
JUNE 17, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, June 17, 2002 in the Council Chambers of Durand City Hall.

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

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler
Council Absent: none**

**Schuyler moved, Bemis supported to approve the agenda with the addition of Item H. – Approval of 2002-02 Budget Amendments and deletion of Item F. – Payment Request: Gregory Construction/Fire Hall Renovations.
Carried.**

**Krupp moved, Fuja supported to approve the minutes of the regular meeting held May 20, 2002.
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 27324– 27444.
YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Bemis.
NAYS: None.
Carried.**

CITIZENS PRESENT: No names were entered on the sign-in sheet, and no one spoke at this time.

Canute moved, Fuja supported to approve the following resolution of support for “Proposal 2-Funds for the Future:

WHEREAS, the City of Durand has traditionally supported the municipal recreation grants program established under the Michigan Natural Resources Trust Fund (MNRTF); and

WHEREAS, the MNRTF uses a portion of the royalties from oil and gas exploration and the interest earned on those royalties to finance grants to cities, villages, townships, counties and the Michigan Department of Natural Resources (DNR) for the acquisition of local recreation lands and the development of local recreation facilities; and

WHEREAS, the MNRTF has, since its inception in 1976, provided more than \$500 million in grants to cities, villages, townships, counties and the DNR for local recreation project; and

WHEREAS, and MNRTF has reached its statutory funding “cap,” which will limit the amount of MNRTF money available for local recreation grants; and

WHEREAS, the City of Durand supports allowing the State Treasurer to invest MNRTF revenues in the same manner as is currently provided for in the Public Employees Retirement System Investment Act; and

WHEREAS, the City of Durand supports raising the MNRTF funding “cap” from \$400 million to \$500 million, thus making more oil and gas royalty funds available for local recreation grants; and

WHEREAS, the City of Durand supports removing the provision in the current MNRTF stature that states that when the principal of the MNRTF reaches \$200 million, the State may no longer expend 1/3rd of the annual mineral revenues within the fund; and

WHEREAS, “Proposal 2 – Funds for the Future,” placed on the August 6, 2002 primary election ballot by the Michigan Legislature, would accomplish the objectives outlined above; and

WHEREAS, the passage of “Proposal 2 – Funds for the Future” is critical for maintaining and enhancing important funding sources to improve recreation opportunities and enhance the quality of life for Michigan citizens both today and in the future.

NOW, THEREFORE, BE IT RESOLVED that the City of Durand officially endorses “Proposal 2 – Funds for the Future;” and

BE IT FURTHER RESOLVED that the City of Durand urges local voters to learn more about Proposal 2 and vote during the August 6, 2002 Michigan primary election.

Carried.

Krupp moved, Bemis supported to accept the bid from Solomon and Sons for the replacement of the fire hall roof.

YEAS: Mayor Doyle, Doyle, Fuja, Krupp, Schuyler, Bemis, Canute

NAYS: none

Carried.

Doyle moved, Fuja supported to accept the low bid from Dave Collard Masonry for sidewalk replacement at a cost of \$3.85 per sq. ft. for 4” sidewalk, \$4.25 per sq. ft. for 6” sidewalk and \$6.25 for 10” sidewalk.

YEAS: Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle

NAYS: none

Carried.

Fuja moved, Krupp supported to approve the payment of membership renewal invoice from the Michigan Municipal League in the amount of \$4,014.00.

YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, Doyle.

NAYS: none

Carried.

Canute moved, Fuja supported to approve the invoice from PROTEC in the amount of \$983./25 for annual membership dues

YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, Doyle, Fuja.

NAYS: none

Carried.

Doyle moved, Fuja supported declare the list of delinquent utility accounts uncollectable and authorize the City Treasurer to place them on the tax roll as a lien against the property for collection.

YEAS: Schuyler, Bemis, Canute, Mayor Doyle, Doyle, Fuja, Krupp

NAYS: none

Carried, 4 - 3

Canute moved, Bemis supported to approve the amendments to the 2001-02 budget, as follows:

**Fund Original Amended Increase
Budget Budget (Decrease)**

General	\$ 1,995,000.00	\$1,922,800.00	\$ (72,200.00)
Street Fund	\$ 121,400.00	\$ 113,050.00	\$ (8,350.00)
Building Inspector	\$ 16,800.00	\$ 16,000.00	\$ (800.00)
01 WWTP Debt	\$ 42,900.00	\$ 518,750.00	\$ 475,850.00
01 Water Debt	\$ 142,000.00	\$2,514,075.00	\$2,372,075.00
98 WWTP Debt	\$ 24,900.00	\$ 29,525.00	\$ 4,625.00
Optimist Park	\$ 30,000.00	\$ 30,000.00	
Fire Hall Project	\$ 300,000.00	\$ 300,000.00	
WWTP Fund	\$ 646,700.00	\$ 685,700.00	\$ 39,000.00
Fringe Benefits	\$ 292,000.00	\$ 325,300.00	\$ 33,300.00

YEAS: Bemis, Canute, Mayor Doyle, Doyle, Fuja, Krupp, Schuyler

NAYS: none

Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director announced that the city is closing the brush drop-off area at the DPW facility. Residents are placing inappropriate items there and chipper has incurred severe damage. The paperwork for the well-head

protection grant has been submitted. 23 footing drain separations have been completed. There are approx. 6 more in progress.

Treasurer noted that tax billing will be prepared on laser printer this billing cycle.

City Manager reported that the Durand Garden Club will be landscaping City Hall. He spoke with Larry Julian, State Rep, and that state shared revenue cuts hinge on increase in cigarette tax. The work plan for the Administrative Consent Order has been submitted to DEQ.

COUNCIL COMMENTS: Krupp asked if there are any costs determined for the demolition of the Durand Milling building downtown. City Manager reported that he and the City Attorney are still negotiating a purchase agreement with the owners.

Fuja noted that she has observed an increase in dogs roaming through yards unattended. Also, the cars are traveling at high speed on Wickshire Lane.

Canute asked if the Clerk had located a copy of the SATA resolution. She noted that she has not looked for the copy yet, but will get a copy of it for him. He also asked if the Parks program will get any students for the summer parks program. Clerk responded that she had contacted the RESD in March regarding the program. As of today, the program is not up and running for the summer. It won't kick off until July, which makes it difficult for the operation of the parks program at Trumble Park. We need the help by the middle of June.

Bemis requested that the appraisal be added to the action list that the administration prepares, and Krupp added that the codification be on the list, too.

Mayor Doyle stated that she has complaints about the speeding on W. Main Street.

Mayor Doyle adjourned the meeting at 8:23 p.m.

MAY 20, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, May 20, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.31 p.m.

Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler
Council Absent: none

**Schuyler moved, Bemis supported to approve the agenda with bills numbering 27302 through 27323.
Carried.**

**Krupp moved, Fuja supported to approve the minutes with the corrections noted of the regular meeting held May 6, 2002.
Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 27302– 27323.
YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Bemis.
NAYS: None.
Carried.**

CITIZENS PRESENT: Karen Siminski, representative of Durand Patriots, presented City Manager Markland with second prize from their Railroad Days raffle drawing.

City Manager Markland presented Mayor Pro-tem Canute with a plaque and a lapel pin from the Michigan Municipal League recognizing his completion of Level II of the Elected Officials Academy.

**Schuyler moved, Bemis supported to award the bid for an emergency warning system to West Shore Services.
YEAS: Mayor Doyle, Doyle, Fuja, Krupp, Schuyler, Bemis, Canute
NAYS: none
Carried.**

**Bemis moved, Schuyler supported to approve a change order for the emergency warning system to accept the alternate 2001 system from West Shores Services in the amount of \$36,195.00.
YEAS: Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle.
NAYS: none
Carried.**

**Doyle moved, Fuja supported to accept the low bid from Fuoss Gravel for washed sand in the amount of \$3.49 per ton.
YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, Doyle.
NAYS: none
Carried.**

**Canute moved, Bemis supported to accept the low bid for limestone from Constine, Inc. in the amount of \$9.65 per ton.
YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, Doyle, Fuja.
NAYS: none
Carried.**

Krupp moved, Canute supported to approve the deficit reduction plan for the Major Street Fund, as presented, and submit it to the Michigan Department of Treasury for approval.

YEAS: Schuyler, Bemis, Canute, Mayor Doyle, Doyle, Fuja, Krupp.

NAYS: none

Carried.

Doyle moved, Fuja supported to accept the proposal with the deletion of items N. and O – para 2 from Capital Consultants in the amount of \$17,900 to design water and sewer extensions and bid documents for the industrial park property.

YEAS: Mayor Doyle, Doyle, Fuja, Schuyler.

NAYS: Bemis, Canute, Krupp

Carried, 4 - 3

City Manager presented the proposed 2002-03 budget. He noted that the city's millage has been affected by the Headlee rollback, thus the street millage will be set at 1.5946 mills. The General Fund millage will remain the same at 15.5 mills. 52% of the General Fund budget is made up of taxes collected, which is an 8% shift from last year. State Shared Revenue has been reduced to \$588,000, and a \$40,000 carry forward from fund balance is being recommended.

Schuyler moved, Canute supported to pass the 2002-03 budget that was presented to second reading.

Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: Fire Chief Rinker thanked the City Council for approve the purchase of the siren.

City Manager reported that Railroad Days festival that was held last weekend was quiet for the city. He congratulated Mayor Pro-tem Canute, noting that training is important for employees, as well as policy makers.

COUNCIL COMMENTS: Krupp asked about the time frame of the recodification project. City Attorney stated that all of the materials are in the publishers' hands, and we should have something later this summer.

Canute asked about the false alarms on the Police Report and wondered if they were from Compak.

Schuyler asked how the city would go about choosing an engineer. City Manager stated that proposals would be submitted and then, engineering firms would give presentations to the City Council. City Attorney also added that consideration should be given to the history of the company, rates, references and the feeling that the City Council gets when talking with the firm. City Manager commented that

the administration has a strong, developed relationship with the city's current engineers, Capital Consultants, and that he is very comfortable with their firm as engineers.

Mayor Doyle adjourned the meeting at 8:44 p.m.

MAY 6, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, May 6, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp
Council Absent: Schuyler

Krupp moved, Bemis supported to approve the agenda with the deletion of Item F – Letter of Agreement: Membership Dues for Teamsters #214.
Carried.

T Doyle moved, Fuja supported to approve the minutes with the corrections noted of the regular meeting held April 15, 2002.
Carried.

Fuja moved, Bemis supported to approve the payment of city bills numbering 27220– 27301.

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, inquired as to the status of the joint meetings between the township and the city. City Manager responded that there is a tentative agreement and the committee is continuing to work out the details.

John Matajewski, 709 Kingswood Drive, stated that he is beginning to have a problem with the garbage haulers. They just toss the cans and lids wherever they land and they are not taking all of the items that are put out to the curb. Members of the administration urged residents to contact City Hall with these types of complaints so that problems can be reported.

Matt Birko, representing U.S. Congressman Mike Rogers noted that Rogers has been very busy in Washington, D.C.. He assisted in securing \$4.7 million to construct a new armory in Owosso and was instrumental in legislation regulating

child safety seats. He can be seen on the local public access channel. Rogers will be walking in the Railroad Days parade. He invited everyone to join in the parade and participate.

**T. Doyle moved, Canute supported to approve the Consent Agenda, as follows:
Proclamation recognizing Athletes with Physical Disabilities Week
Solicitation Request – V.F.W. Poppy Sales/ May 17th – 19th
Solicitation Request – Kiwanis Peanut Sales/May 17th
Carried.**

Representatives from TVC, Inc., a cable franchisee with the city, were present to give an update on services and rates. Paul Bowman, General Manager, noted that there were 385 customers serviced in Durand. He also commented that installation for service was a headache, but he believes that all of the problems that he is aware of have been addressed. If there are any unhappy residents, TVC will address them one at a time. Sharon Patsey, Office Manager, distributed channel line up sheets and information on their Ethernet service being provided. She also mentioned the current rates and discounts available.

Tom Tompkins, owner of the 206 Bar was present to request that the City Council approve his application for temporary authorization to have a beer tent during the Railroad Days celebration on May 17 and 18, 2002. The band would perform only until 1:00 A.M.

**Fuja moved, Krupp supported to approve the Application for Temporary Authorization from “Our 206 Bar” to hold a Beer Tent on May 17 & 18, 2002.
Carried.**

Canute moved, Fuja supported to approve Payment Request #6 from Gregory Construction in the amount of \$23,499.50 for work done to date on the Fire Hall Renovation Project.

YEAS: Mayor Doyle, Doyle, Fuja, Krupp, Bemis, Canute.

NAYS: none

Carried.

Fuja moved, Doyle supported to remove from the table the original motion made by Doyle at the regular meeting held April 15, 2002 regarding the bid award for the Optimist Park Renovation Grant Project.

Carried.

Doyle moved, Canute supported to accept the base bid of \$631,200.00 to Perrin Construction for the Optimist Park Renovation Grant Project.

YEAS: Doyle, Fuja, Krupp, Bemis, Canute, Mayor Doyle.

NAYS: none
Carried.

Fuja moved, Doyle supported to approve the proposal from Capital Consultants for engineering services for the S. Saginaw/Naldrette Streets reconstruction in the amount of \$47,000, deleting paragraphs L & P of the context.

YEAS: Fuja, Krupp, Bemis, Canute, Mayor Doyle, Doyle.

NAYS: none
Carried

Doyle moved, Canute supported to approve the By-Laws for the Parks and Recreation Board.

YEAS: Krupp, Bemis, Canute, Mayor Doyle, Doyle, Fuja.

NAYS: none
Carried.

Krupp moved, Doyle supported to approve the purchase agreement with Durand Feed and Grain in the amount of \$30,000 for the property commonly described as 105 W. Clinton Street.

Fuja asked what the city's plans were for the property. City Manager responded that after the purchase agreement is approved, a base line environmental study would be performed, and then costs would be determined for demolition. T. Doyle asked if the property would qualify for Brownfield Redevelopment. City Manager stated that this property probably would not qualify. City Attorney recommended that in the provisions of the Purchase Agreement that he add a qualifying statement in case the cost for demolition is higher than what the city plans to spend.

YEAS: Bemis, Canute, Mayor Doyle, Doyle, Fuja, Krupp.

NAYS: none
Carried.

Fuja moved, Canute supported to declare the list of outstanding utility accounts as delinquent.

Carried.

Doyle moved, Fuja supported to establish the new sewer usage rate at \$5.50 per 1,000 gallons effective June 1, 2002, and pass this to second reading.

Carried.

PUBLIC COMMENT: Paula Brooks asked what the contract for the Naldrette Street project included. City Manager stated that it included the engineering, bid preparation and review and inspections.

DEPARTMENT REPORTS: DPW Director noted that phase one of the footing drain separation project ends in June. To date, 10 homes have participated and 8 more are in the process. Sump pump inspections are being conducted in the NE quadrant. Approximately 25% are in non-compliance. Brush pick up will be next week.

City Attorney read the following language for the Purchase Agreement for 105 W. Clinton Street – “Purchaser shall have 90 days to demolish structures. If purchaser deems it inequitable to demolish buildings, then the city has the right to withdraw...” He noted that TVC representatives drove around the community and looked at all of the properties where they installed cable equipment. Both companies realize that there is room for improvements, and they will work with residents on responding to complaints.

City Manager noted that the city’s state shared revenue will be \$130,000 less than last year. Also, the Owosso Chamber of Commerce is hosting an Economic Summit later this week.

COUNCIL COMMENTS: Krupp asked if there was some way that the administration could contact Capital Consultants to come to some type of agreement on the language in the contracts that the city enters into.

Canute thanked the City Council and the Parks and Rec. Board for supporting the grant project for Optimist Park.

Bemis asked if Consumers Energy had finished all of the restoration work. Mince stated that they had done work on lawns, but the street and sidewalk work will be completed soon. He also noted that maybe the city should consider not putting in curb and gutter on Naldrette Street to lower the cost.

Mayor Doyle adjourned the meeting at 9:13 p.m.

APRIL 15, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, April 15, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: Bemis

Krupp moved, Canute supported to approve the agenda with the addition of Charter Communications Presentation and the deletion of Item G – Letter of Agreement: Membership Dues for Teamsters #214.

Carried.

T Doyle moved, Canute supported to approve the minutes of the Regular Meeting held April 1, 2002.

Carried.

T Doyle moved, Krupp supported to approve the payment of city bills numbering 27169– 27219.

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.

NAYS: None.

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, inquired as to the status of the joint meetings between the township and the city. City Manager responded that there is a meeting scheduled for either the 24th or the 25th of this month.

Ed Maddon, Manager and Steve Pozil, Engineering Manager of Charter Communications were present to give a brief slide presentation to the City Council regarding the status, services and newly developed technology of the cable company. Maddon commented that he had been hired to assist in turning the company around. The former management was not communicative. The existing problems that customers have been experiencing will be resolved. The company needs to know what types of problems exist so that they can begin to work on them, one at a time.

City Attorney recommended that they city host a public information meeting so that the representatives from Charter Communications can meet with citizens to share their presentation and to hear any concerns that may exist.

Suzette Brohm, Secretary of Railroad Days, Inc. was present to request that the activity schedule for Railroad Days 2002 be approved by the City Council. She noted that only change from the previous year's request would be to close Railroad Street to traffic, as long as Davis Paint and Bump Shop won't have a problem with the street being closed.

Schuyler moved, Canute supported to approve the request from Railroad Days, Inc., as outlined in their letter.

Carried.

Doyle moved, Canute supported to approve the Resolution Authorizing General Obligation Bonds in the amount of \$300,000 for a period of 10 years for the Fire Hall Renovation Project.

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

NAYS: none

Carried.

Canute moved, Doyle supported to approve the invoice from Capital Communications in the amount of \$3,335.36 for the telephone system at the Fire Hall.

YEAS: Doyle, Fuja, Krupp, Canute, Mayor Doyle

NAYS: Schuyler

Carried, 5 – 1.

