
JUNE 18, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, June 18, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough

Council Absent: None

**Boggs moved, McDonough supported to approve the agenda with the addition of: Item H – Executive Session
Carried.**

**McDonough moved, D. Doyle supported to approve the minutes of the regular meeting held June 4, 2007 with corrections.
Carried.**

McDonough moved, D. Doyle supported to approve payment of the City bills numbering 34067-34128.

YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CITIZENS PRESENT: Jim Roddy, 708 Olivet St., present at the meeting addressing the City Council regarding being pulled over by an officer that ordered him to put down his window, present his drivers license, proof of insurance and registration. If he did not show these items the officer warned Mr. Roddy that he was looking at going to jail. Also, Mr. Roddy wanted to see a copy of the tape of being pulled over and was told that it would cost \$100.00.

Vikram Shah, owner of the Quality Inn, stated that his ready-to-serve fees for the hotel was \$350.00 which he considered too expensive.

City Manger responded that several years ago the City was recommended by Consultants to have the ready-to-serve fees. The cost you are speaking of includes water and sewer, there is no charge for fire suppression which we do not meter and no charge if you need to use it.

McDonough moved, Boggs supported to approve the first reading of the rezoning request for 311 and 401 N. Oak St. and pass it on to the second reading.

YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor

Canute
NAYS: None
Carried.

McDonough moved, Hildebrandt supported to approve the membership renewal invoice from the Michigan Municipal League in the amount of \$3,390.00.
YEAS: D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass
NAYS: None
Carried.

D. Doyle moved, Boggs supported to approve the new fees for the trade inspection services electrical, plumbing and mechanical.
YEAS: T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle
NAYS: None
Carried.

D. Doyle moved, McDonough supported to approve the resolution approving the request from Nick's Coney Island for a new (SDM) Specially Designated Merchant License, in conjunction with proposed new Class C License.
YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, D. Doyle T. Doyle
NAYS: Douglass
Carried 6-1.

McDonough moved, Hildebrandt supported to approve the collection of the outstanding invoices, in the amount of \$4,130.00 on the Summer 2007 tax bills.
YEAS: McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt
NAYS: None
Carried.

T. Doyle moved, Hildebrandt supported to approve the payment of the invoices from Deisler Electric in the amount of \$2,168.40.
YEAS: Boggs, Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough
NAYS: None
Carried.

Boggs moved, T. Doyle supported to approve the budget amendments for fiscal year 2006-07.
YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs
NAYS: None
Carried.

CITIZENS SPOKE: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director: Water Main Project – bacteria test due back this week.

City Manager: Information in the City Council packets regarding the new legislation that replaces the State Business Tax.

COUNCIL COMMENTS: Douglass: Suggested to the City Council that they forfeit one nights pay or 4% in support of the employees who are taking a wage freeze this year. We cannot waive our salaries, but we can return it once we receive it.

Boggs: Growth and development seminar in Genesee County. City Manager, responded that this seminar is about growth going where the talent is. The State needs to refocus on making communities more vibrant. Downtowns will become the industrial parks of the future.

McDonough: Thank you for the gravel on the streets, people appreciate it.

D. Doyle moved, Boggs supported to adjourn to Executive Session to discuss pending litigation between the City of Durand vs. D.V.A., discussing strategies could be detrimental if discussed in public.

YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

**NAYS: None
Carried.**

Mayor Canute adjourned the meeting at 8:39 p.m.

JUNE 4, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, June 4, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough

Council Absent: None

Boggs moved, Hildebrandt supported to approve the agenda with the following additions:

D. Use of Alcohol at D.U.S.I.

E. Contract for use of Durand Rd. Property for Farming

F. Authorization for Treasurer to Place Delinquent Utilities of Tax Roll Carried.

**McDonough moved, Hildebrandt supported to approve the minutes of the regular meeting held May 21, 2007 and the Special Budget meetings held May 23, 2007 and May 30, 2007 as presented.
Carried.**

D. Doyle moved, Boggs supported to approve payment of the City bills numbering 34036-34066.

**YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs
NAYS: None
Carried.**

CITIZENS PRESENT: No one spoke at this time.

McDonough moved, D. Doyle supported to approve the State Budget Crisis Resolution:

THE STATE BUDGET CRISIS

WHEREAS, after seven straight years of state budget deficits and four years of budget

Cuts, we are facing yet another \$3 billion shortfall in state revenue for the current 2007-08 fiscal years; and

WHEREAS, \$3.6 billion has been cut from the state's budget over the past four years,

And the state is operating with fewer state employees than in the 1970's; and

WHEREAS, funding for local governments has been cut by \$2 billion the last five years

Resulting in a loss of over 1,600 police officers and 2,000 fire fighters statewide,

Compromising the safety of our local communities; and

WHEREAS, Michigan's major taxes have been cut over 32 times in the past decade, our

Unemployment rate remains one of the highest in the country, and our auto Industry continues to struggle; and

WHEREAS, the Single Business Tax (SBT), the primary tax paid by businesses in Michigan, will be entirely phased out by the end of the year with no

replacement

For the \$1.9 billion in revenue generated from this tax; and

WHEREAS, higher education in Michigan has already been cut by \$250 million which

Has resulted in college students and their families having to pay double digit Tuition increases and a college education moving further out of reach for the States middle class; and

WHEREAS, further cuts to state safety net programs for food assistance, childcare and

Healthcare will only result in a shift of demand to already overburdened county

Municipal programs.

THEREFORE BE IT RESOLVED, that the City of Durand cannot sustain further cuts in

Essential services and that further funding cuts will result in a loss of quality of

Life for the citizens of our community and this state and an inability to retain Carried.

D. Doyle moved, McDonough supported to approve the new City of Durand Building and Zoning Fee Schedule.

YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

Boggs moved, Hildebrandt supported to approve the purchase of three Mobile Data Terminals from Blumerich Communication Services in the amount of \$19,437.00.

YEAS: D. Doyle, T. Doyle, Boggs, Mayor Canute, Douglass,

NAYS: Hildebrandt, McDonough

Carried 5-2.

McDonough moved, Hildebrandt supported to approve the use of alcohol at the depot for a wedding reception on June 23, 2007 with the appropriate liability insurance naming the City and the Durand Union Station as additional insured.

Carried.

McDonough moved, Hildebrandt supported to approve the contract for the property on Durand Road for the use of farming.

YEAS: T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass,

D. Doyle

NAYS: None

Carried.

Tim Doyle moved, D. Doyle supported to authorize the Treasurer to place delinquent utility bills on the 2007 summer tax roll.

**YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle
T. Doyle**

**NAYS: None
Carried.**

CITIZENS COMMENTS: No one spoke at this time.

DEPARTMENT REPORTS: Police: Two businesses were cited for serving alcohol to minors during a sting.

City Attorney: Next meeting there will need to be a closed session regarding pending litigation with D.V.A.

Mayor Canute adjourned the meeting.

MAY 21, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, May 21, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

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

C. Resolution – DDA Ordinance Recognition

Carried.

Boggs moved, Hildebrandt supported to approve the minutes of the regular meeting held May 7, 2007 with corrections and the Executive Session held May 7, 2007 as presented.

Carried.

D. Doyle moved, McDonough supported to approve the payment of the City bills numbering 34021 – 34035.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

**NAYS: None
Carried.**

CITIZENS PRESENT: None

AWARDING RESOLUTION

**CITY OF DURAND
COUNTY OF SHIAWASSEE
STATE OF MICHIGAN**

**CAPITAL IMPROVEMENT BONDS, SERIES 2007
(GENERAL OBLIGATION LIMITED TAX)**

**Minutes of the regular meeting of the City Council of the City of Durand,
County of Shiawassee, State of Michigan, held on the 21st day of May, 2007 at 7:30
p.m., Eastern Daylight Time.**

**PRESENT: Boggs, Mayor Canute, Douglass, Deb Doyle, Tim Doyle
Hildebrandt,**

McDonough_____

ABSENT:

None_____

**The following preamble and resolution were offered by Member Deb Doyle
and supported by Member Tim Doyle:**

**WHEREAS, pursuant to Act 34, Public Acts of Michigan, 2001, as amended,
and a resolution duly adopted on May 7, 2007, the City Council of the City of
Durand, County of Shiawassee, State of Michigan (the "Issuer"), has offered for
competitive sale its \$350,000 Capital Improvement Bonds, Series 2007 (General
Obligation Limited Tax) (the "Bonds"); and**

**WHEREAS, Monday 21, 2007, at 3:30 p.m., Eastern Daylight Time, was set
as the date and time for opening bids for the purchase of the Bonds; and**

WHEREAS, said bids have been publicly opened and read; and

WHEREAS, the bids attached hereto as Exhibit A have been received; and

**WHEREAS, it is appropriate for the Issuer to award the sale of the Bonds to
the bidder whose bid meets the requirements of law and which has been determined
to produce the lowest true interest cost to the Issuer.**

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The bid of ___ Oppenheimer & Co. ___, as attached hereto as part of Exhibit A, is determined to produce the lowest true interest cost to the Issuer and the bid is hereby approved and accepted.

2. Checks of the unsuccessful bidders shall be returned to each bidder's representative or by overnight courier as set forth in the Official Notice of Sale as published in The Bond Buyer.

3. The Bonds shall be dated, shall be in the principal amounts, shall mature, bear interest, be subject to redemption and otherwise conform in all respects to the terms set forth in the Official Notice of Sale as published in The Bond Buyer.

4. Any officers, employees or agents of the Issuer as may be necessary are hereby authorized and directed to execute and deliver such documents and certificates as may be necessary or convenient to accomplish the sale and delivery of the Bonds as contemplated herein.

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

AYES: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs,
Boggs, Mayor Canute
NAYS: None

RESOLUTION DECLARED ADOPTED.

Amy Roddy, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Durand, County of Shiawassee, State of Michigan, at a regular meeting held on May 21, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and the minutes of said meeting were kept and will be or have been made available as required by said Act.

