
JUNE 20, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, June 20, 2005, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

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

**Tim Doyle moved, Boggs supported to approve the minutes of the regular meeting held June 6, 2005.
Carried.**

McDonough moved, Bemis supported to approve the payment of the City bills numbering 31524-31592.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., asked if there was an ordinance regarding the packet scooters that the kids have been riding around town. Chief Tanner responded that there have been very few complaints about them at this time but all complaints are addressed by the police department.

Bemis asked if the City Attorney would look into this issue.

Brooks also asked about the status of the joint meetings between the Township and City. Canute responded that at this time there has not been any response from the Township.

Tim Doyle moved, McDonough supported to cancel the regularly scheduled Council meeting scheduled for July 4, 2005.

Carried.

D. Doyle moved, Boggs supported to approve the request from the Durand Chamber of Commerce to use the property on Main Street as a location for a circus on August 16, 2005. The Chamber of Commerce will be required to provide insurance coverage listing the City of Durand as an additional insured.

Carried.

D. Doyle moved, McDonough supported to approve the 1st reading of the:

RESOLUTION

WHEREAS, the City of Durand did adopt the codification of the Ordinance of the City in the “Durand City Code,”; and

WHEREAS, the conversion process the sub-section 9.25 (12) entitled “Locomotive Whistle”, was inadvertently omitted; and

WHEREAS, it is the intention of the City Council of the City of Durand to continue the sub-section in full force and effect and to treat said Ordinance as enforceable.

NOW, THEREFORE, BE IT RESOLVED that sub-section 9.25 (12) shall be reinserted into the “Durand City Code”.

IT IS FURTHER RESOLVED that the sub-section shall be codified as Section 34-141 (12).

Dated the 20th day of June, A.D., 2005.

Date Adopted: _____

YEAS:

NAYS: _____

CAMERON CAUTE, Mayor

AMY J. RODDY, City Clerk

Carried.

D. Doyle moved, Tim Doyle supported to adopt the 2005-06 fee schedule for water, sewer and refuse services.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

NAYS: None

Carried.

Bemis moved, Tim Doyle supported to approve the amendments to the 2004-05 fiscal year budget as presented.

YEAS: D. Doyle, Tim Doyle, Hall, Bemis, Boggs, Mayor Canute

**NAYS: McDonough
Carried.**

Boggs moved, McDonough supported to reject the proposal to reorganize The Shiawassee Area Transportation Association and request the Reorganization Committee to meet again to address our concerns.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle

**NAYS: None
Carried**

CITIZENS SPEAK: Paula Brooks, 104 W. Summit St., Asked if the new utility rate schedule include the 1000 gallons in the RTS fee. Mayor answered that it does not.

Donna Kline asked if when that Chamber is scheduling the circus they should inquire about surrounding areas having similar dates which can cause a decrease in attendance.

Hall answered that this question was addressed and that Durand would be the only show in the area.

DEPARTMENT REPORTS: Chief Tanner stated that there had been four properties turned over to the DPW for mowing. The new police car should be back this week. Also, there are going to be bids put out for the two blue police cars.

COUNCIL COMMENTS: Hall stated that summer time problems have arose with high speed bicycles, rollerblades and motor scooters. Also, U-turns have been more frequent and businesses in the downtown are not getting the support needed by patrolling these areas. Something more needs to be done before someone gets hurt.

Chief Tanner responded that the Police Department is doing a foot patrol during the day time and the evening.

Boggs stated that he agrees with Hall that there is a problem in the Downtown area. He also stated that the City is now in compliance with Bolt.

Bemis stated that there was no Staff Report in the packet and this is an item that needs to be in every council packet. Also, that he is still waiting on a forecasted budget report from the Building inspector regarding the mechanical, plumbing and electrical permits being taken over by the City.

Mayor Canute let everyone know that he will be in the dunk tank at the 4th of July Hometown Celebration in Corunna from 3 – 4 p.m.

Mayor Canute adjourned the meeting at 8:00 p.m.

JUNE 6, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, June 6, 2005, in the Council Chamber of Durand City Hall.

Mayor Canute called the meeting to order at 7:32 p.m.

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

**D. Doyle moved, Bemis supported to approve the agenda with the addition of item – B. Proposal to Vernon Township.
Carried.**

**McDonough moved, Tim Doyle supported to approve the minutes of the regular meeting held May 16, 2005 and the special meetings held May 23 and May 31, 2005.
Carried.**

Tim Doyle moved, Hall supported to approve the payment of the City bills numbering 31436-31523.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., inquired about scheduled meetings between the City and Vernon Township.

Thomas Johnson, 103 Sycamore St., stated that he lives across the street from the old Arthur Lucas Jr. High building. He is aware that the owner's variance has expired that was granted for the senior citizens apartment and that at this time there are many homes in the neighborhood for sale in the neighborhood, mostly due to the condition of the building. He stated that he is concerned with what is going on with the status of the building.

City Manager responded that he really was not aware with what was going on with building.

City Attorney state that the condemnation process should begin and takes approximately 3-5 months.

Tim Doyle moved, McDonough supported to approve the Waiver, Indemnification and Release of Liability with the UAW/GM PEP so that we may accept employees for the UAW Job Bank.

City Attorney stated that the waiver and indemnification release is not acceptable language for City.

Tim Doyle moved, McDonough supported to amend motion to exclude the waiver, indemnification and release of liability.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

NAYS: None

Carried.

PROPOSAL

Re: Annexation Requests

The City of Durand would propose a master agreement between the City and Vernon Township for the equal treatment of annexation requests by owners of real estate outside the City. Upon application of a property owner, the City and Township would enter into a PA 108 Agreement. The terms would include the following:

- or, if**
- 1. Annexation would occur upon the adoption of the Agreement referendum is necessary, upon th conclusion of the election.**
 - 2. The City would pay to the Township one mill to represent the general operating millage levied by the Township. If the Amendment reduces the amount assessed by the City, then the Payment to the Township would be decreased accordingly.**
 - 3. The City would pay to the Township an amount equal to the actual money collected by the Township for fire protection in the last year prior to the annexation.**
 - 4. Payments under the PA 108 would continue for a period of ten (10) years.**

Both the City and the Township would take all steps necessary to effectuate the transfer of the property. Any council/board action to approve the transfer, including Resolution would be passed. Neither the City nor the Township would actively oppose the PA 108 Agreement should a referendum be required. Form documents would be created to effectuate the process.

This Proposal does not apply to City owned property.

DEPARTMENT REPORTS:

Police Chief Tanner stated that the new police car has arrived, it will be ready for the road soon and old vehicle will be sold. Also, grass enforcement is in full swing. Notices are out and owners have until Friday at which time we will then have the properties cut.

City Manager stated that he is working with the Police Chief on a policy for responding to assistance outside of the community.

COUNCIL COMMENTS:

McDonough thanked the DPW for removing a tree the night before. Also, asked about a hole at Manfred and Vinewood.

McDonough requested street sweeper schedule.

Hall thanked Mr. Johnson for coming out tonight. He then inquired about violations of two hour parking and stated that U turns in the downtown are out of hand.

Mayor Canute asked if the City could required the owners of the Old Jr. High building to keep it better secured.

D. Doyle moved, McDonough supported to adjourn to Executive Session to discuss the potential purchase of property.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

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

MAY 16, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, May 16, 2005, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

**Bemis moved, D. Doyle supported to approve the agenda with the addition of item G – Resolution Authorizing Installment Purchase Contract for a Vactor Truck.
Carried.**

**McDonough moved, Boggs supported to approve the minutes of the regular meeting held May 2, 2005 and the special meeting held May 6, 2005.
Carried.**

McDonough moved, Bemis supported to approve the payment of City bills numbering 31415-31435, with the exception of bill number 31434.

Tim Doyle moved, Hall supported to amend the motion to include approval for check number 31434.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, Bemis

NAYS: McDonough

Carried 6-1

CITIZENS PRESENT: No one spoke at this time.

McDonough moved, Boggs supported to approve the renewal of the contract with Scodeller Construction for over band crack sealing at a cost not to exceed \$10,000.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

NAYS: None

Carried.

D. Doyle moved, Boggs supported to approve the proposal, in the amount of \$2,800.00 from Capital Consultants to evaluate the HVAC system at City Hall.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

D. Doyle moved, Hall supported to approve the sewer and water rate study and direct the administration to prepare the resolution setting the new user rate.

Carried.

McDonough moved, Boggs supported to authorize the City Treasurer to roll the delinquent accounts to the property tax bills as a lien against the property so that the delinquent amounts can be collected with the annual property tax invoice.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle

NAYS: None

Carried.

D. Doyle moved, Bemis supported to approve the first reading of the 2005-06 Budget.

Carried.

**D. Doyle moved, McDonough supported to approve the budget meetings for the 2005-06 Budget as presented.
Carried.**

McDonough moved, Bemis supported to approve the resolution authorizing installment purchase contract for a Vactor Truck.

YEAS: Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle

NAYS: None

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Attorney requested direction from the City Council, he has received a report from Durand Feed and Grain's Environmental Attorney outlining environmental contamination. The cost is \$3805.00 to clean up the contamination. Once you receive the property you still must demolish the buildings to make the property usable.

McDonough asked what the property is valued at.

City Manager responded that he does not have any idea what property in the downtown area is worth.

City Attorney added that the Council previously accepted the property as a gift. Now they just need to decide if they wish to proceed.

Boggs moved, McDonough supported to accept the gift of property from the owners of Durand Feed and Grain.

YEAS: McDonough, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

NAYS: None

Carried.

City Attorney reported on the Rigdon vs. City of Durand case. Court of Appeals ruled in favor of the City and dismissed the case against the City.

City Manager stated that he had attended the Fireman's Ball and Jason DeFrenn was announced to be Fireman of the year. Also, Railroad Days went smoothly, no known problems.

City Manager reported the progress on Columbia Dr. and stated that he has been working on the budget.

COUNCIL COMMENTS: Hall stated that the police car parked at the Water Department was authorized to be sold. He asked what was going on with this vehicle.