Canute moved, Schuyler supported to approve the purchase of copy machines for the Administrative Offices and Police Department with three-year maintenance agreements for each from IKON in the amount of \$17,822.00.

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

NAYS: none

Carried.

Schuyler moved, Fuja supported to table the bid award for the Optimist Park Grant Project until the next regular meeting pending further information.

Motion failed by voice vote, 3 – 3.

Doyle moved, Canute supported to approve the base bid award for the Optimist Park Grant Project to Perrin Construction pending approval of the bid tabulation from the Michigan Department of Natural Resources.

During discussion, the City Attorney advised the City Council that he strongly urged tabling the motion if the City Council is going to pass just the base bid. The City Manager will have more information regarding the costs at the next regular meeting.

Krupp moved, Fuja supported to table the bid award for the Optimist Park Grant Project until the next regular meeting pending further information.

Motion carried by show of hands, 5 – 1.

Krupp moved, Fuja supported to approve the proposal from B, S & A for the Windows version for the Equalizer Assessing and Tax Systems in the amount of \$6,590.00.

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

NAYS: none

Carried.

Canute moved, Doyle supported to accept the proposal from Capital Consultants Engineers in the amount of \$14,900 to complete the wellhead protection program.

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

NAYS: none

Carried.

Schuyler moved, Fuja supported to accept the proposal from Capital Consultants Engineers in the amount of \$5,000.00 to prepare work plans for compliance with the Administrative Consent Order with the Michigan Department of Environmental Quality, eliminating paragraphs L & N of the written proposal.

YEAS: Canute, Mayor Doyle, Doyle, Fuja, Krupp, Schuyler

NAYS: none

Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: City Attorney reported that a meeting has been scheduled with TVC, Inc. to discuss installation issues.

City Manager reported that he will be meeting with the appraiser regarding the industrial park property tomorrow. He also requested direction from the City Council as to how to proceed with the DDA's request for a SAD. City Council members were in agreement to proceed with the Special Assessment District request.

COUNCIL COMMENTS: Canute noted that the city's light poles in front of The Express, Jon Michael Jewelers and Kathy's School of Dance were out. He also asked about the noise ordinance and how it works. Police Chief responded that if officers can clearly hear noise from vehicles, they would pull the vehicle over and address the code violation.

Mayor Doyle noted to the newspaper correspondents that there are openings on the Planning Commission and Parks and Recreation Board that she is trying to fill and would they please put a request in the newspapers.

Mayor Doyle adjourned the meeting at 9:10 p.m.

APRIL 1, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, April 1, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Krupp.
Council Absent: Fuja and Schuyler.**

**Krupp moved, Canute supported to approve the agenda with the deletion of Item D – Payment Request: Capital Communications/Telephone Upgrade at Fire Hall.
Carried.**

**T Doyle moved, Bemis supported to approve the minutes of the Regular Meeting held March 4, 2002, with corrections.
Carried.**

T Doyle moved, Krupp supported to approve the payment of city bills numbering 27117– 27168.

YEAS: Canute, Mayor Doyle, T Doyle, Krupp, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: Ann Sleeseman, 602 Gomas Court, showed the council pictures regarding the cable boxes from Charter Communications that were in her front yard. It is 14” from my driveway, which I have planted bushes and shrubbery to have people who visit, avoid hitting the box when backing out of our drive. There are deep trenches, which leaves me with a BIG liability. Also, there is an illegal hook-up in the backyard. The cover has been off the box since November 2001, which is another liability. The City Manager said there was a meeting scheduled with the City Attorney and Charter Communications next week. The Mayor added that the City Attorney has been trying to meet with them since November 2001. Councilman Bemis stated we have been trying to address this issue since November 2001; we’ve gone as far as threatening to void the contract.

**Bernie Owens, 9981 Pittsburg Road, had two questions he addressed to the council:
1) Does the city plan to annex property on Durand, New Lothrop, and Pittsburg Roads?
2) Does the city plan to expand the water/sewer services?**

City Manager, Lynn Markland stated he couldn’t answer that at this point, certain sections of the township sharing revenue. Bernie Owens then asked what areas: north, south, east, or west? City Manager stated yes – this is a very complicated agreement, which needs some finalization. Bernie Owens then asked if the plans were in the infancy or maturity stage?

Jack Vasicek, 6325 S New Lothrop Road, stated the annexation process has cost us taxpayers several thousands of dollars. We’re happy with the way the township is. If you people in the city are looking for tax dollars – look elsewhere. City Manager said your property wasn’t even considered for annexation last time. Councilman Bemis stated there have been open communications between the city and township to figure out what is needed for the whole community. We’re trying to work

together as a whole and this has been much better for both municipalities. City Manager added for the past six months, we (city and township) have made great progress. We need to continue looking at the future and not the past.

Open Public Hearing at 7:52 p.m.

No public input given.

Close Public Hearing at 7:53 p.m.

Councilman Bemis asked for a better explanation on the re-inspection fee? Rob Kehoe, Building/Zoning Administrator, stated this was for someone who makes an appointment for inspection and didn't show or for someone who didn't pass the first inspection – this is a RARITY. The tabulations from seven surrounding communities, we were way below the average inspection fees.

Canute moved, T Doyle supported to approve the new fee ordinance for Building and Zoning.

YEAS: Mayor Doyle, T Doyle, Krupp, Bemis, Canute.

NAYS: None.

Carried.

Jim Jordan, 5760 S County Line Road, stated how concerned he was in regards to the \$.15 per foot assessment, being too costly. He is opposed to the assessment for the D.D.A.

City Manager said the assessment is to be prorated over three years. Also, there is a need to encourage downtown living above the vacant businesses.

Tim Shaw, 609 Wickshire Lane, started by advising everyone he was the president for the D.D.A. He explained to promote new business in the downtown area, need to maintain the current businesses. I still feel the need for parking. We need to do whatever we can or this grant will be more apt to go to strip malls, etc. I feel we need to encourage downtown living above the businesses for more footwork in the downtown district. Sparling Hammond is a great example: only 6-7 spaces out front, no one will want to occupy this if no room for patrons to park. If we're unable to buy bonds, will have to wait to raise the money. He is in favor of the assessment for the D.D.A.

Al Asta, 203 W Main Street, stated the Community Development Block Grant is \$750,000, minimum of 10% down to qualify. Through generosity of business owners – with some of the very largest buildings are most involved and most of these already have sufficient parking. There are seven years remaining on the first grant. He wishes to see the improvements in his lifetime. He is in favor of the assessment for the D.D.A.

City Manager said we didn't just create this group then leave them on their own. We've helped with the parking lot behind Ben Franklin's, contributed to weekly events for concert series. A strong downtown makes a strong community.

Barry Gross, 700 Cambridge Drive, is opposed to the assessment for the D.D.A. The people on D.D.A. never came to my business and told me about the assessment, I read about it in the paper. Every year taxes from business help pay for D.D.A., progress is great. I think the parking lot ideas are great – never approached/asked by the D.D.A. I feel certain people decide what's good for all of us. Another problem I have is that out of all of this the downtown streets aren't even repaired.

Les Conley, 203 E Monroe, I am also on the D.D.A. and a property owner. I'm sure all the members of the D.D.A. apologize to you Mr. Gross. What were trying to do will make it easier for the patrons who shop the downtown. I understand \$.15 sounds like a lot, but it's not that much when trying to get a grant. The expansion is to help the customer be closer to business. He is in favor of the assessment for the D.D.A.

Leonard Krawczyk, 104 N Saginaw Street, asked if the assessment was to cover the lot or just the building itself? He was advised that it was for the building only. He then stated that he and Betty have 20% of the larger buildings in the downtown area, and this figures out to be only about \$13/week. We desperately need the parking. And by the way, we paid for the paving in the parking lot. City Manager stated that \$4,000 came from the city. Leonard then stated over the years they have considered opening up the 2nd floor to make a banquet hall, but there was never sufficient parking. Things have been much better since Mr. Markland has been in office.

Ed Hathtreill, 200 N Saginaw Street, stated he was actually opposed to the assessment for D.D.A.

T Doyle moved, Bemis supported to approve the invoice from Capital Consultants in the amount of \$4,040.01 for work done to date on the telemetry upgrade for the water plant.

YEAS: T Doyle, Krupp, Bemis, Canute, Mayor Doyle.

NAYS: None.

Carried.

Canute moved, Krupp supported to approve Payment Request #5 from Gregory Construction in the amount of \$35,365.17 for work done to date on the Fire Hall Renovation Project.

YEAS: Krupp, Bemis, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

Bemis moved, Canute supported to approve the “Resolution to Authorize the Filing of a Municipal Finance Qualifying Statement” and authorize the City Manager to file the statement with the Michigan Department of Treasury.

YEAS: Bemis, Canute, Mayor Doyle, T Doyle, Krupp.

NAYS: None.

Carried.

T Doyle moved, Krupp supported to approve the resolution adopting the Shiawassee County Solid Waste Management Plan.

YEAS: Canute, Mayor Doyle, T Doyle, Krupp, Bemis.

NAYS: None.

Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director, Steve Mince, wanted everyone to know that the first brush pick-up will begin tomorrow, April 2, 2002.

Treasurer, Donna Tobias, reminded everyone Yard Waste through Waste Management begins April 15, 2002.

City Attorney, Charles McKone, we will be meeting with Charter Communications regarding the double boxes. We will report any information back to the council.

City Manager, Lynn Markland, we submitted the application for Michigan Economic Development Corporation grant on March 29, 2002 for downtown.

COUNCIL COMMENTS: Councilman Canute asked if there was an appraisal on the Industrial property yet? Also, what needs to be done for demolition at 103 Mercer Street? And last, just a reminder that S.A.T.A. phone number is on this months water bills, and it’s not just for seniors.

Mayor Doyle adjourned the meeting at 8:44 p.m.

MARCH 18, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, March 18, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Schuyler.

Council Absent: Fuja and Krupp.

**Schuyler moved, Canute supported to approve the agenda as presented.
Carried.**

**T Doyle moved, Schuyler supported to approve the minutes of the Regular Meeting held March 4, 2002, as presented.
Carried.**

Bemis moved, T Doyle supported to approve the payment of city bills numbering 27066– 27116.

YEAS: Canute, Mayor Doyle, T Doyle, Schuyler, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: No one spoke at this time.

Schuyler moved, Bemis supported to approve the consent agenda as follows:

1) Solicitation Request: Knights of Columbus' Annual Tootsie Roll Drive to be held March 22 through 24, 2002

2) Resolution on Diesel Fuel Tax & Simplification to be sent to State Senator Garcia & Representative Julian

3) Request for Temporary Street Closing: Lenawee St. between Oakland and Elm Streets for an Estate Sale on April 6, 2002

4) Request to Erect Railroad Employee Memorial at D.U.S. honoring Thomas Landris and Gary Chase, CN employees tragically killed in a train accident on Nov. 15, 2002

YEAS: Mayor Doyle, T Doyle, Schuyler, Bemis, Canute.

NAYS: None.

Carried.

Tim Shaw, D.D.A. Chairman, stated that the D.D.A. has been working to ensure completion of the parking improvement plan that was contracted by the city's engineering firm, Capital Consultants, in 1993. He noted that parking improvements are necessary within the downtown to maintain the vitality of the area. There is a demand for more parking spaces and the curb extensions that were recommended in the engineering plan would be pedestrian friendly and soften the look of the downtown.

The Downtown Development Authority is requesting that the City Council approve a special assessment district for the businesses within the DDA to capture funding that would defray the costs of this project. The proposed assessment plan is patterned after the plan that Mt. Pleasant enacted within its DDA, and would be \$.15 per square foot for all occupied buildings, and would include assessment of the second floor. There is also a recommended three-year incremental increase for the second floor assessment, beginning at \$.05 per square foot, rising to \$.15. The levy of this SPA would generate approximately \$25 – 30,000 annually. The city would then sell bonds to finance the parking improvements and the SPA funds would be

used to make the annual bond payments. Shaw also indicated that the DDA is planning on submitting an application for a CDBG grant, which also would assist in funding the project.

Al Asta, former Chairman of the Downtown Development Authority, addressed the City Council, requesting that they extend the duration of the DDA for an additional 20 years; 7 years remain in the original formation of the authority. The City Attorney will research the legal issues of extending the D.D.A.'s longevity and report back to the City Council.

Schuyler moved, Bemis supported to set a public hearing to enact a Special Assessment District within the Downtown Development District at the regular meeting of April 1, 2002 to receive public input.

YEAS: T Doyle, Schuyler, Bemis, Canute, Mayor Doyle.

NAYS: None.

Carried.

T Doyle moved, Canute supported to approve Change Order #1 from Gregory Construction for the Fire Hall Renovation Project in the amount of \$24,332.00.

YEAS: Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

Canute moved, Schuyler supported to approve the invoice from Wigen, Tincknell, Meyer, & Associates for professional services related to the Fire Hall Renovation Project.

YEAS: Bemis, Canute, Mayor Doyle, T Doyle, Schuyler.

NAYS: None.

Carried.

Canute moved, T Doyle supported to approve the invoice from Rowe, Inc. in the amount of \$3,990.75 for work done to date on the CMI Grant Optimist Park Improvement Project.

YEAS: Canute, Mayor Doyle, T Doyle, Schuyler, Bemis.

NAYS: None.

Carried.

Bemis moved, T Doyle supported to approve payment of \$5,000 to Irish Construction Company, Inc. as the final payment for 1999 Wastewater Treatment Facility Improvements Project.

YEAS: Mayor Doyle, T Doyle, Schuyler, Bemis, Canute.

NAYS: None.

Carried.

T Doyle moved, Schuyler supported to approve the 1st reading of the revised building/zoning fee schedule and to hold a Public Hearing and 2nd reading at the

next regular meeting.
Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: Fire Department – Chief Rinker reported that the renovations at the Fire Hall were on schedule, but the contractors are waiting for the new garage doors. Additionally, he is seeking new fire fighters for the department.

Police Department - Chief Tanner reported that the department is gearing up for spring Code Enforcement.

DPW - Director Mince reported that brush pick-up is to begin on the first Tuesday of April. There was a collapsed sewer main on S. Oak Street, and the street had to be dug up (S. Oak Street was reconstructed in 2001), but luckily, it was in parking lane.

City Attorney, Charles McKone, stated that a representative from Charter Communications had contacted the City Clerk. He will make further attempts to contact the company regarding the placement of cable equipment in residential yards.

City Manager, Lynn Markland, stated that he and Councilman Schuyler had met again with Vernon Township, and that the city and township are very close to having an agreement worked out regarding boundaries. He didn't have any details at this time, but will have a report within a few weeks.

COUNCIL COMMENTS: Schuyler reiterated the same comments as the City Manager regarding the Vernon Township meeting.

Mayor Doyle adjourned the meeting at 8:15 p.m.

MARCH 4, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, March 4, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: Bemis.

Schuyler moved, Fuja supported to approve the agenda as printed.
Carried.

Schuyler moved, Canute supported to approve the minutes of the Regular Meeting held February 18, 2002.

Carried.

T Doyle moved, Fuja supported to approve the payment of city bills numbering 27014– 27065.

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.

NAYS: None.

Carried.

CITIZENS PRESENT: Carolyn Geyer, 109 Obert Street, asked if the city had heard anything from D.V.A. regarding what other communities are doing with special assessments. City Manager, Lynn Markland, stated that there had been no contact from them. He mentioned that he had seen an article in the Flint Journal that indicated that they have opened a satellite operation in either Flint or Burton. Tim Shaw, board member of D.V.A., said “because Durand and Swartz Creek are rural and don’t generate enough revenue, Flint is a three month experiment.” Councilman Krupp asked if that would take an ambulance out of Durand. Shaw replied it would actually put an ambulance back into Durand. Markland noted to Shaw that since he was new to the board he may not be aware, but part of the City Councils’ resolution was that there be a restructuring of D.V.A.’s board to accommodate a seat for each municipality that currently levies a special assessment. “I don’t think that they understood that because no one has ever gotten back with the city.”

Carolyn Geyer said the minutes sometimes appear three days after the meeting, sometimes after a week and sometimes two weeks. Is there a reason why? City Clerk, Amy Roddy, replied the minutes never appear within three days of the meeting because the city has a contract with the Independent/Advisor and it doesn’t print until the following Sunday. For the most part, they appear in that edition, but sometimes they are published two weeks later.

City Manager stated that the Steering Committee for the I-69/I-75 Mid-Michigan Trade Corridor Study has been ongoing for almost 18 months. Through Genesee County Planning and Region V Planning, a grant in the amount of \$500,000 was secured for the study. The Corridino Group was hired as the consultants for the study.

John Potbury from the Flint Area Chamber of Commerce is here this evening to make a presentation regarding Phase I of the study. He will also request that the City Council pass a resolution supporting the study and conceptual plan.

Potbury showed a comprehensive video regarding the I-69/I-75 Mid-Michigan Trade corridor plan.

T Doyle moved, Fuja supported to pass the resolution supporting the I-69/I-75 Intermodal Transportation Study and that the City of Durand continue work in partnership with the five county region to begin implementing the concept. Carried.

Janice Conrad, President of Durand Union Station, Inc. was present to explain the concept for the proposed fire safety enhancements that are required to be made at the depot. She explained that to occupy the 2nd floor of the building, they must create a fire exit, and with the newest changes in fire codes, we can create this fire exit by utilizing the open staircase and installing two fire doors on the 1st floor – one set in the museum and the other set in the corridor towards the Amtrak waiting room.

The estimated cost of the fire safety enhancements is \$!9,500; DUSI has these funds to upgrade the facility. We need the city’s approval to go forward with this project as soon as possible so that it can be completed in time for Railroad Days.

Canute moved, Schuyler supported to approve the fire safety project for Durand Union Station that will allow for the public use of the second floor.

YEAS: Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Canute.

NAYS: None.

Carried.

Schuyler moved, T Doyle supported to adopt the following ordinance:

**CITY OF DURAND
STATE CONSTRUCTION CODE
AGENCY DESIGNATION ORDINANCE**

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Durand in Shiawassee County, under the provisions of the State Construction Code Act, 1972 PA230.

