

Minutes of the regular meeting of the Durand City Council held on Monday, July 19, 2021 at 6:30 p.m. in the Council Chambers of Durand City Hall.

Mayor McDonough called the meeting to order at 6:30 p.m.

**ROLL CALL:**

Present: Brian Boggs, Jeff Brands, Connie Cobley, Rich Folaron, Mayor Ken McDonough, Pat O'Connor, Matt Schaefer

Absent: None

**PLEDGE OF ALLEGIANCE:**

The Council led the Pledge of Allegiance to the United States of America.

**APPROVAL OF AGENDA:**

Boggs moved, Cobley supported to create a consent agenda to include items B, C, D and K and to appoint Mayor McDonough as Delegate and Jeff Brands as Alternate to the MML Annual Meeting.

Carried

**APPROVAL OF MINUTES:**

Schaefer moved, O'Connor supported to approve the minutes of the regular meeting held on June 7, 2021 and the special meeting held on June 30, 2021 as presented.

Carried

**APPROVAL OF BILLS:**

Folaron moved, O'Connor supported to approve bills # 53496-53671.

YAYS: Brands, Cobley, Folaron, Mayor McDonough (abstained from #53555 & 53595), O'Connor, Schaefer, Boggs

NAYS: None

Carried

**HEARING OF REPRESENTATIVES AND CITIZENS PRESENT:**

Paula Brooks, 104 W. Summit St. She expressed concerns over a non-working fire hydrant at the corner of Summit and Saginaw Streets, and trees and brush that are hanging over the sidewalks and a house at 301 Genesee Street that has a tree growing in a swimming pool.

**CITY COUNCIL RESPONSE TO CITIZEN'S COMMENTS:**

Boggs stated that trees can be cited if they are in the public right of way. Discussion was had regarding 301 Mackinaw and City Manager said that he would get with Code Enforcement officer.

**ITEMS OF BUSINESS:**

Presentation: Justin Horvath, SEDP Director He gave an update on what he has been doing through the SEDP for the City of Durand.

Boggs moved, O'Connor supported to approve the consent agenda which includes: B. Re-appointment of Robin Fredrick to the Library Board, C. Election of MML WCF Board of Trustees, and to appoint Mayor McDonough as Delegate and Jeff Brands as Alternate to represent the City at the MML Annual Meeting, D. Waive Garage Sale Fees for City Wide Chamber Event and K. First Reading Traffic Control Order #183.

YEAS: Cobley, Folaron, Mayor McDonough, O'Connor, Schaefer, Boggs, Brands

NAYS: None

Carried

Boggs moved, Cobley supported to approve the funding commitment request in the amount of \$10,512.52 to the Shiawassee Area Transportation Agency.

YEAS: Folaron, Mayor McDonough, O'Connor, Schaefer, Boggs, Brands, Cobley

NAYS: None

Carried

Schaefer moved, Cobley supported to approve the actuarial analysis of the City's Other Post-Employment Benefit obligations by Watkins Ross in the amount of \$4,300.

YEAS: Mayor McDonough, O'Connor, Schaefer, Boggs, Brands, Cobley, Folaron

NAYS: None

Carried

City of Durand  
County of Shiawassee  
State of Michigan  
Resolution No: 2122-07-19

**A RESOLUTION TO APPROVE ADMINISTRATIVE APPROVAL OF  
CONTRACTOR PROGRESS PAYMENT REQUESTS FOR USDA RD FUNDS  
FOR THE 2021 WATER SUPPLY SYSTEM IMPROVEMENTS**

Minutes of a Regular Meeting of the City Council of City of Durand, County of Shiawassee, State of Michigan, held in the Council Chambers of Durand City Hall on the 19<sup>th</sup> day of July, 2021 at 6:30 p.m. Eastern Daylight Time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution were offered by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_.

**WHEREAS** the City of Durand closed on a loan from the United States Department of Agriculture Rural Development (USDA RD) for improvements of the water supply system, and

**WHEREAS** the USDA RD requires that all expenses related to the water supply system improvements be approved by the City Council as a reimbursement draw, prior to submitting such a request to the USDA RD, and

**WHEREAS** the expenses for the work have been approved with a unit-based contract, and

**WHEREAS** routine draws are to be processed by the City Clerk/Treasurer, or in the Clerk/Treasurer's absence, the Deputy Treasurer, reviewed by the City Council, and submitted to the USDA RD for reimbursement within narrow time limits,

**NOW, THEREFORE, BE IT RESOLVED** that the Durand City Council authorizes the City Clerk/Treasurer, or in the Clerk/Treasurer's absence, the Deputy Treasurer, to approve progress payments for the USDA RD and related work within the limits and expectations of the 2021 water supply system improvements construction contract on file with the City Clerk/Treasurer's office.