Boggs and D. Doyle stated that they had discussed the same subject and discussed using it for the Fire Chief vehicle.

D. Doyle thanked Lt. Powell at the Sheriffs Dept. for initializing the painting at Trumble Park, they did a great job.

Bemis: Talked with Alden Acker for a Railroad Days wrap up meeting. City Council the meeting will be held the 1st Thursday in June. Also, the old blue police car that has been sitting behind the Police Department, I want to see it on the road not sitting behind City Hall.

Mayor Canute thanked Rod and the inmates for making the park look so good.

Mayor Canute adjourned the meeting at 8:38 p.m.

MAY 2, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, May 2, 2005, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

**Bemis moved, Boggs supported to approve the agenda with the addition of item A-1 Appointment to Shiawassee Council on Aging.
Carried.**

**T. Doyle moved, D. Doyle supported to approve the minutes of the regular meeting held April 18, 2005 and the special meeting held April 28, 2005.
Carried.**

D. Doyle moved, Bemis supported to approve the payment of City bills numbering 31319-31414.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Jeremy Hall, 705 Olivet St., a coach for Durand Youth Baseball, stated that they would like to run the concession stand to raise money for their organization.

Lloyd Frederick, 604 Princeton Dr., asked what the policy for removing road kill was because there was a dead possum on Harvard Drive for five days. City Manger responded that usually someone calls City Hall and the D.P.W. will pick it up.

Frederick also stated that the bathrooms at Optimist Park have not been being unlocked. The next three Saturdays I would like to have the bathrooms unlocked and cleaned by 8:00 a.m.

Bill & Brenda Kane owners of Kane's Club Car stated that they are having a shuffleboard tournament on May 27-30; this is the largest tournament in Michigan. There will be a few RV vehicles that need a place to park their vehicles.

City Manager responded that this area was not designed for parking vehicles of that type. The walkway is in disrepair due to the heavy equipment. Mr. Kane stated that the vehicles are small RV's and not like the heavy semi's that the carnival uses.

City Council members discussed the possibilities of moving parking for carnival to Holiday Shores and Walnut Hills.

City Manger stated that the problem is that we allow the carnival to use it at Railroad Days and then to let the Club Car use it for special events. It is not a licensed facility; it is primitive at best. It is not the use that the area was designed for.

Mr. Kane responded that the Carnival members bath at our facility, they steal our toilet paper there is public drinking and nudity. I don't think that we should allow the carnival to park there this year.

Public Hearing: Creating an Industrial Development District for Simplicity /Terex

Public Hearing opened 8:03 p.m.

Joe Borgstrom of the Shiawassee E.D.C stated that he supports this project.

Michelle Fox a controller for Simplicity/Terex stated that there are six new employees so far and a \$400,000 investment in machinery.

Pubic Hearing opened 8:05 p.m.

**Boggs moved, McDonough supported to approve the request from the Durand Railroad Days Committee as presented with the exception of the carnival vehicle parking.
Carried.**

**McDonough moved, Bemis supported to appoint Donna Tobias to serve as the City's representative on the Shiawassee Council on Aging.
Carried.**

D. Doyle moved, Tim Doyle supported to accept the proposal from Capital Consultants for design, bidding and construction services for the ferric chloride containment area at the Waste Water Treatment Plant, upon the review of the City Attorney.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, Bemis

NAYS: McDonough

6-1

Carried.

D. Doyle moved, Boggs supported to accept the proposal from Dixon Engineering to develop technical specifications for cleaning the water tower, ground storage tank and pressure filters at a cost of \$600.00.

YEAS: Tim Doyle, Hall, Bemis, Boggs, Mayor Canute, D. Doyle

NAYS: McDonough

6-1

Carried.

Tim Doyle moved, Boggs supported to approve the second reading of the ordinance for plumbing, electrical & mechanical inspections.

YEAS: Hall, McDonough, Boggs, D. Doyle, Tim Doyle

NAYS: Bemis, Mayor Canute

5-2

Carried.

Maureen Wegner from Capital Consultants will be at the meeting to discuss the water and sewer rate study.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director stated that brush pick-up starts tomorrow.

City Attorney stated that the solicitor who was attempting to sell in the downtown business district without a permit was prosecuted.

City Manager stated that he is working on the budget right now and will include the water & sewer rates in the budget. Last week the City Manger was in Lansing and spoke at a Committee Hearing regarding rail transportation. Also spoke with Senator Garcia and Ball regarding the decreases in revenue sharing again.

City Clerk stated that the school board election is tomorrow.

COUNCIL COMMENTS: Hall: Ronald Siminski requested that the City hold a closed door session for rezoning his property. I would like to state that this illegal and I am appalled at this request.

McDonough: Sewer separation project – the south side of the community should have been completed before the north side of town was started. Mince responded that other jobs sometimes take higher priority.

City Manager: The lady that was at the last City Council meeting finally had a meeting with Steve and myself. She does not want to put in a French drain, she just wants to do what is most convenient to her.

Mayor Canute: asked how the fence was coming at Optimist Park.

Mayor Canute adjourned the meeting at 8:54 p.m.

APRIL 18, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, April 18, 2005, in the Council Chambers of Durand City Hall.

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

**Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall
Council Absent: McDonough (excused)**

**Bemis moved, D. Doyle supported to approve the agenda with the deletion of Item D: Saginaw Street Rehabilitation.
Carried.**

**Boggs moved, Tim Doyle supported to approve the minutes of the regular meeting held April 4, 2005.
Carried.**

D. Doyle moved, Bemis supported to approve the payment of the City bills numbering 31298-31318.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Sara Miller, 114 E. Vinewood, stated that she was here to inquire about the storm sewer separation drain requirement as far as what the state requires and the steps the City is taking.

City Manager responded that the City is working with the DEQ on this project. There are a number of homes that have footing drains that are draining into the City's storm sewer and this water is being unnecessarily treated at out treatment plant. We are separating the weep tiles at the homes and redirecting the water away from the plant. By doing this we have taken a lot of storm water out of the plant that has helped to prevent overflows during large rain falls.

Miller inquired about the proper way to drain and the direct the water. She stated that she has seen many homes discharging water into their front yards and this has caused a mess in the yards and problems with flooding and ice in the road. City Manger responded that these homes will only temporarily be able to maintain the water this way they will probably have to redirect the water to a dry well.

Miller explained what her situation was and that she was going to receiving help from friends to do that project and wanted to make sure she had correct information before accepting physical and financial help from friends and family.

City Manger offered to go to her home with the DPW Director and offer help in the best way to go about this project.

Don Gravis, 222 Russell, stated that his property is located on the dead end of Russell Street pass Ann Arbor and would like to bring it to the attention of the Council the poor condition of the street. This part of the street is really making progress with improvements with newly constructed homes and property owners making the area look nice. But the road is in serious decline, there is quite a bit of flooding and drainage problems at the end of the street and there is no where for the water to go due to the railroad tracks.

The home owners in the area have decided to take it upon themselves to see if we can alleviate some of the problem but there is no where to drain do to the railroad tracks. We have tried contacting the Railroad about clearing the ditches but have had no response. Consumers has caused a lot of the damages to the road during running new lines, there may be something that Consumer can do.

City Manager responded that Act 51 is what allows for revenue to the streets and the formula that gives us this money includes population as a factor which we have lost 300 people in the City as of the last count. This has caused a \$1500 lose a year, even though we have ended up with more houses the population has decreased. In the past we have taken money from other funds to do streets. The Headlee agreement has caused us to lose money also and I believe that the only way to get money for streets would be for a street millage.

Gravis stated that there are house all the way down Russell but nothing seems to get done past Ann Arbor as far as patching, in the past we had problems with snow plowing but since I spoke with Steve this problem has been resolved.

DPW Director: Since I have talked to Mr. Gravis last I have talked with the engineers about plans for this area and have been trying to contact Consumers Power, unfortunately Consumers is not the easiest to work with. Also the reclassifying of these streets in the area will bring more money to do repairs.

Gravis: I just wanted to make sure that if these streets are reclassified then you need to repair the entire street not just to Ann Arbor.

City Manager: It has not been the practice of the City to ignore blocks and I agree that if patching potholes and plowing needs to be done on all streets this will be taken care of.

Paula Brooks, 104 W. Summit, thanked the Council in the steps that have been taken to resume talks between the City and Township.

Public Hearing: Mechanical, Electrical & Plumbing Inspections

Mayor Canute opened the Public Hearing at 8:04 p.m.

City Manager stated that the Building Department has never paid for itself in the past and in the last few years we have been required to separate the building item out which has brought to the attention the subsidizing the City does to this fund.

Building Inspector stated that the fees that will be generated from the City taking on the inspections of the Plumbing, Mechanical and Electrical permits will generate revenues for the building department, instead of giving the money to the County.

Doyle asked if the Building Inspector had anything in writing to give the Council.

Mayor Canute closed the Public Hearing at 8:10 p.m.

Tim Doyle moved, **Boggs** supported to appoint **Becky Landris** to the Shiawassee District Library Board for a four-year term starting July 1, 2005 and ending June 30, 2009.

Carried.

D. Doyle moved, **Bemis** supported to accept the bid, in the amount of \$210,914.50 from **Perrin Construction** for the **Columbia Drive Sanitary Sewer Improvements and Obert Street Improvements.**

YEAS: **Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, Bemis**

NAYS: **None**

Carried.

Bemis moved, **D. Doyle** supported to accept the bid from **J.B. Supply** for reroofing the **Lincoln Street Water Plant** in the base amount of \$6,740.00 is accepted.

YEAS: **D. Doyle, Tim Doyle, Hall, Bemis, Boggs, Mayor Canute**

**NAYS: None
Carried.**

Boggs moved, D. Doyle supported to approve the proposal from Capital Consultants in the amount of \$58,000 for Main Street Rehabilitation and Utility Improvements Project.