The City of Durand ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Building Code, in accordance with Section 8b (6) of 1972 PA 230, the Building Code Official of the City of Durand is hereby designated as the enforcing agency to discharge the responsibility of the City of Durand under 1972 PA 230, State of Michigan. The City of Durand assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Introduced: February 18, 2002

Adopted: March 4, 2002

Effective: March 19, 2002

YEAS: T Doyle, Fuja, Krupp, Schuyler, Canute, Mayor Doyle.

NAYS: None.

Carried.

PUBLIC COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: Police Chief Tanner explained that the city is applying for grants for the following:

1) School liaison officer

2) Officer in MAGNET program

Discussion with the City Manager and City Council members regarding the cost associated with the grants.

City Attorney, Charles McKone, stated there has been no response from the Charter Communications regarding the installation of cable equipment in yards. He did note that no receipt has been returned back from the certified letter either. TVC has responded; they are very concerned and we will be scheduling a meeting with their representatives soon. Lets put any action that the City Council wishes to take on hold for one more month so that I can verify if Charter Communications' address is valid and that they have received our communication.

City Manager said the application for the grant for the liaison officer at the Durand Area School district is due on March 8, 2002, and he will not sign the application unless the City Council endorses it.

T Doyle said the D.A.S. spreads larger than just the city. We are not only providing building protection, but we are providing services to students who do not live in Durand. City Manager replied that he understands the concept, but as the host community for the school district, it is our responsibility to provide these services to the school district.

Canute moved, Fuja supported to apply for the grant for the liaison officer, with a letter of understanding from the Durand Area School Board committing matching funds for the grant.

YEAS: Fuja, Krupp, Schuyler, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

COUNCIL COMMENTS: Krupp asked about information regarding the codification, are the manuals the only source or could this be placed on the website? City Clerk replied yes, it will be available on CD and there will be a link on the website, but manuals come in handy as reference, especially at the front counter.

Mayor Doyle adjourned the meeting at 8:37 p.m.

FEBRUARY 18, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, February 18, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Krupp, Schuyler.
Council Absent: Fuja.

Krupp moved, Schuyler supported to approve the agenda with the switch of Items A & D, the addition of Item E – Request for Payment: Fire Hall Renovations – Gregory Construction.
Carried.

Schuyler moved, Bemis supported to approve the minutes of the Regular Meeting held February 4, 2002 and the Executive Session held December 3, 2001.
Carried.

Krupp moved, T Doyle supported to approve the payment of city bills numbering 26961– 27013.
YEAS: Canute, Mayor Doyle, T Doyle, Krupp, Schuyler, Bemis.
NAYS: None.
Carried.

CITIZENS PRESENT: None spoke at this time.

Vanessa Harris of Rowe, Inc. presented the preliminary cost estimate for Optimist Park Improvements of \$596,168.00 and the alternate plan, which includes a sanctioned size hockey rink, with a cost of \$652,482.00.

T Doyle moved, Bemis supported to approve the site plan for the Optimist Park Improvement Project.
YEAS: Mayor Doyle, T Doyle, Krupp, Schuyler, Bemis, Canute.
NAYS: None.
Carried.

Krupp moved, Bemis supported to direct the administration to send a letter notifying Michigan Liquor Control Commission that the City of Durand is against the transfer of a Club Liquor License without input from the local unit of government and that a copy of the letter be sent to our state legislators requesting that they sponsor legislation to change the procedures for such a license so that a local input is considered in the decision making process.

YEAS: T Doyle, Krupp, Schuyler, Bemis, Canute, Mayor Doyle.

NAYS: None.

Carried.

T Doyle moved, Canute supported to pass the State Construction Code Agency Designation Ordinance on to the second reading.

Carried.

T Doyle moved, Krupp supported to approve the Administrative Consent Order with the Michigan Department of Environmental Quality.

YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

Krupp moved, T Doyle supported to approve payment request #4 for the Fire Hall Renovation Project to Gregory Construction in the amount of \$45,051.41, and direct the City Manager to negotiate the construction issues regarding the efis.

YEAS: Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Krupp.

NAYS: None.

Carried.

Canute moved, Schuyler supported to authorize the City Attorney to send cable companies notice of franchise default if there is no response within two (2) weeks regarding placement of cable boxes in residential areas.

Carried.

PUBLIC COMMENT: Connie Coble, 405 W Main Street, wanted to make a complaint regarding the extremely loud music/noise level on the 400 block of West Main Street.

DEPARTMENT REPORTS: Lloyd Fredrick, Parks and Recreation Chairman, thanked everyone on behalf of the board for the progress on the Optimist Park Grant Project.

Police Department reported they are currently working on two (2) grants:

- 1) Community Policing**
- 2) Joint grant with the school district**

City Attorney reported he would send notification to the cable companies regarding cable boxes.

City Manager stated he was working on several different projects.

COUNCIL COMMENTS: Canute asked if someone was keeping up on the landfill issues? Four out of seven County Commissioners voted yes to allow lower eastern Michigan counties to have landfills.

Tim Doyle, speaking as a member of Shiawassee County's Solid Waste Management Commission, stated that for the state to mandate that each county to come up with a plan to regulate inter-county, but there are no regulations for waste coming out of state or out of country waste management (Canada).

Mayor Doyle adjourned the meeting at 8:53 p.m.

FEBRUARY 4, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, February 4, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: None.

Schuyler moved, Canute supported to approve the agenda with the deletion of approval of Executive Session minutes from 12-3-01, and the addition of Item A-1.
Carried.

Schuyler moved, Fuja supported to approve the minutes of the Regular Meeting and Executive Session held January 21, 2002.

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis.

NAYS: None.

Carried.

T Doyle moved, Fuja supported to approve the payment of city bills numbering 26885– 26960.

YEAS: Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute.

NAYS: None.

Carried.

CITIZENS PRESENT: Members of the Durand Boy Scout Troop #84 were present to earn their citizenship badge, a requirement to become an Eagle Scout.

Agnes Witherell, 504 Brand Street expressed her concerns that the city has no emergency siren and that needs to be prepared for spring – tornado weather.

Paula Brooks, 104 W. Summit Street, asked if the city had met with the township week? Mayor Doyle said they met last week and met again tonight. Brooks then questioned if there will be a report on this. Mayor Doyle stated yes; the two units are working towards an agreement.

Mayor Doyle opened the Public Hearing at 7:39 p.m. to listen to citizen input regarding the Rezoning Request – Vacant Land north of Industrial Park Property from (R-1) Residential to (L1) Light Industrial.

Paul Wilson, 4687 S. Durand Road, stated that this is another step in getting this Industrial Park going. Maybe this is not the best use for the land. It doesn't mesh well with our plans for apartments across the road – there will be no transition from Light Industrial to R-3. This may hinder our development. Let's look at commercial – something less severe. It looks as though we're trying to just put something there to put something there.

Russell Eggers, owner of vacant property, said his property is located on the opposite side of the road along the expressway. There's a twelve - acre buffer.

Bill Wilson, 4685 S. Durand Road, stated they sold the property to the Chamber of Commerce because there was a plastics company that wanted to locate in the community. That fell through. Why not put the rezoning in abeyance until there are clients for the development. Put it on hold until there is a direct use for the property.

Mayor Doyle closed the Public Hearing at 7:50 p.m.

Schuyler moved, T Doyle supported to approve the request of Russell Eggers and the recommendation of the City Planning Commission and rezone to Light Industrial the property as follows:

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART OF SECTION 301, ZONING CODE ORDINANCE OF THE CITY OF DURAND.

THE CITY OF DURAND ORDAINS:

Section 1. The Zoning map, which is a part of Section 301, Zoning Code Ordinance of the City of Durand, which establishes zoning districts, shall be amended to fix the zoning classification of property described, as follows:

Part of the Southeast ¼ of section 9, T6N-R4E, Vernon Township, Shiawassee County, Michigan more particularly described as: commencing at the East ¼ corner of Section9; thence S01 14'09"E465.18 feet to a point on the South 1/8 line of Section; thence leaving said East line of Section S88 59'51"W along said South 1/8

line 1603.42 feet to a point on the South right of way line of Interstate 69; thence along said South right of way line 719.41 feet on a curve to the left having a radius of 3969.72 feet, a delta angle of 10 23'00", and a chord bearing and distance of N48 38'39"E 718.42 feet; thence N88 59'51"E1054.04 feet to the point of beginning.

As I-1 Light Industrial.

Section 2. This Ordinance shall be published within fifteen (15) days after its enactment in a weekly newspaper in the City of Durand, Shiawassee County, Michigan and shall take effect twenty (20) days after enactment.

Date Introduced: 12-17-01

Date Adopted: 2-4-02

Date Published: 2-10-02

YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

Fuja moved, T Doyle supported to accept the proposal from Wade-Trim for Updating the City Zoning Ordinance and Training Services in an amount not to exceed \$17,000.

YEAS: Krupp, Schuyler, Canute, Mayor Doyle, T Doyle, Fuja.

NAYS: Bemis.

Carried, 6-1.

PUBLIC COMMENT: None.

DEPARTMENT REPORTS: City Attorney, Matthew McKone, said they were continuing the research on cable boxes which have been placed in yards.

City Manager, Lynn Markland, said that the administrative offices are now connected with wireless Internet.

City Clerk Roddy stated that she and the Marketing Director for the school district had presented the school district's community marketing plan to members of the MEA this past week in Dearborn.

COUNCIL COMMENTS: T Doyle commended the DPW on the snow removal.

Canute asked if we were working to have the other Industrial Park properties appraised? City Manager said hopefully by next week we'll get started on it.

Mayor Doyle adjourned the meeting at 8:05 p.m.

JANUARY 21, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, January 21, 2002 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: None.**

**Schuyler moved, Bemis supported to approve the agenda with the addition of Item F – Executive Session: Discussion of pending litigation.
Carried.**

**Schuyler moved, Fuja supported to approve the minutes of the Regular Meeting held December 17 2001, as corrected.
Carried.**

**Krupp moved, T Doyle supported to approve the payment of city bills numbering 26763– 26884.
YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis.
NAYS: None.
Carried.**

CITIZENS PRESENT: Rosemary Ball, 303 Naldrette Street asked if the rates had yet been established for the contractors on the sewer separation project. DPW Director, Steve Mince, said each contractor would negotiate with the homeowners. There are no blanket rates.

Bruce Blackburn, 407 E Clinton Street, stated that six months ago the township offered the city a conditional transfer of land proposal, and there has been no resolution. What's the status? City Attorney, Charles McKone, stated the city and township have met, and there are some sticky points. Blackburn then asked if the city council have been aware of the negotiating sessions. City Attorney replied yes; there are two city council members on the negotiating team and the rest are informed regularly.

Paula Brooks, 104 W. Summit Street, inquired as to the status of the next meeting with Vernon Township. City Manager, Lynn Markland, stated they had met on December 27, 2001, and will be meeting again later this week, either the 23rd or the 24th.

T Doyle moved, Fuja supported to approve the proposal from Capital Consultants Engineers, in the amount of \$17,400.00, for new telemetry design and bidding for the water plant.

YEAS: Mayor Doyle, T Doyle, Fuja, Bemis.
NAYS: Krupp, Schuyler, Canute.
Carried, 4-3.

Fuja moved, Schuyler supported to approve the payment request from Capital Consultants in the amount of \$4,047.00 for construction inspection services at Creek Pointe Estates.
YEAS: T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle.
NAYS: None.
Carried.

Schuyler moved, Canute supported to approve payment to Perrin Construction in the amount of \$24,540.00 for use of excavation equipment that was required for the Obert Street sewer and water extension project.
YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.
NAYS: None.
Carried.

Bemis moved, Krupp supported to approve Payment Request #3 from Gregory Construction in the amount of \$43,973.55 for work done to date on the Fire Hall Renovation Project.
YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Fuja.
NAYS: None.
Carried.

T Doyle moved, Fuja supported to approve payment of \$13,655.00 to Office Warehouse Wholesale for office furniture for the administrative offices and Fire Departments.
YEAS: Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp.
NAYS: None.
Carried.

PUBLIC COMMENT: Rosemary Ball, 303 Naldrette Street, asked if Capital Consultants/Creek Pointe Estates did the resurfacing of streets. City Manager stated no, they just perform the inspections of work that has been done. She then stated the steamroller used for the paving was unloaded onto her sidewalk and she is afraid that if this practice continues, her sidewalk will break up.

DEPARTMENT REPORTS: Police Chief Tanner said he would be attending a one-day class on handling discipline. Then he will be attending a six-day class for new police chiefs. Also, the new police car has been delivered.

DPW Director Mince stated he has been working on the A.C.O. (Administrative Consent Order), and it looks like it may get resolved. There is a new inspector at

Shiawassee Environmental Health. He will be working on illicit connection inspections in the northeast quadrant of the city.

Treasurer, Donna Tobias, stated the question regarding the Capital Outlay in pre-council was for soil testing and engineering costs of City Hall parking lot.

City Attorney, Charles McKone, stated that the City Manager, DPW Director, the engineers, and he met with representatives of D.E.Q. and discussed all deadlines that the State had stipulated regarding the Administrative Consent Order. All recommendations that the city made, the D.E.Q. agreed to. D.E.Q. has been complementary of the administration for its assistance program and for the work that we have been doing thus far. The Genesee Lift Station has been given a two-year repair compliance time period. The completed agreement should be ready by the next meeting.

City Manager, Lynn Markland, stated that the administration will be investigating the increase of sewer rates. It will be a substantial increase – probably a \$1.00 per thousand gallons. We will be getting some more furniture; this will be for the Police Department. Also, we are looking at projects for spring – Optimist Park.

COUNCIL COMMENTS:

Krupp asked if the Public Hearing for the rezoning has yet been published. City Clerk stated that no, it had not. City Manager noted that the owner of the property had a death in his family and was unable to attend tonight's meeting.

Canute said that Millington's water rates are \$1.79 per cubic foot, and the sewer rates are \$2.99 per cubic foot. Our rates are much better. He then asked the Police Chief how the off street parking was going. Chief Tanner stated his officers were issuing citations.

Bemis asked DPW Director if he met with Consumers Energy regarding the ill repair of yards and sidewalks. Mince stated he talked to them on the phone. Bemis then asked the City Attorney about the cable boxes in yards. McKone stated there was no response as of yet. Bemis asked if he would follow-up and respond, please.

Krupp moved, Bemis supported to adjourn into Executive Session to discuss pending litigation and settlement strategy, because doing so in open session could be detrimental to the City's position.

YEAS: Bemis, Canute, Mayor Doyle, T. Doyle, Fuja, Krupp, Schuyler

NAYS: none

Carried.

Meeting reconvened and Mayor Doyle adjourned the meeting at 10:07 p.m.

JANUARY 7, 2002 CITY COUNCIL MINUTES
MEETING CANCELED

DECEMBER 17, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, December 17, 2001 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: None.**

**Bemis moved, Krupp supported to approve the agenda with the addition of Item A1 – Rowe Engineering – presentation on Optimist Park, Item D – Pay Request #2: Fire Hall Renovations, Item E – Cancellation of Regular City Council meeting scheduled for 1-7-2002, and Item F – appointments to boards.
Carried.**

**T Doyle moved, Schuyler supported to approve the minutes of the Regular Meeting held December 3, 2001.
Carried.**

**T Doyle moved, Bemis supported to approve the payment of city bills numbering 26701– 26762.
YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis.
NAYS: None.
Carried.**

CITIZENS PRESENT: Paula Brooks, 104 W Summit Street, wanted to know the status of the joint meeting with Vernon Township? City Manager, Lynn Markland, stated the last meeting was cancelled and rescheduled for December 27, 2001.

**Representatives from Rowe Engineering, Rich Freeman and Vanessa Harris, presented concept layout with two alternatives:
1) Grant format
2) Variation expanding rink facility**

**T Doyle moved, Krupp supported to participate in Mayor’s Exchange Day.
YEAS: Mayor Doyle, T Doyle.
NAYS: Fuja, Krupp, Schuyler, Bemis, Canute.
Failed, 2-5.**

T Doyle moved, Fuja supported to the 1st Reading for the rezoning request for property on S. Durand Road, with the legal description as provided, from

Agricultural to Light Industrial as per the recommendation of the Planning Commission and the request of the property owner.

YEAS: T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle.

NAYS: None.

Carried.

Fuja moved, Schuyler supported to approve the invoice from Capital Consultants in the amount of \$5,846.88 for construction inspection services for Creek Pointe Estates.

YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.

NAYS: None.

Carried.

Schuyler moved, Canute supported to approve Payment #2 in the amount of \$53,101.35 for renovations for the Fire Hall.

YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Fuja.

NAYS: None.

Carried.

Krupp moved, Fuja supported to cancel the Regular meeting of the City Council to be held January 7, 2002.

Carried.

Bemis moved, T Doyle supported to approve the Mayoral appointments as follows:

- 1) Re-appoint Krupp to the SATA board – term limit 2003**
- 2) Appoint Schuyler as City Council representative to the Planning Commission**
- 3) Appoint Roussin as Planning Commission representative to ZBA**
- 4) Appoint Krupp as City representative to run for election of board of directors for DVA**

PUBLIC COMMENT

DEPARTMENT REPORTS: DPW Director stated all Christmas lights were up and working. Obert Street water and sewer mains were tested, and almost ready. Also, Creek Pointe Estates project is winding down for the winter.

Police Chief Tanner reported they were tightening up on parking permits.

Treasurer wished everyone happy seasons.

City Attorney McKone suggested wording for Consumers easements regarding installation of cables. The Codification of the Zoning Ordinances is due back to the city by February – March 2002. In regards to the cable installation, force them to meet in a conference (RE: installation of cable).

City Manager, Lynn Markland, introduced new Building Inspector, Rob Kehoe. He mentioned he would like to have three keystones over the back door of the Fire Hall stating the following:

- 1) Established 1901**
- 2) Built 1957**
- 3) Remodeled 2002**

He also mentioned the City Clerk has been invited to be on the Bill Ballinger show.

