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**JUNE 16, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, June 16, 2003 in the Council Chambers of the Durand City Hall.**

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

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

**Bemis moved, Canute supported to approve the agenda as printed.  
Carried.**

**Krupp moved, T. Doyle supported to approve the minutes of the regular meeting held June 2, 2003 and the minutes Executive Session held June 2, 2003.  
Carried.**

**Canute moved, Krupp supported to approve the payment of the city bills numbering 28803-28879.**

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

**NAYS: None**

**Carried.**

**CITIZENS PRESENT: None at this time.**

**Larry Alpert was present at the meeting to formally request that the City Council authorize SATA's millage election that they wish to have in August 2003.**

**Canute moved, Krupp supported to table Item A, SATA Operation Millage Request, until the Shiawassee County Board of Commissioners can explore the possibility of a countywide millage.**

**Carried.**

**T. Doyle moved, Krupp supported to approve the following resolution for cable franchise renewal and authorize the City Manager to sign the engagement letter with Varnum, Inc. to represent the City of Durand in the negotiations with Charter Communications.**

**WHEREAS, several Michigan municipalities receiving cable services from Charter Communications or its affiliates (collectively "Charter") are jointly retaining the same law firm to assist them on the renewal of their cable franchise with Charter and related matters; and**

**WHEREAS, Charter currently provides cable service in the City of Durand; and**

**WHEREAS, the City of Durand believes there are significant advantages to it and its residents from joint legal representation on the proposed franchise renewal and related matters, including increased effectiveness and reduced costs compared to the City engaging separate counsel on such matters; and**

**WHEREAS, to retain the law firm of Varnum, Riddering, Schmidt & Howlett LLP for such joint representation on the renewal and related matters, the City must execute the attached engagement letter with Varnum, Riddering, Schmidt & Howlett LLP; and**

**WHEREAS, the City has examined the engagement letter, finds it to be reasonable, in the public interest and with adequate protections for the City.**

**NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized and directed to sign the attached engagement letter retaining as special counsel the law firm of Varnum, Riddering, Schmidt & Howlett LLP jointly with other municipalities served by Charter as set forth therein, and the City Manager is hereby authorized to take such steps related to the proposed cable franchise renewal with Charter as are necessary to protect the interests of the City and its residents and to further the purposes of the engagement of special counsel.**

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

**NAYS: None**

**Carried.**

**Canute moved, Bemis supported to approve the renewal of the lease with Amtrak for 5 years, beginning September 1, 2003 through August 31, 2008.**

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

**NAYS: None**

**Carried.**

**Krupp moved, Canute supported to extend the full-time Police contract for one year, with the changes as outlined.**

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

**NAYS: None**

**Carried.**

**T. Doyle moved, Krupp supported to approve the contract with Beckett and Raeder, Inc. to provide a market analysis for Downtown Development Authority.**

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

**NAYS: None**

**Carried.**

**Bemis moved, Canute supported to approve payment of the membership renewal invoice from the Michigan Municipal League in the amount of \$3,847.00.**

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

**NAYS: None**  
**Carried.**

**T. Doyle moved, Krupp supported to approve payment request #3 and #4 in the amount of \$169,511.20 from Rhode Bros. Construction for Naldrette Street project.**

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

**NAYS: None**  
**Carried.**

**Krupp moved, Canute supported to accept the report from the DPW Director outlining the curb and gutter project on Naldrette Street and set the first public hearing for the special assessment district on July 21, 2003 at 8:00 p.m.**

**Carried.**

**Krupp moved, T. Doyle supported to approve the 2002/03 budget amendments, as presented.**

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

**NAYS: None**  
**Carried.**

**Bemis moved, T. Doyle supported to approve change order #3 for Rhode Bros. Construction to pave Optimist Park parking lot.**

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

**NAYS: None**  
**Carried.**

**Bemis moved, Krupp supported to cancel the regular meeting on July 7, 2003.**

**Carried.**

**PUBLIC COMMENTS: : Paula Brooks, 104 W. Summit St., inquired if residents were informed about curb and gutter. She asked if Amtrak pulls out of Durand will they still be obligated to pay the fees of their lease and inquired about the franchise agreement.**

**DEPARTMENT REPORTS: DPW Director reported that Naldrette St. is coming along very well and that paving will begin on Tuesday, June 24, 2003. Also, there have been 11 right of trees planted.**

**City Attorney reported that two of the three defendants agreed to complete the sewer separation and plead guilty. The Police were unable to serve the third defendant, a warrant for their arrest has been issued.**

**City Manger thanked the City Clerk for her assistance in his absence last week.**

**COUNCIL COMMENTS: None**

**Fuja moved, Bemis supported to adjourn to Executive session for discussion regarding sale and/or purchase of property.**

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

**NAYS: Canute**

**Carried.**

**Reconvene 8:59 p.m.**

**Mayor Doyle adjourned the meeting at 8:59 p.m.**

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### **MAY 19, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, May 19, 2003 in the Council Chambers of the Durand City Hall.**

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

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

**Council Absent: Schuyler (excused)**

**Bemis moved, Krupp supported to approve the agenda with the deletion of item C, Establish Fee Schedule for Park Facilities.**

**Carried.**

**T. Doyle moved, Krupp supported to approve the minutes of the regular meeting held May 5, 2003.**

**Carried.**

**Canute moved, Bemis supported to approve the payment of the city bills numbering 28700-28763.**

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

**NAYS: None**

**Carried.**

**Citizens Present: Agnes Withell, 612 Brand St., Ms. Withell thanked the council for the new weather/emergency siren. Also she voiced concern regarding the garbage that is coming into the state via the railroad from New York, New Jersey, Connecticut and Canada. Letters of support urging the practice to stop would be very helpful. Ms. Withell stated that she does not want their garbage and rats sitting in this town on rail cars.**

**Canute moved, Bemis supported to award the bid for tree trimming services to Robinson Tree Services not to exceed \$12,000.00.**

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

**NAYS: None  
Carried.**

**Canute moved, T. Doyle supported to accept the bid for crack sealing from Scodeller Construction in the amount of \$1.23 per pound, not to exceed \$10,000.00.  
YEAS: T. Doyle, Fuja, Krupp, Bemis, Canute, Mayor Doyle  
NAYS: None.  
Carried.**

**Fuja moved, Krupp supported to approve the franchise agreement for water and sewer for 9581 E. Monroe Road.  
YEAS: Fuja, Krupp, Bemis, Canute, Mayor Doyle, T. Doyle  
NAYS: None.  
Carried.**

**Bemis moved, Fuja supported to approve the resolution authorizing the City Treasurer to place liens on the properties whose accounts have been declared delinquent so that the city may collect the outstanding balance owed on summer tax statements.  
YEAS: Krupp, Bemis, Canute, Mayor Doyle, T. Doyle, Fuja.  
NAYS: None  
Carried.**

**Canute moved, Bemis supported to pass the budget for the fiscal year 2003-04 on to the second reading and set the Public Hearing for may 27, 2003 at 7:00 p.m.  
YEAS: Canute, Mayor Doyle, T. Doyle, Fuja, Krupp, Bemis  
NAYS: None  
Carried.**

**PUBLIC COMMENTS: None at this time.**

**DEPARTMENT REPORTS: Police Chief reported that Railroad Days were very quiet and that the Impala has been ordered and is expected mid June. Code enforcement begins tomorrow.**

**D.P.W. Director reported that the Naldrette Street project in right on schedule and paving will begin next month.**

**City Attorney stated that three citations had been given for the non-compliance regarding sewer separation. Also, congratulations to the Mayor Doyle for the article in the M.M.L Review.**

**City Manager: Welcome back Karen Siminski**

**COUNCIL COMMENTS: T. Doyle: Prepare a resolution regarding revenue sharing – no more municipal cuts!**

**Fuja: There should be a cat ordinance considered.**

**Bemis: Questioned the computer projector and the staff report.**

**Mayor Doyle adjourned the meeting at 8:06 p.m.**

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**MAY 5, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, May 5, 2003 in the Council Chambers of the Durand City Hall.**

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

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

**Council Absent: Bemis (excused)**

**Schuyler moved, Canute supported to approve the agenda with the addition of Item F – Payment to Rhode Brothers Excavating, Inc.**

**Carried.**

**T. Doyle moved, Krupp supported to approve the minutes of the regular meeting held April 21, 2003.**

**Carried.**

**Canute moved, Schuyler supported to approve the payment of the city bills numbering 28629-28966.**

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

**NAYS: None**

**Carried.**

**Citizens Present: Delores Schuyler, 610 Fitzgerald St., presented the City Council with a petition signed by citizens that travel and/or live on Holmes Street. They would like to see some improvements to Holmes Street, there are huge pot holes which the city has not been out to fill. Also, Ms. Schuyler addressed the problem of vehicles not stopping at the stop sign on Holmes and Fitzgerald and the danger of children being struck by a car.**

**City Manager stated that he had been out to Holmes Street with the DPW Director and agrees that there needs to be action taken to improve this street, he believes that damage has been caused by frost. The problem that the city has regarding improving the street is financial, but we will do the best we can. Ms. Schuyler asked if the City could just patch the holes until a permanent solution.**

**City Manager agrees that patching needs to be done and that the City Council may need to look into putting a street millage on the ballot.**

**Rod Hall, 724 Princeton Dr., owner of Theresa's Hallmark and Papa's Cool Spot asked permission to close 5 parking spots and sod the sidewalk in front of his businesses for two Friday evenings in June.**

**Schuyler moved, Krupp supported to approve sodding the sidewalk and closing five parking spots in front of Theresa's Hallmark and Papa's Cool Spot for the purpose of musical performances two Friday evenings during June 2003 on the condition of a sidewalk obstruction permit being completed.**

**Carried.**

**Krupp moved, T. Doyle supported to approve the purchase of a 2003 Impala to be used as a police patrol vehicle from Berger Chevrolet of Grand Rapids in the amount of \$20,035.95.**

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

**NAYS: Canute**

**Carried.**

**T. Doyle moved, Krupp supported to award the bid for the marketing analysis study to Beckett and Raeder.**

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

**NAYS: None**

**Carried.**

**Canute moved, Schuyler supported to approve amendment #2 for the Sewer System Evaluation Survey with Capital Consultants in the amount of \$13,251.00.**

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

**NAYS: None**

**Carried.**

**T. Doyle moved, Krupp supported to accept the quote from Peerless-Midwest in the amount of \$7,990.50 for the cleaning of the north well at Lincoln Street well site.**

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

**NAYS: None**

**Carried.**

**Canute moved, Krupp supported to approve the new fee schedule for the building inspection department as presented and pass it on to the second reading.**

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

**NAYS: None**

**Carried.**

**Canute moved, Fuja supported approve payment to Rhode Brothers Excavating in the amount of \$77,710.95 for 2002 Street Improvements.**

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

**PUBLIC COMMENTS:** Paula Brooks, 104 Summit St., Asked how the work on the sanitary sewer over flow has been working with the recent rain. DPW Director answered that he believes all is working well, if there are any problems an alarm system at the lift station would alert the proper people. There also has been a significant amount of stress taken off the station with the decrease in the amount of water that was unnecessarily being treated.