Amy Roddy, City Clerk

PRESENTATION OF 2007-08 BUDGET

- Major changes in healthcare, we are looking at policies that maintain the integrity of the healthcare benefits but lower the costs of the premiums.
- Will be able to do street projects such as Brand St., Russell St., S. Saginaw St., and Holmes St. There will be no curb and gutter.
- We are going to have to do something with street revenue, we are getting less money to work with, but we have more work to do.
- There will be no Headlee Roll back.
- Calculated for a freeze in employee wages.
- The budget is \$50,000 short.

Boggs moved, Hildebrandt supported to approve the first reading of the 2007-08 budget.

YEAS: Tim Doyle, Hildebrandt, Boggs, Mayor Canute, Douglass, D. Doyle

NAYS: McDonough

Carried.

RESOLUTION

At a Regular meeting of the Durand City Council called to order by Mayor Canute on Monday, May 21, 2007 at 7:30 p.m. the following resolution was offered:

Moved by Deb Doyle and supported by Hildebrandt

That the Downtown Development Authority established by Ordinance and effective September 20, 1990, shall be recognized as a Redevelopment Project Area for purposes of PA 501 of 2006

**be considered for _____ approval _____
(Approval/Disapproval)**

YEAS: Boggs, Mayor Canute, Deb Doyle, Tim Doyle, Douglass, Hildebrandt, _____

McDonough _____

NAYS:

None _____

ABSENT: None

State of Michigan, Durand

County of Shiawassee

I hereby certify that the foregoing is a true and complete copy of the resolution offered and adopted by the City of Durand at a Regular meeting held on May 21, 2007.

Roddy J. Roddy, City Clerk
City of Durand
215 W. Clinton St.
Durand, MI 48429

CITIZENS SPEAK: Paula Brooks, 104 W. Summit St., It is very difficult for small business owners to afford healthcare; there are several citizens in your community that don't have healthcare who pay taxes so that your employees can afford healthcare benefits.

Mike Fuja, Shiawassee County Commissioner, we are facing the same issues at the County that the City is facing

DEPARTMENT REPORTS: Police Department: Chased a lot of dogs out of the downtown. Submitted several properties to Warner Lawn Care that have not been mowed.

McDonough: Weiske Tool and Old Schmelzer's building have not been mowed.

City Manager: D.P.W. will be cleaning the sewer lines and we will be hiring seasonal workers to work in the D.P.W. this summer to shift the load.

COUNCIL COMMENTS: Deb Doyle: The guys did a great job getting ready for Railroad Days.

Mayor Canute: Asked how Steve Mince is doing. City Manager responded that it appears that he maybe able to return to work in June.

Mayor Canute adjourned meeting.

MAY 7, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, May 7, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, Hildebrandt

Council Absent: McDonough

Boggs moved, Tim Doyle supported to approve the agenda with the deletion of: Item B – Authorization: Reimbursement Resolution for DDA Project Carried.

D. Doyle moved, Hildebrandt supported to approve the minutes of the regular meeting held April 16, 2007 as presented. Carried.

Tim Doyle moved, Boggs supported to approve the payment of the City bills numbering 33951-34020.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, Boggs

NAYS: McDonough

Carried.

CITIZENS PRESENT: Lanny Passmore, 727 W. Monroe St., read a letter recognizing Councilman Douglass and City Clerk Amy Roddy for assisting with his property issue.

Hass Green, 310 Shiawasse St., inquired on the status of the Credit Union that is to be going in behind his house.

City Manager responded that there is a process that is followed on a project like this. There are Resolutions that need to be passed by the City Council and state laws that need to be followed during this process.

Boggs moved, Douglass supported to approve the appointment of Barry Gross to the Planning Commission.

Carried.

Public Hearing: Zoning Amendment 212 S. Oak St. R-3 to Industrial

Public Hearing opened 7:50 p.m.

Donna Kline asked where the property was located.

City Manger responded that this is property owned by Simplicity.

Public Hearing closed 7:51 p.m.

Boggs moved, Hildebrandt supported to approve the rezoning of the property at 212 S. Oak Street from R-3 to Industrial.

YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, Boggs, Mayor Canute

**NAYS: None
Carried.**

D. Doyle moved, Tim Doyle supported to approve the resolution authorizing the sale of capital improvement bonds in the amount of \$350,000.00.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, Boggs, Mayor Canute, Douglass

**NAYS: None
Carried.**

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Manager discussed the 2006-07 and 2007-08 Budget. Also, there will be a pre-construction meeting for Saginaw St. on May 15, 2007.

City Clerk discussed Trumble Park Grant and FEMA Grant for the Fire Department which will include personal protection gear and a thermal camera.

Reminded everyone about the election tomorrow.

COUNCIL COMMENTS: Hildebrandt: Do we check the mowing crew after they have mowed? The Trumble Park lawn was over 5" long. Inquired about the City leasing of farmland and what about putting gravel on S. Side.

Hildebrandt: What is the status on Shiawassee Mental Health Crew? The contract was approved last year but we haven't done anything this year.

Douglass: Would like to have budget meeting scheduled for one day session. Lets keep the lines of communication open better between the City and the properties on Shiawassee St.

Mayor Canute: Letter from Vernon Township states their latest and best offer; PA 425, 30 years, 2 Mills

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

YEAS: Tim Doyle, Hildebrandt, Boggs, Mayor Canute, Douglass, D. Doyle

**NAYS: None
Carried.**

Reconvene 8:36 p.m.

Boggs moved, Hildebrandt supported to give the City Manager administrative authority to enter into a purchase option with 310 Shiawassee St.

YEAS: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt

**NAYS: None
Carried.**

Mayor Canute adjourned at 8:37 p.m.

APRIL 16, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, April 16, 2007 at 7:30 p.m. in the Council Chambers of Durand City Hall.

Mayor Pro Tem Boggs called the meeting to order at 7:30 p.m.

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

D. Doyle moved, McDonough supported approve the agenda with the addition of items:

A-1: Development Agreement with Sagelink Credit Union

H: Uniform Video Service Local Franchise Agreement

and to delete item:

D: Reimbursement Resolution for Water Main Replacement Financing

Carried.

McDonough moved, Tim Doyle supported to approve the minutes of the regular meeting held April 4, 2006.

Carried.

McDonough moved, D. Doyle supported to approve the payment of the City bills numbering 33902 – 33950.

YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CITIZENS PRESENT: Nancy Hurst, 105 Washtenaw St., asked what the time frame for the credit union project was. City Manger responded that it would be August/September of this year.

Tim Doyle moved, McDonough supported to approve the Development Agreement with Sagelink Credit Union.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Douglass

NAYS: None

Carried.

McDonough moved, Hildebrandt supported to award the bid for the Water Main Replacement – N. Saginaw Street project to Glaeser Dawes in the amount of

\$217,907.79.

YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Douglass, D. Doyle

NAYS: None

Carried.

McDonough moved, Hildebrandt supported to approve the list of utility accounts delinquent totaling \$81,265.02.

YEAS: Hildebrandt, McDonough, Boggs, Douglass, D. Doyle, Tim Doyle

NAYS: None

Carried

Tim Doyle moved, D. Doyle supported to approve the resolution for a Temporary License to sell wine during the wine tasting event at the Railroad Days Festival.

Carried.

McDonough moved, Hildebrandt supported to accept the proposal from Layne-Northern in the amount of \$2,275.00 to conduct the filter media inspection and pump testing as outlined in their proposal for the water system.

YEAS: McDonough, Boggs, Douglass, D. Doyle, Tim Doyle, Hildebrandt

NAYS: None

Carried.

Tim Doyle moved, Hildebrandt supported to approve the first reading of the Zoning Amendment for 212 S. Oak Street from R-3 to Industrial.

Carried.

D. Doyle moved, Hildebrandt supported to approve the Uniform Video Service Local Franchise Agreement (“Uniform Franchise”).

Carried.

CITIZENS SPEAK: Paula Brooks, 104 W. Summit St., asked the location of the Sagelink Credit Union. City Manager responded that it was to be located on the property of the old Methodist Church on N. Saginaw St.

DEPARTMENT REPORTS: City Manager: Statewide there is a possibility of losing 20-30% in state shared revenue, encourage Council and public to call legislators.

COUNCIL COMMENTS: Douglass: Congratulate Lynn for all the work with Sagelink Credit Union. Also, thank you to Amy for helping Mr. Passmore he seems satisfied with outcome.

Tim Doyle: Thank you to Sagelink Credit Union for choosing Durand.

McDonough: Congratulation and thank you to Sagelink for picking Durand.

D. Doyle: Welcome Sagelink to Durand.

Mayor Pro Tem Boggs adjourned meeting at 7:55 p.m.

APRIL 2, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, April 2, 2007 at 7:30 p.m. in the Council Chambers of Durand City Hall.

Mayor Pro Tem Boggs called the meeting to order at 7:30 p.m.

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

**Tim Doyle moved, McDonough supported to approve the agenda with the addition of item: C. Diamond District Fundraising Committee
Carried.**

**McDonough moved, Hildebrandt supported to approve the minutes of the regular meeting held March 19, 2007.
Carried.**

**D. Doyle moved, McDonough supported to approve the payment of the City bills numbering 33862-33901.
YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs
NAYS: None
Carried.**

CITIZENS PRESENT: No one spoke at this time.

**McDonough moved, Tim Doyle supported to postpone Item A until the City Manager can further explore financing options.
Carried**

**Hildebrandt moved, McDonough supported to postpone Item B until the next meeting.
Carried.**

**D. Doyle moved, McDonough supported to establish a fund raising committee to develop Diamond District Park, and to appoint Ken Themm as the Chairman.
Carried.**

DEPARTMENT REPORTS: City Manager: Governor's executive order to put a number of grants on hold due to the financial conditions of the state.

Budget workshop schedule for 2007-08 in packets with a change of meeting time to 4:30 p.m.

City Clerk: Historic data criteria for Trumble Park has been met and we are waiting for final approval from the State.

COUNCIL COMMENTS: McDonough: Gravel on the side streets

D. Doyle: Easter Egg Hunt – Saturday, April 7 at 11:00 a.m.

Mayor Pro Tem Boggs adjourned the meeting at 8:42 p.m.

