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## June 19, 2000 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, June 19 2000 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Council Present: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler  
Council Absent: None.

Doyle moved, Knerr supported to approve the Agenda with addition of: Item M - cancel regular meeting on 7-3-00; Item N -Franchise Agreement; Item 0- Liker splits; Item p - Dye testing/Water sampling.  
Carried.

Knerr moved. Fuja supported to approve the minutes of the regular meeting held June 5, 2000, as presented.  
Carried.

Doyle moved, Canute supported to approve the payment of city bills numbering 24489 - 24544. (NOTE: City Council directed that check # 24541 not be mailed until signs are completed.)  
YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.

### **CITIZENS PRESENT:**

Jeff Perrin, President of Perrin Partnership, spoke to the City Council regarding where his group is coming from. "We feel that it is unfortunate that the City Council came up with this concept before ours is voted on. There is a fair amount of legwork that was done before bringing this proposal to the township and the city. Time is of the essence. Even if we begin today, the engineering work must be done. It will still be months before we can offer presale of lots." Perrin Partnership would like the City Council to consider one of the following options:

1. Approve the P .A. 425
2. Table the request until other issues can be considered

There are other options, but that will put the decision out there for a longer period of time. If additional time is necessary, then, please consider it with other parcels.

Canute moved, Doyle supported to accept the sidewalk replacement bid from Randy's Custom Concrete, as follows: \$4.00/sq. ft. -4" sidewalk; \$.40/sq. ft. -lawn restoration; \$4.25/sq. ft. -6" sidewalk (across driveways), up to a total amount of \$16,000.

YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.

**NAYS: None.**  
**Carried.**

**Knerr moved, Canute supported to accept the bid for tree trimming from Consumers Energy in the amount of \$89.00/hour for trimming and \$2.00 per diameter for stump grinding, up to a total amount of \$17,000.**

**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle.**

**NAYS: None.**  
**Carried.**

**Knerr moved, Fuja supported to table and discuss the Bid Award for Computer hardware/software for the Administration, at a special meeting to be held on Friday, June 23, 2000.**

**Carried.**

**Knerr moved, Canute supported to accept the low bid for a new air conditioning unit for City Hall from Midwest Mechanical, Inc. in the amount of \$11,347.00.**

**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**

**NAYS: None.**  
**Carried.**

**Canute moved, Knerr supported to approve the demolition of the existing trickling filter at the WWTP for a cost of \$35,575.**

**YEAS: Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr.**

**NAYS: None.**  
**Carried.**

**Doyle moved, Canute supported to approve payment Request #9 from Irish Construction Co., Inc. in the amount of \$103,927.79 for work done on the 1999 Waste Water Treatment Plant Improvement Project.**

**YEAS: Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr, Krupp.**

**NAYS: None.**  
**Carried.**

**Doyle moved, Krupp supported to approve the budget amendments for fiscal year 1999-2000, as presented.**

**YEAS: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**

**NAYS: None.**  
**Carried.**

**Doyle moved, Krupp supported to table item H -Authorization to upgrade Fund Balance Software Programs/ Administration for further discussion at the Special Meeting to be scheduled for June 23, 2000.**

**Carried.**

**Canute moved, Dombly supported to approve the 1st Reading of proposed franchise agreement with TVC Cable and move to 2nd Reading at the next regular meeting.**

**YEAS: Dombly, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Doyle moved, Krupp supported to table Item J -Consideration of P .A. 425 Agreement/Perrin Property, until the next regular meeting at July 17, 2000.**

**Carried.**

**NOTE: Fuja requested that all correspondence be placed in the public record.**

**Knerr moved, Krupp supported to disapprove the P .A. 425 Agreement with Vernon Township for the Lind property.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Dombly.**

**NAYS: None.**

**Carried.**

**Doyle moved, Knerr supported to remove item L -Approval of Mayoral Appointments: Committee for Regional Issues. Carried.**

**Krupp moved, Fuja supported to cancel the July 3,2000 regular City Council meeting.**

**Carried.**

**Knerr moved, Canute supported to adopt the Franchise Agreement w/changes offered by the City Attorney, for sanitary sewer at 914 N Oak Street.**

**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Dombly, Doyle.**

**NAYS: None.**

**Carried.**

**Canute moved, Knerr supported to approve the splits of the Creek Pointe Subdivision as presented by the property owner and subject to no construction on the sites until the final plat is approved.**

**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Dombly moved, Krupp supported to approve the request from Shiawassee County Environmental Health to share funding costs for 150 hours of testing/sampling of sanitary sewer and/or e.Coli issues in the amount of \$3,042.65, with the stipulation that the 150 hours paid for are used conducting work within the City of Durand.**

**YEAS: Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

#### **CITIZEN COMMENTS:**

**Mike Douglass, 500 Cambridge Drive, asked why the City Council disapproved the P.A. 425 tonight. Krupp responded that the wording is not even similar to the Perrin Agreement. City Manager further stated that there is concern on the city's part that can we afford to be locked into these types of agreements. Looking at one piece of property at a time, no one is taking the foresight to take a look at what's going to happen. City Attorney added that the public should be able to expect the first level of planning done by July 17th at which time the City Council plans to appoint a committee to sit down with the township. "We need to be more pro-active. We want a system in place that will work and be followed. It is a positive move, and the City Council directed administration to develop a map, forms and procedures for the applicants.**

**Philip Colton, 708 Vassar Drive asked what is the difference between a P .A. 108 and a P .A. 425. City Attorney stated that a P .A. 425 is a revenue sharing tool and the only means available from 1988 until the 108 legislation was passed. Agreements can be either annexed or can revert back to the township. There is no contiguity of boundaries required. A P .A. 108 is a revenue sharing agreement where the property comes into the city up front, and it can be used for contiguity. Colton then stated that in past years, when someone was out of water or sewer, the city just connected them. "In the future, I think that they should have to annex to the city for those services."**

**Paul Rearick , 505 Yale Drive, stated that years ago the city did a P .A. 425 on Compak. Now we' re extending services on N. Oak and N. Saginaw .We' re back to playing games.**

**Carolyn Geyer, 103 Obert Street, commented on franchise agreements, and contiguity and the utility lines being in place.**

**Agnes Witherell, 613 Brand Street, asked who would take care of the streets in this new subdivision. And, would there be access through the city to get to the subdivision streets, or would the city's trucks have to go out into the township to maintain roads in the subdivision. City Manager responded that it would depend. There have been no plans submitted as to how the subdivision would be laid out.**

**Ryan Liker, owner of Creek Pointe Estates, stated that we must petition the legislature to update policies. City Manager stated that both sides have to look at the issues and work under the time frame of the boundary commission. We talk about it a lot; who's at fault. Prior to accepting a P .A. or a P .A. 108, the petitioner should file an annexation request with the Boundary Commission to demonstrate that they are committed. Risk helps people make decisions. The two bodies may be able to come together and develop a long- term plan.**

#### **DEPARTMENT REPORTS:**

**Mince reported that the WWTP project is 99% complete. He also noted that the**

signposts are set for the Industrial Park advertisement, and the signs should be up next week.

City Manager reported that the Community Center committee is still active. Last month, they traveled to the City of Lapeer. They have a beautiful facility .The committee is now talking to different civic organizations for input. It will enhance the quality of life. The DNR have contacted us regarding the grant application for the park. Our chances look pretty good, The City Clerk and I are negotiating a contract with the full time Police. The Chamber of Commerce golf outing is Friday.

**COUNCIL COMMENTS:**

**Krupp:** The water is still leaking at Columbia Drive. Mince stated that it is on the list to be repaired. It has to be dug up.

**Fuja** wondered what was going to happen to the bell in front of the old jr. high building.

**Canute** inquired if the apartment complex at 421 W. Main Street had been inspected. City Manager stated that he was sure that it had been, but the Building Inspector has the list of rental inspections. Canute also made condolences on behalf of the Parks and Recreation Board to the family of David Johnston, who was a member of the board, and had passed away just recently. He also noted that the Parks Summer Program started today.

**Mayor Schuyler** inquired on the progress of S. Oak Street. Mince stated that the pipe bursting bids are going out.

**Mayor Schuyler** read the following:

This is to notify all of you that as of this evening I will be resigning from the Durand City Council. You will not get the standard political jargon that “it is for personal reasons”, as this is not the case. It's matter of legality, as I have decided to follow my heart and move back to the country and by so doing this will carry me out of the city and the jurisdiction in which I am serving.

The few that do know me, know that I am not a politician- I have never had any aspirations of being in politics and my mind has not changed in this regard. I am a man that is neither a conformist nor a non-conformist, but looks at each issue or situation for what it is and I make up my own mind on the matter. If I see something I am disappointed in, I will speak up and express my feelings, but only after some long thought on the issue. I will also give credit where credit is due which often seems to get overlooked by so many. It is my belief that you have much to work with, but it needs to be done positively and done together as a team (but with some individual thought.) I encourage you to keep working on community relations and to encourage more involvement from the wide varying talent that lies within the community.

This has been another of many educational experiences for me during my years. I

consider it an honor to have been able to serve even if for a relatively short time. Durand has been good to me, and I hope that in some small way that I have been able to contribute to the community. I will miss all of you. I do wish you well and pray that your intent will always be good and from the heart.

Thanks again for your support and allowing me to serve the community.

Very respectfully submitted,

**Bill Knerr**

**Krupp moved, Domby supported to accept William Knerr's resignation with regret, effective July 1, 2000.**

**Carried.**

**Meeting adjourned at 9:16 p.m.**

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### **JUNE 5, 2000 CITY COUNCIL MINUTES**

**City Council meeting held Monday, June 5, 2000 at 7:30 p.m. in the Council chambers of Durand City Hall.**

**Mayor Schuyler called the meeting to order at 7:31 p.m.**

**Pledge of Allegiance was recited at this time.**

**Council present: Canute, Domby, Doyle, Fuja, Knerr, Mayor Schuyler.**

**Council absent: Krupp.**

**Doyle moved, Knerr supported to approve the agenda with the addition of Item F - Air Conditioning.**

**Carried.**

**Doyle moved, Knerr supported to approve the minutes of the May 9,10,11, 2000 - Budget workshops; Regular meeting held May 15, 2000; and Special meetings held May 18, and 23, 2000, as presented.**

**Carried.**

**Canute moved, Domby supported to approve city bills numbering 24418-24488, as presented.**

**YEAS: Domby, Doyle, Fuja, Knerr, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Ryan Liker, owner of Pointe Creek Estates, asked if the City Council would consider the splits of his property that had been discussed at the Special Meeting on May 18, 2000. City Manager responded that the City Attorney needed to review the paperwork; maybe they could take action on it later in the meeting.**

**Mayor Schuyler opened the Public Hearing regarding the consideration of the P.A. 425 shared revenue agreement for vacant property proposed for a subdivision development by Perrin Partnership.**

**City Manager, Lynn Markland, explained the situation regarding the P.A. 425 Agreement/Perrin Property. Knerr stated that the township had officially denied the P.A. 108 proposal.**

**Liker asked if the Perrins had considered annexation through the State Boundary Commission. Mayor Schuyler responded that he could not answer that question. City Manager added that a P.A. 108 is preferable for the City Council, but this is an issue for the property owner to decide.**

**The City Manager showed videotape furnished by the Michigan Farm Bureau regarding the issue of urban sprawl and the erosion of farmland throughout the state. He also repeated the slide presentation that he had given previously at an earlier meeting, which demonstrated the benefits of having the subdivision, built in the city versus built in the township. He further stated that how the community reacts and plan for the coming development will set our future. Communities can purchase development rights to ensure the integrity of the rural surroundings. The city and township should join together in levying millage for the sole purpose of purchasing rights on farmland. This will ensure that development will occur around the center of activity, and leave the farmland intact. He also noted that he had met with two different developers in the previous week. One of the developments is on land that goes before the State Boundary Commission on June 8, 2000. The township could still participate in a P.A. 108 agreement on this land. The developer will spend somewhere between \$10-20 million. Revenue could be as much as \$10,000 for the township. The township refused a P.A. 108 agreement for Liker's property. It was a loss to them of \$7-8,000 annually for 50 years. They also spent money on attorneys fighting the property owner and the State Boundary Commission. Liker added that the township spent over \$35,000 in attorney fees on the issue.**

**Mike Douglass, 500 Cambridge Drive, asked if the township counter offered with a P.A. 425. He then stated that he thinks that we are going to see some changes on the board next year (due to the upcoming election.)**

**City Attorney concluded that the P.A. 425 that was received by the City of Durand from Vernon Township has been modified, as follows: a 50 year agreement, 2 mills revenue sharing, modified by the Headlee Amendment, elimination of the clause-subject to renegotiations, eliminate hold harmless clause, eliminate language**

referring to bargaining in good faith for future negotiations, eliminate provisions in regards to default.

**Mike Bemis, 600 Princeton Drive** asked if there had been any talk of the Joint Planning Committee. What about making that a provision of the contract? Mayor Schuyler stated that the city is going to wait until after this issue is resolved before proceeding forward with the committee.

**Mayor Schuyler closed Public Hearing 8:25 p.m.**

**Knerr moved, Doyle supported to take this P.A. 425 Agreement under advisement for a period of 2 weeks to allow for written comments and careful consideration regarding the outcome of the agreement and to make a decision.**  
Carried.