**DEPARTMENT REPORTS:** Chief Tanner: thanked the Council for the purchase of a new police vehicle.

**DPW Director:** The nets for the Skate Arena have been shipped and will hopefully be delivered this week. Naldrette Street is moving along, the water main has been installed and connections of homes will begin shortly.

**City Manager:** At a recent MML meeting held at the D.U.S. the Special Assistant to the State Treasurer spoke regarding the Projection of State Revenue to 2009-10. He stated that if the expenditures stay flat there would still be a gap between revenues and expenditures. There is a rough draft of the budget in the Council's packets within the rough draft it shows that \$50,000 in expenditures will be carried over from last year to be covered by the new budget. It may become more and more difficult to balance the budget, this will need to be taken into consideration

**COUNCIL COMMENT:** Krupp: Who do citizens contact when the skate rink is not open? Mince: During office hours call City Hall after office hours call Central Dispatch and have an officer dispatched to Optimist to unlock Arena.

**Canute:** Is the concessions at Optimist Park being used? **City Manager:** Not yet, there are some minor health code requirements that need to be addressed, the concession is able to sell prepackaged food though.

**Mayor Doyle:** In the year 2005 the Durand Union Station will be having it's 100th Birthday, a centennial celebration is being planned and would like to recruit any volunteers interested in assisting with the celebration.

**Mayor Doyle** adjourned the meeting at 8:40 p.m.

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**APRIL 21, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, April 21, 2003 in the Council Chambers of Durand City Hall.**



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

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

**Council Absent: Schuyler (excused)**

**Bemis moved, Krupp supported to approve the agenda with the addition of Item D, Replacement of Sanitary Sewer for Naldrette Street.**

**Carried.**

**T. Doyle moved, Krupp supported to approve the minutes of the Regular Meeting held April 7, 2003 and Executive Session held April 7, 2003.**

**Carried.**

**Bemis moved, T. Doyle supported to approve the payment of the city bills numbering 2601-28628.**

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

**NAYS: None**

**Carried**

**Citizens Present: Lloyd Fredericks 604 Princeton Dr., addressed the Council regarding why he is unable to have keys to unlock the bathrooms at Optimist Park, why the Arena has been locked during skate times and why his name has been removed from the charge account at Ace Hardware.**

**City Manager addressed Mr. Fredericks, these are issues that need to be taken up with the administration, this is not appropriate to be brought to the Council. City Manger addressed the issue of Mr. Fredericks harassing the DPW Director and leaving him threatening messages at his home. Mr. Mince added that Mr. Fredericks has been harassing him for over a year and had just recently received a rude call at home from Mr. Fredericks on Easter Sunday.**

**Mr. Fredericks asked if this is why his named had been removed from the Ace Hardware account. City Manager stated that after Mr. Fredericks resigned as the Parks and Recreation Director there should be no further reasons for you to make purchases. Mr. Fredericks stated that the Parks and Recreation Board had authorized him to make whatever purchases were necessary to run the Softball Program. Mr. Markland did not believe that the Parks and Recreation Board had the authority to authorize this action.**

**Bob Strachan, 610 Vinewood St., Mr. Strachan recently became the Chairperson of the Parks and Recreation Board and addressed the City Council and City Manager regarding what the procedure for communicating information to the City Council from the Parks and Recreation Board. Mayor Doyle addressed Mr. Strachan stating that he should be contacting Mr. Markland, a phone call or email would be appropriate.**

**Mayor Doyle then stated that the Parks and Recreation Board is an advisory board which gives it no power to make purchases, hire employees, or to sign any contracts.**

**Mr. Strachan: There have been items that have needed to be purchased for the softball season; we would like to see the season get off to a good start. I also want to make sure that I am aware of procedures to eliminate communication problems.**

**T. Doyle moved, Canute supported to approve the Resolution to Encourage Safety of Remote Control Locomotives.**

**Fuja moved, Canute supported to amend the resolution to include “we as the City Council believe that it is not in the best interest of our residents to see this technology put into place with out a thorough survey”.**

**Carried.**

**Carried.**

**Canute moved, Fuja supported to approve the purchase of a sewer inspection camera system from Superior Industrial Products at a cost of \$7,839.00.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Bemis supported to approve the list of past due utility accounts and declare them as delinquent and pass them on to the second reading, and those remaining on the list at the second reading shall be placed on the tax rolls by the City Treasurer for collection.**

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

**NAYS: None**

**Carried.**

**Krupp moved, T. Doyle supported change order #2 from Rhode Brothers for the replacement of sanitary sewer on Naldrette Street for \$19,850.00.**

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

**NAYS: None.**

**Carried.**

**PUBLIC COMMENTS: None.**

**DEPARTMENT REPORTS: Police Department: The new computers will be in tomorrow and we will also be receiving the new software. The Police Department will be doing liquor inspections in the coming weeks. An underage individual will be used as a decoy to buy liquor at various businesses, the inspection has been published in the paper so all businesses should be aware.**

**DPW Director:** We have received delivery of the new dump truck and would like to thank the Council for the purchase. With the beginning of spring here we have been very busy.

**City Attorney:** There has been a recent case of Bolt vs. City of Lansing which the judge ruled that you can not impose a tax or assessment with out a vote. With out the verdict of the Bolt vs. City of Lansing, I recommend that if the Council is in favor of the D.V.A. assessment the issue should be put to a vote of the citizens.

**City Manager:** Have been working on assessment roll for curb and gutter for Naldrette Street and have been busy with the 2003-04 budget. I have recently spoke with Gregory Construction regarding the Fire Hall door and they are consulting with Delta Doors, apparently they have ordered new panels for the doors but have given no time frame for the expected time to repair them.

**COUNCIL COMMENTS:** Fuja: Could more information be available to members of the advisory boards. It would be good to see information available to them and a possible training session.

**Canute:** Has the netting for the Arena come in yet? **Mince:** No, the vendor that the company deals with has not produced a product that will pass their quality control test.

**Canute:** There needs to be a system worked out regarding the locking and unlocking of the Arena especially with the school year coming to an end. I have heard rumors of kids climbing the fence and this issue needs to be addressed due to the liability. The Parks and Recreation Board have purchased a hotdog cooker which would regularly be priced at \$1,500.00 but we purchased for \$400.00. DPW is doing a great job getting branches.

**Bemis:** What is the status of the UCA? Have there been any further inquiries at City Hall? City Manager answered that there are petitions being circulated, unaware of the status of these. Mr. Markland has received two inquires regarding the UCA recently.

**Bemis:** Who is responsible for the unlocking the park? Chief Tanner answered that the police officers are responsible but it has been very busy. **Bemis:** How can we start making sure that the locks are open and that communication between officers is happening?

**Mayor Doyle** adjourned the meeting at 8:30 p.m.

**Minutes of the Regular Meeting of the Durand City Council held Monday, April 7, 2003 in the Council Chambers of the Durand City Hall.**

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

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

**Schuyler moved, Fuja supported to approve the agenda with the addition of Item A1-Consent Agenda, Item F-MEDC Resolution and Executive Session to discuss pending litigation.**

**Carried.**

**T. Doyle moved, Schuyler supported to approve the minutes of the regular meeting held March 17, 2003 with corrections.**

**Carried.**

**T. Doyle moved, Fuja supported to approve the payment of the city bills numbering 28506-28600.**

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

**NAYS: None.**

**Carried.**

**Citizens Present: Greg Powell, representing the Brotherhood of Local Engineers (BLE), gave a brief discussion about remote controls to move engines being introduced across the U.S. in the railroad industry. There have been over 50 accidents that have occurred while using remote controls; two conductors were injured just this week. Mr. Powell would like to raise the question to the railroads, is this the safest level of training they are able to operate at? The BLE realizes that they cannot stop the use of remote controls but want to increase the rules, regulations and training requirements regarding remote controls for the railroads. He requested that the Durand City Council give support by adopting a resolution.**

**Corey Rathburn, 604 Princeton Dr., addressed the City Council regarding issues about the skate arena. He is concerned with the hours which are set for hockey and open skate. He agrees that the hours were appropriate for winter but with spring and summer coming he believes that there is a greater demand for in-line hockey compared to in-line skating at the arena and believes that the hours should be reconsidered. Mr. Rathburn stated he recently had an incident of arriving at the arena during designated hockey time and the gates were locked and had to come up to City Hall to have them unlocked. He then stated that on Tuesday nights, during hockey playtime, there are approximately 30 people who show up to play; Durand should consider starting a hockey league. Mayor Doyle responded that all information would be given to the Parks and Recreation Board. Mayor Doyle stated that the arena is for the whole community and not only for hockey, the hours were put into place to give everyone equal opportunity to use the arena. City Manager**

asked Mr. Rathburn if he had addressed the Parks and Recreation Board on the issue. Mr. Rathburn stated he has addressed the Parks and Recreation Board but actions have been slow. City Manager agreed that Parks and Recreation Board need to address the possible change of hours because there are not enough hours for in-line hockey.

Canute moved, Bemis supported to approve the Consent Agenda as follows:

1. V.F.W. rally to support our troops – April 19
2. Knights of Columbus, Tootsie Roll Sale – April 11, 12, 13
3. Railroad Day Festival – May 16, 17, 18

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

NAYS: None.