COUNCIL COMMENTS: T Doyle wished everyone a Merry Christmas.

Fuja questioned how much it cost the city for the Obert Street Project? Mince replied approximately \$75,000.00.

Rob Kehoe, Building Inspector, stated he was working on a fee increase for the Building Department.

Canute wished everyone a Merry Christmas.

Bemis asked DPW Director Mince to check on the work that Consumers Energy people did while in the city. The work appears to be less than quality. City Manager said the City Council should contact their State Representative and Senator regarding utility right of ways, Mince stated he spoke to Consumers Energy – they will meet with him this week regarding clean up and restoration of project.

Schuyler wished everyone a Merry Christmas.

Mayor Doyle wished everyone Happy Holidays.

Mayor Doyle adjourned the meeting at 8:37 p.m.

DECEMBER 3, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, December 3, 2001 in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order at 7.30 p.m.

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: None.**

Bemis moved, Canute supported to approve the agenda with the addition of Item D – Fire Hall Renovation Change Order, and Executive Session – to discuss possible

**purchase of property.
Carried.**

**Fuja moved, T Doyle supported to approve the minutes of the Regular Meeting held November 19, 2001.
Carried.**

T Doyle moved, Fuja supported to approve the payment of city bills numbering 26669– 26700.

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W Summit Street, asked how the Joint Meetings were going? City Manager, Lynn Markland, stated he had just received the maps, and he believes the next meeting is to be held on December 18, 2001. Will you and Jim Schuyler be staying on this committee? Markland replied that's what needs to be discussed/decided.

Cindy Micketti, 202 Fitch Street, stated she had applied for a parking permit and was denied. The reason she was given for the denial was because she has a gated area in which she can park, however, her swimming pool area would be left open for animals/children to wander into this area. Chief of Police, Michael Tanner, said I didn't believe the pool to be between the gate and garage. Micketti stated the gate is to keep children/animals out of the pool. We've already had a dog go through our pool cover. And doesn't the ordinance state I have to have the pool enclosed? The chief reiterated that if he believes there to be enough room in the driveway, he denies the request, and he feels if the gate is opened there would be enough room in the driveway. City Attorney stated he would have the administration look into how to go about an appeal process and they will get back with you.

Schuyler moved, Fuja supported to approve Payment Request #1 from Gregory Construction Company, in the amount of \$30,534.75, for work done to date on the Fire Hall Renovation Project.

YEAS: Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute.

NAYS: None.

Carried.

Fuja moved, Krupp supported to approve the invoice from SME in the amount of \$645.30.

YEAS: T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, T Doyle.

NAYS: None.

Carried.

Bemis moved, Krupp supported to approve \$5,748.44 from the sewer fund for the rebuilding of one influent pump.

YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.
NAYS: None.
Carried.

Krupp moved, Canute supported to approve Change Order #1 for drywall ceiling in Room 604 for the Fire Hall Renovation Project.

Krupp moved, T Doyle supported to amend the original motion to include the knock-down ceiling finish.

YEAS: Bemis, Mayor Doyle, T Doyle, Fuja, Krupp.

NAYS: Schuyler and Canute.

Carried, 5-2.

YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Fuja.

NAYS: None.

Carried.

PUBLIC COMMENT: Agnes Witherell, 612 Brand Street, stated her son did dry wall, and she believes primer/sealer must be applied before knock – down finish.

DEPARTMENT REPORTS: Fire Chief stated there weren't many runs last month.

DPW Director advised the Obert Street Sewer Project is almost done. Started testing on the main. In regards of the street itself, we are going to grating it flat, then paving it in the spring.

Treasurer said winter tax bills went out without a hitch. Also, dog licenses are here until February 28, 2002.

City Manager stated was working with Parks/Recreation division, and we should be able to go out for bids in January 2002, with responses coming in sometime in February/March 2002. Lloyd Fredrick, Parks/Recreation Director, mentioned the next meeting was scheduled for Wednesday, December 12, 2001, at 7:30 p.m. City Manager then added the next Planning Commission meeting is scheduled for this Wednesday, December 5, 2001, at 7:00 p.m. Currently we are revising the ordinances, with hope they will be going in front of the Council soon. Also, I have been working with the I-69 Transportation Study, the next meeting is tomorrow, December 4, 2001.

COUNCIL COMMENTS: Krupp asked how the codification was going? City Attorney stated they were still in Florida, will touch base by next meeting. Krupp added the Fire Hall Renovations were now on the web site.

Fuja wanted to comment on how festive the community looked.

Canute asked about the wells on Goodall Road? And how much did it cost? DPW Director stated the wells were back on line and the cost was approximately

\$1,000.00. Canute then questioned if anything was heard on the situation with the cable boxes? City Attorney stated it would be within the ordinance to start enforcement for them to clean up some areas. You can enforce them to place them in particular areas. There are approximately six areas that can be cleaned up with no cost to the city. Canute then asked if enforcement on parking has begun? Police Chief stated there were a lot of warnings at first, and that the department is a little more relaxed around the holidays, with the majority of enforcement to be from January – March.

Bemis asked if there was any information on the underground cable boxes? City Attorney said city's ordinance underground boxes were permitted, and Charter contracts according to the ordinance. Bemis then asked wont it is harder to enforce the longer we wait? City Attorney stated that Charter has a lot coming down on them for all sorts of reasons, from all sorts of direction. We need to pick our battle and decide how to handle it properly. Bemis then questioned what kind of time table were looking at, what the game plan was? City Attorney stated first we have to give them notice of violation. Unfortunately, we cannot put too much of a time frame on this, we must be cautious. First level would be communication – possibly a meeting. However, you will not get a response from them before the end of this year. The notice will go to them before the end of the year though.

Schuyler wanted to also comment on how festive the community was with all the decorations. He suggested the lights in the trees downtown stay up/on all year. He also wanted to state some sidewalks were still not fixed after Consumers Energy completed the work.

Krupp moved, Schuyler supported to adjourn into Executive Session to discuss purchase of property at 8:20 p.m.

YEAS: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.

NAYS: None.

Carried.

Mayor Doyle reconvened and adjourned the meeting at 8:46 p.m.

NOVEMBER 19, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, November 19, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.30 p.m.

City Clerk administered the Oath of Office as follows:

Mike Bemis: Precinct II – 4-year term

Tim Doyle: Precinct I – 4 year term

Leo Krupp: At large – 2 year term

James Schuyler: Precinct I – elected to fill a 2-year vacancy

**Mayor Schuyler moved, Fuja supported to appoint Deb Doyle as City Mayor.
Carried unanimously.**

**Fuja moved, Krupp supported to appoint Cameron Canute as Mayor Pro-tem.
Carried unanimously.**

**Council Present: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.
Council Absent: None.**

**Schuyler moved, Fuja supported to approve the agenda with the addition of Items
A-1: Carla Davidson: DEQ, and Item H – Creek Pointe Estates Master Deed.
Carried.**

**Canute moved, Bemis supported to approve the minutes of the Regular Meeting
held on November 5, 2001.
Carried.**

**Canute moved, Schuyler supported to approve the payment of city bills numbering
26610– 26668.**

YEAS: Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis.

NAYS: None.

Carried.

**CITIZENS PRESENT: Vicki Rigdon, 705 Gomas Court asked when the sawhorses
in the neighborhood would be moved. She also clarified that the \$500.00 grant is
not totally free money; the sewer rates will have to be raised. City Manager
affirmed the comment. Vicki then questioned if the City has plumbers in mind to
do the work for \$2,000.00? Most of the plumbers we have spoken with are quoting
approximately \$4,000.00. There are many retired and single mothers on fixed
incomes. City Manager said there would be a contractor list available for people to
utilize.**

**Rosemary Ball, 303 Naldrette asked if the Shaw Park had been sold, what was the
money going to be used for in Optimist Park? City Manager stated that Mrs.
Shaw's will stipulated that if the property were sold, any money made in the sale
would be used to park improvements within the south side community. Where
would the \$500,000.00 come from for the museum park? City Manager stated it is a
TEA-21 Grant through the State of Michigan. Rosemary then questioned who was
in charge of Creek Pointe Subdivision? Ryan Liker, owner of Creek Pointe Estates,
stated there were a few more things to finish up, then, it will be done when the heavy
snow falls. Rosemary inquired about the water running at the corner of Manfred &
Naldrette Streets? The developer explained that it was a test well.**

Carla Davidson, D.E.Q. (Department of Environmental Quality) was present to answer questions from citizens regarding S.S.O. (Sanitary Sewer Overflows). Vicki Rigdon asked what date everyone had to be unhooked by? Davidson explained that would be up to the city. Rigdon then asked when do they have to complete this? Davidson stated the city must be compliant by a certain date and time when the city must have no S.S.O within a 25-year storm event. Rigdon asked if Davidson thought that it was fair that the residents should have to pay to disconnect from this after 28-30 years in homes that they cannot sell. Davidson stated she understood how they felt, but the role of D.E.Q. is to protect the environment; how it is paid for is a local decision. Rigdon then asked why D.E.Q. wasn't paying for this? Davidson replied that S.S.O. have always been illegal, so no money has been sanctioned for these. Rigdon added that if the city has money for park grants, then she thinks that the city should be putting money into this project. Bemis reiterated that these are federal mandates coming down, with no funding. There are just more rulings and more rulings. Maybe its just more enforcement, but it is coming out of our pockets. How are other communities dealing with this and sump pumps? Davidson stated D.E.Q. is not subscribing to any strategy, but she supports removing storm water from the treatable water. And, some other communities are looking at the removal of rainwater options also. Rigdon then asked what are other options? Davidson gave the following options: 1) bigger sewers, 2) bigger treatment plant, 3) sewer retention areas. However, those options aren't getting to the root of the problem. T Doyle asked if there was money available. Davidson stated the U.S.D.A. Department of Agricultural loans – but I don't know if anyone has received funding. Carolyn Geyer wondered why all of the sudden – boom – everyone must comply? Davidson replied that some communities are just finding out now that they have problems. Durand has known since 1995. A couple of other things she mentioned regarding compliance were political awareness to the problem, and the amount of unknown S.S.O.'s that D.E.Q. didn't even know about. The S.S.O. strategy developed by D.E.Q. in 2000 prescribes compliance. Schedules are being tailored to individual communities. The City of Durand has done a lot for work towards this problem. Rosemary Ball then asked where do the drains from Prior Road area go? Do they back up to the drain? City Manager advised that what she was talking about is part of the county drain system. That's where the city's storm water goes too. That's the responsibility of the County Drain Commission. Rosemary then asked if they should have retention pond? City Manager stated no, new developments are required to have retention ponds. The new assisted living facility and the new subdivision are required to have retention ponds.

Schuyler moved, T Doyle supported to approve the request from the Durand Eagles Aerie 3851 F.O.E. to hold the "Old Newsboys" newspaper sale on major street intersections of Durand on December 7, 2001, during daylight hours.
Carried.

Bemis moved, T Doyle supported to approve the certificate of payment in the amount of \$13,320.06 from Graham Construction for work done to date on Durand Union Station restoration project.

YEAS: Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute.
NAYS: None.
Carried.

T Doyle moved, Canute supported to approve the lease of a 2002 Ford Crown Victoria for a three year lease purchase from Signature Ford of Perry Michigan, in the amount of \$7,701.87 and then purchase for \$1.00 at the end of three years.
YEAS: T Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle.
NAYS: None.
Carried.

Bemis moved, Canute supported to sign off on the impounded 1986 Oldsmobile for the disposal of the vehicle, and before it is released to a wrecker company, that the administration check with the school district to see if it can be used in the auto repair program.
Carried.

Schuyler moved, Fuja supported to approve traffic order #162 placing a stop sign on the northeast corner of W. Oakland and Lincoln Streets.
YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle.
NAYS: None.
Carried.

Canute moved, Bemis supported to approve traffic order #164 designating handicap-parking zone on the north side of Washtenaw alongside the south side of the Congregational Church, located at 403 N Saginaw Street.
YEAS: Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Fuja.
NAYS: None.
Carried.

T Doyle moved, Krupp supported to approve the Sewer Separation Program providing assistance of grants/special assessments for the purpose of the disconnection of household drain tiles from the sanitary sewer system.
YEAS: Schuyler, Bemis, Canute, Mayor Doyle, T Doyle, Krupp.
NAYS: None.
Carried.

City Attorney, Charles McKone, stated Attorney Peter Mooney and Developer Ryan Liker are here for approval for the Master Deed of Creek Pointe Estates Condominium. "I have reviewed the Master Deed document (Exhibit A) and it meets the requirements of the city and state. I would recommend that the City Council approve the Master Deed, and Exhibit A, and approve Exhibit B, subject to the city's engineering approval." Peter Mooney said essentially, this is a subdivision. There are limited times that construction can take place. This document is just like a plat. Bemis asked Mr. Mooney if he would reiterate for the audience what a condo site is? Mr. Mooney stated the State of Michigan allows site

condominium developments. People own their own homes, no association mows the lawns. It will be a neighborhood of single- family homes. It allows the developer a little more control on size and quality of the homes. Bemis stated that originally there were 51 homes. Ryan Liker stated there is still the same amount of homes designated. This is just the last step in the process.

Schuyler moved, Bemis supported to approve the Master Deed and Exhibit A, and to approve Exhibit B upon the City's Engineers approval of the document.

YEAS: Bemis, Canute, Mayor Doyle, T Doyle, Fuja, Krupp, Schuyler.

NAYS: None.

Carried.

PUBLIC COMMENT: Paula Brooks, 104 W Summit Street, asked if the city changed the procedure to elect Mayor. Mayor Doyle stated yes, the council was doing it illegally with ballots.

Vicki Rigdon, 705 Gomas Court, asked if there was going to be a deadline for the sewer separation program? City Manager stated that the city would be notifying homeowners by January to those eligible to participate.

Jude Neyman, 805 Kingswood, asked if the 51 homes are going to be connected to the sanitary sewer system? Developer, Ryan Liker, stated the storm water is separate; the sanitary and waterlines will be connected.

Rosemary Ball asked if the homeowners were going to apply for the loan before they do the work? City Manager stated yes. Rigdon then asked if the city was going to supply a list of plumbers willing to work on these? City Manager explained yes, they would be included in the information to participants.

DEPARTMENT REPORTS: City Manager advised of cuts in Revenue Sharing payments from the State of Michigan. "We're looking at approximately \$64,000.00 cut in revenue. We are looking at the budget right now." Last week the I-69 Study group met. The plan looks at a way for I-69 to act as a conduit for economical development with Bishop Airport as a hub and various county satellite hubs. He will distribute copies of the plan.

City Clerk stated that the city's election equipment is excellent. "The recount that we went through last week was successful; I am very glad that we have the equipment."

COUNCIL COMMENTS: Krupp asked if anything is new with the cable company? City Attorney McKone stated he was currently working on this with Steve. It won't be everything for everybody, but we are going to meet with the cable companies. There are provisions for revoking the franchise. Bemis asked how the investigating was going on burying the boxes – "how can we get ahead of this? Right now, we're reacting. With a new subdivision, we need to look at this." City Manager said that Steve talked with Charter Communications in regards to underground boxes. They were not receptive, due to leakage. There are other communities doing other things with cable.

Bemis asked if the gas company has gotten to all the sidewalks yet? City Manager stated he didn't think that they have finished laying the lines yet.

Mayor Doyle adjourned the meeting at 9:12 p.m.

NOVEMBER 5, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, November 5, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.
Council Absent: Fuja.

D Doyle moved, Canute supported to approve the agenda with the addition of Items I: Contract – Consumers Energy Lighting Project – 100 block of W. Clinton Street, and Item J – Payment Request – SME Geotechnical Investigations.
Carried.

D Doyle moved, Bemis supported to approve the minutes of the Regular Meeting held on October 15, 2001, and the Special Meeting and Executive Session held on October 23, 2001.
Carried.

D Doyle moved, T Doyle supported to approve the payment of city bills numbering 26505 – 26609.
YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.
NAYS: None.
Carried.

CITIZENS PRESENT: Richard Hall, 805 Kingswood Street stated that Charter Communications Cable Company already has an illegal easement in his backyard. Now they want to put another box in his front yard. "Tell them that they cannot place these great big boxes in people's yards." City Attorney explained the only thing that the city grants is the right to go into the easement in the front yards, if they are in an area where there are easements. Hall added that it all comes back to the local jurisdictions. Hall stated, "You have the control, you have the franchise." City Attorney stated the federal government has given local government some authority. We can grant the right to come into our community. Hall then said you could tell them "no" by not renewing the franchise agreement. City Attorney agreed that the city might have some authority in his complaint. "I can review the ordinance and determine if we do have the right to go past the easement just because it's easier to put in equipment. We have to find some way to work with this company."

Ann Sleseman, 602 Gomas Court stated she has three big cable boxes in her yard. The neighbors on her block have none. “Do I have no say in how many of these are going into my yard?” John Matejewski, 708 Kingswood Street stated at the last meeting he mentioned the fact of checking on placing boxes underground. Did anyone check on this?

Mike Douglass, 500 Cambridge asked prior to resurfacing streets, where does the money come from for moving water and sewer lines? City Manager stated the Street Fund pays the resurfacing, and the repairs to lines are paid from the Water and Sewer Funds.

Rosemary Ball, 303 Naldrette Street asked why the catch basin is full on Friday and then empty on Monday? DPW Director stated he would have to take a look at it.

Carolyn Geyer, 109 Obert Street asked how the negotiations were going between the City of Durand and Vernon Township? Mayor Schuyler stated that the last meeting was cancelled. City Manager spoke with Bob Conrad – he’s working on a map to give to the city that outlines different zones for planning purposes.

Carrie Jones, 122 Naldrette Street had a question on her water bill, she didn’t understand it and wondered if anyone here could take a look at it after the meeting? City Manager told her the City Clerk could take a look at it for her after the meeting.