**Doyle moved, Domby supported to approve DPW Director Steve Mince as the designated official as the coordinator for the Federal Surplus Property Program and pass the resolution naming him as such.**  
Carried.

**Canute moved, Doyle supported to table Item C - Franchise Agreement: TVC, Inc. Cable, until the next regular meeting.**  
Carried.

**Doyle moved, Domby supported to declare the list of accounts delinquent as presented by the Clerks office and authorize the City Treasurer to place the amount owed on the tax rolls for payment. Total amount to be \$19,154.09.**  
**YEAS: Fuja, Knerr, Mayor Schuyler, Canute, Domby, Doyle.**  
**NAYS: None.**  
Carried.

**Doyle moved, Fuja supported to table Item E - Lease and Capital Outlay Agreements: Shiawassee District Library, until the next regular meeting.**  
Carried.

**City Manager stated that the air conditioner at City Hall no longer works. Repairs to the existing roof top model will cost somewhere around \$3000.00. A new model will be approximately \$15,000. He would like permission to get three quotes or bids due to the weather reports calling for excessive heat in the next week. City Attorney recommended that the City Council allow him to get three bid prices, set a not to exceed price and then grant final approval at the next regular meeting.**

**Doyle moved, Domby supported to bid out the Air Conditioning Unit for City Hall, not to exceed \$15,000.**  
**YEAS: Knerr, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**

**NAYS: None.  
Carried.**

**Mike Douglass asked if the motion regarding the P.A. 425 could be read back.  
Knerr re-read his motion.**

**Mike Bemis stated that the community must move toward planning a common vision. He also believes that the city should encourage negotiate pricing and change the charter from the sealed bid form of purchasing.**

**Rod Hall, 724 Princeton asked if CTV Cable meant more overhead wiring? City Manager responded yes; but some will be placed underground in some of the subdivisions. Hall advised the City Council of the problems he has encountered with the way Cable MI has buried cable lines (1 - 2 inches below the ground surface). In some areas, the cable lines are laying on the ground. He has had little to no luck in getting this problem resolved. Doyle stated that cabling is addressed in the franchise agreement. City Attorney noted that the City of Durand has the only contract with Cable MI. Cable MI should respond to the city since there are severe penalties, including taking away their franchise rights. He also stated that rates cannot be controlled, but service outages, cable line improperly buried are issues that the city can take care of. If you put these comments in writing, the city can follow up on them. Jack Wooton, 508 Mackinaw Street stated that the Lapeer number is no longer working. Hall noted that the new regional office for Cable MI is in Muskegon Heights. It was also suggested that a message be placed on the water bills reminding residents to contact the city if they are having any type of cable problems. Mildred Smith, 505 Dartmouth stated that when the college sub was developed, all of the lines were supposed to be buried there.**

**Tanner: Police Dept. was very busy over Railroad Days, but unrelated to the carnival. Long grass notices have been issued.**

**City Attorney: A request to abandon a portion of an alley between Division and Holmes Street has been presented for consideration. If this is something that the City Council wishes to do, notice must be published for 4 consecutive weeks in the paper regarding the abandonment. There are questions that should be reviewed first: Is it being used? Are there any rights of way? Have the administration review the paperwork and bring it before you at a later date.**

**City Manger: We begin negotiations with the full-time Police Officers next week. The Trickleing Filter project at the WWTP is going along pretty well. Under the service drives, the construction workers have uncovered old debris and fill. We will have to clean it up so that the service drives are properly installed. Standard and Poor has confirmed the city's bond rating at Triple B. This is the highest a community of this size can probably get.**

**Fuja asked about the DARE Program replacement. Tanner responded that he would make arrangements to meet with elementary school principals as soon as possible.**

**Knerr read a prepared statement: " I would like to make a statement on an observation I have made. This is merely my opinion , as I see it and a disappointment I have felt thus far while serving on the council First, I will state my observations, then 2nd I'll state my disappointment and opinion.**

**OBSERVATIONS:**

- 1. We had an offsite for the council in Feb. to gather our thoughts and visions of what we would like to see for our city and community. The things we would like to accomplish and improve. The consensus was that we wanted a permanent police chief that would represent the city and community well. In talking with several people with the city and community, I have found that his is a major concern of theirs as well. These are the people that we represent.**
- 2. We - the council - also put priorities on the issues and established what could be done right away and which issues would have to be given time frames for the future. It was decided that this was one of the issues that could be addressed right away. It has been almost 4 months now and I have not seen any progress on this issue.**
- 3. It's been well over 5 1/2 years that the decision was made to have an interim police chief until a full-time police chief would be named or hired.**

**These are my observations.**

**OPINION AND EXPRESSION OF DISAPPOINTMENT:**

- 4. In my opinion, this has lasted far too long. I believe in my heart that an injustice has been to the individuals involved. I also believe that an injustice has been done for the city and community.**
- 5. First, if a man has done the job well for any period over 2 years then he should be given an opportunity to be appointed to the job. If he has not done a good job and has not represented the community well, then he never should have been in this capacity for anything near the length of time that this has gone on.**
- 6. Second, by having a person maintain this "interim" status, he is being handicapped from doing the best job that he is capable of doing (with the possibility of returning to status of officer). If he has performed well even with his handicap, then I feel it says something about the individual involved. If for any reason, there is some small thing from the past causing delay of this appointment, we should ask ourselves - haven't we all made a mistake somewhere in the past that we, too, have had to overcome? We should have the grace and forgiveness to allow people to overcome the past as we have each been given somewhere along the line.**

**I would very strongly like to see this situation corrected. I feel that we need (and it is our responsibility) to do what is right for the individual and the community that we represent as a whole. I believe that by correcting this situation, it's the right**

thing to do to allow all concerned to move forward in a positive manner. I thank you for allowing me to speak my observations and my opinion.

Respectfully,

Bill Knerr.

Meeting adjourned at 9:15 p.m.

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### MAY 23, 2000 CITY COUNCIL MINUTES

Minutes of a Special City Council Meeting held Tuesday, May 23, 2000 at 7:30 p.m. in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:35 p.m.

Council present: Canute, Dombay, Doyle, Fuja, Mayor Schuyler.

Council absent: Knerr, Krupp

**PURPOSE OF MEETING:** Public Hearing and adoption of the 200-01 budget for the City of Durand.

Mayor Schuyler opened the public hearing at 7:36 p.m. City Manager stated that the proposed General Fund budget for the City of Durand would be \$1,897,700.00. The state equalized value went up very little this year. It is a tight budget, but a workable budget. He also noted that for the third year in a row, millage has been lowered.

Norma Ward, 706 Princeton Drive spoke regarding the city and the relationship with Durand Union Station. She has been involved with the depot and its restoration for 26 years. She stated that "Lynn Markland has supported the depot more than any other City Manager in this community since Ward Morgan. The depot is fortunate to have him as a friend." She went on to note that she is very familiar with shortfalls in budgets, remembering times while she was employed by the city that they had no janitors and people pitched in and cleaned bathrooms, etc. She also stated that she understands the fact that the city cannot make the appropriation to the depot.

Fuja asked for some background information regarding the depot appropriation. City Manger stated that Durand Union Station got into some hard times about 5 – 6 years ago, so he recommended that the city make a contribution of \$10,000 to be used for day to day operations. It has been appropriated every year since then. He also noted that there is a lot of in-kind contributions made to the depot by various departments and individuals. The city's donation is given without any type of report

given back on how it is spent. There have not been audits done on the depots books either. The City's auditor is very uncomfortable with the fact that there has been no audit. If the city does make the appropriation this year, then the board needs to give the City Council a plan of action. All of the grants that Durand Union Station has received have been applied for through the city. The direction for the project is at a crossroads. The board needs to come up with some long-range plans. There have been some board members suggest that the city take over the management of the depot.

Fuja stated that since she has been on the City Council, she has not seen a financial report from DUSI. Her concern is "Do they have enough money to stay open?"

Doyle asked that if the City Council passed the budget right now and in 6 months down the road DUSI gets into a bind, the city could amend the budget. City Manager confirmed her question.

It was discussed that money for operation of DUSI is hard to come by. The carless raffle is used for operations. Most people who donate funds have pet projects that they donate to.

The final stages of restoration include renovating the attic and restoring the grounds. Fuja asked if the goals changed every time the board members changed. City Manager noted that the different members have different ideas. Fuja wondered if the board would come to the City Council for its input on the future use of the depot.

Ward stated that there should be public hearing on the long-term usage of the building. Everything that has been discussed has been to make the building self-sufficient. "We've got to get people to put us in their wills."

City Manager asked the City Council if they wanted to pass the budget as is, or to find some money as long as the DUSI board comes back to the City Council with long term plans for operation.

Fuja stated that she thought that the key is to get some communication lines soaring and let the city know what's going on. Ward stated that the board has a new President, with new ideas; young ideas.

Ward also stated that everything that had been discussed regarding the depot was legitimate and fair.

City Manager reiterated that the City Council is willing to consider an appropriation, but they need to know what direction the project is going.

Canute moved, Dombly supported to approve the 2000-01 budget, as follows:

**YEAS: Domby, Doyle, Fuja, Mayor Schuyler, Canute.  
NAYS: none  
Carried.**

**Meeting adjourned at 8:10 p.m.**

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## **MAY 18, 2000 CITY COUNCIL MINUTES**

**Minutes of a Special City Council meeting held on Thursday, May 18, 2000 Hall at 5:00 p.m. in the Council Chambers of Durand City Hall.**

**Mayor Pro-tem Canute called the meeting to order at 5:22 p.m.**

**Council present: Canute, Domby, Doyle, Fuja, Knerr, Krupp**

**Council absent: Mayor Schuyler**

**Also present: Gary Arnold and Maureen Wegener, Capital Consultants Engineering**

**PURPOSE OF MEETING: Discussion regarding the new subdivision project Pointe Creek Estates**

**Ryan Liker, owner of property and developer asked to meet with the City Council to discuss the City of Durand's Municipal Standards and specific problems he is having with them in developing the new subdivision. The current standards are very stringent and he would like some lead way. His biggest issues are with curbing, storm sewers and utilities.**

**Council person Doyle cautioned Liker that this meeting ideally should not be taking place. He should be meeting with the city's engineering firm, Capital Consultants and the city's administration to deal with these issues.**

**Liker would very much like to place the storm sewers out of the street. This would lower his costs significantly. After lengthy discussion regarding the storm sewer placement, the City Council recommended that Liker meet with the engineers and city administration to discuss placing the storm sewers outside of the street.**

**Liker's next request was regarding water mains and tapping the main as each home was added onto the system. Arnold strongly disagreed with this proposal, and urged the City Council to have all taps done at the time that the main is installed. The City Council agreed with the engineer.**

**The reoccurring issue on the table during the meeting was the placement of storm sewers. City Manager asked Arnold what the problem was with storm sewers in the easement, versus the street. Arnold conceded that the real issue is maintenance**

every 4-5 years. When they are placed in the easement, there can be significant repair work necessary to lawns. City Manager asked how many manholes would there be. The manholes are typically placed every 5 – 7 lots, so 13 – 14 lots would have manholes.

Knerr asked if this could be worked out between Liker and the engineers. Markland observed that the only real issue seems to be the storm sewers and it should be workable.

Doyle and Domby questioned if this modification to the municipal standards could be added with engineering approval. Canute urged the project to move forward.

Liker's final issue was to get permission to split some plats of land outside of the subdivision plat to raise some up front cash for the project. This will require approval of the City Council. City Manager noted that this meeting was not the time to ask for that approval. The City Council will require drawings and more information before a decision can be made on that.

Fuja noted that she would like to see the project work out for Liker. Liker responded that he has no intentions of compromising the City of Durand. His subdivision will be very nice.

It was the consensus of the City Council to have Liker and his engineer meet with city administration and Capital Consultants to resolve the issues regarding the subdivision.

Meeting adjourned at 6:59 p.m.

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## MAY 15, 2000 CITY COUNCIL MINUTES

Minutes of the regular City Council meeting held Monday, May 15, 2000 at 7:30 p.m. in the Council chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:31 p.m.

Pledge of Allegiance was recited at this time.

Council present: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler  
Council absent: none

Canute moved, Knerr supported to approve the agenda with the deletion of the budget workshop minutes.

Carried.

**Canute moved, Knerr supported to approve the minutes of the May 1, 2000 meeting as presented.**

**Carried.**

**Canute moved, Krupp supported to approve city bills numbering 24366-24417, as presented.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: none**

**Carried.**

**Mike Douglass, 500 Cambridge Drive, requested clarification of P.A. 108; is it possible to specify in a P.A. 108 that we will not annex property, then we could come up with an agreement? And, in a P.A. 425, can an agreement be made that the property comes into the city with no negotiations? City Manager explained that a P.A. 108 cannot specify that no annexation would take place surrounding the specific property because the agreement deals with just the specific piece of property. The township and the city could enter into an agreement to outline specific areas in the community which could be annexed or developed through revenue sharing agreements, and other areas which would never be considered for development. And, P.A. 425 agreements can be negotiated to come into the city at the end of the contract.**

**Denise Robinson, 9686 E. Monroe Road asked when her driveway was going to be fixed. Steve Mince responded that the DPW should get to it in the next week.**

**Les Conley, 114 E. Monroe Road stated that elected officials should do something good for the community. If at 108 can be negotiated, go ahead. If not, maybe a 425 could be obtained. The decisions made must be based on today's facts regarding the P.A. 108 and the P.A. 425.**

**City Manager presented Cameron Canute, Mayor Pro-tem with a plaque and lapel pin, commemorating his completion of Level One of the Michigan Municipal League's Elected Officials Academy.**

**City Manager presented the 2000-01 budget for the City of Durand. He stated that the budget is very tight, but balanced. One cut of the budget was the deletion of the appropriation to Durand Union Station. Plans to mill and resurface North Oak Street have been delayed until next budget year due to costs. The reconstruction of South Oak Street is still in the budget; the estimated cost is \$630,000. The General Fund budget totals \$1,897,700.**

**Expenditures in the General Fund include :**

- \$25,000 for new office furniture**
- \$106,800 to resurface City Hall parking lot**
- \$6,500 budgeted to update filing system**
- \$8,700 for new technology in the Police Department; connection with Central**

Dispatch and Sheriff's Department with high speed fiber optic cable. Additional cost for hardware update will be necessary. The cost of the software is between \$20-25,000.