Carried.

Canute moved, Fuja supported to approve the purchase of computers for the Police Department from Ekos Computers at the price of \$3,034.00

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

NAYS: None.

Carried.

Bemis moved, Krupp supported to hire Kern Slucter to perform an appraisal for Monroe Manor at a cost of \$4,500.00.

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

NAYS: None.

Carried.

Jim Yonder of the Shiawassee Economic Development Partnership gave a brief presentation on the Economic Development Program, stating the goal of this partnership is to create jobs in Shiawassee County. The partnership is reaching out to all municipalities in the county to help fund the operating cost that will be needed to bring this program to action.

Bemis moved, Fuja supported to approve the commitment of \$2.00 per capita (using the 2000 census) for the Shiawassee Economic Development Partnership to begin in fiscal year 2003-04 with the payment to be reviewed annually.

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

NAYS: None

Carried.

T. Doyle moved, Krupp supported to approve the request from the administration to solicit funds for the purchase of two automatic external defibrillators.

Carried.

Mayor Doyle opened the Public Hearing at 8:13 p.m. City Manager Markland stated that this is a public hearing for an increase in the special assessment for ambulance service. Currently the assessment is \$10.00 per household. D.V.A. Inc.

is requesting that the amount be increased to \$25.00 per household. The City Council considered this request last year and held a public hearing. The public responded with several questions to D.V.A.- some of which were never answered adequately. The City Council approved the assessment last year with provisions. Those requirements were not met and the assessment was not increased. The current assessment generates approximately \$20,000; an increase of 150% in the assessment would generate approximately \$50,000.

Mr. Rick Van Gessell, Executive Director of D.V.A. Ambulance, Inc., stated that answers have been prepared to the questions that were presented to D.V.A. by Amy Roddy, City Clerk.

Mayor Doyle read the first question: In relation to the ambulance runs in Flint, what is the percentage of write-off runs in Flint versus the write-off runs in the City of Durand? Mr. Van Gessell answered that D.V.A does not write off any bills.

Krupp: When D.V.A. bills an insurance company and payment is received, is it true that D.V.A. is not able to charge patients the remaining balance. Mr. Van Gessell answered that this is not entirely true; it would depend on the situation.

City Manager Markland addressed the issue of collections. Tina Christians from D.V.A. responded that they do not write off runs. The only exception that occurs is with a seven-year debt, but this is a small amount.

Connie Krupp, 507 Wickshire, asked D.V.A. representatives if they were aware of the amount of bills that were turned in and not collected and what are the differences regarding a write off from Flint and a write off from Durand. Mr. Van Gessell addressed that question, stating that in Durand some of the citizens in that are responded to by D.V.A. are with out insurance compared to Flint respondents, which have Medicaid.

Mayor Doyle read the second question: Are the citizens of Flint or the other municipalities surrounding Flint that D.V.A. is currently serving going to be approached to provide an assessment of the same amount that the citizens of the City of Durand are being asked to pay? Mr. Van Gessell: No; the other communities will not be charged this proposed assessment. The reason for this is that the City of Durand does not generate enough money to pay for their services provided by D.V.A. Tina Christians added that since the Durand area has not been able to produce revenues to support their community services, the revenues produced by the City of Flint have been directed towards paying for Durand D.V.A.

Bemis stated that the Durand community is paying for the ambulances, corporation headquarters and the staff that is located in Durand, which would incur additional cost for Durand. Mr. Van Gessell responded that this cost would be present whether D.V.A. was operating out of Durand or Flint; location would not matter.

**City Manager Markland:** Have you figured out administration cost per run? **Mr. Van Gessell** responded that the figured cost of one ambulance run does not include the administrative cost. **Bob Christianson** of D.V.A. added that the more calls we go on the cheaper it is to make runs. What we have been doing is if we are able to put an ambulance in an area where there are many runs, then one ambulance can generate enough money to pay for itself and administrative cost here in Durand.

**City Attorney** asked if the assessment is a way in which to guarantee ambulance service is available to the residents of Durand, and, if not why should the City of Durand pay when other communities do not pay for the same services. Is there a way D.V.A. could generate a smaller assessment to all communities instead of pin pointing Durand to pay \$25.00 for a service others do not pay for? **Mr. Van Gessell** responded that Durand would need to pay the assessment because other communities have been paying for Durand's services.

**T. Doyle:** Do they run a paramedic school at D.V.A. in Durand and are these revenues accounted for? **Bob Christianson** answered that in the past there have been classes and they do produce revenues. **T. Doyle:** This was not stated on the D.V.A. Ambulance, Inc. Statement of Financial Position.

**Jim LaRue** of Durand Convalescent Center stated that he disagrees with the assessment, and believes that the City Council has no right to impose an additional charge to the residents when there is no City Representative that sits on the D.V.A. Board.

**City Manager Markland** asked: "Remembers when the Police Department had own dispatching in Police Department, and they eliminated it when the County started Central Dispatch. Why does D.V.A. continue to operate their own and what are the benefits?" **Mr. Van Gessell:** All other ambulance services have shut down dispatching of their own due to cost and no revenues, D.V.A. has been able to keep their dispatching to create better services by keeping better track of time. Dispatching is also required in Genesee County. **T. Doyle:** If separate dispatching is required in Genesee County then Genesee County should incur the cost of this service.

**Connie Krupp:** How many calls per month does the Durand D.V.A call in other ambulance services? By staying in Durand could money be saved? **Bob Christianson:** There is an average of four calls per month that outside services are called to. **Van Gessell:** When a Durand unit goes out on a call, a Flint ambulance is brought over to Durand base to cover.

**Canute** asked where the DVA base is in Flint. **Van Gessell** answered that all Flint units are continuously on runs and are parked all over the Flint area.

**T. Doyle:** D.V.A. had a base in Swartz Creek that has since been closed. The City of Swartz Creek was in the same position as Durand and when faced with an

assessment they turned it down. How was another ambulance company able to come into Swartz Creek and operate with out an assessment? Van Gessell: The City of Swartz Creek now has a company, which leases a building from the City, which they operate from. This ambulance service is only in their building 10% of the time reducing the quality of service they provide. Tina Christians: We still go on calls to Swartz Creek even though we do not operate there.

City Attorney: How many runs do you go on in Durand and what is the cost? Van Gessell: we go on 100 calls per month; this is all of Durand area not only the city limits and each call is approximately \$200.00.

City Manager Markland: The concern is not the \$25.00 for the assessment; the concern is if this is paid, are we going to receive the service we pay for? Residents have brought to my attention that there have been calls made to D.V.A. that were unable to be serviced. When D.V.A. serviced Durand and Swartz Creek, a unit parked mid point on M-13 and Lansing Road. Is this the situation now with a unit sitting between Durand and Flint? Van Gessell: All calls are serviced. Depending on the availability of a unit determines whether an outside service needs to be called which could affect the time. We can never guarantee that there will always be a Durand unit available.

City Manger: Did the change from Basic Life Support (BLS) to Advanced Life Support (ALS) increase the ambulance cost? Considering the cost, should the change have been made? Tina Christians: The initial cost was substantial and the paramedics are paid more. It is believed that this area has a high need for ALS. Bob Christianson: In the past D.V.A. was 100% BLS, we do not bill any differently then other ambulance companies.

Connie Krupp: As far as the number of true emergencies reported only 8% are actual emergency calls. Before D.V.A. had ALS there were not all the additional cost that there are now.

T. Doyle read the letter from Rick Van Gessell dated 2/4/03. He further noted that D.V.A has not met our requirements of having a city representative on the board and meetings are not handicap accessible. Van Gessell: There are Durand citizens on the board and any handicapped individual attending the meeting needs to give 45 days to make arrangements.

Bemis: The point has been made that this is not a good deal for the City. The community built D.V.A. with volunteers; at this point we don't feel as if we are building something for the community anymore. We feel as if we are being threatened with the statements that if we do not pay the assessment then D.V.A. is leaving our community and the City of Durand will be without an ambulance service.



**Tina Christians:** D.V.A. was supported and run by volunteers in the past, but now volunteers have left and paid employees have taken their place. It has now become a business that has employees on the payroll. Van Gessell: There has also been a 22% increase in our liability insurance; at this time we do not have the funds to cover charges.

**Schuyler:** If D.V.A. assessed every community it services then it would have the money to pay the liability insurance. **Tina Christians:** It would not be fair to ask Genesee County to pay an assessment when their revenues are already going to pay for the Durand D.V.A.

**Mayor Doyle** asked the City Attorney, “Since D.V.A. was established up by volunteers and the community of Durand, it cannot leave. D.V.A. can only not exist any longer. Could you look into what happens to the money that would be generated from the units and the building structure if D.V.A no longer exists.”

**Schuyler** stated that he supports D.V.A. but believes the only way in which it will receive the money it needs to survive will be if it assesses all the communities that it services. D.V.A. is coming to the community that has built the company and unfairly singling us out for payment.

**City Manager Markland** asked what the annual budget is. **Christians** answered that there is a \$1.2 million dollar budget and a \$250,000 cash reserve.

**Jerry Chapman:** (member of the audience) Is the base charge the same in both areas? Does proximity to a hospital factor into the cost?

**Bemis:** There has been a request to have a City Representative on the Board. I am unable to understand why there has not been a representative at the meetings of the DVA board to discuss the issues of this assessment. We, as the City Council, are here to protect the residents and we don't feel comfortable making a decision without more input from the community. **City Attorney:** There needs to be research into the by-laws regarding having a City Representative on the Board.

**Connie Krupp:** This community built D.V.A. When the community has a concern regarding the services and the assessment which is being discussed, their voices should be heard. I believe that no decision should be made by the City Council; this issue should go to a vote of the residents.

**Jim LaRue, Durand Convalescent Center:** With the proposed assessment, the amount I will be taxed will increase by \$4000.00. I want a city official to intervene; it is inappropriate for the City Council to ask for money without a City official being on the board. **Mr. Markland** answered a letter I sent and met with me 9-10 months ago. I still have no answers to my questions as to where the money goes and how it is accounted for. I remember when volunteers were working at D.V.A.