Tim Doyle moved D. Doyle supported to amend the motion by adding “pending review by the City Attorney”

YEAS: Tim Doyle, Hall, Bemis, Boggs, Mayor Canute, D. Doyle

**NAYS: None
Carried.**

CITIZENS SPEAK: Paula Brooks, 104 W. Summit, asked if the Main Street project had been put back another year.

City Manger responded that there is no way to design the project and build it in the same year. We are still working with Congressman Rogers office and we need to work with business owner on Main Street to make sure there is adequate parking for businesses during this process.

D. Doyle moved, Bemis supported to approve financing for the Vactor Truck through JP Morgan Chase & Co. for a 10 year period at 4.05%.

YEAS: Hall, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle

**NAYS: None
Carried.**

DEPARTMENT REPORTS: Fire Chief: A new Fire fighter has been hired, Jeff Goodman and he is the first trainee to go through a new agility test that has been worked on by the City Manager and myself. Also the Fireman’s Ball is going to be May 14, 2005.

Mayor Canute thanked the Fire Chief and Fire Department for the bon fire.

City Attorney: In response to two question that Councilman Hall asked at the last meeting, first the solicitors ordinance, I have reviewed the ordinance and believe it is a good ordinance which is enforceable and which pertains to the residential and commercial districts. The fee portion may need to be increased and this will be addressed during budget workshops. The second question was in reference to charging for fire runs on home and vehicles. There is no prohibiting of the City to collect on fire runs from the Insurance Companies. From research by the City Manager there is no additional cost to the Insured customer because the fee is built in to all homeowner and auto owner policies.

City Manager: The Gandy Dancer Ball and the Bon Fire were both very successful events over the past weekend which rose substantial funding for the upcoming events in celebration of the 100 years of the Depot.

The meeting last Thursday with Vernon Township went very well and was surprised at the comments of Vernon Township residents on the positive side.

Will be working on the City budget and have concern about state shared revenues due to the possibility of additional cuts. Encourage all of you to keep in touch with our Congressman and Senators.

COUNCIL COMMENTS: Hall: The article by Justin Schneider in the Argus-Press regarding the Old Jr. High was inaccurate, Mr. Siminski stated that this building is maintained which is untrue because City DPW employees have had to maintain the building a number of times. Justin was given misinformation and has agreed to print another article.

City Manager stated that Mr. Siminski stated that we did not cooperate with him and this is a lie, the City gave him exactly what he asked for, a special use variance was granted for him to pursue a senior apartment building which he never took action upon. He also stated that the residences rallied against him which also is untrue because at the ZBA meeting where he was granted the use variance he walked out of here shaking the hand of the surrounding residences that were behind him in his goal to build a senior apartment complex.

D. Doyle added the City Planner, Nick Lomako of Wade-Trim worked with Mr. Siminski each step of the way to prepare him to come to the ZBA so that he would have all of his requirements and plans in order.

Boggs asked if it would be possible to reschedule the May 2nd workshop. City Manager suggested having it after the regular meeting on May 2nd.

Mayor Canute asked if the fencing at Optimist park will be repaired before the season begins, who is responsible for unlocking the bathrooms and when will the drinking fountain be turned on? . DPW Director stated that he is still waiting on a quote for the fence repair, the police are unlocking the bathrooms but the men's is closed for repairs right now and the drinking fountain is not turned on till the end of April.

Mayor Canute asked the thoughts of the Council on blocking off Shaw Park for parking during the ball tournaments. City Manager discouraged turning the park into a parking lot and suggested having Shaw Park put on the ballot to sell.

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

APRIL 4, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, April 4, 2005, in the Council Chambers of Durand City Hall.

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

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis**

**D. Doyle moved, McDonough supported to approve the agenda with the deletion of item C: Approval of Financing for Sewer Truck and replace with item C: Declare Outstanding utility Account's Delinquent.
Carried.**

**McDonough moved, Boggs supported to approve the minutes of the regular meeting and the minutes of the Executive Session held March 21, 2005.
Carried.**

McDonough moved, D. Doyle supported to approve the payment of the city bills numbering 31245-31297.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., asked what is the status of the Township and the City meetings. Mayor Canute responded that the meeting will be April 14th and will be open to the public.

Tim Doyle moved, McDonough supported to set the public hearing for the consideration of an Industrial Development District, for the Terex/Simplicity facility, for Monday April 18, 2005 at 7:30 p.m. at the Durand City Hall the City Council Chambers.

Carried.

D. Doyle moved, McDonough supported to approve the Change Order No. 1 for the Mackinaw Street Improvements and Monroe Street Water Main Improvements Project for a net deduction of \$19,044.26.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Boggs

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported to declare the outstanding utility bills delinquent.

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director: Brush pick-up begins tomorrow this does not include leaves or debris. Leaves and yard waste is picked up by Waste Management.

City Manager: Shiawassee Economic Development partnership grant for Water Main. Also, there will be workshops for Sewer and Water rate study at 6:00 p.m. on April 18th.

COUNCIL COMMENTS: Rod Hall: Solicitors ordinance changed to address solicitation in retail establishments. Also, homeowners, business owner fire insurance covers fire run cost, we could bill for fire runs.

City Attorney stated that himself and the City manager will review insurance coverage plans and make a recommendation regarding billing for fire runs in ordinance form.

Mayor Canute adjourned the meeting at 8:00 p.m.

MARCH 21, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, March 21, 2005, in the Council Chambers of Durand City Hall.

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

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis**

**Hall moved, McDonough supported to approve the agenda as presented.
Carried.**

**D. Doyle moved, Boggs supported to approve the minutes of the regular meeting held March 7, 2005.
Carried.**

Tim Doyle moved, McDonough supported to approve the payment of the city bills numbering 31171-31244.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 Summit, asked if there have been any meeting dates set for discussion between the City and the Township.

Mayor Canute responded that he had talked with the Township Supervisor on Monday and had given him two dates. The Mayor stated that he had not heard back from him at this time.

Brooks stated that something needs to happen for this to be resolved; it has been 8 years since there was a court order stating a mutually beneficial resolution needed to be implemented.

City Manager interjected that there was an agreement with the Township that was voted on by the Township residents. This agreement was unanimously approved by the City Council and with a majority approval from the Township Board. We have complied with what we said we would do and the Township residents did not want it. I am not saying that we will not get one in the future, but it is not fair for you to criticize the City and the Council when we did negotiate an agreement.

McDonough moved, **Boggs** supports to approve the Resolution for Street Name Change correcting the street name of Ann Arbor.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Boggs

NAYS: None

Carried.

D. Doyle moved, **Tim Doyle** supported to award the lawn care bid to C.M. Warner-Lawns and Landscapes. This is a two-year bid award.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

McDonough moved, **Boggs** supported to award the bid for a newer sewer cleaning truck to the low bidder, Jack Doheny Supplies, Inc. in the amount of \$227,307.00 pending financing.

YEAS: Tim Doyle, Hall, McDonough, Boggs, Mayor Canute, D. Doyle

NAYS: None

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: **DPW Director:** Brush pick-up will begin April 4th. Also, MDOT has agreed that we have 11 streets that need to be reclassified which would make them available for federal funding.

COUNCIL COMMENTS: **McDonough:** Regarding Sewer Separation – I would like to see headers started on the South side of town before other projects are started.

Rob Kehoe, Building Inspector, stated that he came tonight to talk about the plumbing, mechanical and electrical permits and would like to know if there is any information the council would like him to attain before the next meeting.

City Manager stated that there needs to be a public hearing held for this to be amended to the ordinance. We will also need a list of fees including the cost of permits, what the City will be charged by the inspectors and who will be employing the inspector.

Hall: asked what is going on at the Jr. High, there were DPW workers boarding up and securing the building, I believe that tax money could go to better use.

DPW Director responded that the building owner is charged for any work the City has to do on the building.

McDonough asked if we could require the owner to put up a fence surrounding the building since he is doing a poor job of securing the building.

City Manager responded that the only thing the City can do is move for condemning the building but it will end up costing the City money.

City Attorney stated that the City would have to go through condemnation procedures and at that there would be no guarantee that the judge would be in agreement with us. You are doing what needs to be done by requiring the owner to keep the building safe. If you knock down the building the cost would exceed the value of the empty lot.

D. Doyle moved, McDonough supported to approve to Executive Session to discuss purchasing property because to discuss the matter in open session will have a detrimental effect on the city's position.

YEAS: Tim Doyle, Hall, McDonough, Boggs, Mayor Canute, D. Doyle

NAYS: None

Carried.

Mayor Canute adjourned to Executive Session at 7:55 p.m.

Reconvene at 8:24 p.m.

Mayor Canute adjourned the meeting at 8:24 p.m.

MARCH 7, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, March 7, 2005, in the Council Chambers of Durand City Hall.

Mayor Canute called the meeting to order at 7:32 p.m.

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis (excused), McDonough (excused)**

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

**Tim Doyle moved, Boggs supported to approve the minutes of the regular meeting held February 21, 2005 and the executive session held February 7, 2005.
Carried.**

D. Doyle moved, Tim Doyle supported to approve the payment of the city bills numbering 31129-31170.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

NAYS: None

Carried.

CITIZENS SPEAK: Dean McConkey, 100 Naldrette, stated that he had been parking next to his house in the Optimist Park lot. When the street was repaved, he lost a parking space. He had brought this issue to the City Council last year, and thought that it had been resolved, but the Police Chief ticketed his vehicle. He doesn't wish to make any problems, but he needs the parking space. Chief Tanner responded that the car was tagged for abandonment. McConkey stated that the car is parked there for the winter, and not driven regularly, but it is properly licensed.

Paula Brooks, 104 W. Summit, asked if there are any dates set for meetings between the City and the Township. Mayor Canute responded that he stated last month that they would be meeting the end of March.

D. Doyle moved, Tim Doyle supported to approve the request of the Knights of Columbus Council 7955 to hold their annual Tootsie Roll Drive on March 18-20, 2005.

Carried.