- \$3,000 for mobile computer units to be placed in Police cruisers
- \$17,000 for tree trimming and stump removal

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## MAY 1, 2000 CITY COUNCIL MINUTES

Minutes of the regular meeting of Durand City Council held Monday, May 1, 2000 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

Council present: Canute, Dombey, Doyle, Knerr, Mayor Schuyler.

Council absent: Fuja and Krupp.

Doyle moved, Knerr supported to approve the agenda, as presented.  
Carried.

Doyle moved, Canute supported to approve the minutes of the regular City Council meeting held April 17, 2000.  
Carried.

Canute moved, Dombey supported to approve the payment of city bills numbering 24329 - 24365.  
YEAS: Dombey, Doyle, Knerr, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.

Citizens Present: Jack VanRiper, 409 Oxford Drive, requests that the old school, located at 100 Sycamore Street, not be torn down or made into a parking lot. Suggest that maybe senior citizen housing can go in. Michael Douglass, 500 Cambridge Street, supports Jack's opinion, and thinks it would be a shame to let a tax base like that go.

Doyle moved, Canute supported to approve the consent agenda as follows:

- 1) Approve solicitation request: Buddy Poppy Sales May 11,12, 13/Durand VFW
  - 2) Approve request to gather at City Hall/National Day of Prayer - May 4th
  - 3) Approve resolution of support: Continued AMTRAK Service through Durand
- YEAS: Doyle, Knerr, Mayor Schuyler, Canute, Doyle.

**NAYS: None.  
Carried.**

**Knerr moved, Canute supported to approve the request from the 206 Bar to hold a beer tent on Friday, May 19, and Saturday, May 20. Also, that the request to hold the tent on Thursday, May 18, be denied.  
Carried.**

**Mayor Schuyler Opened Public Hearing at 7:40 p.m. for P.A. 108 Agreement/Perrin Partners Vacant Land.**

**Michael Douglass, 500 Cambridge Street, asked how many mils per year? Owosso has one hundred (100). And what about the rumor of the pending court case? Lynn Markland, City Manager, said 2 mils every 50 years, with an extension of 50 years. And, I have no knowledge of any pending court case. Douglass added, that the need for housing in Durand is extremely high, and this needs to be done. We need 400 new homes in the \$150,000 range just to lower our bond by 1 mil. When grade schools need to be replaced, we won't be able to. Markland added that the city needs to increase its SEV (State Equalized Value). We also have to highest millage in the Genesee/Shiawassee County areas. I feel this is a fair offer to Vernon Township. They accepted our offer on the property on Lansing Highway. This situation is similar, and hopefully, they will accept this offer too. Les Conley, Realtor, asked if the City gets State Revenue? Markland said it is a combination of two formulas. Conley asked if the real problem was more of a personal one than a money issue? Markland explained that revenue sharing changes every year with the ways of legislation. Jack VanRiper, 409 Oxford Drive, asked what ever happened to the joint committee between Vernon Township and the City of Durand. Mayor Schuyler, stated it came to a stop back in December 1999. A joint master plan was in mind - but how costs were to be split was another issue. Markland asked what good a master plan would do when the two committees couldn't agree on revenue sharing. And above all that, the county has final approval over the township. Conley then questioned if a P.A. 425 was considered a dead zone? Markland explains/illustrates the difference between P.A. 108 and P.A. 425. Douglass then questioned the date of the next township meeting? Mayor Schuyler advised that it will be held next Monday, May 8, 2000, at 7:30 p.m. I have been waiting for a return phone call to see if we can be on their Agenda.**

**Mayor Schuyler closed Public Hearing at 8:24 p.m.**

**Knerr moved, Dombly supported to approve the P.A. 108 agreement with Vernon Township for the property owned by the Perrin family located on New Lothrop Road as presented.**

**YEAS: Knerr, Mayor Schuyler, Canute, Dombly, Doyle.**

**NAYS: None.  
Carried.**

Canute moved, Knerr supported to approve the purchase of seven Sig Saur Model SP2340, 40 caliber semi-automatic pistols and to authorize the trade-in of 8 Baretta 9 millimeter pistols and 5 Smith and Wesson revolvers; total purchase price to be \$1,288.80.

YEAS: Mayor Schuyler, Canute, Domby, Doyle, Knerr.

NAYS: None.

Carried.

Doyle moved, Canute supported to approve the proposal from SME for soil borings for the S. Oak Street reconstruction project with an estimated cost of \$4,000.00, upon City Manager and City Attorney approval regarding limited liability issues.

YEAS: Canute, Domby, Doyle, Knerr, Mayor Schuyler.

NAYS: None.

Carried.

Steve Mince, DPW Director, reported that excavating had started on WWTP project. Soil borings have been done. The new backhoe came in last week.

Canute asked Chief Tanner if anything had been done about the freezer. Tanner replied that an officer went there on Thursday, however, still unable to get a hold of the resident. The Mayor added there was a freezer on the 2nd block of John Street.

Canute also questioned what was going on with Ryan Liker's property. Markland said going through final touch ups with engineers. He should be starting late May - beginning of June.

Knerr inquired about the development with 109 Obert Street? Carolyn Geyer (homeowner at 109 Obert Street) stated she is waiting to hear from Capital Consultants.

Meeting adjourned 8:40 p.m.

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## APRIL 17, 2000 CITY COUNCIL MINUTES

Minutes of the regular meeting of Durand City Council held Monday, April 17, 2000 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

Council present: Canute, Doyle, Fuja, Knerr, Mayor Schuyler.

Council absent: Domby and Krupp.

**Doyle moved, Knerr supported to approve the agenda as presented.  
Carried.**

**Knerr moved, Canute supported to approve the minutes of the regular City Council meeting and executive session held March 20, 2000.  
Carried.**

**Canute moved, Doyle supported to approve the payment of city bills numbering 24247 - 24328.**

**YEAS: Doyle, Fuja, Knerr, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Citizens Present: No one spoke at this time.**

**Canute moved, Knerr supported to accept the low bid for ceramic tile at the Library from Hornus Floors at a cost of \$5,225.00. Also, that we accept the offer from the friends of the Durand Library to pay for 1/2 the cost.**

**YEAS: Fuja, Knerr, Mayor Schuyler, Canute, Doyle.**

**NAYS: None.**

**Carried.**

**Canute moved, Knerr to approve the property owners request for annexation of the property at 809 N Saginaw Street.**

**YEAS: Knerr, Mayor Schuyler, Canute, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**(NOTE: Vernon Township Board denied the property owners' request for release at its regular meeting held April 10, 2000.)**

**Doyle moved, Canute supported to approve the franchise agreement for sewer and water for the property at 809 N. Saginaw Street, with the property owners' signatures included on such document, and upon City Attorney's review and approval of such document.**

**YEAS: Mayor Schuyler, Canute, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to approve the temporary contract extension with Waste Management to terminate July 1, 2000.**

**YEAS: Canute, Doyle, Fuja, Knerr, Mayor Schuyler.**

**NAYS: None.**

**Carried.**

**Canute moved, Doyle supported to approve the proposal (with deletion of paragraph H) from Capital Consultants Engineers for engineering services for the**

**mill and resurfacing of North Oak Street in the amount of \$19,400.00.**

**YEAS: Doyle, Fuja, Knerr, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to approve the proposal (with the deletion of paragraph H) from Capital Consultants Engineers for engineering services for the reconstruction of South Oak Street in the amount of \$56,900.00.**

**YEAS: Fuja, Knerr, Mayor Schuyler, Canute, Doyle.**

**NAYS: None.**

**Carried.**

**Doyle moved, Knerr supported to accept the proposal from Wade-Trim to assist the City Planning Commission with the rewriting of the city zoning ordinance at a cost not to exceed \$5,000.00.**

**YEAS: Knerr, Mayor Schuyler, Canute, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Fuja moved, Doyle supported to approve payment #7 in the amount of \$112,204.22 for the work performed for the 1999 Waste Water Treatment Facility Improvements.**

**YEAS: Mayor Schuyler, Canute, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Krupp entered at 8:30 p.m.**

**Jeff Perrin, CEO of Perrin Construction and Perrin Partnerships addressed the City Council by stating that he and his family have lived in the Durand area their entire lives and have invested in this community and want to continue to operate and develop this community. He feels that they cannot afford to look like they are siding with either side (being the City of Durand or Vernon Township). With development knocking on the door, the company is concerned about resolving an agreement so that the Durand community can continue to develop. He went on to explain that the community does not have enough rooftops to attract major developers. There have been no new subdivisions developed. Perrins have already told Vernon Township that they do not want to be involved in any lawsuit. All they want to do is to create an area for new comers to enjoy like they do. They are trying to get the two units of government to get together os that development can proceed.**

**Perrin, then, asked the City Council to consider entering a P.A. 425 for the parcel of land located behind Dover Estates. He also stated that the commercial parcel on Lansing Road was a P.A. 108.**

**City Manager responded that the city gave up and bent over for that property. Franchise agreements are not available for commercial properties.**

Doyle stated that she served on the City Council when Perrin's dad requested annexation for the same property and the city hadn't even completed the new water plant. The township supervisor sat in that meeting and stated that as soon as the city had water, the township would release the property and, that never happened. Les Conley, real estate developer, stated that the motivation to this entire discussion is growth and development. Outsiders will come here and develop and they probably won't develop things that will benefit this community.

Mark Perrin stated: "We're asking how to develop; we don't know about 425's and 108's. We just want to develop our property without ruffling feathers.

Fuja stated that she has attended many Vernon Township meetings and all she hears about is what happened 10 years ago, and what happened 30 years ago.

City Attorney explained the current status of all city and township agreements.

Conley: "What is the real problem?"

City Clerk: "Letting go."

City Manager stated that the City of Durand is trying to build a sustainable community.

Conley: Why did they (the township) have the first P.A. 108?

City Attorney responded that the township offered the P.A. 108 and the City Council accepted their offer. The township didn't think that the city would accept the offer, but the city did. He went on to state that there are properties surrounding the community that need city services. There are sewer and water issues all around here. Subdivisions belong in the city; they are not rural developments.

City Manager presented a slide presentation regarding the impact of a new subdivision on the city and township and what revenues it generates and what services it demands. He also stated that he does not believe that it is fair to expect the city to give services away.

Canute stated that no one on this City Council has been anything except proactive. We're of a proactive mind, not a reactive mind.

Mayor Schuyler stated that the City Council is ready, willing and able to sit down and discuss this issue, either in this holy hall, or in their holy hall.

Doyle moved, Knerr supported to prepare a P.A. 108 agreement for the 36 acres contiguous to Dover Estates owned by Perrin, based upon prior agreements, and that something be developed for future revenue sharing between the City of Durand and Vernon Township.

YEAS: Canute, Doyle, Fuja, Knerr, Mayor Schuyler.

NAYS: None.

Carried.

Mince: Water Foreman, Ken McDonough, accepted a position with East Jordan Iron Works. Ken has done a good job as an employee.

City Manager: The Deputy Treasurer resigned, and has accepted a position in sales. We had the opportunity to hire a former employee to fill the position.

Krupp read the following statement: "Sometimes events occur that cannot be predicted. A couple of weeks ago I was involved in a major automobile accident.

This put into effect a chain of events that touched my heart. First, I want to thank Mike Tanner for locating my wife and bring her to Hurley Hospital Emergency Department. Next a personal than goes to Joannie Rinker (the Fire Chief's wife) for finding my two daughters during the mix up and getting them to the same emergency room as quickly. The final thanks go to the paramedics following me who witnessed the collision. The treated my head injury and even started IV's while waiting for the ambulance to arrive.

Thanks also go out to the DVA crew that responded. The are personal friends of mine and acted in the most professional manner. The Vernon Township Fire Department also helped in extrication from the vehicle. A helicopter was called for transport, but engine troubles forced our local volunteers to conclude their efforts at Hurley Medical Center emergency room. I guess I never stopped to think about all the friends surrounding me that pitched in and helped my family and I when it was needed or just spoke or wrote a quick note in the days that followed. The feeling of a small community will never leave me as long as there are friends around like these.”

Fuja: “We're just glad that you're here tonight.” She also stated that the motor home that are parked on Clinton Street now have flat tires.

Canute noted that there is a freezer left at 101 Gratiot. Mayor Schuyler added that there is a freezer at 103 W. John St. Canute also asked what LDFA stood for. City Manager stated – Local Development Funding Authority.

Knerr thanked those in attendance for coming to the meeting, and that he appreciated the public sharing their comments.