**During this time I was proud and happy for this service. There definitely needs to be consideration of changing the by-laws.”**

**Mayor Doyle closed the Public Hearing at 9:17 p.m.**

**Bemis moved, T. Doyle supported to adopt the following resolution:**

**WHEREAS, The Michigan Economic Development Corporation (MEDC) was created as a one stop business assistance resource for economic development in the State of Michigan, and;**

**Whereas, the MEDC has demonstrated success in retaining and attracting businesses in the state of Michigan helping to create jobs for Michigan citizens, and;**

**Whereas, the MEDC has successfully implemented economic development programs such as Brownfield Redevelopment, Smart Zones, and Renaissance Zones, and;**

**Whereas, the MEDC provides general services to businesses such as Consultation Education Training, Employee Training, Export Services, Labor Market Consulting, Strategic Planning and Technology and;**

**Whereas, the MEDC has assisted many companies in site selection process, Workforce Development programs, and;**

**Whereas, the MEDC Community Assistance Teams have assisted local communities in planning economic development and downtown business districts in conducting assessments for marketing analysis and downtown development/retention, and**

**Whereas, the MEDC has won many national awards and has been primarily responsible for Michigan Economic Development positioning the State of Michigan as the top state in economic development, and;**

**Where, recent proposed legislation has proposed the elimination of funding for the MEDC, which would result in all of the aforementioned economic development programs being eliminated as well.**

**Be It Therefore Resolved, that the Durand City Council sitting in regular session on April 7, 2003, recognizing the importance of economic development in Michigan and having benefited from the assistance of MEDC, passes a resolution of support for the Michigan Economic Development Corporation and formally requests that State Senator Valde Garcia and State Representative Larry Julian oppose legislation that would eliminate funding for economic development in the State of Michigan. Also, that State Senator Garcia and State Representative Julian support funding for the Michigan Economic Development Corporation.**

**Motion carried.**

**PUBLIC COMMENTS: None**

**DEPARTMENT REPORTS: CITY ATTORNEY:** Asked to have a few minutes of the Councils time for and Executive Session following the Council Meeting to discuss pending litigation.

**COUNCIL COMMENTS: Canute:** Branch pick-up, did it start? D.V.A. has been around since 1966-67 and would like to keep D.V.A. in the community, but D.V.A. may need to re-write the by-laws. Changes can be a good thing all the way around.

**Krupp:** I support doing what it takes to keep D.V.A. in our community as long as when a citizen calls for service they receive a D.V.A. ambulance. I definitely want a City Representative on the Board

**Bemis:** Supports comments of Canute regarding D.V.A. Consumers Power did a great job at coming to our aid after the ice storm. Even though there were many areas out of power they came to Durand and did a great job. Is there an update on the Siren System?

**Fire Chief:** Last week we were very busy due to the storm, a derailment, which Mike and Leo were out at, and bomb threats at the Jr. High and High School. The siren is now in working condition and would like to schedule siren test monthly.

**Schuyler:** I support D.V.A., hopefully there is a way we can work through this with situation with a positive outcome.

**Tina Christians:** D.V.A. has done many things for the community free of charge. We are able to go to sporting events and school functions for free and we also were present at the bomb threat.

**Bemis moved, Schuyler supported to adjourn to Executive Session to discuss pending litigation.**

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

**NAYS:** None.

**Carried.**

**Meeting reconvened, and Mayor Doyle adjourned meeting at 9:45 p.m.**

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### **MARCH 17, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, March 17, 2003 at the Durand Area middle School.**

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

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

**Canute moved, Fuja supported to approve the agenda with the addition of item G, Purchase Multi-media projector.**  
**Carried.**

**Bemis moved, Krupp supported to approve the minutes of the regular meeting held March 3, 2003.**  
**Carried.**

**Mayor Doyle moved, Schuyler supported to approve the payment of the city bills numbering 28450-28504.**  
**YEAS: Canute, Mayor Doyle, T. Doyle, Fuja, Krupp, Schuyler, Bemis**  
**NAYS: None.**  
**Carried.**

**CITIZENS PRESENT: No one spoke at this time.**

**Canute moved, Schuyler supported to appoint Donna Tobias to a three-year term to the Shiawassee Council on Aging as the representative of the City of Durand term to expire in April of 2006.**  
**Carried.**

**Canute moved, Fuja supported to award the two year bid for lawn care to C.M. Warner-Lawns and Landscapes.**  
**YEAS: Mayor Doyle, T. Doyle, Fuja, Krupp, Schuyler, Bemis, Canute**  
**NAYS: None.**  
**Carried.**

**Canute moved, Fuja supported to approve the purchase of software for the Police Department from Alliance Consulting at a cost of \$3,580.00 plus training cost not to exceed \$500.00, for a total of \$4,080.00.**  
**YEAS: T. Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle**  
**NAYS: None**  
**Carried.**

**Krupp moved, Canute supported to table item D until further information is provided.**  
**Carried.**

**Schuyler moved, Fuja supported to approve the commitment to \$2.00 per capita for the Shiawassee Economic Development Partnership to begin in fiscal year 2003-04 with the payment to be reviewed annually.**  
**Tabled.**

**Mayor Doyle called Public Hearing to order at 8:10 p.m.**

**City Manager Markland began his presentation by introducing Burt DeClerg and William Fahey of Vernon Township. He then explained the Urban Cooperation Agreement by focusing on**

- **Shared revenues and services**
- **Water and Sewer**
- **Millage Rates**
- **Zoning**
- **PA 7, 1967 & PA425, 1985**

**The Urban Cooperation Agreement between the City of Durand and Vernon Township will create benefits such as:**

- **Quality of Life**
- **Community Planning and Zoning**
  - **well managed growth**
  - **conservation of farmland**
- **Increase long-term property values**
- **More housing options**
- **Access to city water and sewer for Vernon Township**
- **Environmental Protection**
- **Economic Development**
  - **Increase of new businesses**
  - **Increase of new jobs**
  - **Downtown revitalization**
  - **Increased tax revenues**
  - **Increased housing options**
  - **Increased revenues for schools**

**Three districts have been developed with in the Urban Cooperation Agreement:**

- **District I: -Area undeveloped as of January 1, 2003**
  - Developed, but not connected to water and sewer**
  - no millage unless developed at a later date**
- **District II: -Developed and connected to water and sewer as agreement date**
  - Developed after agreement**
- **District III: -Any further Development**
  - Future change in property**
  - Future request zoning change**
  - Requested voluntary transfer**
  - District II property surrounded by city/PA 108 or 425 or District**

**III**

- **Water and Sewer:** -Must be in agreement of area
    - Application process applies
    - Responsible for 4 mills
  - **50 year period:** -Some properties will join the city and some will stay Township
    - District III contingent to City
    - District I & II surrounded by city or contingent to District III
- III
- years
- Remainder of property stays in township for additional 25

A website, [www.durand-vernon.org](http://www.durand-vernon.org), has been created to inform all residents of Vernon Township and City of Durand. Flyers have been sent to all residents and businesses with in community explaining the UCA.

**PUBLIC INPUT:**

Basil Switzer, 705 N. Oak Street, Will the city maintain ownership of water and sewer plants. City Manager responded that the city will definitely maintain ownership.

Mel Reitzel, 7789 E. M-71, asked if his property is in the agreement? City Manager replied that the property is not in the agreement area.

Paula Brooks, 104 N. Summit Street, Asked where will the 4 mills go to. City Manager answered: water and sewer funds. Will there be future joint sessions? City Manager answered that there is no immediate plans but there will be other opportunities for working together, "Looking forward to a fresh start".

Mike Fisher, 805 N. Oak Street, stated that there are only be 35 customers who are being selectively overcharged. He also indicated that the city should have done something like this 15 years ago.

Bob VanWoert, 4000 S. Durand Road, asked when would we start paying for water and sewer. City Manager responded that it is difficult to predict because there would have to be a request for the services before the city would extend water north on Durand Road.

Leslie Dietrich, owner of Dietrich Floral and resident of Vernon Township, applauded the efforts for the agreement.

Rodney & Mary Dean, 5237 New Lothrop Road, asked where their home was located in relationship to the formed districts and where they would vote. City Manager stated that they will continue to reside in Vernon Township and that they are in District I.

**Linda Marsh, 9820 Lansing Road, asked when she would have to hook up to sewer for her business. Bill Fahey answered within 18 months state law requires hookup for sewer..**

**Ronald Roe, 6273 Reed Road, Where do I fall in the agreement?**

**Tim Shaw, 609 Wickshire, Does the zoning come under the jurisdiction of the city? City Manager, yes but the township will work on this with us.**

**Public Hearing closed at 9:30 p.m.**

**Schuyler moved, Bemis supported to approve the urban cooperation agreement between the City of Durand and Vernon Township under the provisions of P.A. 7, 1967 and P.A. 425, 1984.**

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

**NAYS: none**

**Carried.**

**T. Doyle moved, Schuyler supported to approve the purchase of multimedia projector at a cost of \$1,742.00 from EDS through the State of Michigan Purchasing Program.**

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

**NAYS: None**

**Carried.**

**PUBLIC COMMENTS: None**

**DEPARTMENT REPORTS:**

**Police Department: Have been very busy on the weekends with Senior Citizens speaking and 4 & 5 year olds from Grace Lutheran**

**DPW: skate rink is open yet ice is gone. City forms and applications are now available on-line from website. Footing drains separation project meetings scheduled for 3-20-02 and 3-27-02 at 7:00 p.m.**

**City Attorney: The Circuit Court scheduling for future – Blackburn has not retained counsel, may go forward. Congratulations to the City and Management on the UCA agreement.**

**COUNCIL COMMENTS:**

**Canute: Asked about a Water break on Vassar, how long will this take to be fixed.**

**Mayor Doyle adjourned the meeting at 9:48 p.m.**

**Minutes of the Regular meeting of the Durand City Council held Monday, March 3, 2003 in the Council Chambers of Durand City Hall.**

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

**Council Present: Bemis, Canute, Mayor Doyle, T. Doyle, Fuja, Krupp,  
Council Absent: Schuyler (excused)**

**Bemis moved, Fuja supported to approve the agenda with the change of replacing item C with the Resolution for the Able to Play Grant.  
Carried.**

