provided by TNT Enterprises.

Roll Call Vote.

Commissioner Cole chose to abstain due to conflict of interest.

Motion Carried.

D. **Revenue Sharing Report Committee Update:**

Alvarado reported last week he received a response to the results of the investigation from the City employee being investigated. In that same correspondence he received a request for the results to be discussed in a closed session. The City Commission granted that request and scheduled a Special Meeting for 1/18/21 at 5:30pm. Later into the week he received another request from the City employee and their legal counsel requesting the report be discussed in open session, additionally authorizing the release of the name of the employee in question; City Manager Courtney Magaluk. Within that

Lawncare
RFP
21-12

Table
Revenue
sharing
Report
Committee
Update
21-13

correspondence he has received an offer of resignation through a mutual separation agreement. Alvarado provided a memorandum to this Commission during closed session held 1/18/21. Alvarado advised the Commission to table this item until an agreement can be made with Magaluk.

Motion, by Spencer with support from Benyo to table *Old Business Item D; Revenue Sharing Report Committee Update* until the next scheduled meeting of the full commission, 2/1/21.

Roll Call Vote.

Motion Carried.

NEW BUSINESS:

A. May 4, 2021 Special Election Resolution to Consolidate Jurisdictions:

Clerk Lester presented a resolution requesting permission to consolidate voting jurisdictions for ballot purposes only. Michigan Election Law Act 116 section 659 subsection 1 states that an Election Commission may consolidate precincts for a particular election so long as it is not to be performed to service a Primary or General Election. This would eliminate the need for separate ballots, proving as a cost savings to the City.

Motion, by Cole with support from Alway to consolidate jurisdictions for the May 4, 2021 Special Election.

Roll Call Vote.

Motion Carried.

B. Sculpture Park Project:

Interim Murphy explained there is \$2600 in an account with the Mason County Foundation allocated for the Sculpture Park Project. The director Andrea Large advised Murphy there is a yearly \$500 fee associated with this account. She suggested it be removed from the account with the Foundation and placed in the general fund account with the City to avoid the substantial fee.

Alway commented he is certain there is an account under The City of Scottville set up specifically for this project. He felt the funding should be housed there rather than in the general fund.

Motion, by Alway with support from Yeomans to remove the remaining funds from the account with the Mason County Foundation to avoid any fee accrual.

Roll Call Vote.

Motion Carried.

One Ballot
Style 5/4/21
Election
21-14

Sculpture
Park
Project
Fund
21-15

C. Acknowledgement of Receipt of FOIA Appeals for three (3) FOIA denials:

The City's FOIA Coordinator is the City Manager. On December 5, 2021, the City received three FOIA requests seeking the disclosure of the record available on the Revenue Sharing Report. The Acting City Manager Matt Murphy requested the City Attorney to address these requests. Alvarado responded to those FOIA requests denying them. On December 15, 2021, one of the requesters for two of those requests, The Ludington Daily News, and one from Tom Rotta, filed an appeal seeking to revert the denials. As per the FOIA Statute the City within 10 days of receiving a request for an appeal must a) reverse the denial; b) issue a written notice upholding the denial; c) reverse in part and uphold in part by written notice; d) issue a notice extending by ten business days the time to decide the appeal. The Commission is considered to have received the appeal at its first regularly scheduled meeting following the submission of the appeal in writing. Today, January 18, 2021 is the day the appeal is deemed received.

Spencer stated the Commission requires some time to review the request, denial, and appeal and there are more than 10 days between now and the next regularly scheduled meeting a motion should be made to extend the response time.

Motion, by Spencer with support from Claveau to issue a notice extending by ten business days the time to decide the appeal at the February 1, 2021 regularly scheduled meeting of the Commission. Roll Call Vote.

Aye:5---Spencer, Cole, Benyo, Claveau, Yeomans

Nay:2---Alway, Graham

Motion Carried.

FOIA
Extension
21-16

PUBLIC COMMENT:

Theresa Nutter (on behalf of 108 S Reinberg) stated they plan to begin painting the house in April.

David Bossick thanked the Commission again for their consideration of the FOIA appeals submitted on behalf of the Ludington Daily News.

Tom Rotta of Ludington questioned who was present at the closed session within the Special Meeting held 1/18/21 at 5:30pm. He felt it was unclearly posted that it would be closed to the public.

COMMISSIONER COMMENT:

None.

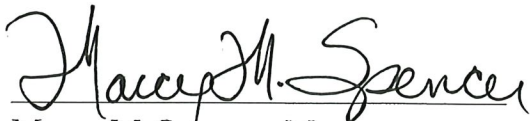
ADJOURN:

Motion, by Cole with support from Benyo to adjourn.

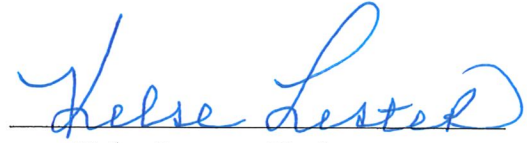
Adjourn
21-17 So, carried at 7:11 P.M.

Roll Call Vote.

Motion carried.



Marcy M. Spencer, Mayor



Kelse Lester, Clerk