Boggs moved, Tim Doyle supported to approve the request of the Durand Union Station Centennial Commission to serve alcohol at the depot during the Gandy Dancer Ball.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, Boggs

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported to approve the ballot language for ambulance service assessment and place it on the May 3rd ballot.

YEAS: D. Doyle, D. Doyle, Tim Doyle, Hall, Boggs, Mayor Canute

NAYS: None

Carried.

D. Doyle moved, Hall supported to approve the extension of Phase III of the Sewer Separation Program until September 30, 2005.

Carried.

Tim Doyle moved, Boggs supported to approve the purchase of an influent pump from Dubois-Cooper in the amount of \$11,724.00.

Carried.

Boggs moved, Hall supported to transfer \$100,000 from the General Fund equity to establish a post retirement benefit fund for healthcare insurance costs.

YEAS: Hall, Boggs, Mayor Canute, D. Doyle, Tim Doyle

NAYS: None

Carried.

CITIZENS SPEAK: County Commissioner Fuja stated that there is environmental testing going on at the mill and that the business owners are looking forward to seeing that gone.

DEPARTMENT REPORTS: Police: the owner of the old middle school has boarded up the building.

DPW Director: Columbia St. lift station redirection meeting is scheduled for 7:00 p.m. on March 29, 2005 at City Hall. Target completion date is June 1, 2005.

COUNCIL COMMENTS: Mayor Canute: There is a USO dinner/dance on April 2, 2005 to support the troops and it is \$20.00 per person.

Mayor Canute adjourned the meeting at 7:56 p.m.

FEBRUARY 21, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, February 21, 2005, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: None

D. Doyle moved, Bemis supported to approve the agenda with the addition of Item D: Resolution – Transfer Local Monies to the Local Street Fund.
Carried.

Tim Doyle moved, McDonough supported to approve the minutes of the regular meeting held February 7, 2005 as presented.
Carried.

McDonough moved, D. Doyle supported to approve the payment of the city bills numbering 31075-31128.
YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis
NAYS: None
Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit, asked if there were any dates set for talks between the Township and the City. Mayor Canute responded that there hopefully would be a meeting at the end of March.

Boggs moved, McDonough supported to congratulate Officers Folaron and Foutch for meritorious services that resulted in the saving of lives during the performance of their duties.
Carried.

Mayor Canute presented Officers Foutch and Folaron with meritorious service awards.

Steve Mince presented a power point presentation on abandoned well management. The City has applied for a grant to deal with the issue of abandoned wells. This program will identify abandoned wells in the City and Township and make sure that they are properly abandoned.

D. Doyle moved, Hall supported the appointment of Ken McDonough to the SATA Reorganization Committee.
Carried.

Boggs moved, McDonough supported to approve the resolution of intent to transfer local monies to the street fund.
YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

**NAYS: None
Carried.**

DEPARTMENT REPORTS: City Attorney stated that on behalf of the City Manager and himself it was wonderful to have the presentation to the honor the local hero's and that the City Manager was sad that he could not be present.

City Attorney stated that the City Manager and some Council Members met with D.V.A. administration and have been trying to move forward with a new contract. There will be a need for funds and we will need to look at the May election in the near future.

COUNCIL COMMENTS: D. Doyle: It was great to start the meeting out on a positive note by honoring Officers Foutch and Folaron.

Bemis: The success of local organizations fund raising helped fund the resources that aided in the Officers rescue. This was a great success all around.

Mayor Canute adjourned the meeting at 8:01 p.m.

FEBRUARY 7, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, February 7, 2005, in the Council Chambers of Durand City Hall.

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

**Council Present: Bemis, Boggs, Mayor Canute, Doyle, Tim Doyle, Hall, McDonough
Council Absent: None**

**Bemis moved, Boggs supported to approve the agenda with the deletion of item A.
Carried.**

**Boggs moved, McDonough supported to approve the minutes of the regular meeting held January 17, 2005 as presented.
Carried.**

Tim Doyle moved, Doyle supported to approve the payment of the city bills numbering 31004-31074.

**YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis
NAYS: None
Carried.**

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., asked for an explanation of what the grant to the City was for. City Manager responded that the grant is for sewer and water infrastructure and that the City's obligation is for \$120,000.

Michael Douglass, 500 Cambridge Dr., asked if all the lawsuits between the City and the Township have been resolved. City Manager answered yes. Douglass asked if the City is currently meeting with the Township to develop PA108 and 425 agreements. Mayor Canute responded that we have been meeting but have not met lately. Bemis responded that the City and Township had met for over a year and a half, developed an agreement and then the Township residents voted to turn it down. "We haven't gotten back into the meetings since Christmas. This is just as much the responsibility of the Township as it is the City's."

McDonough moved, Boggs supported to approve the purchase of a 2005 Ford Crown Victoria under the Macomb County purchasing program from Signature Ford in the amount of \$20,282.00.

YEAS: Mayor Canute, D. Doyle, McDonough, Bemis, Boggs

NAYS: T. Doyle, Hall

5-2, Carried.

Public Hearing: Downtown Market Analysis

Public Hearing opened at 8:05 p.m. No one spoke at this time, and the Mayor closed the Public Hearing at 8:05 p.m.

D. Doyle moved, Tim Doyle supported to accept the Downtown Market Analysis plan as presented and place it on file in the City Clerk's office.
Carried.

CITIZENS SPEAK: Michael Douglass, 500 Cambridge Dr., stated that he feels that an agreement has to happen between the Township and the City. "If our school district fails it is not going to make any difference if you fix up the downtown or not." Bemis responded that a lot of effort has gone into this agreement between both the Township and the City. City Manager stated that to blame the City and the Township for the school district's financial issues would not be fair. "We have experienced annual cuts of \$120,000 and we have made cuts to address our revenues." Douglass responded that he did not mean to imply that the schools' financial problems should to be fixed by the City and the Township.

Mike Fuja, Shiawassee County Commissioner stated that they are forming a Brownfield committee at the County and hopefully that will assist the City in the future.

DEPARTMENT REPORTS: City Manager: This year, we will be receiving \$775,000 in grants. I do sympathize with the school district in loss of revenues. We have also experienced loss of revenues. Population decline has a district wide affect

on state shared revenues and Act 51 monies. The population in this area has declined because of a shift in household make-up. Our revenue depends on population also.

COUNCIL COMMENTS: Hall: Have we heard from Durand Feed and Grain? City Attorney answered that he had left a message with the owners regarding the condition of the building.

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

JANUARY 17, 2005 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, January 17, 2005, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

Bemis moved, Hall supported to approve the agenda with the following additions:

A-1. Franchise Agreement – 5224 S. Durand Rd.

E. Consider Caledonia Townships request to join SATA

F. SATA Board of Directors

And deletion of the Executive Session

Carried.

McDonough moved, Boggs supported to approve the minutes of the regular meeting held December 20, 2004, the special meeting minutes held November 29, 2004 and December 20, 2004 and the minutes of the Executive Session meetings held December 6, 2004 and December 20, 2004.

Carried.

Tim Doyle moved, McDonough supported to approve the payment of the city bills numbering 30940-31003.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: No one spoke at this time.

Utility Franchise Agreement – 5224 S. Durand Rd.

Raymond Brandt, 1500 E. Beard Rd, Perry, owner of the building at 5224 S. Durand Rd. is requesting sanitary sewer connection. Mr. Brandt has a letter from Gene Paez, Shia. Co. Environmental Health Director, outlining health issues currently existing with property and also stated that he is aware that neighboring properties are already connected to sewer such as Great Beginnings Day Care and 5/3 Bank.

Mr. Brandt also stated that he had spoken with Bert DeClerg, Vernon Township Supervisor, and that DeClerg indicated that he is in favor of the sanitary sewer hook-up because it would be in the best interest environmentally of the property. The building has 550' of office space and a three-bedroom residence including a half bath for office and a bath, kitchen and washer/dryer for residence. He is requesting that the City Council allow him to hook into the City's sanitary sewer.

City Attorney asked Mr. Brandt if he had spoken with the Supervisor regarding annexation. Brandt stated that he spoke with the Township Attorney and he said that it would be a good idea to know if the day care and bank have sewer. City Attorney responded that Mr. Fahey, Vernon Township's attorney is aware that the city's ordinance requires annexation for utility extension. "We have several years of lawsuits regarding our ordinances." Brandt asked what the annexation would mean to him. City Attorney responded that it means receiving City services including police, fire, water and sewer. City Attorney recommended that Mr. Brandt meet with the City Clerk and that she would outline what paperwork would be necessary to request annexation. Brandt stated that he would like to go ahead with the request of annexation from the Township.

D. Doyle addressed Mr. Brandt telling him that he could formally request annexation at the City Council meeting February 7, 2005 and then request release from the township at their meeting February 14, 2005.

**D. Doyle moved, Tim Doyle supported to pass the resolution honoring George D. Goodman for his services as Executive Director of the Michigan Municipal League and congratulate him on his retirement.
Carried.**

Bemis moved, D. Doyle supported to approve the purchase of a 2005 Tahoe through the state-purchasing program in the amount of \$25,495.35.

YEAS: None

**NAYS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs
0-7 Failed.**

Item C: Proposal – Sponsorship of Railroader Run

City Attorney advised against this request stating that the city is not allowed to use public funds to sponsor any type of project not directly related to the business of the city.

Tim Doyle moved, Boggs supported to approve the ordinance authorizing the granting of a Non-Exclusive Cable Television Franchise to CC Michigan, LLC Doing Business as Charter Communications with the changes recommended by the City Attorney.