**D Doyle moved, T Doyle supported to cast the city vote for the list of candidates as nominated for the Michigan Municipal League Liability and Property Pool Board of Directors.
Carried.**

**Bemis moved, D Doyle supported to accept the low bid from Lamphere’s Plumbing, Heating and Cooling for a boiler for City Hall at a cost of \$2,440.00.
YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis, Canute.
NAYS: None.
Carried.**

**T Doyle moved, Krupp supported to approve the invoice in the amount of \$2,117.00 from Rowe, Inc. for work done on the resubmitted of the TEA-21 grant for the walking museum in the downtown area.
YEAS: T Doyle, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle.
NAYS: None.
Carried.**

**Canute moved, Bemis supported to approve the invoice from Rowe, Inc. in the amount of \$3,403.00 for work done to date on the CMI Optimist Park improvement project.
YEAS: Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle.**

**NAYS: None.
Carried.**

D Doyle moved, Krupp supported to approve the invoice from Wigen Tincknell Meyer & Associates in the amount of \$4,434.83 for work done on the Fire Hall renovation.

YEAS: Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle, Krupp.

**NAYS: None.
Carried.**

Bemis moved, Canute supported to approve payment of the special assessment for drains in the amount of \$7,886.39.

YEAS: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.

**NAYS: None.
Carried.**

Mayor Schuyler opened the Public Hearing at 8:08 p.m. to discuss the special assessment for D.V.A. D.V.A. is requesting that the assessment be increased to \$25.00. The assessment is currently \$10.00 per household. The City Council has had several concerns regarding the fairness of the assessment. The assessment is not uniform between all of the municipalities served by D.V.A.

Mike Douglass, 500 Cambridge stated he would like to speak in favor of D.V.A. for the service they provide. He would feel more comfortable if there was representation by the communities, not so much concerned with voting power, just someone there to look at budgets and audits.

Rod Hall, 724 Princeton asked why is D.V.A. providing service to areas that are not paying the assessments? D.V.A. spokesperson stated all municipalities were approached regarding the assessments, including those in Genesee County. The only jurisdiction in Genesee County participating is Village of Gaines.

T. Doyle inquired that when D.V.A. breaks out the costs of doing business in Swartz Creek, do they cost out the value of the paramedics? D.V.A. spokesperson stated that even if they did not have the Swartz Creek ambulance costs, they would still have the dispatcher, the supplies, etc. T Doyle then reiterated that the dispatcher is shared between the Durand base and Swartz Creek too. Those costs should be included in doing business. D. Doyle then asked what the financial impact would be if every jurisdiction paid \$10.00? D.V.A. representative stated that they receive \$55,000 from Shiawassee County, and would get approximately \$58,000 from Genesee County, totaling \$113,000, with an operating budget \$700,000 +.

City Manager and City Clerk reported on Genesee County townships standing on special assessments. Clayton, Gaines and Mundy Townships were not interested in participating in D.V.A.'s assessment program, although they receive the same services.

City Manager asked who owned the building. Glenda Dolehanty said the D.V.A. owns it. City Manager then asked who owned the property. Dolehanty then stated it was owned by the school district. City Manager inquired where the funds came from to build the building? Dolehanty replied that the Durand community built it. Some of the money came from Kings Daughters when the hospital was sold. Dolehanty then added that the City has a charter; D.V.A. has by-laws. "We would be more than happy to have some new faces on the D.V.A. board. We would like to get more community interest in ambulance operations."

T. Doyle inquired as to who keeps pushing this legislation for more and more? Dolehanty replied, in 1964 there were no laws, in 1970 the laws began, in 2000 the EMS laws were introduced, and now in 2001 laws were drafted for EMS – double medic. There are \$200.00 exam fees for paramedics. The standard of care has significantly increased. The insurance industry also drives the changes. In January, the final rules of MEDICARE will be released.

Agnes Witherell, 612 Brand Street, suggested that the assessment they are asking for - \$25.00 for a year – what if the city put a time limit on it?

Douglass asked how much the D.V.A. was losing each month? D.V.A. representative stated it varied, however it was approximately \$20,000.

Sue Hatherill added that two members of the board are from Genesee County and pay the \$25.00 fee. Rigdon then questioned if the businesses pay for the special assessment? City Manager explained yes, \$25.00 per five employees.

Ann Sleseman stated how strange she thought it was that Swartz Creek is looking at other options now, when faced with special assessments.

Barbara Deering, 710 Mackinaw Street, added she felt a sense of pride with D.V.A.

Mayor Schuyler then questioned what it would take to bring this back before the people? City Manager stated that when the original ballot language was adopted by the voters, it gave the power to the City Council to set further assessments.

Mayor Schuyler closed the Public Hearing at 9:04 p.m.

Krupp moved, Bemis supported to renew \$10.00 assessment on winter tax bills, then place an additional \$15.00 on summer tax bills for a period of one year.

Bemis moved, Krupp supported to amend the previous motion to include that a representative of the City, appointed by the City Council, shall serve on D.V.A. board of directors.

YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

YEAS: Bemis, Canute, D. Doyle, T. Doyle, Krupp, Mayor Schuyler
NAYS: none
Carried.

City Manager presented a slide presentation on the administrations proposed sewer separation program for the city. The presentation included financing, the areas to be serviced each year by the program, and concluded with the financial impact on the General Fund.

D. Doyle noted that the money has to come from somewhere – is the city going to have to raise sewer rates? City Manager responded that yes, in time the city will have to raise sewer rates to repay the General Fund for the loan. City Manager also noted that currently there are no provisions addressing materials at a reduced costs or contractors agreeing to a specific cost.

City Attorney stated there are no finalized dates to have the program completed, but some time by 2006. “What the City Manager is proposing that we put some dates on the city, based on fiscal budget year and districting, because we cannot afford to do this all at one time.”

There will be more discussion at a later date regarding the Sewer Separation Project.

D Doyle moved, Canute supported to approve the authorization in the Standard Street Lighting Contract with Consumers Energy to remove and install lighting in 100 block of W. Clinton Street at installation of \$200.00 and monthly rate of \$24.60.
YEAS: T Doyle, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle.
NAYS: None.
Carried.

Bemis moved, Krupp supported to pay the invoice in the amount of \$837.30 to S.M.E. Inc. to be reimbursed by Creek Pointe Estates.
YEAS: Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle.
NAYS: None.
Carried.

PUBLIC COMMENT: Carolyn Geyer, 109 Obert Street, wanted to thank the Administration for all of their work on the sewer separation project. “You gave them what they wanted.”

Rod Hall, 724 Princeton, gave thanks for the lighting in the parking lot. Also, do you know that all the lights between city hall and downtown are out?

Jude Neyman, 801 Kingswood Street, asked with this \$500.00 grant per household, when will the taxes go up? City Manager stated taxes would not go up.

Rick Hall, asked why the licensing for a plumber is through the city and not the state? City Attorney stated those are the qualifications for the program. Hall then asked when the permits came into play? City Manager stated the county is not

requiring permits, however, the city is.

Ann Sleseman, stated - \$500.00 for the grant, \$1,500.00 for the special assessment. If we enter into this contract, who is going to pay the contractor? We would submit invoices, and what if you don't approve the work. City Manager stated that's why there is a procedure – When it is approved, the homeowner will receive the money.

DEPARTMENT REPORTS: Police Chief stated that on Devils & Halloween nights were very quiet. Also, the department will take a look at the streetlights.

Mince reported that the leak on S. Oak Street is not in the new area – that's good news! He also noted that the materials are in for the Obert Street and will be started this next week.

City Attorney stated he was looking into the franchise agreement for the cable. It's a significant issue. Sub contractors may not be meeting the standards.

City Manager stated if anyone interprets the City Council and the Administrations' view of D.V.A., other than the fact that it is a valuable service and we want it to stay here, then they misinterpreted our role. The sewer disconnect program presented tonight will not please everyone. It is not a band-aid approach. It will save unneeded wear and tear on the WWTP. We can afford to do this program. It may not be the best program – we do not have the extra cash. I think that it is fair and equitable.

City Clerk reminded election candidates that there is to be no election material, literature, signage, etc. at least 100 feet of City Hall.

COUNCIL COMMENTS: T. Doyle wanted to remind everyone of the election tomorrow – VOTE!

Krupp inquired as to what had been done regarding the false fire alarm at the Fitzgerald Street Apartments.

Canute questioned the dates on Leaf and Brush Pick-up. He also asked if the Goodall Wells were pumping or not. Mince stated the telesymmetry is not working. It's been 6-8 weeks. Aggressive Systems have been here servicing the equipment. Canute then asked the status on Compak. He also asked, if there has been an appraisal on the Industrial Park yet.

Bemis questioned if the gas company was going to be replacing the sidewalks before winter? Mince stated they might get all of the work done before winter.

Mayor Schuyler adjourned the meeting at 10:12 p.m.

OCTOBER 23, 2001 CITY COUNCIL MINUTES

Minutes of the Special Meeting of the Durand City Council held on Tuesday, October 23, 2001 at 7:00 p.m. in the Council Chambers of Durand City Hall.

CALL TO ORDER:

Mayor Schuyler called the meeting to order at 7:02 p.m.

ROLL CALL:

Council present: Bemis, Canute, D. Doyle, Krupp, Mayor Schuyler

Council absent: T. Doyle, Fuja

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

D. Doyle moved, Canute supported to approve the agenda, as printed.

Carried.

PURPOSE OF MEETING: Discussion: Manfred Subdivision Sewer Separation Project

Krupp read the outline of the proposed sewer separation project for the city. City Manager explained the concept of the sidewalk and curb & gutter revolving assessment plans that the city currently finances. He stated that the Sewer Fund does not have the capital to fund this type of a project. The trickling filter renovation project placed cash constraints on this fund. The General Fund could possibly finance this type of project. His concern with Krupp's plan was that when financing \$20,000 annually at \$2,000 per household, the project would become very long term. Currently, there are 80 –100 homes that have to have existing storm disconnected from the sanitary sewer. Possibly, it could be a 3 to 5 year project on a first come, first served basis.

City Attorney stated that administrative consent order from D.E.Q. does not just deal with Manfred Subdivision. It is inclusive of the entire city. When the city designs a program, he is concerned that there will be enough money appropriated to fund all of the potential sewer separations in the city. City Manager stressed that the program would be citywide.

Doyle asked about all of the people who had already fixed problems. Can the program be retroactive? City Attorney recommended not. This plan needs to look toward the future. Fuja questioned exactly what would the City Council members say to those people who borrowed from families, banks or took it from their savings. City Manager stated that maybe the city should establish a timeframe back and assist those who may have home improvement loans.

Mayor Schuyler asked if the city could bond for this city-wide problem, then repay the bond. City Attorney stated that no, it would a general assessment, and the city cannot bond for private property.

Bemis calculated that if there were approx. 1400 homes within the city, and 25% need to be repaired, the cost would be approximately \$600,000.

City Attorney reminded the City Council that there are flow studies coming up that will easily cost the city \$100,000 each time they are performed. There are other costs associated with the consent order. The Sewer Fund can borrow from the General Fund, but it has to be able to pay the money back. The requirements from D.E.Q. will also include more restrictions on the W.W.T.P.

Doyle recommended that the City Council further study this, and be financially prepared to handle it. Krupp recommended that a committee be appointed to further develop the plan. Fuja stated that the administration is capable of developing a plan for the City Council to review and adopt.

PUBLIC COMMENT: Dennis Rainwater, Vassar Drive, stated that he felt that the concept of splitting the cost was good, having the program available on a first come, first serve basis everyone has a chance to participate.

Richard Hall, 805 Kingswood stated that none could show him if the homes are completely disconnected. How do you know if all of the footing drains are disconnected? I want a signed statement from an inspector signing off on the project. There are more homes in this city in this shape than what we even know. This is a citywide issue.

Carol Kittle, 707 Gomas Court, noted that there are original homes owners who have been paying sewage bills and storing it in their basements. Now they will have to pay thousands of dollars to fix it.

Bemis moved, D. Doyle supported to direct the administration to draft a detailed plan consisting of the following: 1. Expected values and payback period out of the General Fund and the maximum loan amount per household. 2. Develop criteria for contractors. 3. Develop materials criteria. 4. Coordinate assistance for residents who wish to do work for themselves. 5. Develop a priority plan.

YEAS: Canute, D. Doyle, Fuja, Krupp, Mayor Schuyler, Bemis.

NAYS: none

Carried.

D. Doyle moved, Krupp supported to adjourn the meeting at 8:42 p.m. into Executive Session to discuss pending litigation because discussion of proposed settlement may be detrimental to the settlement outcome.

YEAS: D. Doyle, Fuja, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: none

Carried.

Meeting reconvened and adjourned at 9:21 p.m.

Minutes of the Regular meeting of the Durand City Council held Monday, October 15, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.

Council Absent: Fuja.

D Doyle moved, Canute supported to approve the agenda with the addition of Items A-1: Appointment to Boards and Commissions; A-2: Consent Agenda; C-1: Drain Assessment; C-2: Rowe Engineering; and I: Bid Award – Obert Street – Materials. Carried.

Canute moved, Bemis supported to approve the minutes of the Regular and Executive Session held October 1, 2001, as presented. Carried.

D Doyle moved, T Doyle supported to approve the payment of city bills numbering 26478 – 26504.

YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: Vicky Rigdon, Gomas Court asked if the purchase of property for Executive Session had anything to do with the lawsuit. City Attorney stated that “no, it did not.” She also inquired as to the proceeding with DEQ. City Attorney responded that they are working to determine what a 25 year storm would be to determine if there would be a violation in the future based on the criteria of the agreement between the city and DEQ.

Ken McDonough, 503 Manfred, stated that he would like to clear up some rumors that have been circulating through the city about his race for City Council. “I worked for the city for 14 years, 8 months and left the city on good terms. I don’t have any issues, and I want the rumors to stop.”

Rosemary Ball, 303 Naldrette Street stated that the biggest concern she has is all of the construction going on around town. The Council should encourage the kids to stay in their own neighborhoods for Halloween. Rigdon noted that the barricades around town should be reinforced before Halloween.

Ann Sleseman, 602 Gomas Ct. stated that she was having a problem with Charter Communications and T.C.I. Cable placing boxes on her private property. I pay my taxes; they can pay me rent. She also stated that the grant application for Optimist Park at \$271,000 and the application for the RR Walking Park Museum at \$250,000 was a large amount of money being spent on parks in the community. Couldn’t the city spend its money wiser?

Rick Hall, 805 Kingswood St. stated that he is tired of the cable companies putting the boxes in everyone’s yards.

John Matejewski suggested that when the city does check with the cable companies,

couldn't they place the cable underground.

Agnes Witherell, 604 Brand Street noted that she had a terrible experience with Charter Communication and was left on hold for 1 ½ hours waiting for someone to assist her with a billing problem.

D Doyle moved, T Doyle supported to approve the appointment of Les Conley to the DDA, replacing Steve Watkins, to appoint Mike Robbins to the Planning Commission to fill the vacancy of Kenneth Behnke's seat and to reappoint all other members of the city's boards and commissions whose terms expire during 2001.

YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

D Doyle moved, T Doyle supported to approve the list of Election Inspectors as presented for the November 6, 2001 general election.

Carried.

Canute moved, T Doyle supported to set Trick-or-Treat hours for Wednesday, October 31, 2001 between 6:00p.m. and 8:00p.m.

Carried.

Rick Freeman and Vanessa Harris of Rowe, Inc. presented preliminary drawings for Optimist Park renovations that will be done through the grant that the city received from the Department of Natural Resources –Clean Michigan Initiative.

D Doyle moved, Krupp supported to approve the 2001 Shiawassee County Drain Assessment in the amount \$5,031.77.

YEAS: T Doyle, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle.

NAYS: None.

Carried.

Paul Bailey, Auditor for Stewart, Beauvais & Whipple, the city's auditing firm, gave the City Council the Audit findings for the 2000-01 fiscal year. He reported that the city is in excellent financial standing. The total fund balance is \$1,100,507. The biggest challenge facing the city is GASB 34, which requires the city to capitalize the costs of the road system.

Jay Leach, D.V.A. representative was present to answer questions of the City Council regarding the requested increase for assessment. D.V.A. is requesting an increase from \$10.00 to \$25.00 for each household within the city. Vernon and Shiawassee Townships have already agreed to the assessment increase. City Council members do not feel that the rate increase is equitable. D.V.A. has a base in Genesee County also, and none of the cities or townships in Genesee County pay any assessment. The City Manager feels that if the cities and townships are going to collect this assessment, then every unit of government should have an active seat on the D.V.A. Board of Directors. Council members were also concerned about the

fact that many times there is no rig available in our community and the rig sits at the corner of M-13 and Miller Road waiting to respond to either county. This is not a good situation. D.V.A. board members present were urged by the City Council to approach all jurisdictions that they are currently serving so that all communities are paying the same assessment.

D Doyle moved, Krupp supported to hold a Public Hearing on D.V.A. Assessment at the next regular meeting on November 5, 2001.

YEAS: Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

D Doyle moved, Canute supported to adopt the policy on Computer, Internet, and e-mail usage as presented.

YEAS: Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle, Krupp.

NAYS: None.

Carried.

Bemis moved, T Doyle supported to approve Traffic Order #160 placing a stop sign at the southeast corner of Naldrette Street and Manfred Street.

Carried.

Bemis moved, Krupp supported to enter into a contract with Bit by Bit Computing, that will be mutually drafted by the City Attorney and the owner of Bit by Bit, approved by the City Manager and signed by the Mayor and City Clerk.

YEAS: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.

NAYS: None.

Carried.

Bemis moved, Canute supported to accept the bid from Etna Supply in the amount of \$11,034.70 for supplies and the bid from Premarc in the amount of \$1,731.75 for concrete products for the Obert Street Water and Sewer materials.

YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

PUBLIC COMMENT: Carolyn Geyer, 109 Obert Street asked if the city had thought about adopting a policy to limit the amount of antennas on the water tower. Ken McDonough asked what the policy for the new ice rink would be. City Manager responded that a policy would have to be developed by the Parks Board. Dennis Rainwater commended the City Council on their position with D.V.A. He suggested that the city approach the communities within Genesee County to find out what their positions are.