MARCH 19, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, March 19, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

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

D. Option for Agreement with Vernon Township.

Carried 6-1

Boggs moved, Hildebrandt supported to approve the minutes of the regular meeting held March 5, 2007.

Carried.

D. Doyle moved, McDonough supported to approve the payment of the City bills numbering 33815-33861.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CITIZENS PRESENT: Brooks Oesterle, 407 Vanderbilt, concern about the availability of the hockey rink at Optimist Park, it has been locked. City Clerk responded that the DPW drained the water last week; they didn't open it up today.

Derrick Alward, 425 Elm St. Vernon, a graduate of Durand High School. Bids were submitted for lawn care and we are 2 man crew; 1 mil liability insurance, 32 hours of man power.

**D. Doyle moved, McDonough supported to approve the request from the Durand VFW to hold their annual Poppy Sales on May 17, 18 & 19, 2007
Carried.**

**McDonough moved, Hildebrandt supported to approve the request from the fire department to purchase various gear/clothing in the amount of \$3,225.00.
YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute
NAYS: None
Carried.**

**D. Doyle moved, Hildebrandt supported to accept the lawn care bid from Cary Warner in the amount of \$685.00.
YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass
NAYS: None
Carried.**

McDonough moved, Boggs supported to approve Option 1 – The City and the Township would enter into an agreement under Public Act 108 whereby the City would annex the property into the City, and the Township would release the property for annexation. The City would pay an amount equal to 2 mils of the taxable SEV adjusted annually based upon the City’s Headlee rollback, for a period of 30 years. The 30 years begins on the effective date of the agreement.

**Tim Doyle moved, McDonough supported to amend the motion to include not to exceed the value of the property’s S.E.V. on the date of the agreement.
YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Douglass, D. Doyle
NAYS: Mayor Canute
Carried 6-1**

**Option 1 – The City and the Township would enter into an agreement under Public Act 108 whereby the City would annex the property into the City, and the Township would release the property for annexation. The City would pay an amount equal to 2 mils of the taxable SEV not to exceed the value of the property’s S.E.V. on the date of the agreement adjusted annually based upon the City’s Headlee rollback, for a period of 30 years. The 30 years begins on the effective date of the agreement.
YEAS: Hildebrandt, McDonough, Boggs, D. Doyle, Tim Doyle
NAYS: Mayor Canute, Douglass
Carried 5-2**

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Fire Department: Dunk tank at Railroad Days sponsored by Waste Management, invites the City Council to participate.

City Manager: Nothing back from MDOT regarding Saginaw St. Project, probably due to state's budget program. Update on the leaf pick-up, new leaf loader looked at today. Cost is \$30,000 - \$35,000, we may go out for bid on this.

City Clerk: Legislative Meeting in Lansing on Wednesday there will be a dinner afterwards, let me know if you are interested.

COUNCIL COMMENTS: McDonough: What will be done with the old police car? Brown St. break up ice; flooding on the street.

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

MARCH 5, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, March 5, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

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

McDonough moved, Boggs supported to approve the minutes of the regular meeting held February 19, 2007.

Carried.

McDonough moved, Hildebrandt supported to approve the payment of the City bills numbering 33778-33814.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough,

Boggs

NAYS: None

Carried.

CITIZENS PRESENT: Leonard Krawczyk, owner of the Iron Horse Pub, voiced concern regarding allowing another bar to open in Durand. There has been a lack

of business for bars in the last few years and duplications of businesses within in the downtown would not be positive.

Pat Post, 624 E. Monroe Rd, the Chamber of Commerce would like to congratulate Deborah Doyle as Citizen of the Year. The Chamber of Commerce Annual Dinner will be held Thursday, March 15, 2007, at the Durand Union Station - 6:00 p.m. social hour and 7:00 p.m. dinner.

Mike Bemis, 600 Princeton Dr., could facts be published regarding the interest rate, inflation rates and the process for tax assessments to be available to the public. Also, urged Council to be cautious regarding the leaf pick-up program this could ultimately cause more problems.

McDonough moved, Hildebrandt supported to approve the request from the Durand Knights of Columbus to hold their annual Tootsie Roll Drive on March 30, 31 and April 1, 2007.
Carried.

D. Doyle moved , McDonough supported to approve the invoice in the amount of \$1,529.85 from Lamphere Plumbing and heating for a new circulation pump and installation at City Hall.

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

NAYS: Douglass

Carried.

D. Doyle moved, McDonough supported to approve the resolution recommending the approval of a new Class C/CSDM Licenses pursuant to PA 501 of 2006 for Nick's Coney Island, Inc. 102 N. Saginaw Street, Durand, MI 48429.

Mike Brown, Attorney for Mr. Kalifatis owner of Nick's Coney Island, Inc., a Liquor License Specialist was present at the meeting to answer any questions of the Council. The requirements for PA 501 of 2006: Liquor Licenses for Redevelopment stated that in order to apply for these licenses there must be no available liquor licenses through out the County. Mr. Kalifatis is not going to be changing his business into a bar but would like to be able to offer his costumers a full range of beverages. To apply for this license to the State it will be required that Mr. Kalifatis prove he has made a \$75,000.00 investment in his property. The cost of the license if approved is \$20,000.00 with 55% coming back to the City.

D. Doyle moved, McDonough supported to allow public comments regarding the request from Mr. Kalifatis with a time limit.
Carried.

Leonard Krawczyk, owner of the Iron Horse Pub, discussed that he purchased his liquor license for \$50,000.00 30 years ago and that the renewal for the license is \$600.00 which the governor will be tripling. It has been a recommendation that

there be one bar per every 2500 population and there are already too many in Durand. Mr. Krawczyk thanked the Council for allowing him to speak and asked the Council to consider not making a decision tonight.

Mike Bemis, 600 Princeton Dr., the City is hurting for money and this will result in the City receiving \$10,000.00 for the general fund. Mr. Kalifatis has always been supportive of the Fire and Police Departments and I do not see this as a detriment to the community.

RESOLUTION

At a Regular meeting of the Durand City Council called to order by Mayor Canute on Monday, March 5, 2007 at 7:30 p.m. The following resolution was offered:

Moved by D. Doyle and supported by McDonough

That the request of:

Application for new Class C/CSDM Licenses pursuant to PA 501 of 2006 for Nick's Coney Island, Inc. (102 N. Saginaw St., Durand, MI 48429)

be considered for Approval
(Approval/Disapproval)

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, _____

NAYS: Douglass _____

ABSENT:
None _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended/Not Recommended)

State of Michigan, Durand

County of Shiawassee

I hereby certify that the foregoing is a true and complete copy of the resolution offered and adopted by the City of Durand at a Regular meeting held on March 5, 2007.

**Amy J. Roddy, City Clerk
City of Durand
215 W. Clinton St.
Durand, MI 48429**

Power-point presentation: Revenue Sharing by City Manager, Lynn Markland

Mr. Markland presented a DVD prepared by the MML on the State of Michigan Revenue Sharing. In addition he had prepared a power point presentation specifically related to the City of Durand's decline in State Revenue Sharing since 2001.

Mayor Canute called for Recess at 8:58 p.m.

Reconvene at 9:03 p.m.

Discussion: Citywide Leaf Pick-up Program

The leaf loader is worn out and will not last through the next season. If we are going to continue to provide this service, we need to order a new machine very soon. The equipment is expensive and the process requires a number of employee hours to complete a sweep of the City. The City Council needs to make a decision on the continuation of the program.

Council members discussed options for leaf pick up and asked for additional details of what other City's do to handle leaves, additional cost from Waste Management and the need to have a public hearing.

Douglass moved, McDonough supported to forward the three Options for Agreement with Vernon Township to the Township Board for their review.

Discussion by Council members regarding agreements with Vernon Township.

Tim Doyle expressed opposition for the City approaching the Township with additional agreements.

D. Doyle asked the response from Vernon Township from the last time options were sent to the Township.

Mayor Canute read the letter from Vernon Township from November or December.

Mayor Canute: After all the time and work the City has put into the agreements in the past and been turned down by the Township, there is no reason for the City to go knocking at the Township's door for another agreement. We have had no one from the Township approaching the City for annexation.

YEAS: Boggs, Douglass

NAYS: Mayor Canute, D. Doyle, Tim Doyle, Hildebrandt, McDonough

Failed 2-5

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Attorney: Congratulations to Deborah Doyle on receiving Citizen of the Year award.

COUNCIL COMMENTS: D. Doyle: Durand Patriots are collecting donations of Girl Scout Cookies or money to purchase cookies for the Troops in Iraq.

Boggs: Thanked City Manager for his presentation on Revenue Sharing.

Douglass: Stated frustration regarding the negotiations between the City Council and Township.

Mayor Canute: Discussed mosquito control and congratulated Deborah Doyle on receiving Citizen of the year award.

Mayor Canute adjourned the meeting at 10:30 p.m.

FEBRUARY 19, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, February 19, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, McDonough

Council Absent: Hildebrandt (excused)

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

**Boggs moved, D. Doyle supported to approve the minutes of the regular meeting held January 15, 2007 and the special meeting held February 7, 2007.
Carried.**

McDonough moved, Boggs supported to approve the payment of the City bills numbering 33618-33777.

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

NAYS: None

ABSTAIN: McDonough 33637, 33663, 33669 (all East Jordan checks)

Carried.

CITIZENS PRESENT: Karen Carsten, Discussed the visitor count from 2006, noting the states that travelers have come from.

Boggs moved, McDonough supported to approve the invoice from BS&A Software in the amount of \$2500.00

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

NAYS: None

Carried.

D. Doyle moved, McDonough supported to accept the concept of the “Local Choice Pay Model” and request that the SATA Board implement this pay model for the current fiscal year.

YEAS: D. Doyle, Tim Doyle, McDonough

NAYS: None

ABSTAIN: Boggs, Mayor Canute

Carried.

D. Doyle moved, McDonough supported to pursue language in the NPDES permit to make amendments to the plan to fund the improvement project when it is financially feasible to construct the project.

