

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

The 1490th Regular Commission Meeting of the Scottville City Commission was held virtually on February 1st, 2021. Called to order at 6:30 p.m. by Mayor Marcy M. Spencer.

Present at Roll Call:

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

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

ADDITIONS/DELETIONS TO THE AGENDA:

REMOVE:

New Business; Item A; Sweetwater Rezone/Land Split.

- Will be discussed through Planning Commission.

New Business; Item D; Temporary Storage at Riverside Park.

- Postpone until next scheduled Commission Meeting 2/15/21.

ADD:

New Business; Item G; Move to Closed Session

- To discuss and deliberate on the memorandum of legal opinion submitted by Carlos Alvarado regarding the City Manager's (Courtney Magaluk) mutual separation agreement.

New Business; Item H; Extending Acting City Manager's Appointment.

APPROVAL OF AGENDA:

Approve
Agenda
21-18

Motion, by Cole with support from Alway to approve the Agenda with noted amendments.
Roll Call Vote.
Motion Carried.

APPROVAL OF PREVIOUS MEETING MINUTES:

Approve
Minutes
21-19

Motion, by Benyo with support from Yeomans to approve the 1489th Regular Meeting Minutes as presented.
Roll Call Vote.
Motion Carried.

APPROVAL OF SPECIAL MEETING MINUTES:

Approve
Special
Meeting
Minutes
21-20

Motion, by Yeomans with support from Cole to approve the Special Meeting Minutes held 1/18/21 at 5:30pm.
Roll Call Vote.
Motion Carried.

APPROVAL OF THE BILLS:

Approve
Bills
21-21

Motion, by Cole with support from Benyo to approve the bills in the amount of \$271,765.53.
Roll Call Vote.
Motion Carried.

PUBLIC COMMENT:

Theresa Nutter 108 S. Reinberg Ave. has contacted Scholtens Plumbing to assist in the ongoing nuisance abatement.

COMMUNICATIONS:

- Mason County Eastern Athletic Boosters sent information on their Annual Silent Auction. Those wishing to participate should contact Clerk Lester for further details.
- Bachelor Evangelical Covenant Church sent a Thank You card to the Police Department and Department of Public Works staff for their assistance with a lumber mess on US HWY 10.

REPORTS:

ACTING CITY MANAGER:

Murphy reported he has been working with the DDA concerning upcoming summer events, in addition to renovation estimates regarding the Optimist Hall. He has been discussing a potential Rental Inspector Agreement with Mitch Foster; City Manager of Ludington. DPW staff participated in the camera work performed by Fleis&Vandenbrink In correlation to the Cross Connection Repair Project at 5th & Main St.

CITY ATTORNEY:

Alvarado has been working primarily on the City Manager Mutual Separation Agreement. Additionally, he has been assisting in the buy back of a Cemetery plot at Brookside. He attended the most recent Ordinance Committee Meeting.

POLICE DEPARTMENT:

Murphy commented his department continues to address truancy infractions at MCC and G2S schools. Officer Skinner was able to secure 25 food boxes through the USDA, which were delivered to City residents. He would like to invite Commission members to assist in this process in the coming weeks. Those interested should correlate with him directly.

TRESURER:

Treasurer Shafer will speak later regarding Budget Amendments.

OLD BUSINESS:

A. **Remote Meeting Authorization:**

Alvarado continues to monitor COVID regulations pertaining to the Open Meetings Act. This hybrid schedule allows a mixture of in person and virtual attendance within jurisdictions. Current restrictions are in place until 2/21/21.

B. FOIA Appeals (LDN & Tom Rotta)

FOIA
Appeal(s)
21-22

Motion, by Spencer with support from Claveau to approve the recommendation of the City Attorney contained in both memorandums and while upholding the denial of the FOIA requests subject of the appeals, move to approve the disclosure of the available records sought by the Applicants; Ludington Daily News and Tom Rotta.

Roll Call Vote.

Motion Carried.

NEW BUSINESS:

A. *Item Removed from Agenda.*

B. MDOT State Trunkline Contact:

MDOT
Trunkline
Contract
21-23

Motion, by Spencer with support from Alway to extend the MDOT Contract 2019-0770.

Roll Call Vote.

Motion Carried.

C. Budget Amendments:

Budget
Amendments
21-24

Treasurer Shafer provided a resolution for Commission approval detailing changes made to the budget.

Motion, by Cole with support from Graham to approve the budget amendments as presented.

Roll Call Vote.

Motion Carried.

D. *Item Removed from Agenda.*

E. Speed Limit Revision on Main St.

Speed
Limit
Change
Main St
21-25

Chief Murphy spoke to the traffic study conducted at the Railroad Crossing per MDOT compliance. This study documents the number of vehicles that pass thru this location daily, as well as the speed at which they travel. The study indicated a plethora of speeding infractions. This issue has been passed through the Ordinance Committee, seeking motion through this Commission to reduce the speed limit on Main St. from 30MPH to 25MPH between 5th St. and Johnson Rd.