**BE IT FURTHER RESOLVED** that the City Clerk/Treasurer or the Deputy Treasurer shall submit evidence of such payment to the City Council on a monthly basis.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED**

I hereby certify that the foregoing constitutes 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 the 19<sup>th</sup> day of July, 2021, and that the public notice of said meeting was given, and said meeting was conducted, and minutes were kept and made available, in full compliance with the Open Meetings Act, Act 267 of Public Acts of 1976.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk/Treasurer

Mayor McDonough moved, O'Connor supported to approve the resolution approving USDA RD payments.  
YEAS: O'Connor, Schaefer, Boggs, Brands, Copley, Folaron, Mayor McDonough  
NAYS: None  
Carried

Schaefer moved, Mayor McDonough supported to approve the Department of Public Works Union Contract between the City of Durand and Teamsters State, County, and Municipal Workers Local 214 as presented.  
YEAS: Schaefer, Boggs, Brands, Copley, Folaron, Mayor McDonough, O'Connor  
NAYS: None  
Carried

O'Connor moved, Copley supported to award the bid for the property commonly known as 211 Mercer Street located in Durand, MI to Jason Hollady at a bid amount of \$5,001.00 and authorize the City Manager or City Treasurer to execute a Purchase Agreement subject to approval of the City Attorney.  
YEAS: Boggs, Brands, Copley, Folaron, Mayor McDonough, O'Connor, Schaefer  
NAYS: None  
Carried

Mayor McDonough moved, Schaefer supported to award the one-year contract for HVAC preventative maintenance to Lamphere's of Owosso at a cost of \$5,000.00.

Mayor McDonough and Schaefer rescinded the motion.

Mayor McDonough moved, Schaefer supported to award the one-year contract for HVAC preventative maintenance to LJ Incorporated at a cost of \$5,215.00.

YEAS: Brands, Cobley, Folaron, Mayor McDonough, Schaefer, Boggs

NAYS: None

ABSTAIN: O'Connor

Carried

Boggs moved, O'Connor supported to approve the City Manager to decide on behalf of the Durand City Council if Sunday work, (8 hour work day) is prudent by the contractor for the 2021 USDA Southside project effective today, July 19, 2021 until the anticipated completion date of July 15, 2022, as currently projected.

YEAS: Brands, Cobley, Folaron, Mayor McDonough, O'Connor, Schaefer, Boggs

NAYS: None

Carried

Mayor McDonough moved, O'Connor supported to purchase 12 rocking chairs from Frontera to be placed in the downtown area at a cost of \$3,552.00.

YEAS: Cobley, Folaron, Mayor McDonough, O'Connor, Boggs, Brands

NAYS: Schaefer

Carried

Painting Bathroom Wall at Trumble Park – No action taken

Schaefer moved, Folaron supported to approve Pay Application #1 in the total amount of \$235,746.45 with \$109,563.75 allocated towards the USDA Watermain Revenue Bond portion and \$126,182.70 allocated towards the City of Durand Street Bond portion.

YEAS: Folaron, Mayor McDonough, O'Connor, Schaefer, Boggs, Brands, Cobley

NAYS: None

Carried

Mayor McDonough moved, O'Connor supported to approve the Change Order #1 to Zito Construction Co. for 2021 Street Improvements project for a decrease of \$3.25.

YEAS: Mayor McDonough, O'Connor, Schaefer, Boggs, Brands, Cobley, Folaron

NAYS: None

Carried

#### **CITIZENS' SPEAK – AGENDA ITEMS ONLY:**

No one spoke

#### **DEPARTMENT REPORTS:**

DPW Forman: He said that his department has been helping the Water Department on the Southside project. He has two new full-time employees as of next week.

Police Chief: Part-time officers are doing great.

DPW Director: Gave an update on Southside project, and Hillar Street water main work is complete and will now start testing. He said that the DPW are signed up for training on work zone safety, trench box, first aid and Vactor training.

Fire Chief: Assistant Fire Chief, Nathan Watson thanked the Council for purchasing the SCBA equipment, the air packs are now in use and are much better than the previous packs that they were using. He said that two blocks of Saginaw Street will be shut down for mutual aid training on a Sunday using ladder trucks.

City Engineer: Gave an update on Southside project. We are two weeks into the Water Main Project. There is a progress meeting tomorrow at 9:00 a.m.

City Attorney: Good to see everyone- nothing new to share

City Manager: He told the Council that he met with “potential” developer for 209 S. Oak Street. He told the Council that administration continues to work on the water/sewer rate study. He told the Council that police mediation is scheduled for August 5, 2021.

**COUNCIL COMMENTS:**

Boggs: He stated that if we can’t get a developer for 209 S. Oak Street then let’s demolish it. He cited refuse collection issues. City Manager said that we are going out for bids for refuse and bids should be back by July 27<sup>th</sup>.

Cobley: She said that the refuse company needs to pick up mattresses. She said that the fire department drills downtown are great.

O’Connor: He asked if Fauble Street curbs are going to be painted. Do we have signs for the traffic control order #183.

Brands: He told James that he and his department are appreciated for their efforts in taking down trees for the Southside project. He asked if this cost is covered as part of the project. Brands said that all the trees that were taken down need to be replaced. DPW Director said that he is applying for two tree grants thru Consumers to replace some of the trees that were taken down.

Folaron: He said that 600 Mackinaw has fence issues that need to be addressed by the Code Enforcement Officer. He asked if the Police Department is up to date on 1<sup>st</sup> aid/CPR/automated external defibrillator. Mayor McDonough said that we need an automated external defibrillator for City Hall.

Schaefer: He said that he was going to do a citizen lead petition on marijuana referendum according to section 7.10 of the City Charter, with the goal of overturning city’s previous decision.

Mayor McDonough: He wants the fire department painted. He stated that the drain at the flowing well is plugged and the algae is creating a slipping hazard and must be addressed. He said that Zito needs to clean up South Oak Street better.

Boggs moved, O’Connor supported to adjourn the meeting at 8:10 p.m.

Carried

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Ken McDonough, Mayor

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Lisa David, City Clerk