YEAS: T. Doyle, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle

NAYS: None

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Manager: Tonight we have with us Pat Post, the Executive Director of the Chamber of Commerce. The Chamber dinner will be held March 15, 2007 at 7:00 p.m. in the D.U.S. Ballroom.

2010 – MDOT Small Urban Program – reconstruction of Russell St. this is a grant that we have worked very hard to get. With financial situations it is getting more and more difficult to find the funds to match these projects with.

City Clerk: The Legislature Conference is March 21, 2007 in Lansing, all those interested in attending please contact me.

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

FEBRUARY 7, 2007 CITY COUNCIL MINUTES

Minutes of the Special Durand City Council meeting held Wednesday, February 7, 2007 at 7:00 p.m. in the Council Chambers of Durand City Hall.

Mayor Canute called the meeting to order at 7:05 p.m.

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt

McDonough

Council Absent: None

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

CITIZENS PRESENT: No one spoke at this time.

Discussion: Waste Water Treatment Plant's New National Pollutants Discharge Emissions Systems

Maureen Wegener and Robin Rapelje from Capital Consultants were present to discuss alternative methods for the City of Durand to meet the DEQ's requirements for DO (Dissolved Oxygen) at the Wastewater Treatment Facilities Discharge Outfall. The testing point for the DO has been at the Wastewater Treatment plant but the DEQ now believes that the levels are not acceptable at the outfall and that the testing site must be representative of what enters the river. The force main is 3 miles long from plant to outfall and the DO is depleted by the discharge point

Discussed Improvement Alternatives:

Alternative #1: Control Oxygen Demand/Control Growth of Organism – This alternative would require the use of Chlorine in the form of hypochlorite or a method of cleaning the forced main. This method is not practical with the cost of chemicals and the impracticality of cleaning the 3 mile forced main.

Alternative #2: Improve Oxygen Balance/Add Oxygen in Excess of Demand – This alternative has four different options.

a. Diffused Air Reaeration at WWTP - Oxygen being added by injecting compressed air into the effluent force main.

- b. Chemical Feed - Hydrogen Peroxide added at the WWTP**
- c. Reaeration Cascade near Outfall – Consist of pumping water up a set of stair and falling to increase the DO level.**
- d. Diffused Air Reaeration near Outfall – Consist of wastewater entering a complete mix tank in which air bubbles are introduced below water surface near the outlet.**

Alternative 2d, Diffused Air Reaeration near Outfall, is recommended as the most cost effective, reliable and practical by Capitol Consultants.

A valve connection would be constructed on the existing 16-inch plant discharge force main to direct the wastewater flow to the new aeration tank. The aeration tank would be an underground concrete tank large enough to provide 10 minutes of contact time (approx. 19,000 gallons). The outlet pipe will connect to the existing force main downstream of the new valve, a single room building adjacent to the tank would house the aeration equipment.

McDonough requested that DEQ or the EPA show the City of Durand proof that we are damaging the environment with the standards we have been held to up until this point. Would also like to see a representative from the DEQ come and speak to the Council to answer questions.

McDonough Requested a break down of what this improvement will cost the tax payers.

Douglass requested the City Manager to write a letter to Lansing stating what is being asked of the City at a time when the economy is bad and we are trying to bring businesses to the State of Michigan, he would also like to see a cost per household.

City Manager: The DEQ is only asking us for a time schedule for this project because those guidelines will be wrote into the permit. I have been looking at the debts of the WWTP and we should try to time the cost according to the expiration of a past debt. This will be brought back to Council at the next meeting for a time schedule.

CITIZENS SPEAK: No one spoke at this time.

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

JANUARY 15, 2007 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, January 15, 2007 at 7:30 p.m. 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, Douglass, D. Doyle, T. Doyle, Hildebrandt
Council Absent: McDonough (excused)**

**Boggs moved, D. Doyle supported to approve the agenda with the addition of item:
H. Cancel February 5, 2007 regular meeting and reschedule for February 7, 2007 as
a workshop to discuss updates to the WWTP and the deletion of Executive Session.
Carried.**

**D. Doyle moved, T. Doyle supported to approve the minutes of the regular meeting
held December 18, 2006 as presented.
Carried.**

**Boggs moved, Hildebrandt supported to approve the City bills numbering 33520-
33617.
YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, Boggs
NAYS: None
Carried.**

**CITIZENS PRESENT: Jean Frosh, 413 Obert St., pleaded for the City Council
members to reconsider its support for S.A.T.A. transportation in Durand.**

**Tim Shaw, 609 Wickshire, asked for the City Council to reconsider the decision
regarding S.A.T.A. that was made at the last meeting. "This service is worth a lot
to Durand since the City cannot provide this by itself; we are lucky to have them
service us."**

**Barb Dingman, 331 E. Monroe Rd., stated that her son Michael rides the bus
everyday to Meijer's for his job and there are other people in the community that
depend on the S.A.T.A. buses for transportation to and from work.**

**Lindsay Eister, Assistant Director of the Shiawassee Economic Development
Partnership, announced the proposed ethanol project for the county and that there
will be an investor informational breakfast meeting on February 7th at Baker
College for anyone interested.**

**D. Doyle moved, Hildebrandt supported to approve the presentation for Railroad
Days 2007.
Carried.**

**Boggs moved, Douglass supported to approve the request from Rod Hall and Brad
Thorsby to serve alcohol at the Durand Union Station for a fund raising event. The
funds raised will go to the Diamond District Park project.
Carried.**

D. Doyle moved, Hildebrandt supported to approve the Electronic Charge Card processing Agreement with Official Payment Corporation.

YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, Boggs, Mayor Canute

NAYS: None

Carried.

T. Doyle moved, Hildebrandt supported to approve the Third Party Custodian Agreement with Fifth Third and the Bank of New York.

YEAS: D. Doyle, T. Doyle, Hildebrandt, Boggs, Mayor Canute, Douglass

NAYS: None

Carried.

Boggs move, D. Doyle supported to increase the fee for each preliminary breath test to \$5.00 and \$5.00 for each mouthpiece used.

YEAS: T. Doyle, Hildebrandt, Boggs, Mayor Canute, Douglass, D. Doyle

NAYS: None

Carried.

T. Doyle moved, Boggs supported to increase City fees for non-sufficient funds checks to \$30.00.

YEAS: Hildebrandt, Boggs, Mayor Canute, Douglass, D. Doyle, T. Doyle

NAYS: None

Carried.

Boggs move, T. Doyle supported to approve the State of Michigan Fast Track Public Use Resolution for the acquisition of 211 Mercer Street.

YEAS: Boggs, Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt

NAYS: None

Carried.

D. Doyle moved, Hildebrandt supported to cancel the February 5, 2007 regular meeting and reschedule it for February 7, 2007 to discuss the wastewater treatment plant.

Carried.

CITIZENS SPEAK: Lindsay Eister, 306 Kent St., asked how much the fees for online billing would be.

City Manager: 3% of the cost of the bill.

City Attorney: If paying by Credit Card there is \$3.00 flat fee for up to \$10,000.00 & \$15.00 for over \$10,000.00

Mike Fuja, Shiawassee County Commissioner: The board's organizational meeting was held on January 4, 2007

DEPARTMENT REPORTS: Police Chief: Larceny at Graff Chevrolet, which we have made three felony arrests for last week.

DPW: There are a lot of projects in the works. Last week received a visit from MIOSHA

City Manager: Regarding SATA, I think that everyone in the city sees it as a valuable organization and there has been a lot of discussion in the last couple of years. We've discussed an authority, but that probably would not be equitable for the City. There is another meeting on February 15th for all municipalities to develop a fair funding mechanism for all.

COUNCIL COMMENTS:

Douglass questioned the architect's rendering of N. Saginaw St. streetscape in front of Jon Michael Jeweler regarding the curb extensions and the amount of traffic lanes when the project is complete. City Manager stated that two lanes would remain for southbound traffic. Douglass also stated that it would be nice to see something happening with regards to the old Bay station in getting it torn down. He asked why two City Council members sit on the SATA board, disenfranchising their voting power on the City Council.

Mayor Canute and **D. Doyle** also questioned why the S.A.T.A. members needed to abstain from the vote since they were able to vote last time. City Attorney responded that the question of voting was not raised the last time, but the City Charter prohibits a council member from voting on contractual issues while serving on both of the boards that the contract represents.

T. Doyle: I currently serve on the MML Elected Officials Academy Board of Directors and the MML Legislative Conference is on March 17th. This year, we are offering free registration to students wishing to attend, and I want all of the schools in the Shiawassee County and Durand Area Schools to know about it.

T. Doyle: Regarding SATA – At the last Council meeting, the presented breakdown was based on cost per ride, but prior year payments were based on ridership. The new formula cost Durand over twice the amount of what Corunna, Owosso and Caledonia Township are paying and I don't think it is equitable. Tim Shaw, "If you are in a concentrated area where riders are more plentiful then the cost is cheaper to deliver the service. Riders in Durand and Perry Twp are not as plentiful, so the cost is going to be more." **T. Doyle:** I put together a model that I'll be glad to show you. It should be calculated on a per ride basis. Douglass stated, "If Tim's figures are correct, then he should make a presentation at the Feb. 15th meeting."

D. Doyle: I questioned the formula, not SATA as a service.

Hildebrandt: How much gravel has been put down on the side streets over on South Side of town? Mince responded that a couple of the side streets have been done, and they are trying to get to some of the others. Hildebrandt asked who is responsible for the cost of repairing the road when a resident has a contractor make a repair

and the streets gets torn up. Mince responded that the city bills for time and materials.

Mayor Canute adjourned the meeting at 8:55 p.m.

JANUARY 1, 2007 CITY COUNCIL MINUTES
(No Meeting)

DECEMBER 18, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, December 18, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

Boggs moved, McDonough supported to approve the agenda with the addition of items:

E. Authorization: Consent to Enter State Owned Property

F. Authorization: Replace Furnace at DPW Building

Carried.

McDonough moved, Hildebrandt supported to approve the minutes of the regular meeting held December 4, 2006 as presented.

Carried.