Agnes Witherell stated that she believes that there are inequities in what D.V.A. is trying to do.

Rick Hall stated that the health insurance industry is so undetermined right now

that D.V.A cannot tell you what they will make, based on what they don't know.
Carol Kittle stated that she agrees with the City Council
Paula Brooks stated that she is supportive of D.V.A.

DEPARTMENT REPORTS: Police Chief noted that on Halloween night, he would appreciate it if parents walked with their children, not follow them in cars. There will be officers on foot patrol during trick or treating hours. The Police Department has responded to two incidents regarding foreign substances in the mail. The Fire Chief and the Police Chief are working to develop better policy to address these situations.

City Manager noted that the city is working to further develop its protocol for bio-terrorism acts. The best way to calm the public is to be prepared. He also requested that the City Council accept the audit.

D Doyle moved, Bemis supported to accept the 2000-01 Audit for the City.

YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

COUNCIL COMMENTS: Krupp asked if the city has done anything about the alarm problem at Bldg.D, Fitzgerald Street Apts. City Manager responded that the Fire Chief was not present; he did not know the answer. Krupp stated that he would like the City Council to have a workshop on October 23rd to discuss the disconnection of weep tiles within the city.

Canute asked if the city had gotten an appraisal on the Industrial Park property. City Manager stated no. Canute stated that maybe the city should consider extending water and sewer to the property.

Mayor Schuyler applauded the administration on a great budget and audit.

Mayor Schuyler adjourned the meeting at 10:36 p.m.

OCTOBER 1, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, October 1, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.

Council Absent: Fuja.

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

**D Doyle moved, Canute supported to approve the minutes of the Regular and Executive Session held September 17, 2001, as corrected.
Carried.**

Krupp moved, T Doyle supported to approve the payment of city bills numbering 26406 – 26477.

YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT:

Rosemary Ball, 303 Naldrette Street stated many concerns regarding the city. Her main points were the two trailer tandem gravel trucks coming in and out of the construction area. She believes that there should be a stop sign at the corner stopping the construction traffic. The new subdivision has a retention pond; shouldn't the drain be widened to handle the extra water? City Manager stated that it would be up to the County Drain Commission to widen the drain. She also asked how the Fire Department gets along with Vernon Township. Fire Chief responded that they get along very well. Ball then stated that she thinks that there should be an EMS on the south side of town. She also stated that she understood that the city had problems with their payroll checks. She really wasn't sure, but they can't be cashed over a certain amount of money. City Clerk stated that she had no knowledge of any problems with payroll checks.

Vicky Rigdon, 705 Gomas Court, asked what types of permits the city needed from Environmental Health. Mince responded that there were none needed for wastewater. She also asked if the city had seen any improvement since all of the work had been done in Manfred Sub. Mince responded that only 7 homes have disconnected; it was difficult to determine at this time. She then asked if anyone could attend the meeting with D.E.Q. City Manager stated that it was not a public meeting.

Mitch Zieba, 708 Gomas Court stated that the city says that the sewer overflow is a city problem, then it is stated that we have fix our own problems. What is it? Mince stated that Manfred Subdivision is unique. All of the homes are constructed exactly the same. We have done 200 door-to-door inspections in the northeast quadrant. 50 –75 homes had some type of existing problem. Zieba asked if there was any deadline established to have the homes disconnected. City Attorney stated that the problem is citywide. This subdivision is major, but there are other areas within the city that have similar problems.

Elizabeth Smith, 703 Gomas Court, asked if anything has materialized on grants. Has there been any progress? City Manager stated that there has been no new

federal legislation adopted. He suggested that citizens contact Congressman Rogers' office. The bill in the state passed through the Senate, but has not passed through the House. The proposed language allows local government to expend public funds for sewer separation on private property.

Dennis Rainwater, 505 Vassar Drive, stated that he is running for City Council. He sympathizes with the south side residents. He lives on the north side and had to separate drains in his driveway many years ago. He also stated that he is forming an organization, "Durand Patriots". He has contacted the Durand Veterans, AmVets, Rotary and other civic groups and churches. The main purpose of the group will be to send care packages to active military in the Durand School district. The P.O. Box is 111, Durand, MI and the email address is durandpatriots@yahoo.com. He also noted that he had contacted military recruiters, but they were not much help in identifying local service personnel.

D Doyle moved, T Doyle supported to approve the payment of invoice form Kennedy Industries, Inc. in the amount of \$3,815.00.

YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

T Doyle moved, Canute supported approve the Project Agreement for the Clean Michigan Initiative (CMI)-Recreation Bond development project and accept the grant designated as CM 00-224, Optimist Park Improvements.

YEAS: T Doyle, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle.

NAYS: None.

Carried.

D Doyle moved, Bemis supported to accept the low bid of \$243,100 from Gregory Construction Company for the renovation to the Fire Hall.

YEAS: Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

Krupp moved, Canute supported to pass the Notice of Intent Resolution 2002 General Obligation Limited Tax Bonds, not to exceed 25 years.

YEAS: Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle, Krupp.

NAYS: None.

Carried.

D Doyle moved, Bemis Supported to approve the request for the donation of the lever action voting machines to the Michigan Supreme Court for the purpose of use in the Learning Center in the new Hall of Justice.

Carried.

Canute moved, D Doyle supported to approve the Franchise Agreement for 901 N. Oak Street for water connection.

YEAS: Bemis, Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler.

NAYS: None.

Carried.

PUBLIC COMMENT: Dennis Rainwater commented on the Fire Hall Renovation bid. Regarding the flooring, you may very well be able to get them to throw the added chips in for free.

DEPARTMENT REPORTS:

Public Works: Mince stated that the city received two citations from MIOSHA and both have been appealed. Brush pick up will end for the season with the November pick up. Leaf pick up begins October 15th. Consumers Energy is replacing gas mains on N. Oak Street. It appears that on S. Oak Street that there may be a broken water main. There are two places on the street that the pavement gets wet and then dries. Capital Consultants have used listening devices and will be using other detection means to try to determine exactly what is going on. We do not want to have to cut into the road just after it has been paved. The pine tree along the exit of City Hall parking lot has been removed due to the size it had grown to. It was a traffic hazard.

City Attorney stated that the administration had a meeting with D.E.Q. tomorrow.

City Manager asked the City Council to approve the grant application for the TEA-21 grant for the Railroad Walking History Museum that the city previously submitted an grant for last year.

D Doyle moved, Krupp supported to adopt the resolution for the TEA-21 grant for Railroad History Walking Museum.

YEAS: Canute, D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

City Clerk stated that the new laser printed water bills went out to all customers this month. They look fresh and clean and are much easier to read.

COUNCIL COMMENTS:

Krupp asked if the Fitzgerald Apts. Building D had been billed for a false alarm call. Fire Chief stated that they were reviewing the ordinance.

D Doyle moved, Canute supported to adjourn into executive session to discuss property acquisition.

YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

Mayor Schuyler reconvened and adjourned the meeting at 9:07 p.m.

SEPTEMBER 17, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, September 17, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.31 p.m.

Council Present: Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler.

Council Absent: Bemis.

D Doyle moved, Canute supported to adopt the following:

**DURAND CITY COUNCIL
RESOLUTION OF SUPPORT AND COMMITMENT
TO THE PRESIDENT OF THE UNITED STATES
AND OF SYMPATHY TO THE FAMILIES OF VICTIMS
OF THE TERRORIST ACT ON SEPTEMBER 11, 2001**

WHEREAS, on September 11, 2001, the World Trade Center Towers in New York City and the Pentagon Building in Washington, D.C. were attacked and destroyed by terrorists, hijacking 4 commercial airline flights and utilizing those aircrafts to ensure mass destruction, killing and injuring thousands of unsuspecting citizens and travelers, leaving family members and friends searching and wondering, and striking terror on the free world; and

WHEREAS, the rescue units from the New York City Police and Fire Departments responded to this tragedy to assist in freeing those trapped in the world trade towers and themselves falling victim to the terrorists evil plot of destruction; and

WHEREAS, President George W. Bush has called for an end to all terrorists acts against the free and democratic society in which we live, and has vowed to seek justice for these heinous acts of cowardly terrorism; and

WHEREAS, the Congress of the United States has enacted legislation authorizing the President to exercise all necessary and appropriate force against the terrorists, their sponsors and their protectors; and

WHEREAS, the Citizens of the United States have united together to demonstrate their support for our country, our President and to lend support for the families of those victims and heroes whose lives were lost in the devastating destruction caused by this event and in the fight against terrorism;

**NOW, THEREFORE, The Durand City Council affirms the commitment of the President of the United States and the United States Congress and pledges its united support of the actions taken to ensure that the freedom and liberty that this country enjoys is forever protected and that justice is swiftly served to the terrorists who perpetrated this attack upon our country and the free society of the world.
Carried.**

**D Doyle moved, Canute supported to approve the agenda with the deletion of Item A – Bid Award: Renovations to Fire Hall/Gregory Construction.
Carried.**

**D Doyle moved, T Doyle supported to approve the minutes of the regular meetings held August 14, and 20, 2001,as presented.
Carried.**

**Krupp moved, Fuja supported to approve payment of city bills numbering 26303 – 26405.
YEAS: Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler.
NAYS: None.
Carried.**

CITIZENS PRESENT:

Vicki Rigdon, 705 Gomas Ct., asked the following questions: When is the city’s project going to be completed? What is the timeline for the completion by the residents? Are there any options for financing? Is the whole city going to held to this? What is the deadline? Mince responded that with weather permitting, the DPW has one more day of digging. He will be contacting the contractor and driveways should be restored within 2 – 3 weeks, including topsoil and grass seed. City Manager stated that ‘the whole city’ comment was taken out of context. There has been a house-by-house inspection in the northeast quadrant, and cross connections will be handled on a case-by-case basis. The timeline for compliance is still in negotiations with D.E.Q. There are approximately 200 communities within the state that are negotiating administrative consent orders with D.E.Q. Rigdon asked if the timeline would be publicly printed to notify the entire city. City Attorney responded that the reason that the city cannot answer her question is that it is coming from two sides – the D.E.Q. is outlining timelines that we are currently negotiating and we are working to eliminate the problems from the city. The next meeting with D.E.Q. is 10-2-01. Rigdon then commented that \$50,000 has been spent on Gomas Court and then another \$45,000 next year. Why did the city target this area first? City Manager stated that the Manfred Sub has the most history of flooding and those areas need to be addressed first.

Glenda Dolehanty, of D.V.A., stated that it was such an ironic date 9-1-1 for the national tragedy. She is present to request support from the City Council to hold a Celebration of American Spirit. Rev. Walworth has agreed to speak, some patriotic

singing, flags and candles, and we would like to hold it this Saturday evening at the clock tower.

**D Doyle moved, Fuja supported to approve Celebration of American Spirit for Saturday, September 22, 2001.
Carried.**

Mitch Zieba, 708 Gomas Ct, asked where Mince piped his water. Mince responded that he had directed the water to a rock garden that he has in the back yard because there are no storm drains in his area. City Manager noted that the city will be installing storm drains there also in the future.

Ella Zieba, 708 Gomas Ct., asked if there was funding available to assist with the costs. City Manager stated that at this time there are no grants available.

Carolyn Geyer, 109 Obert St. stated that Shiawassee County has a housing rehabilitation grant based on income or low interest loan program available. Linda Shoenburg is running the MSHDA based program.

Ann Sleseman, 602 Gomas Ct., stated that it is a sad state when their bosses tell city employees that they should not talk to us. We have people digging trenches leaving them open for 7-10 days. Who is responsible if a child were to fall into these? And, a Consumer's Energy wire was cut. Can the costs be added to property taxes at a lower, spread out cost? City Manager responded that the comment regarding wires really isn't fair. Accidentally hitting lines in yards happen all of the time. Sleseman stated that there needs to be some guidelines; you're not giving anyone guidelines. Rigdon also stated that her property has had an opening for two weeks. She and her husband have been standing guard keeping kids out of the hole. T. Doyle stated that parents have responsibility to keep any eye on their children. Rigdon responded that everyone else's work was done timely. She would like to know why hers was not completed.

Jude Nayman, 801 Kingswood, stated that her husband's son in law told him that the city workers were not supposed to talk to the residents. And to reply to Doyle's comments, parents cannot watch their children every minute of every day.

Rosemary Ball, 303 Naldrette St., observed that she would have to hook into the storm drain. She does not get any water now. "How can I hook into it? I am going to be the one that gets all of the water."

Krupp moved, D Doyle supported to approve the invoice from Fund Balance for software support services in the amount of \$4,893.00.

YEAS: D Doyle, T Doyle, Krupp, Mayor Schuyler.

NAYS: Canute and Fuja.

Carried, 4-2.

D Doyle moved, Krupp supported that the invoice from Capital Consultants Engineers in the amount of \$43,187.60 be approved for payment with \$8,187.60 is withheld until the administration is satisfied with the completed work.

YEAS: T Doyle, Fuja, Krupp, Mayor Schuyler, Canute, D Doyle.

NAYS: None.

Carried.

D Doyle moved, T Doyle supported to approve the invoice from Capital Consultants Engineers in the amount of \$6,063.50 for construction inspection services at Creek Pointe Estates.

YEAS: Fuja, Krupp, Mayor Schuyler, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

Canute moved, Krupp supported to approve the invoice from SME in the amount of \$3,289.17 for geotechnical services related to Creek Pointe Estates.

YEAS: Krupp, Mayor Schuyler, Canute, D Doyle, T Doyle, Fuja.

NAYS: None.

Carried.

D Doyle moved, Canute supported to approve Change Order #4 for the 1999 WWTP Facility Improvements Project.

YEAS: Mayor Schuyler, Canute, D Doyle, T Doyle, Fuja, Krupp.

NAYS: None.

Carried.

Krupp moved, Canute supported to approve payment #15 in the amount of \$4,481.00 to Irish Construction Co., Inc. for work done to date on the 1999 WWTP Facility Improvements Project.

YEAS: Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler.

NAYS: None.

Carried.

D Doyle moved, Fuja supported to table the request from DVA for the assessment increase.

YEAS: D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Canute.

NAYS: None.

Carried.

PUBLIC COMMENT:

Ann Sleseman asked about the Creek Pointe Inspections fees that were approved. Is the developer paying for these costs? City Manager replied that the developer is responsible for reimbursing the city for all costs associated with the project.

Roseann Ball asked if the developer is paying for the water out of the hydrant to test lines. Mince responded that the developer is reimbursing the city for the water.

DEPARTMENT REPORTS:

Police Chief: The computer equipment in the police cruisers is up and running.

DPW Director: The Tree Survey is completed. Tree trimming has begun.

Problems at the water plant caused delays in meter reading this month.

Treasurer: The auditors are in this week.

City Attorney: We've been involved with working with D.E.Q. on S.S.O.'s. We have a meeting on October 2nd and are working on definitions. They have been very favorable of what the city has done to date. This is an issue that legislation is addressing. Everyone has the problem. Everybody is dealing with claims, lawsuits and the lack of insurance coverage. Also, this community should be proud. You have heroes in your community; people who gave of themselves to assist in a time of national disaster.

City Manager: We have received the contracts for the parks project.

City Clerk: Petitions for City Council will be available in the Clerk's office next week, but can only be circulated between the dates of October 1st – 5th.

COUNCIL COMMENTS:

Krupp: The fire alarm in Building D of the Fitzgerald St. Apts. – Does that fall under the fire alarm ordinance?

Fuja: "Seeing the flags hung by the City and business owners makes me feel safe."

Canute moved, Fuja supported to Adjourn to Executive Session to discuss the purchase of property at 9:02p.m.

YEAS: T Doyle, Fuja, Krupp, Mayor Schuyler, Canute, D Doyle.

NAYS: None.

Carried.

Reconvene at 9:36 p.m.

T Doyle moved, Canute supported to authorize the City Manager to perform a Level 1 Environmental Study on property where Durand Feed and Grain sits currently.

YEAS: T Doyle, Fuja, Krupp, Mayor Schuyler, Canute, D Doyle.

NAYS: None.

Carried.

Mayor Schuyler adjourned the meeting at 9:39 p.m.

SEPTEMBER 3, 2001 CITY COUNCIL MINUTES

Meeting canceled due to Labor Day

AUGUST 20, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, August 20, 2001 in the Council Chambers of Durand City Hall.

Mayor Pro-Tem Canute called the meeting to order at 7.30 p.m.

Council Present: Bemis, Canute, D Doyle, T Doyle, Krupp.

Council Absent: Fuja and Mayor Schuyler.

**D Doyle moved, Krupp supported to approve the agenda with the addition of Item G – Contract Engineering Services – Optimist Park.
Carried.**

D Doyle moved, Bemis supported to approve payment of city bills numbering from 26182 – 26302.

YEAS: Canute, D Doyle, T Doyle, Krupp, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: 10 persons signed the sign in sheet to speak to the City Council.

Sandy and Jim Akers, 110 W. Fauble Street, are concerned with Manfred Sub and Sandy put together a concept of performing the work that needs to be done by utilizing teams of volunteers. She gave her plan for the concept to the DPW Director and members of the City Council. She stated that we have to work together as a community.

Richard Hall, 805 Kingswood Drive, would like to know who is responsible for the homes being constructed the way they are – cross connected sanitary and storm sewers – and if the city didn't inspect the plumbing, who did. City Attorney stated that several years ago, and still today, the city does not have a plumbing inspector. The county inspects for plumbing today. There are no records indicating what agency performed plumbing inspections when those homes were built. The City Council cannot ignore the issue, but we will work with the people to correct the problem. Hall then asked a series of questions – “Who is inspecting the new homes”? City Manager: The county. All new homes require a plumbing inspection. Hall: Who did the inspections? There is negligence. When was the cross connection ordinance adopted by the City Council? City Manager stated that the ordinance was adopted in early 1970's, but even if the ordinance was not in effect when the homes were built, the cross connections have to be disconnected. They are not grand fathered.