Doyle apologized in case her comments made earlier in the meeting were taken personally.

Meeting adjourned 9:20 p.m.

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## **APRIL 3, 2000 CITY COUNCIL MINUTES**

Minutes of the regular meeting of Durand City Council held Monday, April 3, 2000 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

Council present: Canute, Dombly, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
Council absent: None.

**Canute moved, Knerr supported to approve the agenda with deletion of Item C - Bid Award: Floor Replacement/Durand Memorial Library.  
Carried.**

**Knerr moved, Krupp supported to approve the minutes of the regular City Council meeting held March 20, 2000.  
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 24190 - 24246.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Citizens Present:**

**Ron Siminski, property owner of 100 Sycamore Street, had questions concerning what type of signs needed to be posted regarding private property parking. City Attorney, Charles McKone suggested he talk to his personal attorney, however signs were probably needed. Chief Tanner said the entire length in front of the school is yellow (old bus loading zone) needs to be removed.**

**Cindy Vernon, Secretary of Railroad Days, Inc. was present to discuss the plans for this year's festivities to be held May 19, 20, & 21.**

**Canute moved, Fuja supported to approve the requests from Railroad Days 2000 as presented.**

**Carried..**

**Canute moved, Domby supported to accept the bid for lawn care from C.M. Warner Lawns and Landscapes for the 2000 season.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.**

**NAYS: None.**

**Carried.**

**Doyle moved, Knerr supported to approve the payment of the invoice from Hamlett Engineering Services for the repair of the pressure regulating valves at the Water Plant in the amount of \$2,074.00.**

**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle.**

**NAYS: None.**

**Carried.**

**Knerr moved, Doyle supported to accept proposal for water main replacement from Capital Consultants with the elimination of paragraph I, and the final document must have appropriate municipality listed in the beginning paragraph**

**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**

**NAYS: None.**  
**Carried.**

**Doyle moved, Canute supported to address the request from Simplicity Engineering for a tax abatement tabled from the last regular meeting.**  
**Carried.**

**Knerr moved, Dombly supported to approve the application for an Industrial Facilities Exemption Certificate at 50% for a period of 12 years.**

**YEAS: Krupp, Canute, Dombly, Doyle, Fuja, Knerr.**

**NAYS: None.**

**ABSTENTIONS: Mayor Schuyler.**

**Carried.**

**Tanner reported that code enforcement were picking up.**

**Mince reported the trickling filter is opened up; WWTP construction meeting last week - we are 65-70% complete. The DPW planted approximately a dozen trees last week, hopefully we can do the same this week.**

**City Attorney reported he received a letter from William Fahey (attorney for Vernon Township and Perrin Partnership) requesting water/sewer service for a proposed township subdivision. Also, he received a letter from Perrin Partnership stating the request for water/sewer service is from Vernon Township only.**

**City Manager reported that at the MML Legislative session they discussed "Let local votes count" on ballot for November 2000. Also, the Fire Department burned down the Russell Street house. Our department was able to get a lot of training off this. Also, there's a great/clear view of the Depot now. Leo Krupp added that live fire training is irreplaceable. There is no training in the world that will give that type of hands on training.**

**Krupp asked if there was anything new regarding 109 Obert Street? City Attorney said prior to the last meeting I sent an unsigned franchise agreement to Vernon Township, with the request for them to please get back with us. Resolution ordered the resident to get water/sewer service.**

**Vicki Fuja wanted to commend everyone who got petitions around for AMTRAK. It has passed the house, now it is waiting to be passed through the Senate then the Governor.**

**Cam Canute asked when brush pick-up and Yard Waste was to begin? City Manager said brush pick-up begins tomorrow, and will run every first Tuesday of each month. Yard waste begins Thursday, and will run every week until weather permits.**

**Canute moved, Domby supported to recess into Executive Session to discuss the pending litigation at 8:09 p.m.**

**YEAS: Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr, Krupp.**

**NAYS: None.**

**Reconvene at 8:56 p.m.**

**Knerr moved, Doyle supported to accept the request of the court and solely for the purpose of resolving currently pending litigation, which as to the City of Durand we believe has no merit whatsoever; We the City Council of the City of Durand do hereby move to agree to provide city water and sewer services to Kenneth and Nina Canfield's business, K-N-K, Inc., Uncle Buck's Northern Exposure, located in Vernon Township, without the requirement of the Can field's seeking or receiving annexation of the subject property to the City and subject to the approval of Vernon Township and the signing of an appropriate franchise agreement.**

**The City Council further moves that the City shall bill and receive from the Canfield's double tap-in fees, plus the water and sewer rates normally charged by the City to City users plus an annual amount equal to what the property owners would pay in real estate taxes to the city if the property was located within the Corporate limits of the City. The City Council further moves that this motion-resolution is contingent upon the plaintiffs, Kenneth and Nina Canfield, K-N-K, Inc., Uncle Buck's Northern Exposure's dismissal, with prejudice of defendants City of Durand and Lynn Markland in case #99-73089, currently pending in U.S. District Court. The City Council further acknowledges plaintiff's counsel's agreement that no other City employees, agents, or elected/appointed officials will be brought back into the currently pending lawsuit, or another lawsuit making allegations similar to those in the current case, absent some new information coming to light which neither plaintiff nor plaintiff's counsel are currently aware of. The City Council further acknowledges plaintiff's counsel's representation that none of the unidentified John Does #1-10 are City of Durand employees, agents, or elected/appointed officials. The City Council further moves to instruct its counsel to place all the terms of this settlement agreement on the record, in open court and to seek all appropriate sanctions, including costs and attorneys fees, should this settlement agreement be breached by the plaintiff.**

**YEAS: Doyle, Knerr, Mayor Schuyler.**

**NAYS: Canute, Domby, Fuja, Krupp**

**Motion failed 4-3.**

**Meeting Adjourned 9:00 p.m.**

**Minutes of the regular meeting of Durand City Council held Monday, March 20, 2000 in Council Chambers of Durand City Hall.**

**Mayor Pro-Tem Canute called the meeting to order at 7:30 p.m.**

**Pledge of Allegiance was recited at this time.**

**Council present: Canute, Domby, Doyle, Fuja, Knerr, Krupp.**

**Council absent: Mayor Schuyler.**

**Knerr moved, Doyle supported to approve the agenda with deletion of XII - Executive Session: pending litigation.**

**Carried.**

**Krupp moved, Fuja supported to approve the minutes of the regular City Council meeting held March 6, 2000.**

**Carried.**

**Krupp moved, Knerr supported to approve the payment of city bills numbering 24135 - 24189.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Canute.**

**NAYS: None.**

**Carried.**

**Leonard Krawczyk, owner of Iron Horse Pub, distributed information to the City Council regarding the minimum requirements for a resort/tavern liquor license, as provided by the State of Michigan Liquor Control Commission. He still is very concerned about Nick's Family Restaurant petitioning the City of Durand and the state for a license to serve beer and wine.**

**Krupp moved, Doyle supported to accept the bid of J.B. Supply Co. for the repair/replacement of the roof and gable siding on the pavilion at Optimist Park in the amount of \$2,845.00.**

**YEAS: Doyle, Knerr, Krupp, Canute, Domby.**

**NAYS: Fuja.**

**Motion carried 5-1.**

**Krupp moved, Domby supported to accept the bid from Nationwide Fence Co. for an outfield fence to be erected on the west field at Optimist Park and two foul poles at a total cost of \$5,185.00.**

**YEAS: Fuja, Knerr, Krupp, Canute, Domby, Doyle,**

**NAYS: None.**

**Carried.**

**Krupp moved, Knerr supported to award bid of backhoe to Flint Ford Tractor in the amount of \$62,963.00, less trade-in amount of \$11,000.00; net cost \$51,963.00.**

**YEAS: Knerr, Krupp, Canute, Dombly, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Mayor Pro-Tem Canute opened Public hearing for Tax Abatement for Simplicity Engineering at 8:10 p.m.**

**City Manager stated that Simplicity has applied for a tax abatement on personal property which would amount in a total tax reduction of \$5,622.45 for all taxing entities. No public comment was offered. Mayor Pro-Tem Canute closed Public hearing at 8:20 p.m.**

**Krupp moved, Dombly supported to table the request from Simplicity Engineering for personal property tax abatement until a representative is present to answer questions.**

**YEAS: Krupp, Canute, Dombly, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Mayor Pro-Tem Canute opened Public hearing for Parks and Recreation Grant at 8:21 p.m. City Manager stated that Rowe, Inc. is writing a grant for Parks and Recreation development. The grant is for \$600,000 and includes a BMX trail, in-line skating rink, parking lot improvements, rest room improvements and concession stand. No public comment was offered. Mayor Pro-Tem Canute closed Public hearing at 8:27 p.m.**

**Knerr moved, Dombly supported to adopt the following resolution:**

**Whereas, the City of Durand will be submitting a grant application for a Michigan Department of Natural Resources Clean Michigan Initiative (CMI) Recreation Bond in the Spring, 2000 cycle; and,**

**Whereas, the grant application if selected would fund improvements to Optimist Park, including an outdoor in-line skating/ice skating rink with cover, a large play structure, a barrier free rest room facility, other rest room improvements, a concession stand, a paved entry road and parking area, a storage building, barrier free sage gall zones in play areas, and resurfacing and lighting the basketball courts; and,**

**Whereas, the improvements will expand the recreational opportunities for city and area residents of all ages; and,**

**Whereas, the total cost of all proposed improvements will be for a sum not to exceed \$600,000, and,**

**Whereas, the City of Durand, if selected, will be required to provide a local match of 25% of the total project cost, or a sum not to exceed \$150,000.**

**Now therefore be it resolved that the City Council hereby supports the grant application and will provide the required local match should the grant application be selected.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Canute.**  
**NAYS: None.**  
**Carried.**

**Doyle moved, Knerr supported to approve payment #6 for the 1999 Waste Water Treatment Facility Improvements to Irish Construction Company, Inc. in the amount of \$133,317.36**

**YEAS: Doyle, Fuja, Knerr, Krupp, Canute, Domby.**  
**NAYS: None.**  
**Carried.**

**Krupp moved, Domby supported to approve the purchase of insertion valves from Hydra Stop in the amount of \$9,300.00 for the Oak Street project.**

**YEAS: Fuja, Knerr, Krupp, Canute, Domby, Doyle.**  
**NAYS: None.**  
**Carried.**

**Knerr moved, Fuja supported to approve operating procedure #57 and #58.**

**YEAS: Knerr, Krupp, Canute, Domby, Doyle, Fuja.**  
**NAYS: None.**  
**Carried.**

**Larry Julian, State Representative #85, representing the City of Durand, thanked all of those who worked so diligently to gather signatures on petitions to save the Amtrack route from being abandoned from Chicago to Port Huron. 2,500 signatures were submitted last week, and another 2,200 hundred were turned in today. He also reminded everyone that he is in Lansing to assist his district and if there is anything that he can do with grant requests, etc., then he would be glad to do whatever he can.**

**Mike Fuja, Shiawassee County Commissioner #5, representing the City of Durand, stated that he will assist the city with anything that he can help with, and that the Simplicity issue had come before the Shiawassee County Finance Committee and that there were no issues raised from the committee.**

**Tanner reported that one of the cruisers had a window kicked out by a restrained passenger. Damage is estimated at \$1,300.00. City Attorney stated that the city should submit that to the court for reimbursement; parents of the passenger may be held responsible for monetary damages up to \$2,500.00. He also noted that the Police Survey results had been distributed to the City Council and that overall, he was generally pleased with the results.**

**Mince reported that pipe bursting will be an option for utility work on Oak Street. WWTP project is moving along. He also noted that Consumers Energy put up a new street light on Oak Street and the ballast was replaced on the street light in front of Ed's Standard. All lights are functioning properly right now.**

Markland thanked Sen. Rogers and Rep. Julian for all of the assistance in keeping the Amtrack route alive. He also acknowledged those who worked on the signature campaign. He reported that he had met with Bert Declerg, Vernon Twp. Supervisor today regarding the homes in the N. Saginaw Street area that are experiencing problems with their septic systems. The entire neighborhood needs to be looked at, not just house by house. These failing septic systems are a health issue for the entire community. We're spending a lot of money. The Shiawassee County Health Department is spending a lot of money. We've got to find a resolution. The City saw this when the annexation attempt was made. Those people stated that they didn't need city services; it's obvious that these homes do need city services.

Krupp questioned the status of 109 Obert Street. City Attorney stated that the City Council voted in favor of annexation, which was requested by the property owner. The township requested a franchise agreement, and their resolution demanded that the resident tap into the sewer system, but the township denied annexation. The township must build the sewer main from our existing main to the residence. The resident will have to pay the tap in fees and the cost for a service line. He also stated that non-city personnel were found uncapping the city's sewer manholes. This is not a recommended practice and the city will have to adopt some type of policy/resolution addressing this issue.

Domby commented that after reading the information that Leonard Krawczyk dropped off, she cannot see where the City Council did anything wrong in approving the liquor license application for Nick's Family Restaurant.

Fuja stated that referencing those homes outside of the city, it's time to come forward and "let's stop the cat and mouse game."

Canute thanked the Parks and Recreation Board for all of their work on the grant application.

Meeting Adjourned at 9:05 p.m.