McDonough moved, Hildebrandt supported to approve the City bills numbering 33442-33519.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CALL TO AUDIENCE; Ryan Young, 5020 S. Durand Rd., owner of Chubby's Towing located just outside of the city limits would like to be on the rotation for wrecker service. Brown's Towing is the only wrecker in the City.

Police Chief: The policy that City Council adopted was to use the City-operated businesses first.

D. Doyle stated that she would like to see the City businesses called first and Mayor Canute agreed.

Matt Krembs, 606 Kingswood, stated that he was present tonight for the purpose of completing his citizenship badge.

Tim Doyle moved, McDonough supported to accept the proposal from Layne-Northern to repair the Lincoln Street Well in the amount of \$2,770.00.

YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

D. Doyle moved, Hildebrandt supported to approve the new schedule of violations and fines as prepared by the Chief of Police.

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

NAYS: McDonough, Douglass

Carried. 5-2

Tim Doyle moved, McDonough supported to approve a financial participation in SATA in an amount not to exceed \$3,074.00.

YEAS: Douglass

NAYS: D. Doyle, Tim Doyle, Hildebrandt, McDonough

ABSTAIN: Boggs, Mayor Canute

Failed 4-1

D. Doyle moved, Hildebrandt supported to cancel the January 1, 2007 meeting in celebration of the New Year.

Carried.

D. Doyle moved, McDonough supported to enter into the agreement with the State of Michigan regarding 211 Mercer St.

YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle

NAYS: None

Carried.

McDonough moved, Boggs supported to approve the replacement of the furnace in the DPW facility from Lamphere's Plumbing and Heating in the amount of \$2173.77.

YEAS: McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt

NAYS: None

Carried.

CITIZENS SPEAK: Rod Hall: I believe that the parking fines and fees should be raised. Renters are abusing the parking in the downtown.

DEPARTMENT REPORTS: Police Chief: Merry Christmas

Treasurer: Merry Christmas

DPW: Merry Christmas

City Manager: Merry Christmas

City Clerk: Toys for Local Children has been very busy this year, we have 115 children.

COUNCIL COMMENTS: Boggs: They are depriving citizens of this community with the services they need.

Douglass: Merry Christmas, and watch where you park.

DECEMBER 4, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, December 4, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

D. Doyle moved, McDonough supported to approve the agenda with the addition of item A-1: Presentation of 2005-06 Audit.

Carried.

Boggs moved, McDonough supported to approve the minutes of the regular meeting held November 20, 2006 and the minutes of the Executive Session held November 6, 2006 as presented.

Carried.

McDonough moved, Hildebrandt supported to approve the City bills numbering 33419-33441.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CALL TO AUDIENCE: Paula Brooks, 104 W. Summit St., The article in the newspaper regarding Russell St will it include 1 or 2 blocks of Russell and Ann Arbor St. The article also addressed Railroad St. being opened during construction

City Manger responded that he doesn' t know about Russell St at this time but there is no money for Ann Arbor St. He also stated that there are several issues that need to be considered and as always it is a matter of money.

Presentation of 2005-06 Audit

Paul Bailey of Stewart, Beauvais & Whipple was present at the meeting to present the 2005-06 Audit to the City Council

Mr. Bailey stated that the City has received an unqualified opinion from our auditing firm. The unreserved, undesignated fund balance for the general fund in \$323,709; which is 18% of your annual expenses. The percentage funded amount that we like to see municipalities in is anywhere between 15-20%, the City is right in that range. We see the Water/Sewer fund finally starting to generate revenue and this is due to the City Council approving the new rate structure.

D. Doyle moved, McDonough supported to accept the audit as presented for the 2005-06 fiscal year.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass

NAYS: None

Carried.

Tim Doyle moved, Hildebrandt supported to approve the request from the Durand Aerie 3851 Fraternal Order of Eagles to hold their "Old Newsboys" charity drive newspaper sale in Durand on Friday, December 8, 2006.

Carried.

McDonough moved, Hildebrandt supported to approve Amendment #1 to the Agreement for Engineering Design Services Saginaw Street Rehabilitation, from Main to Tuscola Streets.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass

NAYS: None

Carried.

D. Doyle, moved, McDonough supported to authorize the City Manger to enter into agreement with D.V.A. to purchase memberships for City residents not exceed \$47,500.

YEAS: Tim Doyle, Hildebrandt, McDonough, Mayor Canute, Douglass, D. Doyle

NAYS: None

ABSTAIN: Boggs
Carried.

CITIZENS SPEAK: Paula Brooks asked if the contract is tied to the Township at all?

City Manager responded that he had sat down with Tim Shaw and Bert DeClerg. We thought that we had a contract, but the document we received was not what we negotiated. **City Attorney** added that he had spoke with Mr. Fahey, representing Vernon Township today and they had not received a copy of the contract to date.

DEPARTMENT REPORTS: DPW Director: The DPW requested a diagnostic review to open Railroad St. crossing and the request was denied due to the additional train traffic and train speed (Railroad St. 25-30 trains @ 45 mph and Ann Arbor St. 2-3 trains @ 25 mph).

Main St. project is complete with final restoration to be completed in the spring

Leaf pick-up is still underway, all are frozen but they are still working on it. The Leaf collection machine needs to be replaced and Discussion on employee pick up vs. Waste management pick-up is something that needs to happen.

City Manager recommended that City Council hold a Public Hearing regarding the topic so the resident can provide input.

Treasurer: Dog Licenses are available until March 1st.

City Manager: Began negotiations with DPW need to acquire information before proceeding.

City Clerk: Chamber of Commerce Breakfast.

COUNCIL COMMENTS: Douglass: Commend management team for such a good audit. Need another ballot proposal to raise the \$1500.00 spending allowance with out bidding.

Bogg: Opening Railroad Street would be a very hard sell since closing the street was part of the conditions to keep the depot.

Mayor Canute adjourned the meeting at 8:30 p.m.

NOVEMBER 20, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, November 20, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt

McDonough

Council Absent: None

**D. Doyle moved, McDonough supported to approve the agenda with the addition of item E: Cable Franchise Resolution
Carried.**

**McDonough moved, Hildebrandt supported to approve the minutes of the regular meeting held November 6, 2006 as presented.
Carried.**

McDonough moved, Hildebrandt supported to approve the payment of the City bills numbering 33360-33418.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs,

NAYS: None

Carried.

CALL TO AUDIENCE: Mike Fuja, 513 Hampton Rd., stated that 6 weeks ago the Waste Water Department found him to be incorrectly connected to the storm water drain. When he came to City Hall to apply for the grant program at City Hall he was told that the deadline for the grant had expired. Mr. Fuja requested that the City Council extend the grant program.

City Manager added that the City has extended this program in the past. If the Council decides to extend the grant program he recommended doing it for the entire east section of town that was inspected during the time Mr. Fuja was so everyone who needs to apply for the grant is able to.

Boggs moved, McDonough supported to extend the sewer separation project 90 days except during the winter months at which time arrangements can be made with the Director of Public Works.

YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

D. Doyle moved, Hildebrandt supported to approve payment of the invoice from Lamphere Plumbing and Heating in the amount of \$2,989.91.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass

**NAYS: None
Carried.**

**D. Doyle moved, McDonough supported to approve Traffic Control Order Number 172.
Carried.**

D. Doyle moved, McDonough supported to accept the low bid of \$3,764.75 from MOE Sales & Service of Burton MI for a new power washer.

YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle

**NAYS: None
Carried.**

Boggs moved, McDonough supported to accept the bid from Knapheide Truck Equipment for \$34,308.00 for truck equipment for the new DPW Dump Truck.

YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle

**NAYS: None
Carried.**

D. Doyle moved, McDonough supported the:

**Resolution of the City Council
City of Durand**

WHEREAS, the City of Durand has been served by two different cable television providers under local franchise arrangements for years, and

WHEREAS, the City of Durand is ready and willing to promptly negotiate local cable franchise agreements with additional providers to continue permitting fair competition in, and improve services to, our community, and

WHEREAS, the City of Durand does NOT support House Bill 6456, commonly referred to as the “Uniform Video Services Local Franchise Act”, as written and,

WHEREAS, the City of Durand does not support the bill due to current language which would:

- 1. Allow cable companies to terminate their franchise contracts at any time.**
- 2. Permit any cable provider to selectively “cherry-pick” areas where they want to provide service.**
- 3. Create negative revenue impacts for local communities estimated at \$47-\$57 million and estimated at \$30,000 for the City of Durand.**
- 4. Remove the authority of local communities to manage community public rights-of-way and eliminate local emergency alert systems.**

5. Eliminate or cut back community, school and public access television due to revenue and in-kind service reductions. There are also several provisions that will increase operating costs on these facilities.

WHEREAS, HB 6456 will erode local control of local issues,

THEREFORE, BE IT RESOLVED that the City of Durand is opposed to HB 6456, and

BE IT FURTHER RESOLVED that the City of Durand requests that Governor Granholm, State Representative Richard Ball and State Senator Valde Garcia oppose HB 6456 in order to save our citizens from the consequences outlines above.

BE IT FURTHER RESOLVED that the City of Durand requests all other representatives and senators of the Michigan State Legislature to note against HB 6456.

YEAS: McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebradt

**NAYS: None
Carried.**

CITIZNES SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Manager, Amtrak had a great year with gas prices and the marketing we did last year, they were able to do a better job with less revenues. Happy Thanksgiving to everyone.

COUNCIL COMMENTS: Douglass asked about the situation on McBride St. and the Peggs Co. City Manager responded that the grocery cart company is moving to Owosso and the Building Inspector is working with them on fixing the fence and roof. The owner has requested taking trees down to eliminate the drainage problems from leaves on the roof.

D. Doyle: Happy Thanksgiving

Mayor Canute: Comments regarding the streetscape on Main St.

City Manager responded that the crosswalks need to be rebricked due to alignment. A meeting has been rescheduled to speak with engineers and brick layers to have this corrected.

Minutes of the Durand City Council meeting held Monday, November 6, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt

McDonough

Council Absent: None

D. Doyle moved, McDonough supported approve the agenda with the additions of:

A 3 - Appointment to Board of Review

C - Shiawassee Mutual Aid Agreement

Carried.