Motion, by Yeomans with support from Benyo to reduce the speed limit on Main St. from 30MPH to 25MPH between 5th St. and Johnson Rd.

Benyo questioned The City's authority on State St (US HWY 10), to which Murphy responded is a State Trunkline. Alvarado confirmed MDOT has sole jurisdiction. He advised the City can request MDOT to conduct a study of traffic patterns regarding that area, if results show it to be a consistent infraction the City would work with MDOT to make the necessary changes.

Alway added there will need to be appropriate signage made available to motorists.

Claveau questioned the cost and availability of mentioned signs. Murphy will investigate this, noting there may be signs available for immediate use at the DPW Building.

Roll Call Vote.

Motion Carried.

F. Add Authorized Signer to Investment with CETERA/West Shore Bank:

CETERA
21-26

Motion, by Claveau with support from Graham to add Chief Matt Murphy as an authorized signer to investment services with CERTA through West Shore Bank.

Roll Call Vote.

Motion Carried.

G. Ratification of City and former City Manager's Mutual Separation Agreement:

MAYOR SPENCER:

Closed
Session
21-27

Pursuant to the Open Meetings Act, I motion to move into closed session for the purpose of discussing and deliberating on the Memorandum of Legal Opinion submitted by the City Attorney regarding the City Manager's Mutual Separation Agreement. The Open Meetings Act, section 8(h) allows the Commission to consider in closed session material exempt from discussion or disclosure; "Information or records subject to the attorney-client privilege" (MCL 15.243 Section 13 (1) (g)). The City Attorneys Memorandum of Legal Opinion represents a record exempt from disclosure.

Support from Alway to move into closed session.

Roll Call Vote.

Moton Carried.

CLOSED SESSION BEGINS 7:10PM

OPEN SESSION RESUMES 7:27PM

MAYOR SPENCER:

City Manager
Seperation
Agreement
21-28

Upon closed session discussion and deliberation by the Commission of the memorandum of Legal Opinion Submitted by the City Attorney regarding the City Manager's Mutual Separation Agreement, I make a motion to ratify the Negotiations conducted by the Mayor, assisted by the Acting City Manager and the City Attorney, which culminated with the acceptance by Mrs. Courtney Magaluk of a Mutual Separation Agreement. This agreement satisfactorily meets the parameters set by the Commission at their January 18, 2021 meeting, reducing the liability of The City to half the exposed risk. Also, through this Motion the Commission authorizes the Mayor to execute the Mutual Separation Agreement. The Mutual Separation Agreement Accepts the resignation of the City Manager effective January 18, 2021 in exchange for a severance pay of a lump sum of \$15,000.00.

Support from Alway.

Roll Call Vote.

Motion Carried.

H. EXTENDING ACTING CITY MANAGER'S APPOINTMENT:

MAYOR SPENCER:

Through resolution approved by the Commission at their October 19, 2020 meeting, the Commission appointed Chief Murphy as Acting City Manager during the City Manager Magaluk's FMLA leave. Since the City Manager and the City have agreed on a Mutual Separation the Commission needs to extend the appointment of Chief Matthew Murphy as Acting City Manager for the time period required to complete a City Manager's search. Murphy has agreed to continue serving the dual role of Police Chief and Acting City Manager on a temporary basis.

Motion, by Spencer with support from Alway to extend the appointment of Chief Murphy to serve at the discretion of the Commission, under the understanding that his added responsibilities would be compensated accordingly, as determined at the Committee level.

Roll Call Vote.

Motion Carried.

PUBLIC COMMENT:

- Shelby Nutter of 108 S. Reinberg stated they aim to have the house and steps painted by the end of April 2021.
- David Bossik of the Ludington Daily Newspaper 202 N Rath "Thank you again for considering our appeals tonight. Thank you for releasing the reports as requested, to a point. The reason I say to a point is because we have been working with attorneys with the MPA because we did have these concerns that we raised via these appeals. My feelings are that these concerns are still there, they are still valid. This is something we have been watching for, and it is unfortunate. We thank you, look forward to working with you in the future and hopefully it does not get to this point."

COMMISSION COMMENTS:

- Alway took the opportunity to thank Mayor Spencer, Attorney Alvarado and Chief Murphy for their diligence during this stressful situation. He is relieved that the public will now have a firmer understanding of everything that has happened in the recent months. He supports and is proud of the staff and Commission for their commitment to the City of Scottville.
- Cole thanked Alway for assisting in the Zoom set up and delivery, which allows this Commission to meet virtually.

ADJOURNMENT:

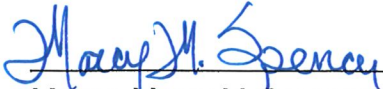
Motion, by Cole with support from Claveau to adjourn.

Extending
Acting City
Manager
21-29

Adjourn
21-30

Roll Call Vote.

Motion Carried at 7:39pm



Mayor, Marcy M. Spencer



Clerk, Kelse Lester