YEAS: D. Doyle Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

FRANCHISE SUMMARY

The City of Durand's current cable franchise with Charter is expiring. Charter is requiring by law to have a franchise and the City negotiated a new franchise jointly with fifty-eight (58) other municipalities served by Charter. The franchise has detailed provisions to protect the City and its residents. Some of the major points in the franchise include the following:

- The franchise authorizes Charter to provide cable service in the City until 2019.**
- The franchise is non-exclusive, so legally another company could get a franchise to provide cable service in the City.**
- Charter is required to provide cable service wherever there are 25 homes per mile (fewer homes per mile at charter's option). It cannot legally discriminate on who it serves.**
- Charter must provide free cable services to school and City buildings. A list of many of the buildings it must serve is included in the franchise.**
- The City's authority to regulate cable rates is preserved (although currently this is effectively preempted by Federal Law). Charter is required to have a seasonal rate for customers who only want seasonal service.**
- The franchise has detailed provisions on Charter's use of the streets and highways so as to protect both the streets and highways and the people using them. This includes providing maps (in electronic form if requested).**
- Charter is required to provide backup power at key points on the cable system so as to reduce the number of outages.**
- The franchise has detailed customer service provisions including requirements for Charter to promptly answer the telephone.**
- Charter will provide a character generator and one channel for use by the City (by itself or in combination with other municipalities) and your local school system. Charter will provide modest funding (up to 20 cents per customer per month) to assist these channels if requested.**

- Charter will continue to pay the City a franchise fee of 5% of gross revenues. This is the maximum amount allowed by law. The City can change this amount from time to time .
- The franchise sets forth detailed information on how the City can contact Charter if there are problems.
- The franchise has detailed insurance requirements to protect the City and its residents.

Working jointly with other municipalities allowed the City to obtain a significantly better franchise than it could have obtained on its own. We have represented over one hundred communities on cable franchise renewals. Based upon our experience the terms in the franchise are quite favorable to the City and its residents and we recommend approval of it.

D. Doyle moved, McDonough supported to adopt a resolution of support allowing Caledonia Charter Township to have a seat on the SATA board.
Carried.

McDonough moved, Boggs supported to approve the appointment of Jean Sloan, representing D.U.S.I, to the D.D.A. board.
Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director: The skate rink was flooded today and should be ready by Thursday.

City Manager: January 25th at 6:00 p.m. is the Annual D.V.A. meeting electing new Board of Directors.

COUNCIL COMMENTS:

Hall asked for updates on the following properties: Grain elevator, 111 Mercer St. and Jr. High School building.

Canute asked about the sidewalks along the north side of Trumble Park, when is the variance up with the old Jr. High (sometime in Feb.?), and what is going on with the old Bay Station. City Manager: The Bay Station is a contaminated site and is under the jurisdiction of the D.N.R. It is a small unusual piece of property and it is not a high priority of the state. City Attorney: Regarding both properties that are contaminated, your City Manager is absolutely right. There is a difference between environmental clean-up handled by the DNR and hazardous building safety that the city can address.

Mayor Canute adjourned the meeting at 8:50 p.m.

DECEMBER 20, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, December 20, 2004, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

D. Doyle moved, McDonough supported to approve the agenda with the addition of item G: SATA Recommendation.

Carried.

Bemis moved, Boggs supported to approve the minutes of the regular meeting held December 20, 2004.

Carried.

Tim Doyle moved, Hall supported to approve the payment of the city bills numbering 30883-30939.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Christine Foster of D.V.A, 308 N. Saginaw, stated that she has spoken with the City Manager and the first meeting is scheduled for 4:00 p.m. on January 5, 2005.

Tim Perron, Attorney for D.V.A., was present to answer any questions regarding the contract. Members of the City Council can serve on the board of D.V.A., there is no conflict of interest in serving. A City Council member would have to abstain from certain motions

He further discussed the existing by-laws of the organization

D. Doyle questioned the transition of the role that D.V.A. played within the community.

City Attorney clarified to the City Council that D.V.A. is making efforts to straighten out by-law problems?

City Manager stated that the current Board of Directors are not responsible for the history of D.V.A.

Paula Brooks, 104 W. Clinton St., asked if there have been any special meetings for water and sewer rates and if so what the outcomes were.

Mayor Canute answered that there have been two special meetings.

City Manager stated that there has been no outcome at this time; these meetings were just workshops to discuss information.

**McDonough moved, Hall supported to adopt the resolution authorizing the city Clerk to submit a grant application for new election equipment to comply with the Help America Vote Act.
Carried.**

**Tim Doyle moved, McDonough supported to cancel the regularly scheduled City Council meeting for January 3, 2005.
Carried.**

**Tim Doyle moved, D. Doyle supported to approve the proposal for engineering services from Capital Consultants for the Columbia Street Sewer and Street Improvements.
YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs
NAYS: None
Carried.**

**McDonough moved, Boggs supported to table and forward the request for sewer extension at 5224 S. Durand Rd. to the committee that meets with Vernon Township.
Carried.**

**Boggs moved, McDonough supported to table franchise agreement with Charter Communication until the City Attorney can review changes he requested.
Carried.**

**Bemis moved, Boggs supported to accept the 2003-04 audit for the City of Durand and forward it onto appropriate agencies.
YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle
NAYS: None
Carried.**

**Bemis moved, McDonough supported to approve the SATA recommendation dated December 7, 2004.
Carried.**

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Fire Chief: 604 is up and running.

DPW Director: Happy Holidays

City Treasurer: Happy Holidays

City Attorney: Vernon Township Board has authorized a dismissal of the two lawsuits with the City and Merry Christmas.

City Manager: Thanked the staff for all their work on the on the audit and also for their assistance and the bargaining units for their cooperation through out the year.

COUNCIL COMMENTS: Bemis: Staff Reports – expand the building inspectors report.

Boggs: I wish you a magnanimous holiday season full of joy and new beginnings.

D. Doyle moved, McDonough supported to adjourn to Executive Session to discuss union negotiations.

YEAS: Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle. Tim Doyle,

NAYS: None

Carried.

Reconvene 9:24 p.m.

Boggs moved, Tim Doyle supported to accept the Teamsters local #214 Labor Contract as presented.

YEAS: McDonough, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

NAYS: None

Carried.

Mayor Canute adjourned the meeting at 9:27 p.m.

DECEMBER 6, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, December 6, 2004, in the Council Chambers of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

D. Doyle moved, Bemis supported to approve the agenda with the addition of Executive Session: Discussion of Pending Litigation and Purchase of Property. Carried.

McDonough moved, T. Doyle supported to approve the minutes of the regular meeting held November 15, 2004. Carried.

T. Doyle moved, Hall supported to approve the payment of the city bills numbering 30812-30882.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Christine Foster, 308 N. Saginaw St., asked what the intentions of the City Council were regarding the ballot proposal.

City Manager stated that he was surprised that the City had not heard from D.V.A. sooner yet we have received a newsletter and a copy of the audit.

Foster: Since we are not a taxing authority, we can not ask for another election.

City Manager: In order to levy this, it has to be voted on by the electors.

City Attorney: The City Council had asked for an amendment of DVA's by-laws; a decision was made by the attorneys that this could not be done. The City Council asked also for an audit and the attorney denied this request also.

When I spoke with DVA's attorney, he stated that all we have to do is amend the contract, it is not as simple as that. The City Council placed the question of D.V.A. assessment on the November election.

Foster recommended that a committee be formed to resolve some of the sticky points, possibility with the City Manager and the City Attorney.

City Manager stated that he was little disappointed that DVA did not do more to pass the ballot, there were only 9 votes needed for a turn around.

Mayor Canute addressed Foster that she stated that an elected official from any entity cannot serve due to a "conflict of interest".

D. Doyle: When did it change that it became a conflict of interest and where did this information come from.

Foster: Information was given by the DVA attorney.

Mayor Canute asked if Foster could please look into this further? It is believed that it would be a win-win situation because communication could flow back and forth.

Bemis: It's like this – “Let the people speak”. Before the election you did not put any work into the issue that was on the ballot, but since you do not like the outcome you now want to try harder to change the outcome.

Markland stated that the City is prohibited by state law to put any money into promoting any ballot issue. I guess that if we are going to consider another ballot proposal I would like to know that someone will be campaigning for the cause.

Tim Shaw: We came here to start the process between DVA and the City. We did not come to request a ballot proposal.

Foster: Lynn, if you are the one to the ball rolling, either you call me or I will call you.

City Attorney: In the meantime, there is a contract with a 60 day cancellation. If you receive a letter canceling it, we are just legally doing what is required.

Bob Eldridge, Retired Police Chief, when I retired out of here it was \$138.00 for insurance and \$1100.00 for retirement. Since then insurance has climbed to \$480.00 but my retirement is only \$1158.00.

City Manager: We are negotiating contracts with unions. We are establishing a healthcare task force to look into overall healthcare task force to look into overall healthcare. MERS is rolling out a new program designed to lower costs for both the employees and retirees.

Paula Brook, 104 W. Summit, What is the status with the Township and City.

Bemis: We met and will meet again in January, sometime between the 10th and the 17th.

**D. Doyle moved, McDonough supported to approve the request from the Durand Eagles to hold its annual “Old Newsboys” fundraiser at the major intersections in the City on Friday, December 10, 2004, during daylight hours.
Carried.**

**Bemis moved, Boggs supported to approve the payment of \$838.75 to the Shiawassee County Drain Office for the 2004 Special Assessment for Shiawassee County Drains.
YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, Bemis, Boggs
NAYS: McDonough
Carried 6-1**

Bemis moved, D. Doyle supported to approve the resolution resolving the franchise fee audit with Charter Communications.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

Mayor Canute opened Pubic Hearing at 8: 15 p.m.

Hall: Can we ask Charter to have more operators available for customer service?

City Manager: We are fortunate because we have competition, not only with satellite but with TVC Inc.

Public Hearing closed at 8:19 p.m.

D. Doyle moved, Hall supported to table Charter Communications Franchise Agreement.

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Rob Kehoe, Building Inspector, Would like to have the City perform plumbing; electrical and mechanical permits instead of having the County provide these services.

The City of Corunna is doing this now and there numbers are:

2001 - \$6,300

2002-03 - \$9,000

2003-04 - \$22,000

2004-05 - \$5,000

Kehoe: Township can subsidize building departments with new building but cities cannot raise enough money to pay for the Building Department.

D. Doyle: do you have a report with all the information?

Kehoe: No, but I can generate one.

Boggs: Would be responsible for any mistakes?