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## **MARCH 6, 2000 CITY COUNCIL MINUTES**

Minutes of the regular meeting of Durand City Council held Monday, March 6, 2000 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

**Council present: Canute, Dombly, Doyle, Knerr, Krupp, Mayor Schuyler.  
Council absent: Fuja.**

**Krupp moved, Doyle supported to approve the agenda as presented.  
Carried.**

**Doyle moved, Canute supported to approve the minutes of the regular City Council meeting and Executive Session held February 21, 2000.  
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 24067 - 24134 with the exception of check #24113.  
YEAS: Dombly, Doyle, Knerr, Krupp, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.**

**Citizens Present: None.**

**Doyle moved, Knerr supported to approve the Consent Agenda, as presented:  
Resolution: Lupus Recognition Day - April 1st.  
Approval of Mayoral Appointments and Re-appointments.  
Approval of Mayoral Appointments to Recreation Center Committee.  
YEAS: Doyle, Knerr, Krupp, Mayor Schuyler, Canute, Dombly.  
NAYS: None.  
Carried.**

**Dombly moved, Canute supported to accept the high bid of \$4,091.97 for the sale of the 1995 Ford Crown Victoria, from Arthur A. Daczynski of Burton, Michigan.  
YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Dombly, Doyle,  
NAYS: None.  
Carried.**

**Canute moved, Knerr supported to approve the proposal from Rowe, Inc. to complete a grant application for Parks and Recreation at a cost not to exceed \$2,000.00.  
YEAS: Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Knerr.  
NAYS: None.  
Carried.**

**Tanner: Community businesses have been notified to complete or update emergency information for police use.**

**Rinker: The emergency siren will be tested Sunday, March 12th. Clyde Rutherford has been named Firefighter of the Year. The department will be burning the house at 106 Railroad Street for training purposes complying with NFPA regulations.**

**Mince:** The DPW received its new loader last week. We are continuing meetings with DEQ, Shiawassee County and Vernon Township regarding sewage contamination.

**Markland:** The annual Chamber of Commerce Dinner is March 30th. Amtrack has announced that it is abandoning its route between Battle Creek and Port Huron. I have contacted other agencies to put forth an effort to keep the route open. It is a viable part of the economic development of this community.

**Roddy:** Presidential Primary Election went smoothly, but did discover that the new Michigan Qualified Voter file is missing many voters. I will be hiring an Election Inspector to compare the city's card file to the state file and the retired computer file of the city.

**Mayor Schuyler:** What's the progress on Oak Street? Mince responded that Capital Consultants is preparing a proposal for engineering services. Will the city be able to do the project yet this year? We want to wait until after the school calendar year has ended due to the bus traffic that depends heavily on the street being open.

**Canute:** Does anyone know why the lights are out on the west side of Saginaw Street? Mince responded that he really doesn't know at this time. Every time there's a problem with the street lights, it's a completely different situation.

**Knerr** noted that the cable company is raising its rates by \$.53 for basic tier service, effective June 1st. **Markland** responded that the City Attorney and he are negotiating with the Lennon Cable Company to provide services to the residents of Durand also.

**Meeting Adjourned at 8:00 p.m.**

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## **FEBRUARY 21, 2000 CITY COUNCIL MINUTES**

**Minutes of the regular meeting of Durand City Council held Monday, February 21, 2000 in Council Chambers of Durand City Hall.**

**Mayor Schuyler called the meeting to order at 7:30 p.m.**

**Pledge of Allegiance was recited at this time.**

**Council present:** Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
**Council absent:** None.

**Doyle moved, Krupp supported to approve the agenda with the addition as presented.  
Carried.**

**Krupp moved, Doyle supported to approve the minutes of the regular City Council meeting with the addition of approval of check #23982, which was tabled at the last meeting.  
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 24015 - 24066, and check 23982 held from the last meeting.  
YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.**

**Citizens Present: None.**

**Doyle moved, Krupp supported to approve the Consent Agenda, as presented:  
Solicitation Request: Forget-Me-Not Drive/Shia. Co. Disabled Am. Vets  
Approval of Election Inspectors/Presidential Preference Primary.  
YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.  
NAYS: None.  
Carried.**

**Matthew Dikestra, a student from MSU, gave a presentation regarding ground water and septic systems. In educating people on groundwater, some of the topics discussed were malfunctioning septic tanks, leaky underground storage tanks ( fuel tanks too) and abandoned wells. He handed out literature to assist in assessing environmental risks for lawn care practices. He also suggestions things we as homeowners/residents could do:  
develop a Wellhead Protection Program (discovering the source), Hom-a-syst (hand out provided by MSU extension), household materials kit (containing hazardous materials to be placed in enclosed container).**

**Canute moved, Knerr supported to approve payment request #5 to Irish Construction Co., Inc. in the amount of \$108,397.87 for work done to date at the WWTP facility Improvement Project.  
YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle,  
NAYS: None.  
Carried.**

**Canute moved, Domby supported to approve the purchase of three replacement streetlights for the down town area from Royalite electric at a cost of \$2,805.00 each for a total cost of \$8,415.00.  
YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**

**NAYS: None.  
Carried.**

**Knerr moved, Doyle supported to approve the purchase of new holiday decorations from Bronners at a cost of \$17,201.66.**

**YEAS: Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Krupp moved, Domby supported to approve membership in the Michigan Coalition to Protect Rights of Way (Protec) at the annual membership fee of \$1,070.75.**

**YEAS: Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr, Krupp.**

**NAYS: None.**

**Carried.**

**Domby moved, Fuja supported to approve the contract with MISS DIG.**

**YEAS: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**

**NAYS: None.**

**Carried.**

**Douglas Corwin, Attorney at Law, requested annexation for Carolyn Geyer, 109 Obert Street, Vernon Township. He thanked Charles McKone, City Attorney, and Lynn Markland, City Manager, for all their assistance and advice in this annexation endeavor. Fuja questioned why there was a change of heart in requesting to be annexed into the city? Geyer stated the expense to do otherwise, is horrendous. Markland asked if the township has offered any services to her? Corwin stated that they are having Rowe Engineering do a cost evaluation. Markland also stated this will not come into the city without expense.**

**Canute moved, Domby supported to approve the request for annexation for property located at 109 Obert Street, Durand.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**City Attorney: 1) Mr. Markland and I met with Lennon Cable - they would like to provide same level of service with comparable rates. They would also like to offer phone/Internet service (burglar alarm, etc.). They will be giving a presentation in the future. 2) piece of property off Saginaw Street - confusion if property is in the city or township limits. Office of Great Seal: property within corporate limits of the City of Durand, however being taxed by both City and Township. At this point, were still trying to figure out who owns?!?**

**City Manager: 1) election tomorrow - primary. 2) Annexation petition re: 38 acres, west side of Durand Road, adjacent from the Industrial Park - received notification from State Boundary Commission last week.**

**Fuja: in the lot behind R. S. Green, there is a Grand Prix for sale, I would appreciate if someone could look into that.**

**Canute asked if the Bay gas station in town closed because of MTBE? City Manager, Markland stated not as far as he knew.**

**Knerr added he was pleased to see Geyer/Corwin (atty.) enlighten us as to how helpful our Manager and City Attorney were in the annexation request.**

**Schuyler let everyone know that the city is seeking volunteers to develop a community center committee.**

**Canute moved, Knerr supported to recess the meeting to Executive Session at 8:29 p.m.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Dombly.**

**NAYS: None.**

**Carried.**

**Reconvene at 9:35 p.m.**

**Knerr moved, Doyle supported to accept offer Plaintiffs on pending litigation: Canfield vs. City of Durand with the following criteria to be included in a full, final, and complete settlement:**

**- dismissal of pending lawsuit against City of Durand and City Manager, Lynn Markland.**

**- no monetary loss, allowing a tap in for water and sewer service at normal rate for Vernon Township and other criteria met, including in-lieu of tax and cooperation with Vernon Township for a franchise agreement.**

**YEAS: Knerr, Mayor Schuyler, Doyle.**

**NAYS: Fuja, Krupp, Canute, Dombly.**

**Motion Failed 3-4.**

**Meeting Adjourned at 9:42 p.m.**

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## **FEBRUARY 7, 2000 CITY COUNCIL MINUTES**

**Minutes of the regular meeting of Durand City Council held Monday, February 7, 2000 in Council Chambers of Durand City Hall.**

**Mayor Schuyler called the meeting to order at 7:30 p.m.**

**Pledge of Allegiance was recited at this time.**

**Council present: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
Council absent: None.**

**Doyle moved, Canute supported to approve the agenda with the addition of Item J - Amendment to Parks Master Plan.  
Carried.**

**Krupp moved, Knerr supported to approve the minutes of the regular City Council meeting and executive session held January 17, 2000, as presented.  
Carried.**

**Krupp moved, Domby supported to approve the payment of city bills numbering 23929 - 24014.  
YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.**

**Leonard Krawczyk, co-owner of the Iron Horse Pub, 104 N. Saginaw Street addressed the City Council with concerns regarding action that the City Council had taken at the January 17th meeting in approving the resort tavern license for Nick's Coney Island Restaurant. He was upset that the city never informed the bar owners that it was going to be considered, and he pointed out that there were already 375 seats available in this city to drink beer, and additionally, there were 460 seats in the surrounding area and 775 seats in the entire county. The resort license that Nick's applied for costs only \$300.00, while other bar owners had to pay thousands of dollars to purchase theirs.**

**Dennise Bittner, owner of the Club Car Lounge, 109 N. Saginaw Street, added that probably for most bars, 60% of their business is beer, not hard liquor. This license is in direct competition with ours and for it to only cost \$300.00 is not fair.**

**City Attorney stated to the bar owners that it was not the City Council's responsibility or obligation to determine how much someone pays for their liquor license. That is established by the Michigan Liquor Control Commission.**

**Domby stated that the City Council should have the minimum requirements for liquor licenses to review and that some sort of policy should be established by the city for future requests.**

**Canute moved, Knerr supported the Mayoral appointment of Lisa Youngston as residential representative to DDA (Downtown Development Authority).  
Carried.**

**Canute moved, Fuja supported to approve an increase of .30 per 1,000 gallons of sewer usage, to complete the increase for the bonding requirements of the 1999 Wastewater Treatment Plant Improvements.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.**  
**NAYS: None.**  
**Carried.**

**Knerr moved, Canute supported to table Item C - Authorization of Membership for MI Coalition to Protect Public Rights of Way, until the next meeting.**  
**Carried.**

**Knerr moved, Fuja supported to approve the purchase of the property at 106 Railroad Street for \$55,000.00.**  
**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle.**  
**NAYS: None.**  
**Carried.**

**Domby moved, Fuja supported that the easement for 501 N. Saginaw Street be approved as drafted by the City Attorney.**  
**Carried.**

**Knerr moved, Krupp supported to accept the proposal for the cleaning and rebuilding of the wells on Lincoln Street.**  
**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**  
**NAYS: None.**  
**Carried.**

**Canute moved, Domby supported to accept the proposal from Capital Consultants Engineers, Inc. to do a feasibility study for serving the Mason Street area with sewer at a cost of \$2,900.00.**  
**YEAS: Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr.**  
**NAYS: None.**  
**Carried.**

**Krupp moved, Doyle supported to approve Change Order #2, resulting in a deduction of \$6,391.77, for the Reroofing and Masonry Restoration at Durand Union Station and approve Change Order #3, resulting in an addition of \$1,778.70, for the Reroofing and Masonry Restoration at Durand Union Station.**  
**YEAS: Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr, Krupp.**  
**NAYS: None.**  
**Carried.**

**Knerr moved, Domby supported to approve payment of Architects Certificate for Payment Nos. 8, 9, 10 and 11 in the total amount of \$47,216.00 to Benchley Builders, Inc. for the Durand Union Station Roof.**  
**YEAS: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**  
**NAYS: None.**  
**Carried.**

**Canute moved, Knerr supported to amend the Master Plan for the Parks Five Year Plan.**

**YEAS: Dombay, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: None.**

**Carried.**

**Paula Brooks, 104 W. Summit Street, asked if there were any plans for the newly purchased property, or if was to be left vacant. City Manager stated that there are some considerations being made, but he was unable to share them at this time.**

**Police Chief: Two of the reserve officers have entered into the Flint Police Academy; one of our reserves is 12 credits shy of being able to apply.**

**· was appointed in December to serve on the Shiawassee County Community Correction Facility Board representing the Shiawassee County Chiefs of Police.**

**DPW Supervisor: reviewing a grant application for Economic Development Transportation**

**· the backhoe is shot; currently looking at options**

**City Attorney: met with Leisure Lake Asso. Representatives regarding the contract to pump water into the lake. Two major issues were conceded: 1. There is very low surface water in Michigan 2. Drought conditions have existed We will be looking at this very carefully. Leisure Lake has its membership meeting in March. Wellhead Protection Plan company has documentation that will assist the city. The goal is to meet in March after the membership meeting and work out a plan with everyone involved.**

**· Codification project has been reviewed section by section. An overview has been presented for your consideration and input. The new code will have the Charter printed along with it. The proposed changes to the code have been outlined.**

**City Manager: The increase in sewer rates was subsidized by the General Fund to hold cost down. \$100,000 was transferred from the General Fund to defray costs of the Sewer project to be meet the new limitations required by the State of Michigan.**

**· Loss of Project Director at the depot. Long term management of Durand Union Station, Inc. can have a major impact on the downtown area. \$10,000 annually is dedicated to the project. If the project is handled properly, its great; but, if its not, then its a White Elephant. We need to keep a close eye and work with with project. It has tremendous opportunity for this community. The City Council needs to think about what we can do to move this project along.**

**Canute asked if there were any prospects for the Project Director yet. City Manager responded that Carol Douglass is acting as Interim Director. A large part of the project was archiving data and materials, which had been organized by Margaret Zdunic. It has been a great loss with her passing. Knerr asked if the files were in good shape. City Manager responded that the Board of Directors just adopted policies and procedures. There is probably more potential there than what has happened. It's in a new phase. It needs to become a museum. We need to protect the designation and enhance it.**

**· Michigan City Managers Asso. Convention is Grand Rapids last week. The main**

topic was Youth at Risk in the community. We have not reached the finish line; we need to continue with youth quality of life.