**Doyle moved, Fuja supported to approve the minutes of the regular meeting held February 17, 2003 with the correction of the grant matching funds for the resurfacing of North Oak Street to \$43,750.  
Carried.**

**Doyle moved, Krupp supported to approve the payment of the city bills numbering 28393-28449.  
YEAS: Canute, Mayor Doyle, Doyle, Fuja, Krupp, Bemis  
NAYS: None  
Carried.**

**Canute moved, Bemis supported to confirm the Mayor's appointment of Jean Sloan to fill the vacancy of Rick Grimmatt on the Board of Reviews.  
Carried.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street: I understand that there is a press conference tomorrow at 1:30 p.m. at the Vernon Township hall. Is this open to the public and will there be literature available? City Manager answered yes.**

**Rod Hall, 724 Princeton Drive: explained that he is organizing and building an exercise walk area along the cross county track. So far this year there has been \$650.00 raised. Fuja asked what the estimated total cost would be? Hall responded that he did not know, this is an ongoing project and that he is hoping to raise \$2500.00- \$3000.00 this year. Future plans include developing an outdoor science classroom with a bridge through the swamp area by the Middle School. City Attorney responded: I need to look into this before the City Council makes a donation; there are legal considerations that must be followed.**

**Fuja moved, Canute supported to approve the payment #6 in the amount of \$20,000 to Perrin Construction for work done to date on the Optimist Park Improvement Project.  
YEAS: Mayor Doyle, Doyle, Fuja, Krupp, Bemis, Caunte  
NAYS: None**



**Carried.**

**Bemis moved, Canute supported to authorize the administration to apply for the Kellogg Foundation's "Able to Play" grant for Trumble Park.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to set a public hearing for April 7, 2003 at 8:00 p.m. to consider a request increase in assessment by DVA Ambulance, Inc.**

**Carried.**

**Canute moved, Bemis supported to approve the purchase of protective netting for the skate arena at a cost of \$2,900.00.**

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

**NAYS: None.**

**Carried**

**PUBLIC COMMENTS: Paula Brooks, 104 Summit Street: Asked if the Able to Play grant is funded entirely by the Kellogg Foundation. City Manager responded no, it is a 20% match.**

**Rod Hall, 724 Princeton Drive: With DVA opening up their units in Flint and Fenton is our assessment paying to run our operations? City Manager responded that he believes that they have created some communication problems for themselves**

**DEPARTMENT REPORTS: City Attorney reported that the Blackburn vs. The City of Durand lawsuit is still pending. Judge has adjourned for two weeks will reconvene March 17, 2003. He noted that the city did not start the lawsuit; negotiations were attempted before the lawsuit was filed. Phil Erickson is very confident of the city's position. City Attorney may request a closed session to review this with City Council.**

**City Manager: Grants and Urban Cooperation Agreement have kept the office very busy.**

**The City has a healthy fund balance and we are planning for the future with street grants, Urban Cooperation Agreement and park plans. Have been meeting with the Marketing Analysis Grant consultants.**

**Thanks to the City Clerk for all her hard work on Urban Cooperation Agreement. Steve and Donna have done extra work on the project, also.**

**COUNCIL COMMENTS: Krupp: Very impressed with the web site; it is very informative.**

**Canute: How are hydrants? DPW Director responded that they are all corrected, but there have been several water main breaks.**

**Bemis: Is there a updated street project priority list? DPW Director answered that he has received from GLS Region V a “Road Soft” software rogram to categorize roads. It was free and designed by Michigan Tech. It will allow us to categorize and prioritize the streets in the community with the ability to be interactive with GIS. In 1994 Capital Consultants prepared a street inventory for us, we will now be able to do this ourselves. Bemis: Mackinaw and East Main Street need to be done. City Manager stated that Mackinaw Street doesn’t qualify for the grant programs that we apply for. Bemis: Just keep some type of timeline so that we can go for a millage to assist with streets.**

**Mayor Doyle adjourned the meeting at 8:42**

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**FEBRUARY 17, 2003 CITY COUNCIL MINUTES**

**Minutes of the Regular meeting of the Durand City Council held Monday, February 17, 2003 in Council Chambers of Durand City Hall.**

**Mayor Doyle called the meeting to order at 7:30**

**Council Present: Bemis, Canute, Mayor Doyle, T. Doyle, Krupp  
Council Absent: Fuja (excused), Schuyler (excused)**

**Schuyler moved, Canute supported to approve the Agenda as printed.**

**Bemis moved, Canute supported to approve the minutes of the Regular meeting held February 3, 2003.  
Carried.**

**T. Doyle moved, Krupp supported to approve the payment of city bill numbering 28358-28392.  
YEAS: Canute, Mayor Doyle, T. Doyle, Krupp, Bemis  
NAYS: None  
Carried.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, asked when the informational packets would be available. City Manager and Mayor Doyle responded that the Township should have the packets out by the first of March.**

**Canute moved, Bemis supported to reschedule the public hearing for the Urban Cooperation Agreement for March 17, 2003 at 8:00 p.m.  
Carried.**

**Krupp moved, Bemis supported to approve the grant of \$375,000 in 2005 for the reconstruction of East Main Street with matching funds of 20% or \$93,750.00**

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

**NAYS: None**

**Carried.**

**Bemis moved, Canute supported to approve the grant of \$175, 000 in 2004 for the resurfacing of North Oak Street with matching funds of 20% or \$43,500.**

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

**NAYS: None.**

**Carried.**

**PUBLIC COMMENTS: Paula Brooks, 104 W. Summit Street, Regarding the resurfacing, will the city be replacing water or sewer main? City Manager responded that he was not sure at this time, but there is a year to further study and decide.**

**DEPARTMENT REPORTS: City Manager reported that a grant for Trumble Park is being completed. The Able to Play grant is sponsored through Kellogg Foundation and will be awarded in June 2003; the project must be completed in 2005.**

**New hours for the Skate Rink: Hokey play days will be Tuesday, Thursday and Saturday. Open Skate will be held on Monday, Wednesday, Friday and Sunday. There has been a lot of use at the rink; it is a very popular site. People from out of town areas such as Brighton, Howell and Flushing are using the rink.**

**The Durand Express will be closing its doors; this will be a sad day in the community. You can always get national news, but the flavor of small town will be missed.**

**Krupp: I am going to miss the Durand Express.**

**Canute: Question regarding the Police Report – there’s one ticket for “Refused to dim lights.” I am going to miss the Durand Express. Police Chief responded that a ticket can be issued for that type of violation.**

**Bemis commented on the Police Report, noting that there is a lot of detail that shows how the department is using its time.**

**Mayor Doyle adjourned the meeting at 7:48 p.m.**

**Minutes of the Regular meeting of the Durand City Council held Monday, February 3, 2003 in the Council Chambers of Durand City Hall.**

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

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

**Schuyler moved, Bemis supported to approve the Agenda as printed.  
Carried.**

**T. Doyle moved, Fuja supported to approve the minutes of the Regular meeting held January 20, 2003 with noted corrections.  
Carried.**

**Bemis moved, Fuja supported to approve the minutes of the executive session held January 20, 2003..  
Carried.**

**Bemis moved, T. Doyle supported to approve the payment of city bills numbering 28311-28357.**

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

**NAYS: None**

**Carried.**

**CITIZENS PRESENT: Dean McConkey, 98 Naldrette St., lives next door to Optimist Park. He has had problems with the kids shooting the puck into the wall and not into the nets. He explained that the kids have been playing on the ice until 11:00 p.m. and the noise from the puck being slammed into the rink walls needs to be alleviated. Whatever can be done would be appreciated.**

**Lloyd Frederick, 604 E Princeton Drive noted that the lights at the Optimist Skate Rink were on all night. Fuja asked if the nets were available for the youth. Mince stated that timers for the lighting at the rink were installed last week, and the electricians are working on adjusting them. He also stated that the nets are available during the times that the Parks Board designated for hockey ice time Tues., Thurs., Sat, and Sun from 6 – 10 p.m. City Manager stated that he does not think that the times are appropriate. He would like to see hockey and open skate rotated on an every other day scdedule.**

**Jeff Perrin, President of Perrin Construction addressed the City Council regarding the recent newspaper articles that have raised controversy over the profit they made on the bleachers for the skate rink and that they were responsible for installing the wrong type of bleachers. He stated that over 50% of their work is negotiated work, and customers have been questioning our profits due to some misconstrued information written in the newspaper. The profit that the company made was**

minimal. (He provided the City Council with written documentation regarding the actual costs that they incurred and the profit that was made.) The project has been pretty exciting, to say the least. The paint on the rink has been the most challenging. The outfit from Milford came to paint the lines; the paint specs were designed for asphalt; the rink is concrete. We had no idea that the specs were for asphalt - this was be an engineering design issue. Had the right materials been spec'd, it would have been fine but we were scrambling for paint and the weather fell away from us. The cement around the rink is slippery. It can be fixed but it is not going to be easy.

City Manager Markland, it was not the city that made comments to the newspapers, I am very glad that you got the job because you are in our hometown. It is a good job done on the rink and the dollars have stayed at home. I have always thought you were good to work with.

Perrin: "We ordered the bleachers". Markland added, "and you ordered what was specified".

City Attorney, Charles McKone, stated that no one on the City Council has a problem with the construction. The City Manager has a meeting scheduled with engineers to address the engineering and design issues.

Schuyler moved, Canute supported to set the public hearing, for the Urban Cooperation Agreement with Vernon Township on March 3, 2003 at 8:00 p.m., in the Council Chambers at Durand City Hall.  
Carried.

T. Doyle moved, Schuyler supported to approve Change Order #1 for the 2002 Street Improvement Project in the amount of \$380,345.00.  
YEAS: Mayor Doyle, T. Doyle, Krupp, Schuyler, Bemis, Canute  
NAYS: None  
Carried. (Fuja left meeting temporarily; was not present for role call vote.)

Bemis moved, Krupp supported to approve the grant agreement for the CDBG Block Grant for the marketing analysis for the downtown area and authorized the City manager to sign the appropriate documents.  
YEAS: T. Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle  
NAYS: None.  
Carried.