City Attorney: We have no liability with the County performing the inspections, but the City would have to maintain insurance to cover the City's exposure.

Markland: We have to find a way to raise revenues to fund this department.

Bemis: Is this more of your time, or less of your time?

Kehoe: I do not personally do the inspections, I am not qualified to perform these. It is more time for me to coordinate the inspections with the inspectors. It's one stop shopping for the residents if we perform the inspections. The fees will be the same as what the state charges. The fees would be the same as Corunna, Caledonia Township, Owosso Township and Perry.

Kehoe: Leon Bunning would perform the Electrical Permits and Bob Davis would perform the plumbing permits.

Tim Doyle moved, Bemis supported to authorize the mayor to sign the application form to the State of Michigan for approval of Electrical, Plumbing and Mechanical inspections with the understanding that the respective ordinances have not been adopted.

Carried.

Steve Mince, DPW Director, Leaf pick-up is way behind; we maybe done by Christmas.

Our sewer video work has been completed, there were no problems and everything is in good shape.

Water Tower is completed.

Received a call from MDOT and we were awarded a \$375,000 grant, the City will be required to make a 20% match for the East Main Street project.

City Manager: Dispute Resolution Committee, we are planning another meeting for Wednesday, 9:00 a.m. at SATA, hopefully that will be the last meeting. We will then meet to clarify the agreement.

COUNCIL COMMENTS: T. Doyle: Thank you to the DPW for plowing the roads on Thanksgiving.

Boggs: Is the Council workshop scheduled for December 13, 2004.

City Manager: No, How about December 20, 2004 at 5:30p.m.

D. Doyle moved, Hall supported to adjourn to Executive Session to discuss:

- 1. Pending Litigation**
- 2. Union Contracts**
- 3. Possible Sale of Property**

Carried

Reconvene at 10:13 p.m.

Tim Doyle moved, McDonough supported to approve the contract with Teamsters #214 Police with all points outlined in the Executive Session.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle

NAYS: None

Carried.

Mayor Canute adjourned the meeting at 10:14 p.m.

NOVEMBER 15, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, November 15, 2004, in the Council Chambers of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: Bemis (excused)

D. Doyle moved, McDonough supported to approve the agenda with the additions of items: D. Ordinance for Building Department

E. Appointment to SATA Dispute Resolution Team

Carried.

Tim Doyle moved, McDonough supported to approve the minutes of the regular meeting held November 1, 2004.

Carried.

D. Doyle moved, Tim Doyle supported to approve the payment of the city bills numbering 30708-30811.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., asked if there has been a date set for a meeting between the Township and the City. Mayor Canute answered that it is scheduled for Monday, November 22, 2004.

Brooks asked what came of the request for funds from Gretchen Valy of MAGNET. The City Manger responded that we were not able to meet their request because our budget was already set for the year.

Brooks invited everyone to the Depot during the holidays, "it is a crown jewel and it is looking beautiful this time of year".

D. Doyle moved, McDonough supported to approve the request from the Durand AMVETS Post #2273 to hold their annual White Clover Sale on November 26, 2004. Carried.

**McDonough moved, Boggs supported to pass the Benefit E resolution provided by MERS giving city retirees a one time 2% increase in their pensions.
YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Boggs
NAYS: None
Carried.**

**Tim Doyle moved, McDonough supported to approve the first reading for the franchise agreement and new ordinance with Charter Communication and set a public hearing for December 6, 2004 @ 7:45 p.m.
Carried.**

**D. Doyle moved, Tim Doyle supported to approve the first reading of the new ordinance that allows the Building Department to do mechanical inspections.
Carried.**

**D. Doyle moved, McDonough supported to approve the first reading of the new ordinance that allows the Building Department to do electrical inspections.
Carried.**

**D. Doyle moved, Hall supported to approve the first reading of the new ordinance that allows the Building Department to do plumbing inspections.
Carried.**

**Tim Doyle moved, McDonough supported to appoint Lynn Markland to the SATA Dispute Resolution Team.
Carried.**

DEPARTMENT REPORTS: Fire Chief: Have been working on pre-fire planning for the businesses in the downtown area. The Treasurer and Clerk have been assisting with this project.

Treasurer: Dog licenses available December 1, 2004 and the cost has doubled from last year.

City Manager: Ambulance fee did not pass. City Attorney also added that the contract with DVA has a 60-day clause to sever the contract. The City does not have the authority to collect the previously voted assessment.

City Manager: Have been working on several other projects right now. At the December 7, 2004 Planning Commission meeting there will be a review of the motel site plan next to I-69 and a preliminary drawing of the development on 195 acres located along Reed Rd.

COUNCIL COMMENTS: Boggs: asked if there is meeting scheduled on November 29th. City Clerk: Yes.

Mayor Canute: Received a thank you note from Mrs. DeClerg recognizing Bob.

Mayor Canute adjourned the meeting at 8:10 p.m.

NOVEMBER 1, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, November 1, 2004, in the Council Chambers of Durand City Hall.

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

**Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, McDonough
Council Absent: Hall (excused)**

**D. Doyle moved, McDonough supported to approve the agenda with the addition of item D: Homeless Awareness Week.
Carried.**

**Boggs moved, D. Doyle supported to approve the minutes of the regular meeting held October 18, 2004.
Carried.**

**McDonough moved, Bemis supported to approve the payment of the city bills numbering 30668-30707.
YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Ken McDonough
NAYS: None
Carried.**

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St., asked about the status with the Township and City. Mayor Canute responded that he has spoke with Bert DeClerg and there will be a meeting after the election.

**D. Doyle moved, McDonough supported to approve the payment of the invoice from Miller, Canfield, Paddock & Stone in the amount of \$7,075.92 for professional services relating to the \$400,000.00 Capital Improvement Bond Sale.
YEAS: Mayor Canute, D. Doyle, Tim Doyle, McDonough, Bemis, Boggs
NAYS: None
Carried.**

Tim Doyle moved, Boggs supported to approve the Franchise Agreement for sewer services with the residence at 107 E. Monroe Street in Vernon Township.

YEAS: D. Doyle, Tim Doyle, McDonough, Bemis, Boggs, Mayor Canute
NAYS: None
Carried.

Tentatively schedule a Council Workshop for November 29, 2004 at 7:00 p.m. at which time Capital Consultants will present the sewer and water rate study.

D. Doyle moved, McDonough supported to adopt the proclamation for Homeless Awareness Week, November 14-20, 2004.
Carried.

DEPARTMENT REPORTS: Police : The Police Chief reported that winter parking permit applications are available now. The cost is \$15.00; winter off-street parking begins December 1st.

DPW: Mackinaw St. paving and hydro-seeding is beginning. The last brush pick-up will be tomorrow November 2, 2004. We will also be draining the water tower for repairs on the tower; there will be many fire hydrants open to stabilize water pressure.

City Manager: The City received a 3 rating from I.S.O. for building inspections within the City. This is a very good rating.

COUNCIL COMMENTS: Bemis: Steve Mince did a great job coordinating with emergency service on the Kent St. repairs.

Mayor Canute: Was there any damage to the house at the Saginaw & Monroe water main break? Mince: Water did get into the basement. Mayor Canute: SATA Public Hearing scheduled for November 9, 2004 at 7:00 p.m. regarding zones.

OCTOBER 18, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, October 18, 2004, in the Council Chambers of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall
Council Absent: Bemis, McDonough

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

Tim Doyle moved, Hall supported to approve the minutes of the regular meeting held October 4, 2004 and the minutes of the Executive Session held September 20, 2004.

Carried.

Boggs moved, D. Doyle supported to approve the payment of the City bills numbering 30612-30667.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

NAYS: None

Carried.

CITIZENS PPRESENT: Paula Brooks, 104 W. Summit St., asked how much acreage there is in the land that was recently purchased. City Attorney responded that there is 195 totally acres and approximately 81 acres is the Township portion.

D. Doyle moved, Tim Doyle supported to approve the Election Inspectors and the ballot for the MML Liability & Property Pool as a consent agenda.

Carried.

Tim Doyle moved, Hall supported to approve the bid for tree planting is awarded to Looking Glass Nursery, not to exceed \$3,000.00.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, Boggs

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported to award the bid for sanitary sewer cleaning and video inspection be awarded to Downunder Municipal Services, LLC in the amount of \$21,850.00.

YEAS: D. Doyle, Tim Doyle, Hall, Boggs, Mayor Canute

NAYS: None

Carried.

Boggs moved Tim Doyle supported to approve the repairs to the Police Cruiser at cost of \$2,018.50.

YEAS: Tim Doyle, Hall, Boggs, Mayor Canute, D. Doyle

NAYS: None

Carried.

Boggs moved, D. Doyle supported to approve the Resolution for Annexation no. 1.

YEAS: Hall, Boggs, Mayor Canute, D. Doyle, Tim Doyle

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported to approve the Resolution for Annexation no. 2.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

**NAYS: None
Carried.**

DEPARTMENT REPORTS: Fire Chief: This is fire prevention month and the Bertha Neal Elementary classes will be coming for a tour along with the Young Five Classes. A new Fire Fighter has been hired – Nathan Watson.

Police Chief: There will be extra foot patrol on Halloween and Devils night.

DPW Director: The city has received an extension from DEQ for S.S.O. 6 of 7 violations were waived. Also, leaf pick-up will start next week for NE section of town. Mackinaw Street will be milled this week and the final grade by next week. The railroad crossing on Kent Street will be closed October 29, 2004 for repairs.

City Attorney: The city has received a letter from Phil Erickson regarding Canfield vs. City of Durand and was ruled in favor of the city. He also noted that Steve Mince should be recognized for providing the documentation and arguments to MIDEQ to have 6 of the 7 citations against the city deemed as “Acts of God”.

City Clerk noted that the City Manager was attending the ICMA conference in San Diego, CA and would be returning to the office on Friday. Also, she reminded the City Council that the Annual Chamber of Commerce Dinner would be held on October 28, 2004.