McDonough moved, Boggs supported to approve the minutes of the regular meeting held October 16, 2006 as presented.

Carried.

Tim Doyle moved, Hildebrandt supported to approve the payment of the City bills numbering 33277-33359.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CALL TO AUDIENCE: No one spoke at this time.

D. Doyle moved, McDonough support approve the consent agenda including the list of Election Inspectors for the 2006 General Election, the request from the Shiawassee County United Way for a door-to-door solicitation and the appointment of Al Kregger to the Board of Review.

D. Doyle moved, McDonough supported to amend motion to remove solicitation request by United Way from the consent agenda.

Carried.

McDonough moved, Hildebrandt supported to approve the solicitation request from United Way campaign.

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

NAYS: Douglass, McDonough

5-2 Carried.

Boggs moved, D. Doyle supported to approve the policy for the disbursement and donation of wood.

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

Douglass

NAYS: None

Carried.

D. Doyle moved, Hildebrandt supported to approve the Shiawassee County Fire Service Mutual Aid Agreement.

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Fire Department – The Fire Department conducted a Halloween candy inspection on Halloween night.

Police Department – The City had a quiet Halloween night.

The Police Department has been having problems with their in car computers.

DPW – Main St. Streetscape project is winding down. Some of the decorative diamonds still need to be adjusted, tree grates to still be installed and plantings will take place in the spring.

Leaf pick-up is a bit behind schedule but we will be back on track for the next cycle of pick-ups.

City Manager: There are some issues with the brick diamonds on Main St., especially in the crosswalks. The plans called for a different layout, I have a meeting later on this week with the engineers to resolve this.

We have to be vigilant with our state representative and senator regarding the cable bill, this may get pushed through.

City Manager thanked everyone for their support during the past month while he was gone, I appreciate your cooperation.

Council Comments: Doyle: Asked if the tree grates are in yet because we are very excited to see them. City Manager answered yes.

Douglass: Asked what the plans are for the alley ways before the resurfacing of N. Saginaw.

Mayor Canute: Have we thought about putting in surveillance at the depot? City Manger: Yes, and we are looking into having it at the Water and WWTP.

Mayor Canute: There will be a casino bus trip on Feb. 10th put on by the Parks and Recreation Board and a raffle for railroad days. Funds being raised are being put towards matching grant funds for Trumble Park.

Boggs moved, D. Doyle supported to adjourn to Executive Session to conduct annual performance review of City Manager.

YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle

NAYS: None

Carried.

Reconvene at 8:55 p.m.

Boggs moved, Tim Doyle supported to approve a 3% raise, retro to July 1, 2006 with all other benefits to remain the same as 2005-06.

YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle

NAYS: None

Carried.

Mayor Canute adjourned the meeting at 8:56 p.m.

OCTOBER 16, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, October 16, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

D. Doyle moved, McDonough supported to approve the agenda with the:

- 1. Deletion – Public Hearing and Adoption: Payment In Lieu of Tax Ordinance**
- 2. Addition - Appointment of Terry Greig to Parks & Recreation Board**

Carried.

Boggs moved, McDonough supported to approve the minutes of the regular meeting held September 18, 2006, as presented.

Carried.

McDonough moved, D. Doyle supported to approve the payment of the City bills numbering 33202-33276.

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

NAYS: Douglass

Carried.

CITIZENS PRESENT: No one spoke at this time.

McDonough moved, Boggs supported to approve the request from the AMVETS to hold its annual White Clover Drive on Saturday, October 21, 2006.

Carried.

Tim Doyle moved, Boggs supported to accept the donation of a boxcar from Canadian National railroad.

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

NAYS: Hildebrandt, McDonough

Carried. 5-2

Tim Doyle moved, Boggs supported to accept the donation of railroad tracks from Ferrellgas.

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

NAYS: Hildebrandt

Carried. 6-1

Boggs moved, Tim Doyle supported to authorize the North Saginaw Streetscape Project to be completed in 2007 instead of waiting until 2008 to complete the project.

**YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass
D. Doyle**

NAYS: None

Carried.

Tim Doyle moved, Hildebrandt supported to approve the proposal from Capital Consultants with the removal of paragraph "R" "Betterment" for engineering designs for N. Saginaw Street rehabilitation in an amount not to exceed \$48,000.00.

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

NAYS: Douglass

Carried.

Boggs moved, Hildebrandt supported to approve the proposal from Capital Consultants to perform a storm water engineering study for the McBride Street area in an amount not exceed \$4,500.00.

**YEAS: McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle,
Hildebrandt**

NAYS: None

Carried.

D. Doyle moved, Hildebrandt supported to allow the City Administration to purchase Christmas decorations for the new light poles in an amount not to exceed \$3,500.00.

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

NAYS: Hildebrandt, McDonough
Carried 5-2

Boggs moved, McDonough supported to appoint Terry Greig to Parks and Recreation Board.
Carried.

CITIZENS SPEAK: Rod Hall – Terry Greig will be a great addition to the Parks and Recreation Board.

DEPARTMENT REPORTS: Police Chief: Citizens will be able to pick up on street parking permits at City Hall in November.

DPW Supervisor: The fall tree planting will be starting tomorrow and there will be 11 trees planted.

Leaf pick-up is starting on the Southside of town.

Main St. project is running a little behind; they have been working on the top coating, brick pavers and tree plantings. They will be starting the crosswalks soon and at that time the crossing will be closed for 1-11/2 weeks to give time for curing.

Mayor Canute complimented the DPW on the sewer that was dug up today for getting the area cleaned up and not touching the road.

Treasurer: Annual audit started today should be able to be presented to Council in December.

City Attorney: Thanked the City Council for inviting him to the MML Conference in Marquette, there were some very important issues that were talked about.

City Clerk: City Manager had a death in his family and he is with his family this evening.

City Clerk: I have been updating the DDA plan with Don Kine who has done some bond projects with the City in the pass.

Council Comments: Tim Doyle: There have been a lot of black spots on the maple leaves this year. Mince: Normal for maple trees but this year the climate has made it worst.

Boggs: My condolences to the Markland family.

McDonough: Are we covered when the Fire Dept. helps on D.V.A runs and would also like to see something in Dec. on what it would take to make our firefighters first responders.

Douglass: If Capitol Consultants is the appointed City Engineers then I would like to put it in the record.

Hildebrandt: Has there been a wood removal policy made up yet.

City Clerk: The City Manager has been out of the office dealing with a family issue and he has not had a chance to finish the policy.

Mayor Canute: My condolences go out to the Markland family and the Lockhart family. Alvin Lockhart will be greatly missed on the Parks and Recreation Board and all the other activities he has been involved in.

Also, congratulations to Tim Doyle for receiving the Governor's award, the highest honor for an elected official.

Mayor Canute adjourned the meeting at 8:20 p.m.

OCTOBER 2, 2006 CITY COUNCIL MINUTES

NO MEETING

SEPTEMBER 18, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, September 18, 2006 at 7:30 p.m. in the Council Chamber 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, Hildebrandt, McDonough

Council Absent: Douglass (excused)

Boggs moved, McDonough supported to approve the agenda with the deletion of item A.

Carried.

McDonough moved, Boggs supported to approve the minutes of the regular meeting held August 21, 2006, as presented.

Carried.

Tim Doyle moved, Boggs supported to approve the payment of the City bills numbering 33103-33201.

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

**NAYS: None
Carried.**

CITIZENS PRESENT: Jeremy Schott, 208 McBride, asked what the updates were for the flooding in the neighborhood and the shopping cart business.

City Manager stated that Capital Consultants is working on plans for the flooding, which will be finished by the next City Council meeting.

The City Manager, Building Inspector, Fire Chief, Police Chief and DPW Director all toured the building where the shopping cart business is being held and issued 2 citations for zoning violations. The Fire Chief will be writing them a letter addressing any other issues with the building.

**Boggs moved, McDonough supported to approve the request of the Durand Area Chamber Commerce to close W. Clinton Street between Saginaw Street and the alley October 14, 2006 for pumpkin bowling with proper liability coverage naming the city as additional insured.
Carried.**

**D. Doyle moved, Hildebrandt supported to adopt the National Incident Management System resolution for the City of Durand.
Carried.**

RESOLUTION

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF DURAND, SHIAWASSEE COUNTY, MICHIGAN

**WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS);
WHEREAS, NIMS provides a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity;
WHEREAS, the collective input and guidance from all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to development, effective implementation and utilization of a comprehensive NIMS;
WHEREAS, it is necessary and desirable that all federal, state, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;
WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications,**

consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the ability of the City of Durand to utilize federal funding to enhance local readiness, maintain first responder safety, and streamline incident management processes;

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the City of Durand, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED, by the City of Durand that we the members of the City Council, endorse and do hereby establish the National Incident Management System (NIMS) as the standard for incident management by the City of Durand.

This resolution was duly PASSED and ADOPTED this 18th day of September, 2006.

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

NAYS: None

Carried

D. Doyle moved, Hildebrandt supported to approve the resolution revising the matching funds for the Diamond District park application for the MNRTF grant program from 34% to 36%.

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

NAYS: Hildebrandt, McDonough

Carried.

Boggs moved, Tim Doyle supported to approve the First Reading of the PILOT Ordinance for Sycamore House, a renovation project of WODA, Inc., for the property located at 100 Sycamore Street, Durand and move it to Second Reading, Public Hearing and adoption.

Carried.

PUBLIC COMMENTS: Paula Brooks, 104 W. Summit, Asked about the PILOT Program. City Manager responded that it was for the Jr. High building and would be a payment in lieu of taxes.

DEPARTMENT REPORTS: County Commissioner Fuja: Next years budget looks good.

Police Chief: The new police car will be in service in 7-10 days and the 2004 Crown Victoria will be advertised for sale.

DPW Director: Main Street project moving along well the paving was done over the weekend and next will be the sidewalks and drive way approaches. West Main Street will not officially be opened until project is completely finished but there will be much more accessibility in the area. The scheduled date for completion is the first part of October.

Tree program has been wrapped up and the sidewalk program will start very soon.