**PUBLIC COMMENTS:** Paula Brooks, 104 W. Summit St., When will the public relations information be released regarding the agreement with the township? City Manager answered that there will be Press Release will be next Monday, February 10, 2003. Following that, the agreement will be available to the public.

**DEPARTMENT REPORTS:** DPW Director, Steve Mince, reported that there will be a meeting scheduled with residents regarding the Naldrette Street project.

City Manager, reported that he has a scheduled meeting with Rowe Engineering regarding problems with the Optimist Skate Rink project. He also has been talking with Tom Traciak regarding bonding for water infrastructure to be able to do large projects with out raising rates, because rates are low.

**COUNCIL COMMENTS:** Krupp: We certainly don't hold Perrin Construction responsible for the problems. In fact, I wish that they had been the contractors for the Fire Hall.

Canute: Timer on lights- it has to be working. Mince noted that the electricians are working to correct the problems.

Bemis: No updates in packets.

Schuyler: What about the 2 mils that we levy for streets? City Manager: With Headlee rollback, it's now only 1.667. It's General Fund Millage that we have set aside, but we should look at asking voters for 2 mills designated just for roads. The changes made by the Department of Transportation now classify Durand as an urban area. There's more opportunity for road funding.

Mayor Doyle adjourned the meeting at 8:19 p.m.

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### DECEMBER 16, 2002 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, December 16, 2002 in the Council Chambers of Durand City Hall.

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

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

Schuyler moved, Bemis supported to approve the agenda with the deletion of Executive Session minutes and the addition of the payment for Water Telemetry. Carried.

Doyle moved, Canute supported to approve the minutes of the regular meeting held December 2, 2002. Carried.

**Canute moved, Bemis supported to approve the payment of the city bills numbering 28098-28158.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: Joshua Taylor, 510 Mercer Street suggested that a parking lot at Trumble Park near the horseshoe pits would be beneficial.**

**Paula Brooks, 104 W. Summit Street inquired about the status of the Joint Meeting. City Attorney responded that negotiators completed their work and the agreement is finished. There will be a Public Hearing held January 20, 2003 and a Public Hearing held at the Township on January 27, 2003.**

**Schuyler moved, Canute supported to cancel the regularly scheduled City Council meeting set for January 6, 2003.**

**Carried.**

**Doyle moved, Canute supported to approve the expenditures for the Emergency Response Equipment up to \$6000.00.**

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

**NAYS: None**

**Carried.**

**Canute moved, Fuja supported to approve Change Order #1 for the Optimist Park Improvement Project resulting in a net decrease in contract price of \$6,528.00.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to approve the payment from Perrin Construction in the amount of \$60,102.12 for work completed on the Optimist Park Renovation Project.**

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

**NAYS: None.**

**Carried.**

**Schuyler moved, Fuja supported to approve the invoice from Gregory Construction in the amount of \$12,188.57 for work completed on the Fire Hall Renovation Project.**

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

**NAYS: None.**

**Carried.**

**Bemis moved, Schuyler supported to approve the Change Order #1 from UIS for the Water Plant Telemetry Project, with a net increase of \$1615.99.**

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

**Krupp moved, Schuyler supported to approve payment #1 in the amount of \$41,454 for UIS Programmable Services for work performed on the Water Telemetry System, upon City Manager review and consent.**  
**YEAS:** Bemis, Canute, Mayor Doyle, Doyle, Fuja, Krupp, Schuyler  
**NAYS:** None.  
**Carried.**

**Schuyler moved, Bemis supported to approve traffic control orders #165 and #166.**  
**YEAS:** Canute, Mayor Doyle, Doyle, Fuja, Schuyler, Bemis,  
**NAYS:** Krupp.  
**Carried.**

**PUBLIC COMMENTS:** Lloyde Fredericks, 604 Princeton Drive spoke in regards to the park rules for Optimist Park.

**DEPARTMENT REPORTS:** Fire Chief Rinker reported that the Fire Hall is coming along.

**DPW Director, Steve Mince reported that the tower is going to need to be taken out. The seal is leaking and the valve did not close properly. The dates for the footing drain for the sewer separation project for Manfred II are set for 1-1-02/12-31-02. Dates for changes of other divisions are set for 4-1-02/3-31-02**

**City Attorney wished everyone a Happy Holiday.**

**City Manager Markland wished everyone a Merry Christmas and a Happy New Year.**

**The city will be looking at Revenue cuts in January. The City will also be looking at a Recreation Director to run programming in the city, including softball, developing new youth and adult programs. The position would be part-time, to include marketing, promotions, future park planning and grant acquisition. City Manager Markland stated that we have not addressed the needs of the community by not having someone in this capacity.**

**COUNCIL COMMENTS:** City Clerk, Amy Roddy wished everyone Happy Holidays.

**Doyle asked about Leaf pick-up.**

**Fuja wished everyone a safe and healthy Holiday and New Year.**



**Canute inquired about letter to D.V.A from citizens. City Manager Markland received response from D.V.A. Do not have knowledge of their operations, still have not received audits.**

**Doyle commented that people need to be aware that D.V.A is charging for services.**

**Bemis responded that there is a fear factor with citizens. People are afraid that there won't be an ambulance available if it's necessary. He then wished everyone a Happy Holiday.**

**Schuyler questioned the leaf pick-up schedule. DPW Director responded that if the weather cooperates and we don't have any water main breaks, then maybe we'll get to picking up the leaves.**

**Mayor Doyle wished everyone a Merry Christmas.**

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

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### **DECEMBER 2, 2002 CITY COUNCIL MINUTES**

**Minutes of the Regular meeting of the Durand City Council held Monday, December 2, 2002 in the Council Chambers of Durand City Hall.**

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

**Council Present: Bemis, Canute, Mayor Doyle, Doyle, Fuja, Schuyler  
Council Absent: Krupp (excused)**

**Schuyler moved, Fuja supported to approve the agenda with the addition of item C, Solicitation Request of Durand Eagles/Old Newsboys Sale.  
Carried.**

**Doyle moved, Canute supported to approve the minutes of the regular meeting held November 18, 2002 and the Executive Session held November 18, 2002.  
Carried.**

**Canute moved, Fuja supported to approve the payment of city bills numbering 28023-28097.**

**YEAS: Canute, Mayor Doyle, Doyle, Fuja, Schuyler, Bemis  
NAYS: None.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street inquired to the status of the joint meeting, City Manager Markland answered that they met last week and they are close to a resolution.**

**Ryan Carlson, 8940 E. Monroe Rd., commented on the poor conditions of roads within the city. He also voiced concern regarding litter in the city parks; trash barrels are continuously being kicked over. A solution would be to stake the trashcans to the ground to prevent litter being spilled over. Access drive to the depot is in need of directional signs; the road to the depot is like a maze. Another problem in the City of Durand is that there are no youth programs.**

**Kara Kimmer, 6050 S. NewLothrop Rd., commented that the City of Durand should focus on hosting entertainment in the downtown area. An amphitheatre would provide an avenue for dancing, singing, bands, etc. It would be a place to showcase local talent.**

**People will pay good money to be entertained. The city should apply for a grant for the arts. The proposed stage would need to be 20 x 80; the cost would be approximately \$200,000. There would be a need to have accessible dressing rooms and restrooms.**

**Monica Jordan, 401 Wickshire Lane, stated that the city should start a youth program for sports. This would strengthen the community as well as high school sports teams. A nominal fee for organizing the teams could be charged. Older youths could coach the younger kids in scrimmages and mini-tournaments.**

**Felica Goettel, 200 Obert St., requested that a stop signs be installed at the end of Genesee Street that would direct cars to stop before turning either way onto Obert Street.**

**Brandy Francis, 107 W. Vinewood St., There is a need for some type of signage around the old junior high area. Included in this area are the streets of Sycamore, Pine and Gratiot. With better signage, the traffic flow would improve.**

**Steven Grooms, 202 W. Genesee St., stated that there needs to be a full-time paramedic in the DVA building at all times.**

**Schuyler moved, Fuja supported to approve the payment of the invoice for the Durand Relocated Drain Assessment in the amount of \$847.54.**

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

**NAYS: None.**

**Carried.**

**Bemis moved, Canute supported to remove Contract Addendum: Perrin Construction/Optimist Park Project from the table for further discussion.**

**Carried.**

**Rick Freeman, representing Rowe Engineering, was present to discuss the bleachers that were installed in the new inline skate rink in Optimist Park. The bleachers currently provide no visibility for spectators who are sitting in the first two rows**

because the rink wall blocks visibility. Freeman stated that the original specifications for the bleachers were not correct and that there is a possibility that the manufacturer would credit the bleachers back if the bleachers with risers were purchased. The cost for the bleachers with risers would be \$12,000.

City Attorney stated that the Certificate of Substantial Completion has missing documentation regarding 1.) bleacher elevation 2.) painting of basketball courts 3.) sealing saw cut joints in rink. Freeman noted that a “punch list” will be prepared and those issues will be included. City Manager Markland asked if the warranty on the skate rink would not start until the contractor finalizes work in the spring. Will the correction of the bleachers be covered under warranty? Will the paint on the skate rink be covered under the warranty if it peels? Freeman reaffirmed that all items would be covered under the warranty. The bleachers require a decision from the City Council. Mayor Doyle: stated that she is not happy with the proposed resolution of Rowe Engineers. The city should not have to pay to have the bleachers modified so that they can be fully utilized.

City Attorney asked if Mr. Freeman would consider it safe for people to use the rink before the saw cuts are filled, and overall, would Mr. Freeman consider the project safe and substantially complete. Freeman replied that from a safety issue there are no problems with the project; it is a maintenance issue. From this point, there would be a new document drawn up.

City Attorney told Freeman that the City Council has a very serious concern. This project has a matching grant of 50% and the total completion cost is well over the estimated cost. The city has paid over \$80,000 out of the General Fund equity. Additionally, there are a couple of other issues that the City Council is concerned with - lighting and headroom conflict with rafters if the bleachers are raised.