Council Comments: Boggs mentioned that the firemen’s’ Las Vegas Night held at the Eagle’s Club was a success.

Mayor Canute asked about the timers at the parks and requested budget report for parks. DPW Director responded that they should have been on; Crews were informed after Parks Meeting. There will be a S.A.T.A open house from 3-6 p.m.

Meeting adjourned at 8:00 p.m.

OCTOBER 4, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, October 4, 2004, in the Council Chambers of Durand City Hall.

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

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis (excused)**

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

**Tim Doyle moved, McDonough supported to approve the minutes of the regular meeting held September 20, 2004.
Carried.**

McDonough moved, Boggs supported to approve the payment of the City bills numbering 30594-30611.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, asked about the status of the meetings with Vernon Township. Mayor Canute noted that the last meeting had been canceled because the Vernon Twp. Supervisor's father was very ill. Brooks also asked what the outcome of the City Manager's Evaluation in the Executive Session of last meeting was. D. Doyle responded that the Manager received a 3% increase, and \$100.00 increase per month for car allowance.

McDonough moved, D. Doyle supported to approve the request from the Durand Dreamers Cancer Awareness Team to solicit funds on behalf of the American Cancer Society on October 16, 17 & 18, 2004.

Carried.

Boggs moved, Tim Doyle supported to approve the request from the Durand Area Kiwanis Club to sell peanuts on Friday October 8, 2004.

Carried.

McDonough moved, Tim Doyle supported to approve the proposal from Wade-Trim in the amount of \$10,000 for a conceptual master plan for the property on Reed Road.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Boggs

NAYS: None

Carried.

Tim Doyle moved, McDonough supported to approve the ordinance to amend the code of ordinances, City of Durand, Michigan by amending Sections 14-181 and 14-183 of Chapter 14, commonly known as the rental inspection ordinance.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

CITIZENS COMMENTS: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director: Hydrant flushing begins tonight 6 p.m. to 4 a.m. through Thursday. Leaf pick-up schedules are available.

Mackinaw Street project began today, rerouting water main inside property, school district gave permission to place new main on athletic property.

City Treasurer: Annual audit will begin tomorrow.

City Manager: MML conference - passed out literature from conference.

City Clerk: Halloween hours will be held from 6-8 p.m. on Sunday and Absentee Voter ballots are ready to go.

Mayor Canute adjourned the meeting at 7:50 p.m.

SEPTEMBER 20, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, September 20, 2004, in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

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

Bemis moved, McDonough supported to approve the minutes of the regular meeting held August 16, 2004 and the minutes of the special meetings held September 1, 2004 and September 14, 2004.

Carried.

Tim Doyle moved, Boggs supported to approve the payment of the City bills numbering 30466-30593.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Rick Crew, 500 N. Oak St., spoke in regards in the old Junior High School. He was invited inside by the architect at this time all the asbestos had been removed and that were no permits pulled for this. The building was suppose to be seured under the provisions of the variance that was granted to Mr. Siminski. The building has yet to be secured since he received this variance.

City Manager stated that he knew nothing about asbestos being in the building. There has been nothing about it any reports of the building. He also stated that the building should be secured.

City Attorney stated that his variance is at risk and that he needs to be contact and told that his future plans could be compromised by his current performance.

Paula Brooks, 104 W. Summit St., What is the status with Vernon Township?

Mayor Canute stated that they will be meeting again September 22, 2004.

D. Doyle moved, Boggs supported to approve the annual maintenance contract for the Fund balance software at a cost of \$4,529.00.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

NAYS: None

Carried.

McDonough moved, Bemis supported to approve the Resolution Authorizing Sale of Capital Improvement Bonds, Series 2004 (General Obligation Limited Tax) as presented.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

McDonough moved, Boggs supported to approve the contract/proposal for CodeRED.

Discussion held by the Council

D. Doyle moved, Bemis supported to table contract/proposal for CodeRED until a demonstration can be coordinated.

Carried.

Bemis moved, McDonough supported to approve the Industrial Facilities Tax Abatement Guidelines.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle.

NAYS: None

Carried.

CITIZENS PRESENT: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director: Rail America will be doing repairs to the Kent St. crossing. There will be a Public Meeting held October 6, 2004 at City Hall to address access. Also, Oak Street is complete and we are wrapping up sidewalks and tree trimming. Mackinaw Street has been on hold due to scheduling conflicts with Verizon.

City Attorney: Tax Abatement Guidelines- The City Council has not agreed to any tax abatements, they will be reviewed on a case by case basis. There are strict guidelines for the tax abatement procedures.

City Manager: Standard and poor rates for our financial status. The City's bond rating will remain the same as it was. I have spoken with Representative Larry Julian regarding revenue sharing. The State Legislature has failed to pass legislation to fund County revenue sharing. 183 million will have to be eliminated which calculates to a 16% decrease for revenue sharing.

City Clerk: Absentee voter ballot preparation

COUNCIL COMMENTS: D. Doyle: New Trustee on MML Board of Directors.

Hall: Have the backboards been ordered yet and how long would the Kent St. crossing be closed? Mince answered that they were delivered today and the crossing should be closed for approximately 12 hours.

Mayor Canute: In regards to Riverside Market's parking lot was there suppose to be a site plan review to go before the Planning Commission.

Boggs moved, McDonough supported to adjourn to Executive Session to discuss City Manager evaluation.

YEAS: Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle,

NAYS: None

Carried.

Bemis moved, Tim Doyle supported to approve a 3% retroactive increase as of 2003-04, a 3% retroactive increase as of 2004-05 and a \$350.00 monthly car allowance to the City Manager.

YEAS: Bemis, Boggs, Mayor Canute, D.Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

Mayor Canute adjourned the meeting at 9:35 p.m.

SEPTEMBER 6, 2004 CITY COUNCIL MINUTES
(NO MEETING)

AUGUST 16, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, August 16, 2004, in the Council Chambers of Durand City Hall.

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

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis (excused)**

D. Doyle moved, Boggs supported to approve the agenda with the following additions made under XII, Executive Session:

- 1. Purchase of Property**
- 2. City Manager Evaluation**

Carried.

McDonough moved, Hall supported to approve the minutes of the regular meeting held August 2, 2004.

Carried.

Tim Doyle moved, McDonough supported to approve the payment of the city bills numbering 30397-30465.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Boggs

NAYS: None

Carried

CITIZENS PRESENT: Gary Holzhausen, Republican candidate for Shiawassee County Drain Commission stated his personal biography and his qualifications for the office position.

Paula Brooks, 104 W. Summit St., asked about any negotiations with Vernon Township. Mayor Canute responded that the meeting is scheduled on August 25, 2004 at 7:00 p.m. in the Vernon Township Hall.

Joe Borgstrom of the Shiawassee County Economic Development Partnership stated that there have been 30 new jobs and that the first new business in Shiawassee County is Dux Inflatable Boats, Inc.

Ronald Racer, 401 Vanderbilt, stated that drainage from new pole barn is on my property.

McDonough moved, Boggs supported to approve the request from Shiawassee Human Society to hold their annual fundraiser "Pets on the Streets" in Durand on September 10 & 11, 2004.

Carried.

Tim Doyle moved, Hall supported to approve the purchase of four new backboards for the basketball court at Trumble Park from Engan-Tooley-Doyle & Associates, Inc. in the amount of \$9,391.00.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, hall McDonough, Boggs

**NAYS: None
Carried.**

Bemis arrives

D. Doyle move, Hall supported to approve placing ballot language for ambulance assessment on the ballot.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

**NAYS: None
Carried.**

Tim Doyle moved, Boggs supported to approve the first reading of the amendment to Chapter 14, Section 14-181 and Section 14-183 of the Durand City Code and pass the amendment on to the second reading.

Carried.

DEPARTMENT REPORTS: Fire Chief: The house at 214 Oakland Street will be rebuilt.

DPW Director: The Oak Street resurfacing project is on schedule. There have been problems with water-main breaks and low pressure. The paving should be done on Friday.

City Attorney: City Manager and I have met with owners of Durand Feed and Grain. They will be removing the storage tanks before we can assume the property transfer.

COUNCIL COMMENTS: Hall: asked if 103 Mercer would be torn down with other demolitions and also asked about medical records at 211. City Attorney answered that it would be looked in to and would be reported back.

Boggs: I am less than happy to hear that Kathy Schuyler at 705 N. Saginaw had her garbage not picked up and that Mrs. Devoe had garage not picked up and was given the phone number to Waste Management and asked to call her council member.

McDonough: Are we maintaining the new subdivision?

Bemis: There has been an old truck setting at the Bay Station for 4 days. Is it appropriate for this to be setting there?

D. Doyle moved, McDonough supported to adjourn to Executive Session to discuss purchase of property and City Manager Evaluation.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle

**NAYS: None
Carried.**

Adjourn to Executive Session at 8:28 p.m.

Reconvene

**Bemis moved, McDonough supported to cancel the regular meeting of the City Council scheduled on September 6, 2004 due to Labor Day.
Carried.**

Mayor Canute adjourned meeting at 11:00 p.m.

AUGUST 2, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, August 2, 2004, in the Council Chambers of Durand City Hall.

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

**Council Present: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
Council Absent: Bemis**

**D. Doyle moved, McDonough supported to approve the agenda with deletion of:
Item B.-Request to Serve Alcohol at Gandy Dancer Ball/DUS Centennial Comm.
Carried.**

**McDonough moved, Tim Doyle supported to approve the minutes of the regular meeting and the Executive Session held July 19, 2004.
Carried.**

Tim Doyle moved, Hall supported to approve the payment of the city bills numbering 30334-30396.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit St. asked how the sewer disconnects have been going throughout the city. Mince answered that things have been going much better. Brooks requested the status of joint discussions with Vernon Township. City Attorney responded that they are still scheduling meetings.

D. Doyle moved, Hall supported to cast the city's ballot for the Michigan Municipal League Worker's Compensation Fund Board of Directors as presented by the Nominating Committee.

Carried.

