

Minutes of the regular meeting of the Durand City Council held on Monday, December 7, 2020 at 6:30 p.m. via Zoom in accordance with Senate Bill 1108.

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

ROLL CALL:

Present: Dr. Brian Boggs, Jeff Brands, Connie Cobley, Rich Folaron, Mayor McDonough, Pat O'Connor, Matthew Schaefer

Absent: None

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Folaron moved, Brands supported to approve the agenda with the addition of K. Discussion of Patio Heaters and Outdoor Domes.

Carried

APPROVAL OF MINUTES:

Boggs moved, Cobley supported to approve the minutes of the regular meeting held on November 2, 2020, the special meeting held on November 23, 2020 with corrections, and the special meeting held on December 1, 2020.

Carried

APPROVAL OF BILLS:

Brands moved, O'Connor supported to pay bill numbers 52790-52912.

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

NAYS: None

Carried

HEARING OF REPRESENTATIVES AND CITIZENS PRESENT:

Pastor Don White with Light of Faith offered a prayer.

Nicholas Pettit, 205 Mackinaw St. He will wait to address the Council during the Public Hearing on the Winter Over Night Parking Ordinance.

Deb Doyle, 420 W. Main St. She congratulated Brian Boggs on his appointment to serve on the Michigan Municipal League's Workers Compensation Board.

CITY COUNCIL RESPONSE TO CITIZENS COMMENTS:

Boggs thanked Deb Doyle for the congratulations on being named to the MML Workers Comp. Board. He also thanked Pastor Don for the prayer.

Brands and Mayor McDonough thanked Pastor Don for the prayer.

ITEMS OF BUSINESS:

Paul Bailey with UHY presented the 2019-2020 Audit to the Council. Mr. Bailey reviewed the audit report with the Council, answering any questions that they had.

Boggs moved, Schaefer supported to accept the 2019-2020 audit as presented and place it on file with the Treasurer.

Boggs moved, Schaefer supported to accept the 2019-2020 audit with revisions and to place it on file with the Treasurer.

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

NAYS: None

Carried

Brands moved, O'Connor supported to adopt the 2020 City of Durand Master Plan and Non-Motorized Plan.

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

NAYS: None

Carried

Public Hearing – Winter Overnight Parking Ordinance

Mayor McDonough opened the hearing at 7:12 p.m.

Nicholas Pettit, 205 Mackinaw stated that he feels that the Overnight Parking Ordinance should not be year round. He can understand the ordinance in winter because of snow plowing but year round would be a bad idea.

CITY OF DURAND ORDINANCE NO. 2020-11-02

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DURAND, MICHIGAN BY ADDING SECTION 74-114 TO ARTICLE II DIVISION 3 CHAPTER 74, DEFINE SPECIFIC PROVISIONS WITHIN THE CODE TO BE MUNICIPAL CIVIL INFRACTIONS. SHORT TITLE; PURPOSES; AMENDMENTS.

THE CITY COUNCIL OF THE CITY OF DURAND ORDAINS AS FOLLOWS:

Short Title. This ordinance shall be known and may be cited as the "Winter Overnight Parking Ordinance."

Public Purpose. The City Council of the City of Durand does hereby deem it to be in the best interests of the citizens of the City of Durand to hereby establish certain individual ordinances of the City to be amended so as to establish a winter overnight parking on the city owned streets.

Amendments:

Section 74-114 – Winter Overnight Parking on City Streets

(i) It shall be unlawful to park any vehicle on any street or alley within the City limits from December 1 through April 1, between the hours of 3:00 a.m. and 6:00 a.m.

(ii) Parking may be allowed between the hours of 3:00 a.m. and 6:00 a.m. from December 1 through April 1 and at all times on paved streets by Permanent Traffic Control Orders for vehicles with valid overnight parking permits issued by the City

provided that the vehicle is parked as permitted by the Permanent Traffic Control Order.

(iii) Any vehicle found in violation of this is responsible for a civil infraction and may be fined the amount stated in City's annual fee schedule and may be towed at the owner's expense.

Date Enacted: 12-28-2020

Date Published: 12-13-2020 Independent

THE CITY OF DURAND

Kenneth McDonough, Mayor

Lisa David, Clerk

Boggs moved, Schaefer supported to adopt the Winter Overnight Parking Ordinance.

Boggs moved, Schaefer supported to amend the motion to adopt the Winter Overnight Parking Ordinance in effect from December 1st through April 1st at a cost of \$10.00 per permit, pending final fee schedule.

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

NAYS: None

Carried

Discussion: Railroad Days 2021, Kent Edwards asked the Council for their viewpoint on the feasibility of planning/holding Railroad Days 2021. Council said to plan as if it will happen and re-assess the situation in April so a decision can be made before Railroad Days Inc. allocate funds.

Folaron moved, Cobby supported to approve Pay Application #2 in the amount of \$27,495.00 and Pay Application #3 in the amount of \$87,286.50 to RCL Construction Company, Inc. pending approval from the Michigan Economic Development Corporation for Grant Number MSC-217048-FRZ.