Mr. Freeman: Jennings of Michigan, the manufacturer, quoted a completely new system for bleachers of 60 seats plus 4 handicapped for the cost of \$12,115. City Manager raised the question that Perrin’s quote to raise the bleachers included cutting the bleachers - wouldn’t this hinder the product liability? Freeman responded that the issue has not been addressed. Doyle noted that he thought that the quote from Perrin for raising the bleachers was ridiculous; the cost to replace the bleachers was only \$12,000.

City Manager wrapped up the discussion by stating that there are several issues that need to be addressed; he would like to see the rink opened as soon as possible. Schuyler stated that if there was any possibility of the company taking the bleachers back for a refund, then the current bleachers should be removed immediately so no damage is done to them.

(Fuja left the meeting at 8:33 p.m.)

Canute moved, Schuyler supported to approve the request from The Eagles Aerie 3851 to sell "Old Newsboys" newspapers.  
Carried.

**PUBLIC COMMENTS:** Nicholas White, 5283 Duffield Rd., Regarding the joints on the skate rink, what is being used to fill the saw cuts? Will the cuts then be flush when they are filled? How much water will be put in the skate rink? How is the city going to maintain the rink? Is there liability or is it play at your own risk? Is there going to be heightened police patrol? When was the targeted date that the facility was supposed to be opened? November 1, 2002. When can we realistically expect to see the rink open?

**City Manager responded:** (in order to the questions) It's a product used to seal saw cuts, and it will be flush. Water will be pumped into the rink when the weather conditions are appropriate. The Parks Board will address maintenance. November 1st was the targeted date for opening the facility, and he wants to see the Skate Rink opened as soon as possible!

**DEPARTMENT REPORTS:** Police Chief Tanner reported that the Police Department has heightened patrol in the skate rink area, and is enforcing on street 3-6 parking for the winter.

DPW Director, Steve Mince, reported that leaf pick up is 2 weeks behind.

City Treasurer, Donna Tobias, reported that tax bills have been sent out.

City Manager, Lynn Markland, noted that it was nice to know that the City Council had been working on projects that the community wants. He would like the Police Chief do a traffic study on the areas mentioned and report back at the next meeting. It might be time to look at moving forward with the park for the downtown and eliminate the underpass from it due to the tremendous expense. There is a growing need for a Recreational Director in this community. I know that it is a difficult economic time, but I still think that we need a Recreational Director for the city. Many cities our size offer more activities and we can not offer recreational opportunities with out having someone managing it.

City Clerk, Amy Roddy, noted that the Chamber of Commerce Annual Breakfast would be held on Dec. 12th at 7:30 a.m. and to notify her of attendance.

**COUNCIL COMMENTS:** Bemis: Has there been any suggestions for arena names? He hasn't heard anything from the Parks and Recreation Board on the subject. Will there be a ceremony for a grand opening of the skate rink? City Manager thought that in the spring, giving plenty of time to get ready. Bemis also noted that the start of the new Fire Hall doors began today. City Manager noted that the job should be finally completed by Friday, December 6, 2002

**Canute moved, Schuyler supported to recess the meeting at 9:05 p.m. to move to Executive Session to discuss pending litigation because discussing it in public could have detrimental effects on the city's position**

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

**NAYS: None.**

**Carried.**

**Meeting reconvened at 9:51 p.m.**

**Bemis moved, Schuyler supported to set a public hearing on January 20, 2003 to hear comments on Urban Cooperation Agreement and questions on the issue.**

**Carried.**

**Mayor Doyle adjourned the meeting at 9:52 p.m.**

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### **NOVEMBER 18, 2002 CITY COUNCIL MINUTES**

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

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

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

**Council Absent: None.**

**Schuyler moved, Bemis supported to approve the agenda with the addition of Executive Session for the sale of property.**

**Carried.**

**Doyle moved, Fuja supported to approve the minutes as printed for the Regular meeting of the City Council held November 4, 2002.**

**Carried.**

**Krupp moved, Canute supported to approve the payment of city bills numbering 27983-28022.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: Corey Rathburn, 604 Princeton Dr. asked when the skate rink would be open for play. City Manager Markland stated that he has contacted Perrin Construction about opening the rink this coming weekend. The paint has not yet cured and Scott Perrin wanted to give it an additional week to see if it**

would. Steve Warren, Engineer for Rowe, Inc. stated that he recommends that the rink sit a bit longer before the rink is opened.

Brooks Oesterle, 407 Vanderbilt Drive asked what the city was considering for security of the hockey nets? Warren responded that the nets can be secured in place, or taken down daily and stored.

Sean Brandt, 11029 E. Bennington Rd. stated that he is concerned with chloride being used on dirt streets. He would favor the use of limestone over chloride due to possible contamination from run-off into private wells. He also recommended that when cold patching potholes, it might be helpful for the DPW to put saw dust over the patch so that loose patch would not stick to the bottoms of vehicles.

Paula Brooks, 104 W, Summit St. asked when the next joint meeting with Vernon Township would be held. City Manager answered that Vernon Township requested to change the meeting date to November 26, 2002.

Steve Warren, from Rowe Engineering, was present to discuss the possibility of expanding the Optimist Park project to include raising the bleachers that were just installed at the new hockey rink. Council members thought that \$17,000 was too much money to buy additional risers so that the bleachers can be raised so that the first two rows allow for viewing access when seated on the bleacher seats. Currently, a spectator would not be able to see over the forms that are in place at the hockey rink. Many of the Council members questioned why this was not considered in the original engineering specifications. Warren admitted that Rowe, Inc. spec'ed out the wrong bleachers. He also commented that he felt that Rowe had gone above and beyond to keep the costs of the project as tight as possible. They had also done additional engineering work at no cost to the city for the project. City Council members felt that there needed to be more information and some different solutions for the bleachers. Doyle noted that if the bleachers are raised, then someone sitting on the top row could possibly get burned from the newly installed lighting system. It appears to be very close to the backs of people's heads if the bleachers were raised two more feet.

Krupp moved, Schuyler supported to table item F, Contract Addendum: Perrin Construction/Optimist Park Project, until December 2, 2002 meeting.  
Carried.

Schuyler moved, Bemis supported the Mayor's reappointments of Cameron Canute, term expiration-2004 and Leo Krupp, term expiration-2005 to the S.A.T.A board.  
Carried.

Canute moved, Fuja supported to approve the payment of the invoice for the Durand Relocated Assessment in the amount of \$847.54.

YEAS: Mayor Doyle, Fuja

NAYS: Bemis, Canute, Doyle, Krupp, Schuyler

**Failed  
5-2**

**Canute moved, Schuyler supported to award the bids for the sales of vehicles - 1991 Buick Park Avenue for \$1,777.00 and 1995 Crown Victoria for \$926.00, to Cliff Mayers of Linden, Michigan.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to approve the list of outstanding invoices as presented and authorize the City Treasurer to place these unpaid invoice amounts on the winter tax bills as a lien on the property for payment.**

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

**NAYS: None.**

**Carried.**

**Krupp moved, Canute supported to approve the payment of \$51,641.11 to Rhode Brothers Excavating for work done on the 2002 Street Improvements Project.**

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

**NAYS: None**

**Carried.**

**PUBLIC COMMENT: Corey Rathurn, 604 E. Princeton Dr. Leaving the nets out at the skate rink is not a good idea. The nets should not be left out every night; they need to be taken in. The paint set is probably not going to take. City Manager responded that the city is hoping that by this week the paint might take. Also, a representative from MML Risk Management will be here on Thursday.**

**Sean Brandt, 11020 E. Bennington Rd. Coated color on the basketball courts makes a good impression. When we go to other schools, the color looks really impressive. City Manager agreed. Bemis commented that they do look nice, but the cost is not necessary. The courts will look nice painted with white, and the maintenance will be less.**

**DEPARTMENT REPORTS: City Attorney voiced concern with regards to the Optimist Park project. If the engineer is responsible for particular items that weren't specified correctly, then they may be liable.**

**City Manager reported the inspection of water tanks and ground storage tanks last week. At this time there was draining of elevated tank and pressure relief valves installed.**

**Charter Communication filed annual rate justification with F.C.C. They have no plans of raising rates at this time.**

**COUNCIL COMMENTS:** Krupp asked where the doors for the fire hall are. City Manager answered they are to be delivered around November 25, 2002. City Attorney stated that once the doors are received, you should be looking at what type of compensation you may have to withhold for their services.

Doyle moved, Bemis supported to adjourn to Executive Session to discuss the sale of property.

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

**NAYS:** None.

**Carried**

Mayor Doyle adjourned the meeting at 8:45p.m.

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### **NOVEMBER 4, 2002 CITY COUNCIL MINUTES**

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

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

**Council Present:** Bemis, Canute, Mayor Doyle, Doyle, Fuja, Schuyler

**Council Absent:** Krupp (excused)

Canute moved, Schuyler supported to the agenda with addition of item G, WWTP Pump Repair.

**Carried.**

Doyle moved, Schuyler supported to approve the minutes of the regular meeting held October 21, 2002.

**Carried.**

Doyle moved, Schuyler supported to approve the payments of the city bills numbering 27946-27982.

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

**NAYS:** None.

**Carried.**

**CITIZENS PRESENT:** Brian Boggs, 606 Brand Street, gave a presentation on improvements needed to Brand Street. This area is in need of repair, he reported, due the commercial area, traffic, and the results of freezing and thawing. City Manager Markland noted that in 1994 Capital Consultants, the city's engineers, inventoried the streets in need of repair and the City Council raised 2 mils for street repairs. Since that time many local streets have been repaired.