Domby asked if the Youth Committee should start up again. City Manager stated that it was a City Council decision. It should either be started up again, or make it a part of Parks and Recreation. Domby stated that she would like the City Council to consider a Youth Activities Committee. She also stated that she feels badly about the comments made by Leonard, but she thinks that the city council did what it was instructed to do.

Fuja inquired as to any action the City Council would be taking regarding the letter from the Chairperson of the Joint Planning Committee. City Clerk stated that maybe this was something that could be discussed during the goal planning session; City Attorney reminded the City Council that they should not discuss current city issues, just concepts and goals. Fuja also asked about the motor homes on W. Clinton Street. City Manager stated that he would contact the owner of the property. She then asked about the lighting in the lot. Mince stated that he was working on it.

Canute addressed the issue of free papers being distributed all over neighborhoods. He would like to see what can be done about the debris. How is the progress for Chief of Police? City Manager stated that he would have a plan and a timeline this week. Canute also asked who handles Human Resources for the city. The Clerk and the Manager both responded; duties are shared and cross over.

Knerr asked what was the plan for the spare police car. Is it in good condition? Could it be utilized as an office vehicle? Other cities do this. City Manager stated that the problem with older police cars is that they've been run through the mill and aren't always reliable. Mince further stated that he racks up the most miles out of anyone in the city and averages 7-8 miles a day. Knerr asked if the City Council can find out how much was paid out in mileage for the past year.

Meeting Adjourned at 9:38 p.m.

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## **JANUARY 17, 2000 CITY COUNCIL MINUTES**

Minutes of the regular meeting of Durand City Council held Monday, January 17, 2000 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

**Council present: Canute, Dombby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
Council absent: None.**

**Doyle moved, Knerr supported to approve the agenda with the addition of Item I - purchase of property.  
Carried.**

**Knerr moved, Dombby supported to approve the minutes of the regular City Council meetings held December 4, 1999 and December 20, 1999, as presented.  
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 23755 - 23928.  
YEAS: Dombby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.  
NAYS: None.  
Carried.**

**Paula Brooks, 103 Summit Street asked what the status of the Joint Planning Commission was. City Clerk responded that the committee had not met through the holidays and there were no meetings scheduled until commitments were made by the township board and the City Council to proceed with the joint planning master plan project. Shiawassee County Commissioner Fuja is drafting a letter to each organization regarding this.**

**Paul Bailey, of Stewart, Beauvais & Whipple, addressed the City Council with the findings of the 1998-99 Audit for the City of Durand. The audit is unqualified; a clean opinion of the city's financial stability. The total assets of the city are \$15,309,113. The General Fund balance is \$971,102. He outlined the balances of the various funds throughout the city, commenting that all funds are financially stable and in good shape. He concluded his presentation by stating "The city is in good financial shape."**

**Canute moved, Dombby supported to accept and approve the audit for the 1998-99 fiscal year and direct the City Treasurer to file the same with the proper agencies/departments.  
YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Dombby.  
NAYS: None.  
Carried.**

**Krupp moved, Fuja supported to approve the New Resort tavern License for Nikitas Kalafatis to be used at Nick's Coney Island.  
YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Dombby, Doyle.  
NAYS: None.  
Carried.**

**Doyle moved, Canute supported to approve the Mayor's appointment of:**  
**-Becky Landris, Shiawassee District Library.**  
**-Pat Roussin, vacancy on Planning Commission Board.**  
**Carried.**

**Krupp moved, Canute supported to accept the bid for Standby Power additions/modifications from Sky Electric in the amount of \$77,261.00.**  
**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Fuja.**  
**NAYS: None.**  
**Carried.**

**Canute moved, Dombly supported to approve Change Order #2 for the 1999 Waste Water Treatment Facility Improvements resulting in a net change of an additional \$6,661.00.**  
**YEAS: Krupp, Mayor Schuyler, Canute, Dombly Doyle, Fuja, Knerr.**  
**NAYS: None.**  
**Carried.**

**Canute moved, Knerr supported to approve payment to Irish Construction Co. in the amount of \$159,416.53 for work done to date for the Waste Water Treatment Facility Improvements.**  
**YEAS: Mayor Schuyler, Canute, Dombly, Doyle, Fuja, Knerr, Krupp.**  
**NAYS: None.**  
**Carried.**

**Canute moved, Knerr supported to approve the invoice from SME, Inc. regarding the tests performed in conjunction with the 1999 Waste Water Treatment Plant Facility Improvements.**  
**YEAS: Canute, Dombly, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**  
**NAYS: None.**  
**Carried.**

**Knerr moved, Canute supported to approve the franchise agreement for 109 Obert Street dated January 17, 2000 and faxed to the city offices from the City Attorney.**  
**YEAS: Dombly, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**  
**NAYS: None.**  
**Carried.**

**Mince reported that he will be traveling to Bronner's in Frankenmuth tomorrow to look at new Christmas displays.**  
**n City Engineers met with Ryan Liker and his engineers to review plans for the subdivision. Construction is slated to begin late spring.**

**McKone reported that he and City Clerk reviewed all of the codes for the recodification project and that recommendations would be ready by the next meeting.**

**City Manger reported:**

**n Simplicity Engineering will be applying for a tax abatement for its Personal Property. There will be a Public Hearing on this in February.**

**n A contract with Kettunen Center was distributed to the City Council for its review. He is proposing that the City Council gather at the center for a team building, strategic planning seminar. The session will be facilitated by Louis Bender, a professor who works closely with MMTA and has worked with the City of Fenton.**

**n The city is looking at expanding the sewer system to the Mason Street area and will require a lift station. City Engineers are working on a proposal.**

**Knerr moved, Fuja supported to approve the contract with Kettunen Center for a City Council goal development retreat.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.**

**NAYS: None.**

**Carried.**

**Mayor Schuyler asked about the Oak Street project. Mince responded that the city must be able to start the project as early in the building season as possible. City Manager added that the City Council may want to consider some options to improve the roads within the city; possibly look at bonding a long term street project to place before the voters. With a larger pot of money up front, we could do more work for the price. We want to get a certain percentage of our streets in good to excellent condition. We're doing the best we can given the money we have to work with, but we could do better if we bonded the projects.**

**Canute asked if there was matching funds available for the \$10,000 that the city donates annually to the depot project. City Manager stated that as far as he knew, not so far, but he would speak with the state representative. Canute also asked if there was any ordinance regarding the paper throwing of all of the free papers. No specific recommendations were made.**

**Canute moved, Domby supported to adjourn to Executive Session.**

**YEAS: Fuja, Knerr Krupp, Mayor Schuyler, Canute, Domby, Doyle.**

**NAYS: None.**

**Carried.**

**Reconvene at 9:27 p.m.**

**Doyle moved, Fuja supported to authorize City Manager to enter into a purchase agreement for 106 Railroad Street in an amount up to \$55,000.**

**Carried.**

**Meeting Adjourned at 9:29 p.m.**

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## JANUARY 3, 2000 CITY COUNCIL MINUTES

The regular meeting of January 3, 2000 was canceled due to the New Year holiday.

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## DECEMBER 20, 1999 CITY COUNCIL MINUTES

Minutes of the regular meeting of Durand City Council held Monday, December 20, 1999 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

Council present: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
Council absent: None.

Doyle moved, Canute supported to approve the agenda with the addition of Item M - Appointment to DDA, and deletion of the 12-4-99 minutes.  
Carried.

Knerr moved, Domby supported to approve the minutes of the regular and executive session City Council meetings held November 15, 1999, and the special meeting held November 23, 1999, as presented.  
Carried.

Krupp moved, Fuja supported to approve the payment of city bills numbering 23683 - 23754.

YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.

NAYS: None.

Carried.

Norma Ward, 704 Princeton Drive asked the following questions, with the City Manager responding (in bold print). How many people work at Simplicity? 148 employees How long is the tax abatement? Abatements are made for a specific number of years. How would the city replace the loss of revenue? There is no loss. The abatement is given only on new expansion or new equipment. She also requested that there be information in the newspaper when the City Council considers the \$40,000 communication program. She then complimented on how beautiful the city looked this Christmas with the new decorations. She also noticed that the city is not using the wreaths that were formerly on the clock tower. Maybe they could be donated to the depot for use there. City Manager stated that one wreath had been purchased by the Eagles Club, but the others could be used by the depot if they are still in good enough shape.

**William Fahey, attorney for Vernon Township, stated that he had directed correspondence to the City Manager regarding sewers. There have been a couple of correspondences sent. The township would like to begin a dialogue to discuss this issue. There is a public health crisis, according to Fahey, with septic fields within the township failing. More and more individuals are going to be willing to pay double rates for city services. It's important that the township hear from the city regarding this topic.**

**Doug Corwin, attorney representing Carolyn Geyer, 109 Obert Street, Vernon Township stated that the home owned by Mrs. Geyer has a failed septic system. He asked if it were possible to tap into water and sewer. The main would have to be extended approximately 100 feet at an estimated cost of \$60.00 per foot. Mrs. Geyer wants to do this the cheapest way possible. There is a franchise agreement that allows her the right to tap into the utilities, since her property is contiguous to the city. She would prefer to do this without annexation. The township is willing to look at a special assessment district to finance this project. Mrs. Geyer has no ability to put in a new septic system. City Attorney stated that this request is somewhat of a surprise to the city. This request is not what the City Council was intending to address. He also answered some of Corwin's specific questions regarding the franchise agreement. City Manager also stated that there are some definite issues whenever sewer extensions are made. The main must be engineered; an Act 98 permit must be obtained from DEQ; engineers must review plans.**

**Vernon Township Attorney Fahey was indignant to the fact that the city was not prepared to make a determination at the meeting. Mayor Schuyler stated that there will be a decision made very soon, but that they were not prepared to act on this new request. City Attorney rebutted Fahey's comments, adding that the letter that Fahey sent him contained nothing in regards to the issue of sewer extension for Mrs. Geyer. "We don't even know anything more than that she was requesting annexation." Geyer responded that she was lead to believe that there was no other way to receive services than to annex to the city. City Manager replied to her response, "You told me that you wanted to be annexed, no matter what."**

**Domby asked for clarification regarding the franchise agreement. If both governments don't agree to the action, then utilities can still be extended? City Attorney stated that there have been no cases since the agreement was enacted. City Manager stated that he was just a bit surprised by Mr. Fahey's comments. What about all of property owners who went to Vernon Township - Van Agen, Lind, Faith Baptist Church - to request annexation, and still have not received an answer.**

**Canute wondered if this situation was leading toward resolving the problem with septic discharge out in Martin Manor.**

**Domby stated that she would like the City Council to have a copy of the agreement and possibly a workshop to discuss it. City Attorney stated that he will review the franchise agreement, issue a legal opinion and have it done by the end of the week.**

**Mayor Schuyler opened the public hearing to designate Simplicity Engineering as an Industrial District at 8:17 p.m. Dobby asked if there would be a change in the tax base from what it is right now. City Manager stated that there would be no change. Designation of an Industrial District only allows the company to apply for tax abatements which apply to new equipment, land rehabilitation, building renovations or expansion. The abatement is 50% for up to 12 years, and that would be determined by the City Council at the time application was made. If the city does not establish an Industrial Development District, then Simplicity would not be eligible at all to apply for abatements. Canute asked who determines what is new versus what is owned today. City Manager stated that the company provides written documentation of inventory, such as bill of sale on equipment. City Attorney added that there is split of opinion on exactly what the application means. The State of Michigan interprets it so that anything that occurs 6 months prior to application can be included in the abatement. My interpretation of the law is after the date of application.**

**The question was asked if there was any guarantee that the company remain in the city during the period of the abatement. City Attorney stated that he will look into adding this language into an agreement.**

**Mayor Schuyler, who is employed by Simplicity, gave the City Council a brief background of Simplicity and its acquisition by Powerscreen, and how this request came about.**

**Close Public Hearing 8:29 p.m.**

**Doyle moved, Knerr supported to adopt the following resolution:**

**Whereas, The Michigan State Legislature, in 1974, enacted Public Act 198 to allow local Municipalities to provide tax abatements for industrial facilities and;**

**Whereas, The provision of the act requires the company to submit to the municipality a request that an Industrial Development District be created, and:**

**Whereas, Simplicity Engineering, located at 212 S. Oak Street has requested that their property be part of an Industrial Development District, and;**

**Whereas, The City of Durand wishes to promote economic development and to maintain existing jobs and create new opportunities for employment by providing substantial property tax incentives to Industry to ensure a healthy local economy, and;**

**Whereas, creating an Industrial Development District that includes the Simplicity property assists the City of Durand in promoting economic opportunities for the entire community, and;**