City Attorney: Observation that there are 3 former City Council members present at the meeting tonight and this City is very fortunate to have people who served on the board still active in the community.

City Manager: Cable legislation is up for vote tomorrow and would like to encourage all council members to contact Representative Ball and ask him to vote no on this. What is being attempted by the legislature is to take away the local regulatory rights and have everything regulated by state or federal just like what has happen with the railroads.

Discussed a meeting that the City Attorney, City Manager and DPW Director had with Department of Environmental Quality regarding the monitoring of the affluent at the testing point for the waster water treatment plant. The levels have been too low according to our permit.

City Attorney added that the meeting with DEQ was positive and the cooperation that the City of Durand has given in the past has definitely helped with the relationship we have now with the DEQ. Projects such as the Sewer Separation Project have definitely helped our credibility.

Hildebrandt: Update on the policy for wood removal? City Manager responded that this would be ready at the next meeting.

Mayor Canute adjourned the meeting at 8:13 p.m.

SEPTEMBER 4, 2006 CITY COUNCIL MINUTES
NO MEETING

AUGUST 21, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, August 21, 2006 at 7:30 p.m. 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, Douglass, D. Doyle, Tim Doyle, Hildebrandt,

McDonough

Council Absent: None

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

McDonough moved, Hildebrandt supported to approve the minutes of the regular meeting held August 7, 2006 as presented. Carried.

Tim Doyle moved, Hildebrandt supported to approve the payment of the City bills numbering 33054-33102.

YEAS: Mayor Canute, Douglass, D. Doyle, Tim Doyle, Hildebrandt, Boggs

NAYS: None

ABSTAIN: McDonough

Carried.

CITIZENS PRESENT: Jerald Dorrance, 210 McBride St., was present at the meeting to discuss the issue of water on McBride and Oak St. It was stated at a previous meeting that there would be grading in the area which was completed but now the stakes have been removed. The flooding is very bad and if the drains out in front could sustain the water there would not be a problem.

Victoria McComb, 111 S. Oak St., presented pictures to the City Council of the flooding that is occurring in the yard of the residents on McBride.

City Manager responded to Mr. Dorrance stating that he disagrees that the flooding is due to the drains in the front of the properties not working correctly. He believes that the area has a very high water table even during a period of no rain he was at the property and the ground was very soft. The DPW Supervisor and City Manager had looked at the backyards where the stakes were and there is fencing that needs to be removed. This is a large area and if something is done here it does not guarantee that there will not be flooding an additional area. There was discussion of about putting in a catch basin when construction on Oak St. was being done but the residents were not interested at that time.

The residents at the meeting stated that none of them were approached regarding a catch basin at that time.

Tim Doyle asked that City Manager what needs to be done to move forward with this problem.

City Manager responded that there is a specific ordinance for Special Assessment Districts and I would encourage the residents to not do this without an estimate

which I will research and bring back to the City Council at the next meeting. I would also recommend to the City Council to only do something that is engineered if someone is flooded out because of the action taken on this problem then there could be liability issues.

Yvonne Woodsman, 208 McBride St., stated that she had submitted a petition to the City Manager regarding the business directly across the street from all the homes on McBride Street. The business deals with shopping carts and has no respect for the neighbors. The business never mows and has pipes coming out the side of the building that have mold growing in them and drains water off the roof that pours on to the sidewalk. They have shopping carts lined up on McBride St. that do block the driveways. I am aware that the City Manager has contacted them at least twice and he should be insulted because they are completely disrespecting his authority by continuing to do business this way.

Pam Patsey, 204 McBride, stated that Simplicity use to keep the building so well kept and there were no pipes and now there are 3 – 5” pipes on one side of the building and 4 pipes on the other side which water does pour out of. The employees of the shopping cart business bring long lines of cart onto McBride St. and block the street and driveways with carts.

Douglass stated that the draining of roof water onto public property is illegal.

City Manger responded that he and the Building Inspector have been to the business 2 times in the last month and with DPW Supervisor 2-3 times. I have talked with the owner and the occupants of the building regarding these issues. The Building Inspector is to be sending them a letter that states there is to be no storage in the front yard of the building, no stacking carts above the fence line, a solid fence is to be installed (fence that can not be seen through) and that they need to address the pipes draining water off the roof.

Todd Woodstock, 202 McBride St., when the petition was submitted we were told that there would be communication with the residents we have not heard anything at this time will there still be future communication with residents regarding this issue.

City Manager responded that he would keep communication with the residents.

Mayor Canute added that the Building Inspector could write the letter and deliver it tomorrow and the Police Chief can go with him and issue a ordinance violation.

Presentation: Craig Patterson of WODA – Payment In-Lieu of Tax Ordinance

Mr. Patterson of WODA Development presented the City Council a revised site plan for 100 Sycamore – Sycamore House. The amount of units has been increased from 36 to 40 units but the foot print of the building will remain the same. He also

wanted to update the City that they did receive a final site plan approval given by the Planning Commission in March.

The main reason Mr. Patterson is present today is to discuss the PILOT Tax Program that has been used in the state for housing developments in the past. Since WODA has taken control of the property there have been some unknown issues that have arisen and some additional cost to keep the historical form of the building. We would like to open up four units to anyone 55 and up at the market grade, these are the units that have been developed and increased the amount of units as a whole.

What is needed to continue with the application process is the approval of a PILOT of 15 years or more and that would give WODA the points we need to apply to MCHDA.

D. Doyle reminded Mr. Patterson that he would need to return to the Planning Commission with the changes that have been made to the building before work on the project begins. Patterson asked if there could also be a refresher on the site plan approval letter.

City Manager asked what the time schedule for the project would be. Mrs. Patterson stated that we would apply on September 15, 2006, the lottery takes place on November 9, 2006 and at the time we will know our ranking. After November 9th the applications are looked at in depth to make sure that the applications are completed correctly.

City Attorney stated that he has spoken with Mr. Patterson due to scheduling it would be beneficial for the City Council to authorize Mr. McKone to draft an ordinance that can be used for the City Manager to write a letter that the City Council will approve the PILOT program for Sycamore House at 4% for 16 years.

D. Doyle moved, Tim Doyle supported to approve the PILOT program for Sycamore House at 4% for 16 years and that the ordinance will have its first reading at the September 18, 2006 City Council meeting followed by the final reading and adoption at the October 2, 2006 meeting

YEAS: Douglass, D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

Boggs moved, Hildebrandt supported to award the bid for the custodial services to Northwood Janitorial Services.

YEAS: D. Doyle, Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass

NAYS: None

Carried.

Boggs moved, McDonough supported to approve the settlement of \$8,000 in satisfaction of the personal property tax owed by Carters.

YEAS: Tim Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle

**NAYS: None
Carried.**

Tim Doyle moved, McDonough supported to approve the proposal from BS&A for software to provide Internet access to city records.

YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, Tim Doyle

**NAYS: None
Carried.**

Tim Doyle moved, McDonough supported to approve the request from the Durand Area Chamber of Commerce to close streets for the End of Summer car cruise.

Carried.

PUBLIC COMMENTS: No one spoke at this time.

DEPARTMENT REPORTS: DPW Supervisor - The Main St. project is moving along and all major underground work is done. The remainder of this week and next week will be clean up and then the work behind the curb will begin.

We received a 2008 grant for N. Saginaw St. in the amount of \$325,000 with a 20% match from MDO. Since we were just approved for the grant I am still trying to figure out how to apply for the Governor's Local Job's Today, we are trying to move the date from 2008 to 2007.

City Manager – Within the Council packets there were three different Options for Agreements with Vernon Township City Manager asked to have feedback and direction from the Council on how they would like him to proceed with this issue.

Discussion held by Council members debating the Options for Agreement with Vernon Township.

Boggs moved, Tim Doyle supported to enter into an agreement under Public Act 108 whereby the City would annex the property into the city , and the township would release the property for annexation. The city would pay an amount equal to 1 mils of the taxable SEV, adjusted annually based upon the city's Headlee rollback, for a period of 25 years. The 25 years begins on the effective date of the agreement.

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

**NAYS: Douglass
Carried 6-1**

COUCNIL COMMENTS: McDonough – Asked if the City was going to put gravel on the soft shoulders on the south side. Mince stated that he has talked to Kevin and it will be done sometime between now and October.

McDonough – What was the response from the Railroad regarding mowing the weeds. City manger responded that he has spoken with Troy Stoubaugh, head of maintenance for that track, and he will be looking into it. McDonough added that he would like to see something happen with this by the next meeting.

Hildebrandt – What is the policy of wood being disbursed to people outside of the City limits and what is the policy when a resident has a job bid out and then the aftermath is dumped on our property? Mince stated that when a tree is cut down the homeowner is offered the wood and if they decline then it goes to first come first serve and for the dumping that was an incident that I authorized for a contractor that was in a bind and it has been brought to my attention that he has taken advantage of the situation and I will never authorize any other debris to be dump there.

Douglass- Thank you for calling Waste Management they are no longer putting the garbage can behind my car. I would also like to request to move speakers during events to the area in front of the library.

Douglass - I hope to see the Bay Station come down soon.

Douglass – Compliments to the Parks and Recreation Board for the Basketball Program, Rob Dolehanty did a great job organizing it.

Boggs – Very pleased to get direction from the residents on McBride Street and extremely pleased about the moving forward with the old Jr. High School.

Mayor Canute – asked if Watkins Funeral Home was allowed to park on the parking lot and was a punch list ever created? City Manger responded that we will be working with Building Inspector and City Attorney to complete this.

Mayor Canute – Congratulations on the \$325,000.

Mayor Canute adjourned the meeting at 9:48 p.m.

AUGUST 7, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, August 7, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, Douglass, D. Doyle, T Doyle, Hildebrandt, McDonough

Council Absent: None

**D. Doyle moved, Hildebrandt supported to approve the agenda with the addition of:
A1 – Request from Chamber of Commerce to use Trumble Park for Garden Show during End of Summer Cruise**

H – Appointment to DDA

Carried.

Boggs moved, Hildebrandt supported to approve the minutes of the regular meeting held July 17, 2006 as presented.