Patricia Zieba, 709 Fitzgerald Street, stated that she is an original homeowner. The city had no inspector. The county inspected the subdivision.

John Matajewski, 708 Gomas Court, asked when the D.E.Q. was going to start fining the city. City Attorney stated that there was a meeting on Friday at 2:00 p.m. to discuss fines for past spills that the city voluntarily reported to the D.E.Q. and to establish timelines for S.S.O.'s. The D.E.Q. has the power to fine us up to \$25,000 a day. They are trying to work with the communities throughout the state to find resolutions to the sewer problems. The SSO program is for the entire city. It involves the entire sewer system. Matajewski then asked why the city can't video when it is wet. DPW Director stated that the city cannot video when it's flooding because you can't see anything through the lens. Matajewski noted that one suggestion that he would make to the Manfred Sub homeowners is to extend their downspouts by 5 – 8 inches.

Ann Sleseman, 602 Gomas Court, noted that there was standing water in the storm drain down from her house. She also asked how much notice the city was going to give the homeowners before they have to sink thousands of dollars into this project, and was it going to be enforced street by street. City Manager responded that the city is still trying to determine the best and most reasonable means of correcting the cross connecting sewers. Sleseman then asked if anyone had looked into what Mt. Morris Twp. is doing. They've got the same problem.

Ella Zieba, 708 Gomas Court, stated that her driveway has been all torn up due to the storm sewer project. Is the whole approach going to be replaced? Mince responded that yes, the entire approach was being replaced.

Ken McDonough, 503 Manfred Drive stated that he does not have any storm sewer running in front of his house. He also asked when the pothole from the water line repair on E. Fauble Street was going to be repaired. He also alleged that no maintenance had been made to the system. Mince stated that he can produce dates of maintenance and noted that there is 3000 feet of video of the sanitary sewer and there are some off set joints, and some mineral deposits, but besides that, the system is intact and in good condition.

Connie Cobby, 405 W. Main Street, stated that the people in this town should be worried about other things. The U. S. Post Office gave her address to the same street in Vernon. The census did not count her or her husband. She feels that there should be a think tank concept with community cooperation. She also noted that state and federal grants are not easy to get. They take hours and hours of research and require technical writing and follow-up.

**D Doyle moved, Bemis supported to approve the request from AMVETS Post #2273 to hold their annual white clover sale on September 1,2, & 3.
Carried.**

**D Doyle moved, T Doyle supported to approve the Change Order #1 for the parking lot improvements at City Hall in the amount of \$11,032.63.
YEAS: D Doyle, T Doyle, Krupp, Bemis, Canute.**

NAYS: None.
Carried.

Krupp moved, D Doyle supported to approve the final invoice from Capital Consultants for engineering services on the parking lot reconstruction, in the amount of \$6,321.72.

YEAS: T Doyle, Krupp, Bemis, Canute, D Doyle.

NAYS: None.
Carried.

Krupp moved, Bemis supported to approve payment for the invoice from Ace Asphalt in the amount of \$101,691.69 for improvements to the parking lot at City Hall.

YEAS: Krupp, Bemis, Canute, D Doyle, T Doyle.

NAYS: None.
Carried.

D Doyle moved, Bemis supported to approve the proposal from Deisler Electric for the relocation of an electrical panel for the downtown streetlights.

YEAS: Bemis, Canute, D Doyle, T Doyle, Krupp.

NAYS: None.
Carried.

Bemis moved, D Doyle supported to approve the proposed ballot language for the sale of the Shaw Park Property and direct the City Clerk to place the issue before the electors at the November election.

Carried.

D Doyle moved, Krupp supported to approve the contract for engineering services with Rowe, Inc. for renovations at Optimist Park in the amount not to exceed \$51,495.00.

YEAS: Canute, D Doyle, Krupp, Bemis.

NAYS: T Doyle.
Carried.

D Doyle moved, Krupp supported to approve the “End of Summer Cruisin” activities.

Carried.

PUBLIC COMMENT:

Sandy Akers asked about Optimist Park regarding the creekline along the park and inquired as to why there was no fence along the edge of the creek so that kids don’t get down in there.

Connie Cobby stated that volunteers are testing the drains and the City of Durand has volunteered to be a collection and testing area for the samples. She also

inquired if the city had considered using GIS for mapping. City Manager stated that the city had looked into it, but it is very expensive and there is also a cost in keeping it up.

Richard Hall, commented on the bill for the parking lot – why didn't the contractor who accidentally dug up the water line – why didn't his insurance pay for the cost overrun? Mince responded that the markings were incorrectly marked.

DEPARTMENT REPORTS

COUNCIL COMMENTS

Mayor Pro-Tem Canute adjourned the meeting at 9:40 p.m.

AUGUST 14, 2001 CITY COUNCIL MINUTES

Minutes of the rescheduled meeting of the Durand City Council held on Tuesday, August 14, 2001, at 7:30 p.m. in the Cafeteria of the Durand Area Middle School, to replace the regularly scheduled meeting of the City Council scheduled for August 6, 2001 cancelled due to fire regulation enforcement of overcrowding within the City Council Chambers.

Mayor Schuyler called the meeting to order at 7:30 p.m. and requested that anyone wishing to address the City Council during this meeting please sign in so that the meeting could be conducted as smoothly as possible, given the high attendance of the audience.

Council present: Canute, D. Doyle, T. Doyle, Fuja, Krupp, Mayor Schuyler
Council absent: Bemis

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

D. Doyle moved, Fuja supported to approve the minutes of the regular meeting held July 16, 2001 and the Executive Session minutes held July 16, 2001.
Carried.

Canute moved, Fuja supported to approve payment of city bills numbering 26094 – 26181.

YEAS: Canute, D. Doyle, T. Doyle, Fuja, Krupp, Mayor Schuyler

NAYS: none

Carried.

CITIZENS PRESENT: Mayor Schuyler announced that the City Council would hear comments regarding the storm sewer separation project in Manfred Subdivision first, then they would listen to comments regarding the Liquor Licenses on the agenda.

Robert Jones, DDS, owner of 710 Gomas Court, stated that he owns the property, but it is a rental and that he is aware that there is water in the basement when it downfalls. He also noted that city officials have stated, “even if you fix your problem, we cannot guarantee that you won’t get water again”... He believes that the problem is much broader than that of just this subdivision. He knows of similar situations in College Sub, the north section, the west side and even downtown businesses. He perceives that this is a system problem; it’s a city problem and should be treated as such.

John Matajewski, 708 Kingswood Dr., agreed with Dr. Jones. “Do not hook up the new homes in the new subdivision until we get this problem solved.” He also asked a series of questions. Was the city fined by the D.E.Q. this week? City Manager responded no fines were received. Are there any permits that are being renewed by D.E.Q.? DPW Supervisor Mince responded that he is working on transmission permits. Are there any permits for C.S.O’s? Mince responded that he didn’t know, but he will find an answer.

Jerry Gilbert, 801 Kingswood Dr. agreed with Dr. Jones. He also asked if someone authorize the C.S.O. connections when the subdivision was built? Someone has to know what happened. Former City Council members should know. What can they really do to me if I don’t put a sump pump in? My basement does not flood and has never flooded. I’ll disconnect the weep tiles only.

Jude Gilbert, 801 Kingswood Dr. stated that she is a little upset that this has been going on for 30 years – or 40 years in other areas. It’s important to us – money, health. Please help us. What alternatives have been explored? It appears that you have been studying issues for quite some time. What’s being done? Mince responded that the city has required new detention ponds for the new subdivision and will have a completely new south side storm system that will cost the city over \$100,000. What about grants? Mince stated that the city has tried to find grand funding through state, federal and D.E.Q.

Jim Akers, 110 W. Fauble Street stated that before he read a prepared statement that he wished to recognize the life of Ken Behnke, who passed away this week. It is a loss of a great community leader and who had worked for Simplicity Engineering for 46 years.

After Akers read his prepared statement (which was unavailable to place in the minutes) he asked several questions. Regarding the new subdivision – will taxes go up? Will Fauble Street become the main out of the new sub? Will there be another way out of the sub? Will there be adequate fire and police protection? Will the crime rate increase?

Ken McDonough, 504 Manfred Drive stated that as a former employee of the City of Durand, he knew that the city knows that the Vinewood Lift Station was a Band-Aid fix for the sewer system. The old 6" cast iron pipe needs to be replaced. There are other maintenance issues – two collapsed storm sewers in town. There are other areas in town that are flooding – Russell and Atwater, College Sub.

Sandy Akers, 110 W. Fauble Street, stated that there is a big problem in our city – a sewer problem. 82 homes within the city limits are for sale. People are climbing the walls to get out. Right now it seems that the city has too many problems. Other people can get government grants, why can't we? We are paying on the water plant, paying on Fauble and Oak Streets. Manfred people will be paying for their repairs - \$3-5,000.

Mrs. Carroll, 704 Gomas Court, asked why the city is just now looking for grants. THE problem has been studied for quite some time, why didn't that process involve seeking grants?

Ella Zieba, 708 Gomas Court stated that her basement floods. In 1974, the house flooded. Why didn't the city do something about it then? My kids cannot go into the basement. Can't the city look into this further? What about another consultant's opinion?

Ann Sleseman, 602 Gomas Court stated that she has owned her house since 1973. The basement has never flooded since I have owned the home. And the city wants me to pay \$3-5,000 to put in a sump pump that cannot guarantee that the situation will be resolved. I will not do it. 84 owners are being forced to fix the problem for the rest of the city. Russell Street is still a problem. 51 homes in the new subdivision will be connected to the existing system. The trees in our neighborhood are going to be removed for the new storm sewer system. And, the City Code, Section 2.51 stated that it will be enforced citywide. City Manager stated that if other homes are not compliant, they will have to become compliant. Has the city been digging in other areas? City Manager stated that Manfred Subdivision homes are constructed in the same manner. There are isolated homes throughout the city constructed this way and they will have to disconnect also. Sewer water is coming from other areas. Are you going to re-route the water from the other areas? City Manager stated that the city re-directed the South Oak Street storm sewers out of the Manfred system when S. Oak Street was resurfaced. Would the city consider other alternatives such as putting the system in the ground deeper? City Manager stated that lower elevations will not alleviate the problem. The homes sitting lowest will still get water.

Lynn Pancheck, 605 Manfred Street asked if the 51 new homes in the subdivision will have to put in sump pumps. City Manager stated that they would be required to have sump pumps. Pancheck stated that it sounds as though the city is just passing the buck. She cannot sell her house, knowing that this situation exists. My kids wanted to buy the house and they can't buy it with this going on. City

Manager stated that there is legislature pending before the state senate allowing municipalities to spend public funds on private property. Pancheck then asked if the city would consider not hooking up the 51 homes to the system. City Manager stated that the new homes would not contribute to the problem. There will be a retention pond built to handle the storm water from the new subdivision. Pancheck stated that it made no sense to her to hook 51 homes into the current mess that exists.

Vicki Rigdon, 705 Gomas Court asked why the city was jeopardizing the rest of the homes in the subdivision for a small amount of flooded homes.

Curt Pardee, 805 Manfred Road, stated that the city was not getting his money. "You built it; you fix it." He also made derogatory comments regarding the city administration's judgments in purchasing and spending city dollars. These comments were met with rebuttal from several members of the city administration and also other members of the audience.

Jennifer Hale, 905 Kingswood Drive, stated that it is very heartbreaking that when you get up one day and there's water in the basement. "I cannot afford this; we live paycheck to paycheck."

John Pancheck, 605 Manfred Road, "I know that you cannot put a circle through a square, but is there not an amicable way to pay for this?" Mince responded that he just completed the work to repair his own house on Kingswood and he has invested \$522.00 for all of the materials, including a sump pump and a battery backup and 12 hours of labor.

Debbie Jenkins, 507 Manfred Road, stated that she would have purchased a home in the country. "I don't want to put in a sump pump. I don't think that I should have to pay for something that was created 30 years ago."

Tara McCarthy, 704 Gomas Court, stated that she wanted to thank Steve. "He's been great." They may have to take the trees in front out, and he is trying to figure out a way to work around the trees. "We've flooded twice in the past 5 months. Unfortunately, no one wants to buy the house with sewage, mold and mildew." She also noted that on the corner of Naldrette and Manfred, there are potholes from the heavy trucks coming in and out of the subdivision.

Myrna Nagy, 116 E. John Street, stated that she has lived there for 28 years with a perfectly dry basement. "That's my family room – no one can force me to do this."

Bruce Purdy, 703 Kingswood Drive, stated that he has lived her 27 years, and never knew anything about this. The city illegalized this and no one ever knew about this. I think that it's because of all of the lawsuits. What about the offense from OSHA? City Manager responded that the city has not received a citation or a fine. The OSHA Inspector passes his report to his supervisor and then it is decided.

Mayor Schuyler recessed the meeting for 10 minutes, and then asked those who wished to speak regarding the liquor licenses to now take their turn.

Leonard Krawczyk, owner of Iron Horse Pub, read the following prepared statement. To the Durand City Council and City Manager; Today you are expected to make a decision which will affect the progress of the city of Durand for years to come, perhaps the next century. I chose to write you this letter because I have much to say about the TWO new liquor licenses which are proposed for the 100 block in uptown Durand and I am afraid I would ramble too much should I attempt to address this very serious subject from pages of notes. There was a comment at the DDA meeting that “30 years ago we had four or more bars, so what’s wrong with getting more bars now”? Let me answer that by reminding you that 15 years ago I made a decision that Durand would never make it as a city if we didn’t have better communication between the Durand Chamber of Commerce, the businesses, Vernon Township and the residents. I put together an exhaustive financial data sheet, which allowed ALL of us to learn that Durand had \$16 million less payroll then it had 10 years earlier. This was in consideration of the railroad leaving, plant closings, closing of two car dealerships, plus other industry and larger businesses leaving. This has been a major contributing factor in the several failures of the businesses including the one the corner of Oak & Main streets since then. Over 70 men and women of this area met at the Iron Horse Pub at 7:00 a.m. to hear the bad news and a tremendous amount of constructive ideas started to develop. I truly believe this was the beginning of a much better relationship between residents, government, business and industry in Durand even though much can still be done, especially between our City and Vernon Township. The uptown area of any city is like the hub of a wheel. Should it’s integrity be destroyed or severely weakened, the spokes cannot remain stable and the entire wheel will collapse. You don’t build a strong uptown overnight and can’t tear it down in a few days either. But in my opinion and the opinion of everyone I have talked with, with only one exception, NOT ONE PERSON believed any additional liquor licenses would be necessary or good for the City. Last Friday I decided that before I go any further out on the limb, perhaps I should find out what other business owners in the one and two hundred block believe we need. WITH NO EXCEPTION, everybody I talked with stated his or her objection to more bars in Durand. Because I promised to be at a fundraiser Friday and our Chamber of Commerce fundraiser today, my time was limited, but I was able to talk with about 65% of the businesses, and most signed the enclosed petition. You may ask WHY didn’t others sign? The answer is simple! There is not one business place Downtown Durand, actually downtown anywhere in the county which is really doing more than simply eking out a living and many are barely paying their bills. And some are not. Therefore, the THREAT of a boycott and the possibility of losing even 3 or 4 percent of their business becomes too much of a chance to take. And believe me when I say it was certainly on my mind before I decided to carry this torch. This, I am sure, is why the DDA didn’t make an OFFICIAL recommendation. A large percent of that group are in business owners and are simply afraid of repercussions. The type of boycott I already mentioned in this letter. And this disappointed me because I know of NOT ONE person on the

DDA board who believes four bars clustered in the 100 bloc and one more around the corner is a good idea. Before I go any further, let's take a look at the attitude of those who are asking for your favor. They are starting out by THREATENING a lawsuit should you NOT give them what they want. Is this the way you want to get started? I have given you a copy of a page from the Michigan Control Code, Rules and Related Laws, which allow you options on denial. But I can understand why you might be concerned, because you already have a taste of one of the applicants and his lawyers. When Mr. Canfield purchased the bar on Lansing Highway, by car-count, he seemed to garner plenty of customers managing the bar with the sale of spirits, food and also entertainment. One can only surmise that eking out a living or perhaps just finding an easier way was the reason he made such a dramatic change, with more negative news for Durand and Vernon Township. Comparable problems can happen in our uptown area with current or future bar owners, because the battle for the dollar can become vicious if you allow it to happen, and there won't be anything you can do about it. Nick's Coney Island, by his own admission does quite well without liquor. He claims that he only hopes to increase his business by \$100 a day in the sale of spirits. Another bar owner said that would be a good \$20,000.00 investment because it would be a 7 year payback which was an ABSURD statement, but often typical of business people who don't think before they jump. When anyone would consider the cost or loss of interest on a \$20,000 investment, the cost of new equipment, the cost of labor, the new Liquor liability insurance, workmen's comp, and certainly the cost of beer, wine and liquor which is necessary to maintain an inventory PLUS the cost of the customers he will lose BECAUSE he had necessarily become a bar in a lot of his customers minds, regardless of how he marked his establishment, he will be LOSING money at only \$100 in sales of liquor, beer and wine. So you will actually be doing him a favor if you deny his application unless he has other plans that you're not aware of. What happens to the dollars he paid for the license if Nick is turned down? He will simply be refunded his payment or down payment "OR" he can have his bar in Owosso where it belongs, instead of you allowing Owosso and the State of Michigan to dump their problem in Durand. The bar owners of Owosso really hope you approve Nick's operation. ----That means one more problem-escrowed license at Durand's expense. Just ask yourself, why does Michigan have so many escrowed licenses when 35 years ago a prospective bar owner had to stand in line and pay big bucks for a license. The answer is simple, the bar business as it is today stinks. With all the clubs popping up which have different rules, even allowing some gambling and in some cases not even paying property taxes, the market has been diluted to the extent that few have a taste for the problems involved in owning a bar. Perhaps that is why the average length of time for a new liquor license is three years or less before a bar is sold again. But you need to take personalities out of your decision. You need not attempt to do the owners of the Iron Horse, the Club Car, the 206 Bar, Nick's Coney Island or Ken Canfield a favor. In my opinion you need to be concerned about the City of Durand, its marketability, its image and future development. What we really need is a concentrated effort to attract more retail by joining with the City, Chamber of Commerce, church leaders, residents, industry, and other concerned leaders and offer incentives to businesses for coming to Durand

on a non-compete basis. ----Those who will bring in a new service or product we don't already have. We don't need more beauty salons, barbershops, antique shops, chiropractors, gas stations, pharmacies, and insurance agencies, Laundromats etc. And we sure-as-hell don't need two or even one more bar. However, even though I truly believe my reasoning is strong and correct, your decision should be very easy. If you believe in your hearts that five bars, clustered in up town Durand is a good idea, vote in favor of that type of image for our uptown area. If you agree with the preponderance of your constituents, vote against it. Thank you for reading my letter. For a better and prosperous Durand.