**Whereas, the City Council of the City of Durand has held a public hearing on this the 20th day of December, 1999 for the purpose of hearing public comment on this issue;**

**Therefore be it Resolved: that the City Council sitting in regular session on the aforementioned date does hereby grant the request of Simplicity Engineering and creates an Industrial Development District with the following legal description (attached).**

**YEAS: Doyle, Fuja, Knerr, Krupp, Canute, Dombly**

**NAYS: none**

**ABSTENTION: Mayor Schuyler**

**Carried.**

**Doyle moved, Canute supported to approve the grant Workforce Retraining Grant for Simplicity Engineering from the Michigan Economic Development Corporation in the amount of \$1,000.00 per employee, for a total of up to \$148,000 for 148 employees. Also, that the Mayor Pro-tem be authorized to sign the MEDC commitment letter on behalf of the City of Durand.**

**YEAS: Fuja, Knerr, Krupp, Canute, Dombly, Doyle.**

**NAYS: None.**

**ABSTENTIONS: Mayor Schuyler**

**Carried.**

**Krupp moved, Dombly supported to approve the proposal from Peerless-Midwest for Phase D of the Well Head Protection Program in the amount of \$45,125.00 plus \$1,000 for engineering.**

**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Krupp moved, Doyle supported to approve the contract with Aggressive Systems, Inc. to provide computer service for Water Treatment Plant.**

**YEAS: Krupp, Mayor Schuyler, Canute, Dombly, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Dombly moved, Fuja supported to approve the purchase/trade of a new 2000 model payloader for \$6,500.00 and our 1998 model payloader to Bridgeport Equipment Company.**

**YEAS: Mayor Schuyler, Canute, Dombly Doyle, Fuja, Knerr, Krupp.**

**NAYS: None.**

**Carried.**

**Krupp moved, Knerr supported to approve Application and Certificate for Payment #3 to Irish Construction Co., in the amount of \$125,721.24, for Water Treatment Plant Improvements.**

**YEAS: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**

**NAYS: None.**

**Carried.**

**Knerr moved, Doyle supported to approve Change Order #1 for the Monroe Street Reconstruction Project resulting in a net change to the contract amount of \$5,508.86.**

**YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.**

**NAYS: None.**

**Carried.**

**Krupp moved, Knerr supported to approve the payment of \$147,351.90 to Eastlund Concrete Construction Company for the Monroe Street Reconstruction Project.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.**

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to approve the contract with the part time police officers Teamsters Local 214. The term of the contract to be July 1, 1999 to June 30, 2003.**

**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler,**

**Canute, Domby, Doyle.**

**NAYS: None.**

**Carried.**

**Doyle moved, Domby supported to cancel the Regular City Council Meeting originally scheduled for January 3, 2000.**

**Carried.**

**Domby moved, Canute supported to confirm the Mayoral appointment of Tim Shaw to serve on DDA as a replacement for Lori Wrenn, who resigned.**

**Carried.**

**Police Chief wished everyone Merry Christmas**

**DPW Director: WWTP project is moving right along.**

**-reviewed first set of drawings for Creek Pointe subdivision**

**-DPW is catching up.**

**-we anticipate no Y2K problems, but all departments will be staffed.**

**-Groundwater Stewardship Program will be presented in February.**

**City Manager: attended meeting of MI Asso. of Railroad Passengers.**

**-profile of city is on web site; looking pretty nice.**

**-Police Department will be overstaffed on New Year's Eve, just in case of Y2K.**

**-City Council received a copy of the 98/99 audit. The City is in good financial**

shape.

-will be meeting with Leisure Lake representatives in January.

**City Clerk:** Effective January, the utility billing department will eliminate the grace day from the billing cycle. It has proven ineffective and unnecessary. Notices will be placed on utility bills through March.

**Domby** requested that the City Council have a charter review workshop. She also wondered the status of the police cruisers. **Tanner** responded that the city currently has 4 cars. All are equipped with radios; 3 have overheads, 1 doesn't. She asked about the recodification schedule. **City Clerk** and **Attorney** assured her that it was on schedule.

**Krupp** asked if there was a solution to the garbage problem at 309 Fitch Street. **City Manager** stated that the city needs to review the current policies and change the ordinance if necessary. Communication is sometimes a problem, especially with non-resident landlords. **Krupp** also announced that he is working on the Fire Department's web page and is attempting to list all of the firefighters who have served the city's department.

**Fuja** noted the cobweb hanging from the ceiling that's been hanging there for awhile.

**Canute** inquired on the status of the parking tickets for winter parking. **Police Chief** noted that the officers are enforcing the winter policy. He also asked if the new owners of the house at 400 N. Saginaw Street are progressing with their renovations. **City Manager** stated that he will ask the **Building Inspector** for an update.

**Knerr** and **Doyle** wished everyone Merry Christmas.

Meeting Adjourned at 9:18 p.m.

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### **DECEMBER 6, 1999 CITY COUNCIL MINUTES**

The regular meeting of December 6, 1999 was canceled.

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### **DECEMBER 4, 1999 SPECIAL CITY COUNCIL MINUTES**

Minutes of the special meeting of the Durand City Council held Saturday, December 4, 1999 at 2:00 p.m. in the Council Chambers of Durand City Hall.

**Mayor Pro-tem Canute** called the meeting to order at 2:05 p.m.

**Council Present: Canute, Domby, Doyle, Fuja, Knerr  
Council Absent: Krupp, Mayor Schuyler**

**City Manager explained the proposed grant project that is being filed jointly with the Michigan Department of Transportation's Enhancement Activity Program between the DDA and DUSI for renovation to the downtown area and continuing restoration of the historic depot. The request is for \$2.5 million with matching funds required of 20%.**

**Doyle moved, Knerr supported to approve the following resolution of support for the grant application.**

**Whereas: The City of Durand owns Durand Union Station, and**

**Whereas: Durand Union Station, Inc. administers the project to restore Durand Union Station on the City's behalf, and**

**Whereas: Durand Union Station, Inc. is creating the Michigan Railroad History Museum and Information Center in Durand Union Station, and**

**Whereas: Both the Station and Museum attract thousands of visitors each year, and**

**Whereas: The Downtown Business District and the Station/Museum and Library add significantly to the quality of life in the City of Durand, and**

**Whereas: The Michigan Railroad History Museum and Information Center in Durand Union Station is the cornerstone of the Durand Downtown Development District, and**

**Whereas: The City of Durand and Durand Union Station, Inc. is co-sponsors of the City of Durand's grant application for the Michigan Department of Transportation's Transportation Enhancement Activity Program**

**Be It Therefore Resolved: The City Council of the City of Durand grants its whole hearted endorsement to the support of this grant and directs the city administration to submit the grant on behalf of the City of Durand.**

**YEAS: Domby, Doyle, Fuja, Knerr, Canute  
NAYS: none  
Carried.**

**Meeting adjourned at 2:30 p.m.**

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## **NOVEMBER 15, 1999 CITY COUNCIL MINUTES**

**Minutes of the regular meeting of Durand City Council held Monday, November 15, 1999 in Council Chambers of Durand City Hall.**

**Mayor Schuyler called the meeting to order at 7:30 p.m.**

**Pledge of Allegiance was recited at this time.**

**City Clerk administered the Oath of office and certificates of Election to the newly elected council members:**

**Cameron Canute - Precinct II - 4 year term**

**Donna Domby - Precinct I - 4 year term**

**Deborah Doyle - Precinct I - 4 year term**

**Vicki Fuja - Precinct II - 4 year term**

**William Knerr - Precinct II - 2 year term**

**Leo Krupp - At Large - 2 year term**

**City Council members voted by secret ballot to elect the Mayor. By unanimous decision, James Schuyler was elected Mayor for the ensuing term of office.**

**City Council voted by secret ballot to elect the Mayor Pro-tem. By unanimous decision, Cameron Canute was elected Mayor Pro-tem for the ensuing term of office.**

**City Clerk administered the Oath of Office to the newly elected Mayor and Mayor Pro-tem.**

**Council Present: Canute, Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler.  
Council Absent: None.**

**Fuja moved, Knerr supported to approve the agenda with the addition of Consent Agenda Item A-1: 1) Michigan Municipal Liability and Property Pool election ballot; 2) Appointment to SATA (Shiawassee Area Transportation Authority); 3) "The Old Newsboys" paper drive to be held December 10,1999.  
Carried.**

**Krupp moved, Domby supported to approve the minutes of the regular City Council Meeting held November 1, 1999, as presented.  
Carried.**

**Krupp moved, Knerr supported to approve the payment of city bills numbering 23582 - 23682.  
YEAS: Domby, Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute.**

**NAYS: None.  
Carried.**

**Canute moved, Domby supported approve Consent Agenda, with the following items:**

- 1) solicitation request from Durand Fraternal Order of Eagles for Old Newsboys paper drive on December 10, 1999.**
- 2) candidates for the Michigan Municipal Liability and Property Pool election.**
- 3) appoint Canute to replace Fuja on the SATA board.**

**YEAS: Doyle, Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby.**

**NAYS: None.**

**Carried.**

**Fuja asked if there will be parking on the south side of Monroe street if the traffic order is approved and if the residents in the area have been informed. City Manager replied that there will be traffic on the south side of the street and that the residents were informed of the parking changes in the first meeting outlining the street improvements.**

**Doyle moved, Canute supported to approve Traffic Order #155, establishing parking on the north side of the 100 and 200 blocks of W. Monroe Street between N. Saginaw and N. Oak Streets.**

**YEAS: Fuja, Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle.**

**NAYS: None.**

**Carried.**

**Lisa Crumley and Cari Rathbun, representing Pace and Partners, a public information firm, were present to answer questions regarding the proposal that the City Council received for informational services. Many of the City Council members had questions regarding the proposal. It was recommended that the City Council hold a workshop with Pace representatives to get a clearer understanding of the specific services offered and the benefits of this type of contract.**

**Canute moved, Knerr supported to approve payment #2 from Irish Construction, Co. for work completed at the Waste Water Treatment Plant in the amount of \$46,296.79.**

**YEAS: Knerr, Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Doyle moved, Fuja supported to approve the Bond Registrar and Paying Agent with Michigan National Bank for the 1999 Sewage Disposal System Revenue Bonds and that the Mayor and City Clerk be authorized to sign said agreement.**

**YEAS: Krupp, Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr.**

**NAYS: None.**

**Carried.**

**Tanner:** Last meeting, there was concern about cats roaming in one of the subdivisions. The Humane Society does not have live traps to load, however, the city can purchase traps. They can be loaned on a first come, first serve basis, and the trapped animals can then be taken to the Humane Society.

· the surveys that have been returned show that there is a lot of improvement needed within the department. We will be studying the results to future changes.

City Attorney reported that he has been reviewing a cell tower ordinance and will present a draft for the City Council to review at the next meeting.

City Manager reported that there is a vacancy on the Shiawassee District Library Board with the resignation of Joyce Zick.

· The city will be writing a T-21 grant for the depot and the DDA. It will be a joint application which should make it a stronger presentation. Hopefully, we can get some additional money to brick the downtown and do expand the streetscape.

Domby asked how the Leisure Lake agreement is proceeding. City Attorney answered that there is water usage now in other areas than what existed when the agreement was entered into. He will be reporting back to City Council on progress. She also inquired about the codification progress. City Attorney responded that he has completed his initial review and that he will be meeting with the City Clerk and City Manager to review the changes. Krupp asked if that project would be completed by the end of the year and the City Clerk replied that the changes may not be completed until spring. There are already amendments that need to be added and there are other areas within the code that need to be changed.

Fuja asked about the situation on W. Clinton Street with the motor homes. There were three on the property, and now there are two, but what's going on? City Manager stated that he had spoken with Millie Smith, owner of the property and that she was going to speak with the tenant of the building to ensure that they are either properly stored or removed.

Canute requested that the City Manager and DPW Supervisor be present at the January meeting of the Parks and Recreation Board so that work can begin on grant writing to meet the spring deadlines. City Manager noted that there is a priority from the Parks Board to one sport, and that some of the City Council members feel that there should be some expansion made for other recreational activities. He also noted that Consumers Energy will be relocating the service pole that is in the middle of the outfield of the west ball diamond in Optimist Park. He inquired as to the Police Chief position. City Manager stated that he should be completed with the background investigation by the next meeting.

Domby moved, Krupp supported to adjourn to executive session to discuss a possible property purchase.

**YEAS:** Mayor Schuyler, Canute, Domby, Doyle, Fuja, Knerr, Krupp.

**NAYS:** None.

**Carried.**

Reconvene and adjourned at 9:30 p.m.

Amy J. Roddy, City Clerk

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## NOVEMBER 1, 1999 CITY COUNCIL MINUTES

Minutes of the regular meeting of Durand City Council held Monday, November 1, 1999 in Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7:30 p.m.

Pledge of Allegiance was recited at this time.

Council Present: Canute, Domby, Doyle, Fuja, Krupp, Mayor Schuyler, Stokes.

Council Absent: None.

Doyle moved, Canute supported to approve the agenda with the deletion of item D - Contract Proposal: Maintenance Agreement w/WWTP computer, and additions of item E - 2nd reading and adoption : Tap in Deferment Ordinance Amendment.  
Carried.

Krupp moved, Stokes supported to approve the minutes of the regular City Council Meeting held October 18, 1999, with corrections.  
Carried.

Canute moved, Krupp supported to approve the payment of city bills numbering 23546 - 23581.