Carried.

McDonough moved, Boggs supported to approve the payment of the City bills numbering 32979-33053.

YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs.

NAYS: None

Carried.

CITIZENS PRESENT: Rod Hall, Chamber of Commerce President, stated that the Chamber of Commerce hosted a wine and cheese tasting event for the Diamond District Park. He will be presenting the City with a check to be used in the development of Diamond District Park next week.

D. Doyle moved, McDonough supported to cast a vote for the slate of candidates listed on the ballot for the MML Worker Compensation Board of Directors.

Carried.

Rod Hall, President of the Durand Area Chamber of Commerce requested that the City Council allow the chamber to use Trumble Park for a Garden Show during Cruisin'. He noted that several of the vendors did not want to pay the fees that DUSI charged for its craft show and vendor area. City Council members believed that this event would be in direct competition to the vendor area that Durand Union Station hosts.

Boggs moved, McDonough supported to allow the Chamber of Commerce to use Trumble Park for a Garden Show during the End of Summer Cruisin'.

Failed (0-7).

D. Doyle moved, McDonough supported to designate Mayor Canute as the delegate to the Michigan Municipal League annual meeting and that Mayor Pro-Tem Boggs is designated as the alternate.

Carried.

D. Doyle moved, Hildebrandt supported to approve the purchase of a 2007 Ford Crown Victoria from Signature Ford in Perry in the amount of \$20,050.00.

YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute

NAYS: None

Carried.

Boggs moved, Hildebrandt supported to approve the purchase of an in car video system from L3 Communications in the amount of \$3,290.00

YEAS: D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass

NAYS: None

Carried.

Discussion of PILOT for WODA Group –

City Attorney addressed the City Council regarding the Michigan law that allows for certain tax breaks. The Planning Commission granted Senior Housing for the old middle school and the developer of this project is requesting the City to consider a program that allows payment in lieu of taxes (PILOT) instead of taxes by a percentage of gross net profits. Any rental of non-low income senior citizens would qualify for taxation. MSHDA has to approve the developer's application and the developer feel that this application will give the project more points with MSHDA approval. The developer will be at the next City Council meeting and give a power point presentation on the project application including a budget and projected earnings.

D. Doyle asked what percentage would be low income. City Attorney responded that there are some areas designated as regular income.

Boggs asked if the City Attorney would do some calculations and make a recommendation to the City Council.

Discussion: Agreement with Vernon Township

Douglass stated that Vernon Township is not going to sit down and negotiate anymore. The City will have to do it in a letter format.

D. Doyle stated that she has a problem with the proposal. She feels as though it represents the township and not the residents of the City of Durand; it gives our services away.

Douglass stated that the city and township have several 425 agreements and one 108 agreement. If 425 agreements weren't acceptable, why did the city enter into so many of them in the past?

City Manager stated that in Michigan there are too many layers of government. In 1961, when the state constitution was enacted township government was almost eliminated by one vote. The reality of the situation today is that we cannot grow without co-operation and agreement.

City Attorney – The reason that we used the PA 425 was it was the only mechanism available to us at the time, then cities got burned with 425's and went to the legislature requesting another avenue; therefore 108's were enacted. The proposal that Douglass has before the City Council is not the same as the global agreement that was before all of us several years ago. Whether a PA 425 or 108 is used, it has to be taken at a case by case situation. We have to vote on each project, and each project is subject to referendum by either the City or the Township.

Discussion continued regarding the benefits of the potential growth.

City Attorney noted that it may make sense to have an agreement in place, so when the economy does turn around, it would be nice to use the agreement instead of starting at the beginning again.

T. Doyle stated, “ I want to keep looking forward, but I want to make it equitable for the citizens of Durand.”

Canute – I'd like to see the City Manager put together a proposal for the City Council to consider at the next meeting.

Boggs moved, McDonough supported to approve the Commission Agreement with Rose Acker, presented as follows:

COMMISSION AGREEMENT

WHEREAS, the CITY OF DURAND, a Michigan Municipal Corporation is the owner of certain real estate identified by the parties as Parcels 1 and 2 Lansing Road; and

WHEREAS, ROSE ACKER of HOME OFFICE REALTY has a potential buyer for said property, the identity of which is to remain confidential; and

WHEREAS, the CITY OF DURAND is desirous of compensating ROSE ACKER upon the closing of the sale for services provided.

NOW, THEREFORE, IT IS AGREED as follows:

1. ROSE ACKER of Home Office Realty shall take all steps necessary to attempt to sell the real estate identified by the parties as Parcels 1 and 2 Lansing Road to the purchaser specified above.

2. In the event that a sale of the property is completed and a closing takes Place, then at the closing the CITY OF DURAND will pay to ROSE ACKER a real estate commission of five (5%) percent of the sale price.

3. This Agreement shall expire at 12:00 midnight on the _____ day of _____, A.D., 2006. This agreement is specific to the buyer discussed by the parties hereto. In the event that ROSE ACKER should discover a different buyer, a new Agreement will be entered into prior to any obligations on the part of either party.

YEAS: T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle
NAYS: None
Carried.

Boggs moved, Hildebrandt supported to appoint Rose Acker to DDA, replacing the unexpired term of Les Conley.
Carried.

PUBLIC COMMENT: Rod Hall asked if WODA owns the old Arthur Lucas Jr. High School property. City Manager answered that there is a purchase agreement if they receive MSHDA funding, and the PILOT is specifically for WODA.

DEPARTMENT REPORTS: Fire Chief – Mutual Aid agreement has not been discussed further by the Chief’s Association.

DPW Department – The first two weeks of the Main Street project got off to a bumpy start with temperamental water mains and utility problems. The storm sewer is almost done and currently installing new water services. Tree trimming going on and sidewalk replacement will continue in September.

City Attorney – Fire Chief and I have spoken about the Mutual Aid agreement and we will have an existing agreement and your citizens are protected and safe.

City Manager – I think that the discussion that the City Council had this night was good.

COUNCIL COMMENTS - Douglass asked about what was going on with the hotel. City Manager responded that the owner is acting as his own general contractor and that is slowing down the process.

McDonough asked about the Lovejoy & McBride area. City Manager responded that in order to do it properly, the fences have to be removed and as long as the residents are willing to sign hold harmless agreements, it may still be able to be filled.

Mayor Canute stated that the D.V.A. agreement with Vernon Township is going well.

Mayor Canute adjourned the meeting at 9:15 p.m.

JULY 17, 2006 CITY COUNCIL MINUTES

Minutes of the Durand City Council meeting held Monday, July 17, 2006 at 7:30 p.m. in the Council Chamber of Durand City Hall.

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

Council Present: Boggs, Mayor Canute, D. Doyle, T. Doyle, Hildebrandt, McDonough

Council Absent: None

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

McDonough moved, Boggs supported to approve the minutes of the regular meeting held June 19, 2006 as presented. Carried.

McDonough moved Boggs supported to approve the payment of the City bills numbering 32902 – 32978.

YEAS: Mayor Canute, Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs

NAYS: None

Carried.

CITIZENS PRESENT: Jerald Dorrance, 210 McBride St., stated that at Oak and McBride there has been flooding annually. The street cannot handle the water during heavy rain events, C & D Hughs will give us fill dirt to bring the ground up to level.

City Manager: When the City repaved S. Oak St. the recommendation was to put a catch basin in the center of the block. The residents at the time did not wish to pursue this.

Mr. Dorrance responded that Steve Mince told him that there were no permits required by the City but C&D Hughs cannot deliver without a letter of permission from the City.

Jeremy and Liena Shaw, 208 McBride St. voiced concerns about standing water in their yard.

City Manager said that the engineers are coming tomorrow and they will survey the property free of charge.

**T. Doyle moved, McDonough supported to approve the Election Inspectors for the General Primary Election on August 8, 2006.
Carried.**

**D. Doyle moved, Hildebrandt supported to award the three year bid for ferric chloride to PVS Technologies in the amount of \$358.00 per ton.
YEAS: Douglass, D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute
NAYS: None
Carried.**

**McDonough moved, Boggs supported to award the bid for tree trimming to Bill Robinson Tree Services in the amount of \$63.75 per hour for trimming/removal and \$2.00 per diameter inch for stump grinding.
YEAS: D. Doyle, T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass
NAYS: None
Carried.**

**McDonough moved, T. Doyle supported to accept the low bid for sidewalk replacement from Dave Collard Concrete.
YEAS: T. Doyle, Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle
NAYS: None
Carried.**

**Boggs moved, McDonough supported to approve the bid from C&S Motors in the amount of \$59,993.00 for a cab and Chassis dump truck.
YEAS: Hildebrandt, McDonough, Boggs, Mayor Canute, Douglass, D. Doyle, T. Doyle
NAYS: None
Carried.**

**Boggs moved, Tim Doyle supported to table the Fire Mutual Aid Agreement until the next regular meeting.
Carried.**

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Chief Rinker: He will be working at the fire on August 6th and the pumper truck #604 will be there with four firemen.

City Attorney: DVA discussions held last week with the township and City to work with DVA on common ground of some outstanding issues.

City Manager: DDA streetscape project is underway and there have been re-occurring water main breaks. We have installed a new valve on Mercer St. to better isolate shut down areas.

Working on expanding DDA to areas that are currently vacant.

Spoke with Dept. of Transportation regarding opening Railroad St.

COUNCIL COMMENTS: Hildebrandt: There is a dead tree hanging over the parking lot. Also, thank you to Steve, Chuck and Rob for getting Changes Barber Shop water back on A.S.A.P when we lost water.

Hildebrandt: I think that with all of the money that we are paying Capital Consultants, they should be down there on the project and Steve should be freed up to do other things. He has been spending a lot of time down there.

City Manger: This project has been a very tough project and although they are the experts they only make recommendations.

Douglass: What is going on with Bay Station and are we billing for car fires?

City Manager: We will look into that.

Douglass: Any luck setting up some meetings with Bert DeClerg?

City Manager: I have spoken with him

Mayor Canute adjourned the meeting.

JULY 3, 2006 CITY COUNCIL MINUTES

NO MEETING

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