Leonard J. Krawczyk.

Carolyn Geyer, 109 Obert Street, stated that she does not visit any bar in Durand, but if she wants to go to Nick's and have an alcoholic beverage, that should be her choice.

Ann Sleseman, 602 Gomas Court, stated that she is concerned with the image in the downtown area. "I am a patron of Nick's. My daughters go to the Iron Horse. By population, we already have enough bars. More bars will not improve our image."

Joe Seymour, representing the Moose Lodge, stated that the Durand Moose Lodge would not seek legal action against the City of Durand. The waiver of revenue is the only request coming before the city council. The Moose did a parking survey of the downtown. There are ample parking spaces available. In the Durand Moose Lodge, there are 200 members. 90% of them reside within the community. We are a non profit organization that gives money back to the community. We raise money through raffles, dues and social sales. We wish to relocated back to Durand because this where most of us live. We first organized in the basement of the Iron Horse; met shortly in the front of the Eagles, then moved to the current location in Vernon.

Tom Olund stated that he supports the Moose. He just came from dealing cards raising money for child abuse at the Genesee County Fair for the Moose Lodge. There are many members, and they raise money for charity.

Albert Asta, Chairperson for the Downtown Development Authority, stated that the City Council had requested input from the downtown businesses and he has been charged with the responsibility to gather that input. The decisions that are made here tonight will impact the future of this community. The businesses that we attract must compliment the existing businesses and the depot.

Richard Anderson, owner of Ben Franklin, stated that he did not think that Durand needed a lot of liquor licenses in the town. Nick runs a great business. He doesn't need the license for his business. We don't know what the future holds. Next time the bar is sold, it may not be a nice person who owns it. I also do not believe that there will be enough parking to support the Moose Lodge. We are experiencing a bad time right now getting stores in the downtown area.

Donna Riley stated that she likes living in Durand. “We only have one family restaurant in town. It’s busy; it’s nice. Let’s not make Durand like Bancroft. To the Moose Lodge, I’m sure that you do good work, but not in the downtown.”

Jude Gilbert reiterated Ms. Riley’s comments.

Mayor Schuyler stated that everyone who had signed in had spoken and that Citizen Input was now complete.

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

- 1) Solicitation Request: Shiawassee Humane Society – Pets on the Streets**
- 2) Solicitation Request: Kiwanis of Durand Area – Annual Peanut Sales**
- 3) Election of Trustees – MML Workers’ Compensation Fund**

YEAS: D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Canute.

NAYS: None.

Carried.

T Doyle moved, Krupp supported to approve the invoice from Capital Consultants in the amount of \$6,410.20 for construction inspection services at Creek Pointe Estates.

YEAS: T Doyle, Fuja, Krupp, Mayor Schuyler, Canute, D Doyle.

NAYS: None.

Carried.

Fuja moved, Krupp supported to approve the invoice from Capital Consultants in the amount of \$2,780.60 for work done to date on the Manfred Subdivision Inflow Elimination Project.

YEAS: Fuja, Krupp, Mayor Schuyler, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

D Doyle moved, T Doyle supported to approve the invoice from SME in the amount of \$1,904.62 for geo-technical investigations during the S. Oak Street Reconstruction Project.

YEAS: Krupp, Mayor Schuyler, Canute, D Doyle, T Doyle, Fuja.

NAYS: None.

Carried.

D Doyle moved, Fuja supported to approve the proposal from Capital Consultants, with the deletion of paragraphs D, G, & H per the City Attorney’s recommendation, in the amount of \$3,800.00 for engineering services for the extension of sewer and water mains on Obert Street.

YEAS: Mayor Schuyler, Canute, D Doyle, T Doyle, Fuja.

NAYS: Krupp

Carried, 5-1.

City Attorney McKone stated that whatever the City Council decides tonight, the Liquor Control Commission would probably follow that direction. One of your members is absent. Make your motion affirmative. If you deny your request, discuss the reasons for denial. Canute stated that he has lived here all his life. The Police Chief gave Nick a clear approval for the request. "I don't see where the liquor license will negatively affect the climate. Look at the business world and the competitiveness."

Canute moved, Fuja supported to table the liquor license transfer request until the next meeting when there will be a full council.

YEAS: Canute, Fuja.

NAYS: D Doyle, T Doyle, Krupp, Mayor Schuyler.

Failed, 2-4.

T. Doyle read the following statement. "Whereas, the population of the City of Durand is 3,933, and the State of Michigan will issue one class C liquor license per every 1500 people. We have already reached the limit the state will allow for the traditional issuance of a class C liquor license. Whereas, after reading the minutes of the Durand DDA meeting concerning this issue and further investigation, an appropriate on-premise liquor license is not readily available in our downtown development district. Looking at this issue is similar to looking at zoning ordinances. The first thing her is to "DO NO HARM". The issuance of an on-premise liquor license from another local unit of government would be detrimental to our Downtown Development District. Therefore, I move to not recommend the request to transfer an on-premise liquor license to Nick's Coney Island."

Canute moved, T Doyle supported to approve the transfer of the liquor license to Nick's Family Restaurant.

YEAS: Canute.

NAYS: D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler

Failed, 1-5

D Doyle moved, Krupp supported to approve the resolution of waiver: Transfer of Liquor License of Durand Moose Lodge # 2508 from Vernon, MI to Durand, MI.

YEAS: None.

NAYS: T Doyle, Fuja, Krupp, Mayor Schuyler, Canute.

Failed, 0-6.

Krupp moved, D Doyle supported to approve the amendment to the Teamsters Contract #214 changing residency requirements for those employees represented under that contract.

YEAS: Fuja, Krupp, Mayor Schuyler, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

There was no public comment, no department reports, nor City Council comments made.

NOTE: Due to the length of the meeting, the Executive Session that was scheduled on the agenda was inadvertently forgotten and the City Council did not convene for that meeting.

Mayor Schuyler adjourned the meeting at 11:15 p.m.

JULY 16, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, July 16, 2001 in the Council Chambers of Durand City Hall.

Mayor Schuyler called the meeting to order at 7.33 p.m.

Council Present: Bemis, Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler.
Council Absent: none.

D Doyle moved, Canute supported to approve the agenda with the addition of Item I – Annexation of 109 Obert Street into the City of Durand.
Carried.

Canute moved, Fuja supported to approve the minutes of the Special meeting held June 27, 2001, and the Regular meeting held July 2, 2001.
Carried.

D Doyle moved, Fuja supported to approve payment of city bills numbering from 26029 – 26093.

YEAS: Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT:

Paula Brooks, 104 W. Summit Street, asked if the joint meeting had taken place and what was the outcome. Mayor Schuyler stated that there was good chatter between everyone. The next meeting is scheduled for August 8, 2001.

Richard Cray, owner of 216 W. Main Street approached the City Council regarding the water bill that had been placed on his taxes. City Clerk, Mayor Schuyler and Councilperson Bemis sympathized with Cray, but agreed that as owner of the property, he is ultimately responsible for the water bills at his property. He would have to pay the tax bill.

Ken Canfield, owner of 116 N. Saginaw Street inquired as to why the City Council sent the liquor requests for the Moose Lodge and Nick's Family Restaurant to the DDA. He and Nick do not feel that it is right. It is a delay tactic. When he contacted the Liquor Control Commission, they stated that it had never been done before. A representative of the Moose Lodge stated that their group was in agreement with the City Clerk from the last meeting. The forms that they received and those that the city had received were different. Mayor Schuyler urged that the DDA hold a special meeting on July 23, 2001 to make a recommendation to the City Council. All City Council members strongly stated that the issue will come before the City Council at its next regular meeting. Moose Lodge members stated that the Moose Lodge is not a bar; it is a private club. You must have a card to enter, or come as a guest. Members also explained why they were called the Durand Moose Lodge. They originally met in the basement of the Iron Horse Pub, then shortly at the Eagle's Club, but outgrew both locations in Durand. They found a building in Vernon, but they have outgrown that space, too. They want to come back into Durand.

Bob Christenson, representing D.V.A. (Durand Vernon Ambulance) stated that DVA is experiencing growing pains, and it is struggling to keep a positive cash flow. Some communities are paying more in assessments than others are; some \$30; some \$50. We are asking that the City of Durand raise their assessment from \$10.00 per household to \$25.00. He also explained the rising cost of emergency service and the newest techniques, which require significant amounts of training. City Council members and Administrative staff asked several questions regarding DVA's request. Canute requested a copy of their budget, which had been previously requested by the City Manager in January at the annual meeting. T. Doyle inquired about the paramedics on staff. City Clerk commented on the differing assessments that local jurisdictions are collecting. City Manager recommended that DVA restructure and the governmental units that participate in the assessments have a seat on the board of directors. It was consensus of the City Council that more information was required before they would be comfortable in making a decision on the rate increase for assessment.

Fuja moved, Bemis supported to accept the low bid for ferric chloride from PVS Technologies at \$274.00 per dry ton.

YEAS: D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

D Doyle moved, Krupp supported to award the bid for Tree Trimming to Robinson Tree Service for tree trimming, stump removal, and tree inspection at a cost not to exceed \$18,000.00.

YEAS: T Doyle, Fuja, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle.

NAYS: None.

Carried.

T Doyle moved, Krupp supported to approve the final invoice from Capital Consultants in the amount of \$12,568.93 for construction engineering services during the South Oak Street Reconstruction Project.

YEAS: Fuja, Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle.

NAYS: None.

Carried.

D Doyle moved, T Doyle supported approve the final invoice from Capital Consultants in the amount of \$1,135.00 for construction engineering services for the standby power modifications/additions project.

YEAS: Krupp, Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle, Fuja.

NAYS: None.

Carried.

D Doyle moved, Canute supported to Table Item F – Approval of Copier Maintenance, until the next meeting.

Carried.

T Doyle moved, Canute supported to approve the concept from Rowe Engineering, Inc. for engineering services regarding the Optimist Park CMI grant project.

Carried.

Fuja moved, Bemis supported to accept the proposal from Wigen, Tincknell, Meyer, & Associates for the Bidding and Construction Administration for the renovations to the fire hall.

YEAS: Mayor Schuyler, Bemis, Canute, D Doyle, T Doyle, Fuja, Krupp.

NAYS: None.

Carried.

D Doyle moved, Fuja supported to approve the annexation for 109 Obert Street into the City of Durand.

YEAS: Bemis, Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler.

NAYS: None.

Carried.

PUBLIC COMMENT: Agnes Witherell, 416 Brand Street, thanked the City Council for annexing her daughter's property into the city. She also thanked them for the tree trimming program.

Carolyn Geyer, 109 Obert Street, thanked the City Council and administration for annexing her property.

DEPARTMENT REPORTS: Chief Rinker reported that the Fire Department is looking for new firefighters.

Mince reported that the sidewalk program is behind schedule two weeks. The parking lot at City Hall has a lot of scruff marks in it. He is looking into what can be done. There is a meeting scheduled for July 18th with residents in Manfred Sub regarding the sewer project.

Tanner stated that one of the city's part time officers was recently hired by the Sheriff's Department full time. He has just hired a new part-time officer, David Powell, as the replacement.

COUNCIL COMMENTS: Canute commented on the false alarm calls that were reported in the Police Monthly Report. Also, what are we going to do with Shaw Park? Are we going to sell it or not. City Manager stated that it was up to the City Council to make a decision on Shaw Park. It is was decided that it would be brought before the City Council at their second meeting in August and that residents would be advised of the meeting. Canute commented on the bathroom at the Farmers' Market that has been posted for "Crafters Only". Can we deny use to the public? City Manager stated that the bathroom facility is a temporary situation so that the Farmers' Market can be held. Canute further inquired about the lighting at Trumble Park. Mince stated that he had gotten a quote. City Manager stated that he thought that the Parks and Recreation Commission was looking at the concept of a putt-putt golf course, and the plan was to wait for lighting until the layout of the course is developed. There needs to be a comprehensive plan for Trumble Park. There are already parking issues. Canute stated that the resurfacing/sealing looks good on the basketball courts at Trumble Park.

Bemis thanked Administration for having the meeting with residents on July 18th.

Canute moved, D Doyle supported to adjourn into Executive Session at 9:40 p.m. to discuss the pending litigation.

YEAS: Canute, D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Bemis.

NAYS: None.

Carried.

Reconvene from Executive Session at 10:16 p.m.

T Doyle moved, Bemis and Fuja supported to accept the offer from Vernon Township and Blackburn if the plaintiffs agree to put the lawsuit on hold pending global negotiations regarding land development and subject to satisfactory language in the agreement.

YEAS: D Doyle, T Doyle, Fuja, Krupp, Mayor Schuyler, Bemis, Canute.

NAYS: None.

Carried.

Mayor Schuyler adjourned the meeting at 10:17 p.m.

JULY 2, 2001 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, July 2, 2001 in the Council Chambers of Durand City Hall.

Mayor Pro-Tem Canute called the meeting to order at 7.30 p.m.

**Council Present: Bemis, Canute, D Doyle, T Doyle, Fuja, Krupp.
Council Absent: Mayor Schuyler.**

D Doyle moved, Fuja supported to approve the agenda, as presented.

Krupp moved, Bemis supported to approve the minutes of the regular City Council meetings held on June 18, 2001 as presented.

D Doyle moved, Fuja supported to approve payment of city bills numbering from 25982 – 26208.

YEAS: Canute, D Doyle, T Doyle, Fuja, Krupp, Bemis.

NAYS: None.

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street asked if the meeting with Vernon Township had been positive. City Manager responded that he thought that the meeting was positive and that they will be meeting again and he is optimistic for more progress.

Douglas Corwin, Attorney representing residents of Manfred Sub who are suing the City, stated that his clients have concerns with the new subdivisions. There are to be 41 units – who are the city's engineers? City Manager: Capital Consultants. What about the sanitary sewer? Is it going to be tied to the sewer in Manfred Sub? City Manager: Yes. What about the storm sewer? City Manager: The developer has been required to put a retention pond in the subdivision and that water will be routed to the Shepard Drain. Is the city going to redo the city ordinances? City Manager: No.

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

1) Approval of Election Inspectors for Shiawassee District Library Special Election Precinct I – Gayle Silas, Chairperson, Nancy Cech, Nora Eddy

Precinct II – Tracy Lytle, Chairperson, Megan Greeson, Donna Turner

2) Approval of End of Summer Cruisin' 5K Walk/Run

3) Designation of Voting Delegate/Alternate: MML Annual Meeting

Lynn Markland, Delegate

Amy Roddy, Alternate

4) Re-Appointment to Boards and Commissions with the exception of Planning Commission and Zoning Board of Appeals.

Library Board – Donald Johnson – exp. 2004
Library Board – Becky Landris – exp. 2004
Elections Commission – Richard Anderson- exp. 2003
Board of Review – Rick Grimmatt – exp. 2004
Local Officers Compensation Commission – Steve Watkins – exp. 2006
Parks and Recreation Board – Matt Fiebertz – exp. 2004
Parks and Recreation Board – Kim Lauderdale – exp. 2004
DDA – Dennis Bittner- exp. 2004
DDA – Betty Fuller – exp. 2004
DDA – Gene Henderson – exp. 2004
DDA – Lisa Youngston – exp. 2004

YEAS: D Doyle, T Doyle, Fuja, Krupp, Bemis, Canute..
NAYS: None.
Carried.

Krupp moved, Fuja supported to accept the proposal from Wade Trim for professional planning services for three (3) months at a cost of \$300 per month retainer.
YEAS: T Doyle, Fuja, Krupp, Bemis, Canute, D Doyle.
NAYS: None.
Carried.

D Doyle moved, Krupp supported to refer the request for Approval to Transfer On-Premise Liquor License – Nick’s Coney Island, Inc. to the D.D.A. for input, and for further administrative information.
YEAS: Fuja, Krupp, Bemis, Canute, D Doyle, T Doyle.
NAYS: None.
Carried.

D Doyle moved, Fuja supported to refer Resolution of Waiver: Transfer of Liquor License of Durand Moose Lodge #2508 from Vernon, MI to Durand, MI, to the D.D.A. for further input.
Carried.

Fuja moved, D Doyle supported to approve the parade for the Fourth of July.
Carried.

PUBLIC COMMENT: Leonard Krawczyk, of the Iron Horse Pub, asked if the Moose Lodge had requested a liquor transfer.

DEPARTMENT REPORTS: Police Department reported that the new computers had been installed into the police cruisers, and that the approximate cost to the city would be about \$3,000.

Treasurer reported that the new fiscal year had begun. The tax bills are out in the mail and the audit will begin mid-August.

City Manager reported that the City Hall parking project is completed. He also reported that he and the City Attorney had met with representatives from Vernon Township. The meeting was productive. The next scheduled meeting is July 12th. He is pleasantly surprised and he believes that the discussions are heading in the right direction.

COUNCIL COMMENTS: T. Doyle wished everyone a safe and happy 4th of July holiday.

Bemis requested an update on the Southside storm sewer project. City Manager stated that the DPW Director is drafting a letter to be mailed to the residents in Manfred Sub. There will be a meeting sometimes later this month to meet with residents regarding a solution to the cross connections of storm and sanitary sewers.

Mayor Pro-Tem Canute adjourned the meeting at 8:12 p.m.

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