DEPARTMENT REPORTS: Steve Mince: Will be conducting sewer smoke testing on Fitzgerald St. from 10-2 p.m. Dover Estates will be scheduled at a future date. Tree trimming will begin next week and brush pick up will be tomorrow.

City Attorney: Phase II sewer separation final compliance letter to be mailed before next meeting.

City Manager: Robison property continuing forward and we are working on water and sewer bond sales.

City Clerk reported that the administration will be looking into the cost of updating the administration's computer system. There are some serious complications arising within the network since the server was updated.

City Manager asked if the representatives from DVA wished to speak to the City Council. Christine Foster, President of D.V.A. addressed the board that she is willing to develop language for the ballot along with the city. She also noted a situation at City Hall where no ambulances were available to respond. Both available ambulances were out; one was in Bancroft and the other was on a call in town. The third unit parked in front of DVA's building is out of service until it can be re-certified through the State of Michigan. Glenda Dolehanty, who works as an ambulance certification agent informed the City Council as to the procedures in place to certify and de-certify ambulances.

Mayor Canute adjourned the meeting at 7:50 p.m.

JULY 19, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, July 19, 2004, in the Council Chambers of Durand City Hall.

CALL TO ORDER:

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

ROLL CALL:

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

Council Absent: None

Bemis moved, Hall supported to approve the agenda with addition of:

F. Approval of Election Inspectors for August Primary

G. Approval of Bond Resolution

Carried.

McDonough moved, D. Doyle supported to approve the minutes of the regular meeting and the Executive Session held June 21, 2004.

Carried

Tim Doyle moved, Boggs supported to approve the payment of the city bills numbering 30237-30333.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall McDonough, Bemis

NAYS: None

Carried.

CITIZENS PRESENT: Christine Foster, DVA, stated that the city should have received its copy of DVA's 2002 Audit. Based on the original ballot language from 1989, does it necessitate another election? City Attorney responded that due to the Bolt Decision (Bolt vs. City of Lansing) any citywide special assessment must now be treated like a tax, and the registered voters must vote upon all taxation.

Paula Brooks, 104 W. Summit - What is the status of the last court date between the City and Vernon Township? City Attorney responded that there is a 60-day hold on the proceedings. Brooks asked if the city's Master Plan process was similar to the process that Vernon Township went through last year. City Manager stated yes. "In fact, there are public participation surveys available at City Hall. Anyone who was unable to attend the first public meeting for the Master Plan is welcome to stop by and fill out a survey."

Hall moved, McDonough supported to appoint Cameron Canute as the city's delegate to the 2004 Michigan Municipal League Annual Convention and Deb Doyle as the alternate.

Carried.

D. Doyle moved, McDonough supported to accept the low bid for the proposed repairs for the water tower from Fedewa, Inc., in the amount of \$19,490.00.

YEAS: Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs

NAYS: None

Carried.

Tim Doyle moved, McDonough supported to award the bid for the Mackinaw Street Improvements/Monroe Street Water Main Improvements, to the low bidder, C & D Hughes, Inc., in the amount of \$204,625.38.

YEAS: D. Doyle, Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute

NAYS: None

Carried.

McDonough moved, Boggs supported to award the tree-trimming contract to the low bidder, Miles House Tree Service, in the amount of \$68.00/hour for tree trimming in an amount not to exceed \$12,000.

YEAS: Tim Doyle, Hall, McDonough, Bemis, Boggs, Mayor Canute, D. Doyle

**NAYS: None
Carried.**

Bemis moved, and D. Doyle supported to establish the usage charges for Water and Sewer in support of the adopted 2004-05 City of Durand Budget at the following rates:

**Water Usage Rate: \$2.65 per 1,000 gallons (\$.65 increase)
Sewer Usage Rate: \$5.75 per 1,000 gallons (\$.25 increase)**

To take effect July 1, 2004, and billed during the August billing cycle.

Hall asked if the city had gotten anything back on the rate study. City Manager responded that preliminary figures had been received. "I cannot guarantee that they may not have to be raised again, but we cannot afford to wait until the study is completed. The rate study will provide documentation for a capital improvement planning system. The rates are worked into the budget. By waiting we will not have the revenue for the year as budgeted." Hal responded that he felt that the Rate Study should have been done in-house. "You have been doing them in-house." City Manager: "I disagree. We have been flying by the seat of our pants." Hall: "I would feel better voting on this with the rate study in front of me."

**YEAS: Hall, Bemis, Mayor Canute, D. Doyle, Tim Doyle
NAYS: Boggs, McDonough
Carried.**

D. Doyle moved, McDonough supported to approve Election Inspectors, Primary Election, August 3, 2004, as presented:

PRECINCT I

**Ann Collard ®
Nora Eddy (D)
Lindsay Eister (D)
Nancy Cech ®**

PRECINCT II

**Pat Tullar ®
Donna Turner ®
Debra Alumbaugh (D)
Barbara Thomas ®**

**YEAS: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough
NAYS: None
Carried.**

D. Doyle moved, McDonough supported to approve the following:

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE
AND REIMBURSEMENT FROM BOND PROCEEDS**

**City of Durand
County of Shiawassee, State of Michigan**

WHEREAS, the City Council of the City of Durand, Michigan (“the City”), intends to authorize the issuance and sale of two or more series of bonds to pay all or part of the cost of the acquisition, construction, installation and equipping capital improvements in the City, consisting generally of water line upgrades and replacements, rehabilitation of ground storage and elevated tanks, improvements to the sewage collection and disposal system and other related public infrastructure improvements and appurtenances and attachments related thereto (together, the “Project”) within the City; and

WHEREAS, the total amount of bonds to be so issued to finance the acquisition, construction, installation and equipping of the Project shall not exceed Seven Hundred and Fifty Thousand Dollars (\$750,000); and

WHEREAS, a Notice of Intent to Issue Bonds must be published at least forty-five (45) days before issuance of the bonds in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended, and Act 34, Public Acts of Michigan, 2001, as amended; and

WHEREAS, the City desires to make certain declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a Notice of Intent to Issue Bonds in The Independent/Ad-Visor, a newspaper of general circulation in the City, as a display advertisement of at least ¼ page in size. The Notice of Intent so published shall be in substantially the following form:

**NOTICE TO ELECTORS OF THE CITY OF DURAND
OF INTENT TO ISSUE GENERAL OBLIGATION BONDS
AND OF RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the City Council of the City of Durand intends to authorize the issuance and sale of general obligation bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in two or more series in the total aggregate principal amount of not to exceed in total Seven Hundred and Fifty Thousand Dollars (\$750,000), for the purpose of paying part of the cost of acquisition, construction, installation and equipping of capital improvements in the City, consisting generally of water line upgrades and replacements, rehabilitation of ground storage and elevated tanks, improvements to the sewage collection and disposal system and other related public infrastructure improvements and appurtenances and attachments related thereto.

Each series of the bonds will mature in annual installments not to exceed seven (7) in number, with interest rates on each series of the bonds to be determined at public or negotiated private sale but in no event to exceed the maximum rate permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID GENERAL OBLIGATION BONDS shall be paid from the general funds of the City lawfully available for such purposes including property taxes levied within applicable charter, statutory and constitutional limitations. However, the City expects to pay principal of and interest on the bonds from utility system revenues.

RIGHT OF REFERENDUM

THE GENERAL OBLIGATION BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such a petition is filed, the bonds cannot be issued unless approved by the majority vote of the electors of the City voting on the question of their issuance.

THIS NOTICE is given pursuant to the requirements of Act 34, Public Acts of Michigan, 2001, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

City Clerk

City of Durand

2. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors of the City and is well calculated to inform them of the City's intention to issue the bonds, the maximum amount of bonds to be issued, the purpose of the bonds, the source of payment of bonds and the rights of referendum of the electors with respect thereto.

3. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of constructing, renovating, furnishing and equipping the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$750,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the

Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150 2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution by and the same hereby are rescinded.

AYES:

Members McDonough, Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall

NAYS:

Members: None

RESOLUTION DECLARED ADOPTED.

City Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Durand, Michigan, at a regular meeting held on July 19, 2004, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

City Clerk

CITIZEN COMMENTS:

Paula Brooks asked when the new water and sewer rates would take affect? City Clerk: "They will be billed on August billing."

DEPARTMENT REPORTS:

Mince: Friday, July 16th was at torrential downpour – over 1" rain within 30 minutes. The city experienced a sanitary overflow; both at the Genesee lift station and Sewer plant. Regarding the rain disaster from May, FEMA has determined that the city will not be eligible for any reimbursement; however, the residents that

were affected will be eligible. North Oak Street Resurfacing project begins next week; detour routes will be set-up tomorrow.

COUNCIL COMMENTS:

Hall: The old Junior High school has weeds around it. Fitzgerald and Oak on the corner there, the weeds are bad also.

Boggs: What are we going to do with the old police car? **City Manager:** Possibly recycle it for the Fire Chief.

McDonough: Property between Vinewood and Hagle Street that is city owned; it needs to be cut again. **Mince:** I will take a look at it. **McDonough:** Catch basin collapsed on East Perry and Manfred. **Mince:** I am aware of that. The DPW will be getting to it as soon as possible.

Bemis: What ever happened to the people who came here and asked for an extension to keep their car in their yard? **Police Chief:** The car is moved. **Bemis:** We need to look at the DVA ballot issue fairly soon. **City Manager:** We can get something for the next meeting.

Mayor Canute: 211 Mercer, does the city know who owns it? Someone is moving in and out of there. Police activity may be needed.

Boggs moved, McDonough supported to recess into Executive Session at 8:35 p.m. to discuss pending litigation and the purchase of property.

YEAS: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough

NAYS: None

Carried.

Meeting reconvened at 9:21 p.m.

D. Doyle moved, McDonough supported to exercise the city's option to purchase the Robison Property.

YEAS: Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough, Bemis

NAYS: None

Carried.

Mayor Canute adjourned the meeting at 9:23 p.m.

JULY 5, 2004 CITY COUNCIL MINUTES
(NO MEETING)

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