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

NAYS: None

Carried

Folaron moved, O'Connor supported to approve the Resolution to Adopt the Annual Exemption Option for Public Act 152 of 2011.

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

NAYS: None

Carried

Schaefer moved, O'Connor supported to approve the Acting City Manager Agreement with Andrew Bisaha and award him a \$250.00 weekly stipend in addition to his current compensation as Director of Public Works.

Cobley moved, Boggs supported to amend the motion to approve the Acting City Manager Agreement with Andrew Bisaha and award him a \$275.00 weekly stipend in addition to his current compensation as Director of Public Works.

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

NAYS: Schaefer

Carried

Vote on original motion:

YEAS: Schaefer, Boggs

NAYS: Brands, Cobley, Folaron, Mayor McDonough, O'Connor

2-6 Failed

Schaefer moved, Mayor McDonough supported to approve the Acting City Manager Agreement with Andrew Bisaha and award him a \$275.00 weekly stipend in addition to his current compensation as Director of Public Works.

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

NAYS: None

Carried

Brands moved, Mayor McDonough supported to approve the invoice for Water Treatment Plant control repairs in the amount of \$4,863.50 to UIS SCADA.

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

NAYS: None

Carried

Discussion on SCBA Equipment for Fire Department:

Chief Spaniola explained the need for SCBA equipment, stating that as of February 2021 the equipment will be 15 years old and will no longer be serviceable according to OSHA and DOT regulations. He stated that he and the City Manager have been applying for grants over the last two years but have not been successful in getting those grant monies.

City Attorney said that this purchase would require that the Fire Department go through the closed bid process. City Treasurer suggested that the Fire Chief inquires about financing options that Douglas Safety Systems offers. City Manager also suggested that the Fire Chief research the USDA Community Facilities Program which offers a 35% grant; the Police Department has been successful in obtaining several police cars with this grant.

No action was taken on this issue. Councilman Schaefer would like an update of this issue at the December 21, 2020 meeting.

Mayor McDonough moved, Copley supported to allow the Durand Chamber to close Clinton Street at Shiawassee for the Drive Thru Santa Visits on December 12, 2020.

Carried

Boggs moved, Schaefer supported to approve \$1,000.00 to purchase outdoor domes to be temporarily placed in the downtown for restaurant use during Covid, and then will be used as greenhouses for the Park and Rec program.

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

NAYS: None

Carried

CITIZENS SPEAK – AGENDA ITEMS ONLY:

No one spoke

DEPARTMENT REPORTS:

Police Chief: He stated that numbers are down due to Covid. He stated that all his officers are back on the job and are healthy. He said that his officers are up to date on training. Councilman Schaefer said that he would like to see the statistics on the Chief's report broken down into categories of complaints.

Fire Chief: He stated that the Fire Department will be doing a "slow roll" down city streets on December 20th with Santa on the fire engine. They will not be throwing candy canes out to the children due to Covid. He stated that three fire fighters will be attending training 1 and 2 soon.

Clerk/Treasurer: She stated that MERS addendums were sent in Council Packets as an FYI. She asked the Council if they were interested in moving the January council meeting to January 11th. After some discussion it was decided to keep the regular January 4th meeting date.

DPW Director: He stated that the Wastewater building is on schedule as is the USDA Water Main project. He stated that the full time maintenance position has been filled and he will start on Monday.

Water/Wastewater Foreman: He stated that the parts are in for the clarifiers and will install them later this week. He said "lots of stuff is going on".

City Engineer: He stated that the roof is on the new building at the wastewater treatment plant, they are pouring concrete in the building this week. He continues to work through the 104 south side plans.

City Manager: She thanked the Council and said it's been a pleasure working with everyone. She is confident that the city is moving in the right direction. Mayor McDonough wished her "good luck" in her new adventure.

COUNCIL COMMENTS:

Boggs: He stated that he was honored that MML picked him to sit on the Workers Compensation Board. He thanked Colleen for her service and said that she "is a bright shining star of what a City Manager should be", and he wished her well.

Copley: She stated that she liked the "good discussions" that took place this meeting. She stated that she will miss Colleen; she is a breath of fresh air. She thanked Colleen for her service.

O'Connor: He stated that he recently served dinner to the National Guard and they expressed that they would like to do something for the city. O'Connor will be reaching out to them.

Schaefer: He thanked Colleen for her time spent in Durand. He would like to add two items to the January 4th meeting; discussions on allowing back yard chickens and a repeal of the moratorium on recreational marijuana.

Folaron: He thanked Colleen for all the great work she has done for the city and he appreciated that it was “a world of no drama”. He wished her the very best!

Brands: He stated that Colleen did a great job for Durand; he said that they have similar “crazy” ideas. He wished her good luck. He commented on a situation that took place recently at Ace Hardware. He said that he wishes to sit down with others (after Covid restrictions) on the Council to get to know each other.

McDonough: He wished everyone a Merry Christmas.

Mayor McDonough adjourned the meeting at 9:18 pm.

Ken McDonough, Mayor

Mindy McKay, Deputy Clerk