YEAS: Domby, Doyle, Fuja, Krupp, Mayor Schuyler, Stokes, Canute.

NAYS: None.

Carried.

Mayor Schuyler opened the Public Hearing at 7:43 p.m. No residents from the district area were in attendance, but two letters were received and entered into the transactions of the meeting.

from Nancy McKnight:

Dear Sirs: I am writing in regard to the curbing to be done on W. Monroe Street. Since the street west of N. Saginaw is partially city and partially county and does not cater to walkers, I am protesting this curbing in which I had not (a) vote or say in. I don't understand how the city can do this without residence approval since we are paying for it through extra payments in our taxes.

from 7 residents in special assessment district:

**City Manager and Durand City Council: We, the undersigned, being property owners and residents of the 100-200 blocks of W. Monroe between Oak Street and North Saginaw Street, protest heaving to pay for curbs and gutters along the two blocks being resurfaced. This street is used mainly by delivery trucks and non-residents to travel from and to down town and the school, to Monroe Plaza, west side or leave town, via North Oak and visa versa. There are only four residents on the south side of these two blocks and also, only three residents total on both sides of the 100 block. Your consideration in this matter would be appreciated.**

**James Beebe, 313 Lenawee  
Susan Swantek, 204 W. Monroe  
Melissa Adams, 210 W. Monroe  
Perly Whitehead, 207 W. Monroe  
Randy Holmes, 105 W. Monroe  
Susan E. Hendrickson, 200 W. Monroe  
Nancy McKnight, 104 W. Monroe**

**Public Hearing closed, 7:45 p.m.**

**Stokes commented that everyone in town that has curb and gutter sometime or another has paid for it. My goal is to see every public street in the town curbed and guttered. It is needed.**

**Stokes moved, Doyle supported to approve the Assessment Roll for curb and gutter on W. Monroe Street, as presented, and the property owners shall be assessed 100% for the improvements at \$10.48 per foot of frontage. The payments shall be paid over a period of five years with five equal installments.**

**YEAS: Doyle, Fuja, Krupp, Mayor Schuyler, Stokes, Canute, Dombly.**

**NAYS: None.**

**Carried.**

**City Manager stated that the person who filed the zoning change application had called the city offices today requesting that the matter of rezoning the property located at 100 Sycamore Street (the old Arthur Lucas Middle School) be tabled. The Zoning Administrator left this person a telephone message that he should either attend the meeting in person and request that the matter be tabled, or to put the request in writing and submit it to the Clerk's office before the meeting this evening. Although several attempts were made to reach this individual, no one knows exactly what the intention of this individual really is.**

**City Attorney added that the City Council does not have to take action on this matter at this meeting, but they can also do so, if they decide to. It may be the City Council's desire to listen to what the people attending the meeting have to say.**

**Mayor Schuyler acknowledged that there were several individuals attending the meeting to speak in regards to the possible rezoning of this property. He would allow them to speak.**

**Randy Smith, 319 Shiawassee Street, directed his comments first to the City Attorney, reiterating, "You're saying that the City Council could take action, or they could wait." He then stated to the City Council, "Don't table it; vote NO. If it was important enough for us to come out this evening, then it should have been important for him to be here, too."**

**Milton Utter, 103 Oakland Street, introduced the petition that he and other neighbors solicited throughout the area to be affected by the zoning change. He also stated for the record that he supported the comments made by Smith. The petition reads, as follows:**

**PETITION OPPOSING REZONING  
OF THE ARTHUR LUCAS MIDDLE SCHOOL PROPERTY**

**We, the undersigned residents of the City of Durand, hereby request that the Durand City Council deny any rezoning of the above named property based on the adverse impact it would have on our residential neighborhood, Our opposition is based on the fact that creation of a multiple occupancy island in the middle of family residences would detrimentally affect the already dangerous traffic pattern around the school and create extreme vehicular congestion as well as provide inadequate off street parking for the proposed number of residents. We feel strongly that any zoning change could possibly decrease our property values as well as affecting our quality of life. Further, it is our express intent to require a three quarters majority of the Council to enact any zoning change for the said property by the submission of this petition.**

**Signed by 58 residents whose homes are within 300' of the property.**

**William Merrill, 104 Elm Street, stated that he had missed another meeting tonight so that he could be present for this rezoning issue. His biggest concerns are those to do with traffic. The proposed project calls for 40 apartments with 80 parking spaces. There is not enough space on the property for 80 parking spaces. The traffic congestion was absolutely terrible during the hours when school started and was released; it is unimaginable what it would be like with 80 cars going in and out at all times of the day. Merrill concluded by stating that the citizens voted to build a new middle school and in that proposal, we were led to believe that the school would be torn down.**

**City Manager noted that there is a purchase agreement on the property between the petitioner and the school district and he would assume that the purchase would be contingent on the zoning.**

**Doyle inquired to the City Attorney that it was her belief that when someone requests a zoning change that it had to be the owner of the property making the request, and was it the owner who made the request. City Attorney responded that the owner, an agent of the owner, or someone with an interest in the property can request a zoning change.**

**Smith asked if this zoning change request fit into the city's master plan. City Manager stated that he believed that the zoning was either R-2 or R-3 (single family residential). He also stated that the Planning Commission held a Public Hearing at their last regular meeting and many of the same property owners that are present tonight also attended that meeting, along with many more. No one present was in favor of the zoning change request, except for the requester. The meeting was very orderly and very controlled. The Planning Commission made the recommendation to deny this request.**

**Smith also asked if the petitioner lived in the city. The City Manager replied that no, this person did not live in the city, but he did reside within the county. Smith responded that absentee ownership of rental property concerned him also.**

**City Attorney offered caution to the City Council in its decision. This person has a specific project in mind and that's why there has been a request for a zoning change. It may be a good thing for the community. However, if you change the zoning based upon his intent, there is no guarantee that this project will be completed. One the property is rezoned, it can be utilized for any usage within the zoning district.**

**Domby asked what the difference was between R-3 to RC. City Attorney stated that R-3 is single family residential with high density (smaller lots than average). RC is multiple family. It could be used for senior citizen housing, but it could just be apartments.**

**Doyle stated that this property is extremely unique; seven streets converge into one area.**

**Char Dolan, 411 N. Saginaw Street stated that the developer had mentioned at the Public Hearing that he was planning on renting the apartments for \$450 - 500 monthly; that he had an unlimited source of credit and that the development would be very beautiful. "We don't want to live in Flint or Lansing. He is not targeting retirees; he's targeting anyone who he can rent to. This development will be in my backyard. We do not want this in our backyards."**

**Smith stated that it is common knowledge that the board of education need to tear down this building, but the residents need the City's support on this issue.**

**Krupp urged the residents to attend the next school board meeting and tell them their concerns.**

**Merrill stated that in regards to the postponement of the vote, he was visited by Mr. Siminski on Saturday afternoon and was asked to attend the meeting tonight to support his cause. I cannot support this; let's use the \$200,000 and tear the building down.**

**Canute restated Krupp's advice.**

**Domby moved, Krupp supported to deny the request for rezoning of property located at 100 Sycamore Street, as recommended by the Planning Commission for the following reasons: increased traffic issues with the unique street configuration, potential property value decreases and proposed zoning change is not compatible with the neighborhood.**

**YEAS: Fuja, Krupp, Mayor Schuyler, Stokes, Canute, Domby, Doyle.**

**NAYS: none**

**Carried.**

**Canute moved, Doyle supported to retain ACI Finance, Inc. as the City's Dissemination Agent to file the "Annual Report" and submit the report to the appropriate parties.**

**YEAS: Krupp, Mayor Schuyler, Stokes, Canute, Domby, Doyle, Fuja.**

**NAYS: None.**

**Carried.**

**Stokes moved, Domby supported to adopt the amendment of Chapter 24 of City Code (tap in fees), as follows:**

**THE CITY OF DURAND ORDAINS:**

**Section 1. Amendment: Chapter 24 of the Durand City Code is hereby amended by adding Section 2.74 which shall read, as follows:**

**Section 2.74. Deferred Tap-in Fees. The owner of an existing residential home, located within the corporate limits of the City of Durand, any apply for the deferral of the water and/or sewer tap-in fees (capital recovery fees). The payment schedule shall be 1/3 of the fee at the time of connection; 1/3 plus accrued interest on year from the date of connection and the entire balance two years from the date of connection. Interest shall be at the rate of 6% per annum. This option is not available to newly constructed homes or re-built or replacement homes.**

**YEAS: Mayor Schuyler, Stokes, Canute, Domby, Doyle, Fuja, Krupp.**

**NAYS: None.**

**Carried.**

**Tanner: The new cruiser is on the road this week.**

**· Targeted date for computers in the cars is March 2000. The cost is projected at \$700 per computer, with a life expectancy of 10 years. An extended warranty**

should be looked at. There will be 8 hours of training per officer for the new computers.

- Devil's Night and Halloween were very quiet. I'd like to commend the kids.
- We've mailed out a survey and urge residents to return it. The cost was a little over \$1,000. We will study the results and make modifications if needed.
- No Parking goes into effect Dec. 1. Permits are now available.

**Mince:** Monroe Road has been top coated and striped.

- I have received preliminary utility information for S. Oak Street reconstruction.

**Markland:** City Attorney, DPW Director and I attended a meeting with DEQ regarding the e-coli in the drain. We are working cooperatively with the county departments and DEQ.

- Commissioner Fuja and took a bus ride with members of the MI Economic Development Corporation to review Shiawassee County's application to establish a renaissance zone. Durand's site is the old Simplicity site. Both Rep. Julian and Sen. Rogers were aboard the bus. We hope that it is selected for rehabilitation. There are only 4 slots available for rural renaissance zones. 8 entities applied and it is a highly competitive process.
- We are meeting with a public information consultant. There will be more information at the next meeting.

**Roddy:** The web site is preliminarily completed. We are fine tuning the site before it is up for the public to view. All input from the City Council is welcomed.

- I have just completed a 3 year term of serving on the Elected Officials Academy, of the MML.
- The City Council election is tomorrow. Don't forget to vote.
- There was a problem with water bills this month. There was an extra long read this time, and bills are higher than normal. They should even out next month.

**Domby:** What's the situation with the water being pumped into Leisure Lake? City Manager stated that there is currently an agreement resulting from a law suit which requires the city to pump water from our wells into the lake. However, some issues have arisen which change the agreement. Holiday Shores is building a golf course and they will use water to irrigate. They will also be adding a new section of housing units. They are also building lagoons for sewage. We do not want our water source contaminated. There is an opportunity to revisit this issue. It is not fair to the city; conditions have changed.

**Do our Police Officers do unlocks anymore?** Tanner responded that there are a lot of vehicles that we cannot unlock. Most Police Departments do not open cars unless it is an emergency situation.

**Who is responsible for Parks safety inspections?** Steve Mince is responsible.

**Krupp** stated that he will miss Denny sitting next to him.

**Canute asked about the situation at Lenawee and Monroe. City Manager responded that the septic tank was tied directly into the storm sewers. We were under the impression that there was a properly working septic tank. We hooked them up temporarily. The property owner must make some decisions on replacement. It was a city residents who was only receiving water. The property had been annexed, but when annexed, the septic was working. These are problems that have been inherited. The residents have been very cooperative and wanted to do the right thing.**

**Canute also stated that he enjoyed the 8 years of working with Denny on the City Council. "Who knows? Maybe you'll be back."**

**Fuja wished Stokes well also. She went on to state that there is a cat epidemic on Dartmouth Drive. There are wild cats. Possibly some cat loving person is feeding them because they seem to be hanging around in this neighborhood. Suggestions were made to contact Shia. Co. Animal Control and that the Humane Society has live traps that they loan.**

**Doyle thanked Stokes for his service on the City Council.**

**Mayor Schuyler stated that he has enjoyed working with Stokes for the past 6 years on the City Council and for the many years that they have worked together at Simplicity. He presented a desk pen set to Stokes on behalf of the City Council and staff and invited everyone to stay for a small reception in his honor.**

**Stokes made the following statement: " I would like to take this opportunity to thank present and past administrations and past and present council members for a very enjoyable approximately 15 years as a member of the Durand City Council. Durand that time, I have certainly learned a great deal of how local government operates and why many things are either very difficult to implement and why they seem to take so long. I have a much better understanding on how government operates.**

**I have enjoyed my tenure in office and am very proud to have been part of many projects and procedures. We have implemented very ambitious yearly budgets without raising tax millage. In fact, even lowering millage the last couple of years. I commend the administration for this. I am pleased to have been part of many projects, such as revamping the waste water treatment plant, develop a new water supply and water plant, an aggressive street program, maintaining a fleet of new equipment in all departments, and improving the downtown area, to name a few.**

**An area of disappointment is the lack of interest by residents in what this council and administration actually do. We meet twice a month and very seldom do we have residents present to see how their tax dollars are spent unless there is a major problem. Further to this, the city is having an election tomorrow with a total of six**

**(6) seats up for City Council. No one other than present council members filed petitions, which again, shows a lack of interest.**

**Again, I have enjoyed the time, and who knows... I may be back some time in the future. I wish the administration and council members good luck in the future and keep up the good work."**

**Doyle moved, Fuja supported to issue a proclamation honoring the Durand Area Bands for their successful season and accomplishments.  
Carried.**

**Meeting Adjourned 9:05 p.m.**

**Amy J. Roddy, City Clerk**

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