**This year, Naldrette Street from Saginaw to Manfred Streets is the city's street project. Half of the project has been completed; the rest is on hold until after the city knows the full impact of possible revenue sharing cuts. Due to the Headlee Amendment rollback requirements, the city currently receives less money in the current fiscal year than it did in 1994.**

**City Manager, Mayor Doyle, and DPW Director congratulated Brian Boggs for his well-prepared presentation.**

**Paula Brooks, 104 W. Summit Street asked when the next joint meeting with Vernon Twp. would be held. City manager answered that it would be either next week or the following week.**

**Paul Bailey, Auditor for Stewart, Beauvais and Whipple, the city's auditing firm, presented the results of the 2001-02 Financial Audit for the City of Durand. He stated that the city is in solid financial condition. The General Fund fund balance on June 30th was \$761,950.00. That amount includes the \$422,000, which was transferred to the Optimist Park Grant Project Fund. He gave general updates regarding GASB 34 and 39. He also indicated that the city may need to include Durand Union Station in the audit next year, due to the provisions of GASB 39.**

**Schuyler moved, Bemis supported to accept the 2001-02 audit, as presented.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Fuja supported to table the payment for Drain Commission for At-Large Drain Assessment until a breakdown of figures is obtained from the Drain Commission.**

**Carried.**

**Canute moved, Bemis supported to approve Payment Request #4 for the Optimist Park CMI Grant Project in the amount of \$187,220.70 to Perrin Construction.**

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

**NAYS: None.**

**Carried.**

**Fuja moved, Schuyler supported to approve the resolution adjusting the MERS retirement allowances by a 2% adjustment factor for current retirees.**

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

**NAYS: None.**

**Carried.**

**Bemis moved, Doyle supported to accept the proposal, in the amount of \$5,345.00, from PSI to conduct soil borings and analysis of the Industrial Park property.**

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

**NAYS: None.  
Carried.**

**Mayor Doyle opened Public Hearing at 8:34 p.m. regarding the application for \$20,000 of Michigan Economic Development Corporation grant funds to complete a Downtown Market Analysis. No one from the public spoke, and the Public Hearing was closed at 8:35p.m.**

**Doyle moved, Fuja supported to approve the resolution authorizing the application for the grant to conduct a marketing analysis for the downtown area.**

### **RESOLUTION TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS, there are Community Development Block Grant funds available to assist communities in completing a Downtown Economic Enhancement Strategy Study;**

**WHEREAS, the City of Durand is requesting \$20,000 of CDBG funds to complete the study;**

**WHEREAS, the City of Durand has Downtown revitalization as a goal in the Community Development and Housing Plan;**

**WHEREAS, at least 51% of the beneficiaries will be low and moderate income persons;**

**WHEREAS, no funds have been committed to the project to date and local funds will be dedicated to the project only after formal grant award;**

**THEREFORE, BE IT RESOLVED that the City of Durand authorizes the submission of the Michigan CDBG application and authorize the City Manager to execute any required forms with regards to the grant**

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

**Bemis moved, Canute supported to approve the quote from Hydro Dynamics in the amount of \$3750.00 for rebuilding the influent pump at the WWTP.**

**YEAS: Bemis, Canute, Mayor Doyle, Doyle, Fuja, Schuyler  
NAYS: None.**

**PUBLIC COMMENT: No one spoke at this time.**

**DEPARTMENT REPORTS:** Police reported that Halloween and Devils Night were very quiet. Mayor Doyle commented that the city's police officers should be made aware that the D.A.R.E Program is no longer endorsed by the city, nor will it be offered to the schools.

DPW Director reported that the installation of the new storm sirens is complete, and that the Fire Chief will determine testing. Ground storage cleaning will begin on November 11, 2002, and there should be no noticeable change in water pressure. Three or four pressure relief valves will be installed on hydrants throughout the city when the elevated tank is taken out of service. High service pumps at Water Plant will pump water throughout the city. There may be minor fluctuations in water pressure. Last brush pick up is November 5, 2002.

City Manager reminded those in attendance that there are four proposals on state ballot and one ballot proposal countywide. MML opposes Proposal 4 that currently reimburses the state for what the state has expended in the past. This will have a major impact on the states financial situation if the proposal passes.

**COUNCIL COMMENTS:** Canute asked when leaf pick-up would be back on north side. City Manager noted that there was a schedule at the front counter; he couldn't remember the exact schedule.

Bemis noted that no staff report was included in the packet this time.

Schuyler asked when yard waste pick-up ends for the year. DPW Director stated that it would end in November.

Mayor Doyle adjourned the meeting at 9:00 p.m.

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### OCTOBER 21, 2002 CITY COUNCIL MINUTES

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

Mayor Doyle called meeting to order at 7:33 p.m.

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

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

**Doyle moved, Canute supported to approve the minutes of the regular meeting held October 7, 2002 and the Executive Session held October 7, 2002.  
Carried.**

**Canute moved, Schuyler supported to approve the payments of the city bills numbering 27899-27945.**

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

**NAYS: None**

**Carried.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street inquired of the status of joint meeting with Township. Mayor Doyle responded that the last meeting was cancelled because not all members could be there; it has not been rescheduled.**

**Schuyler moved, Bemis supported to approve the Consent Agenda as follows:**

**1) Halloween hours have been set for 6:00 p.m. to 8:00 p.m.**

**2) By-laws Revision: MI Municipal Liability and Property Pool**

**3) Board of Directors Election: MI Municipal Liability and Property Pool**

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

**NAYS: None**

**Carried.**

**Doyle moved, Canute supported to approve the invoice in the amount of \$5,321.95 from Miller, Canfield, Paddock and Stone for serving as our Bond Council for the Fire Hall Renovation Project.**

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

**NAYS: None**

**Carried.**

**Canute moved, Schuyler supported to spend up to \$10,000 for wood grinding.**

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

**NAYS: None**

**Carried**

**At 7:55 p.m. Mayor Doyle recessed the meeting for five minutes until 8:00 p.m. for the scheduled public hearings.**

**Mayor Doyle opened the Public Hearing at 8:02 p.m. regarding the proposed ordinance regulated access and ongoing use of public right-of-way by telecommunication providers.**

**No one from the public spoke, and the Public Hearing was closed at 8:04 p.m.**

**Schuyler moved, Fuja supported to adopt the Telecommunications Ordinance, as follows:**

**CITY TELECOMMUNICATIONS ORDINANCE**

**WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and**

**WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and**

**WHEREAS, the Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "Authority"), established pursuant to Section 3 of the Act, provided the City takes certain action in compliance with the Act; and**

**WHEREAS, the City has, contemporaneously with this resolution, adopted Ordinance No. 10-21-02-2 (the "Ordinance") for purposes of complying with the requirements of the Act, so as to ensure that the City qualifies for distributions from the Authority under the Act; and**

**WHEREAS, the City desires to give additional instruction and direction to the City Manager and other City personnel charged with implementing the Ordinance;**

**NOW, THEREFORE, it is hereby**

**RESOLVED, that the City Manager, or designated representative, is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the City [and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the City since 1990, all telecommunications providers identified in the City's engineering or construction permit files and all regulated telephone inter-exchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone companies licensed in Michigan listed on such web site];**

**FURTHER RESOLVED, that the City Manager is hereby authorized and directed to provide a copy of the Ordinance to the cable company[ies] providing service in the City, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act; and**

**FURTHER RESOLVED, that the Treasurer of the City is hereby directed to return, to telecommunications providers, any checks or portion of checks received by the City from such providers for access and usage of the public rights-of-way in the City after November 1, 2002 (other than the \$500 application fee allowed under the Act and any fees or funds received from the Authority).**

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

**Mayor Doyle opened the Public Hearing at 8:07 p.m. regarding adopting and enacting a new code for the City of Durand. No one from the public spoke, and the Public Hearing closed at 8:09 p.m.**

**Canute moved, Fuja supported to adopt the new city code ordinance, as follows:**

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF DURAND, MICHIGAN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

**THE CITY OF DURAND ORDAINS:**

**Section 1. The Code entitled “Code of Ordinances, City of Durand, Michigan,” Published by Municipal Code Corporation, consisting of Chapters 1 through 82, each inclusive, is adopted.**

**Section 2. All Ordinances of a general and permanent nature enacted on or before April 16, 2001, and not included in the Code or recognized and continued in force by reference therein, are repealed.**

**Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any Ordinance or part thereof that has been repealed by a subsequent Ordinance that is repealed by this Ordinance.**

**Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any Ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$500.00 and imprisonment of up to 90-days in the County jail and costs of prosecution in the discretion of the Court. For certain offenses set forth under State Law the imprisonment may be for a period of up to 93-days. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City Council may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.**

**Section 5. Pursuant to Act No. 16 of the Public Acts of Michigan of 1994, the City hereby reserves the right to create a Municipal Ordinance Violations Bureau and**

designate certain violations of the Code as municipal civil infractions as provided in Section 2-501 et seq. of the Code adopted by this Ordinance. A person who violates any provision of the Code designated a municipal civil infraction is subject to a civil fine as set forth in Section 2-505 of the Code adopted by this Ordinance.

**Section 6. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.**

**Section 7. Ordinances adopted after April 16, 2002 that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.**

**Section 8. Effective Date. This Ordinance shall become effective fifteen (15) days after enactment and after publication hereof.**

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

**NAYS: None.**

**Carried.**

**PUBLIC COMMENT: No one spoke at this time.**

**DEPARTMENT REPORTS: City Manager Markland, spoke with school board to gain permission for siren placement. It will be located at the S.W. corner of the football field. Planning Commission will be reviewing the final draft of the Zoning Ordinance Tuesday, October 22, 2002.**

**COUNCIL COMMENTS: Krupp reported that the garage doors for the Fire Hall have still not been delivered and tomorrow, October 22, 2002 in the deadline. City Manager Markland reported that the doors are in transit, and the city has only received the archways.**

**Fuja stated that she would be glad when the city takes down the Summer Cruise banners. She would like to see the city purchase some patriotic banners when considering new banners.**

**Canute inquired about the new skate rink being locked. City Manager stated that when any project being completed the liability falls under the contractors insurance. The city has been locking up the skate rink at Optimist Park to protect everyone. He also noted that there would be a Parks & Rec. Special Meeting held Wednesday, October 30, 2002 to develop rules for the skate park. Doyle asked if the city should look into security systems for the skate park. City manager stated that they have been looking into security lighting.**

Canute inquired about the appraisal on the Industrial Park. City Manger answered that there has been no word from the company at this time.

Bemis asked if there have been any ideas for a name for the skate facility. City Manager suggested that the City Council request recommendations from the public for the arena. Mayor Doyle stated that the City Council would consider all recommendations for the new facility.

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

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**OCTOBER 7, 2002 CITY COUNCIL MINUTES**

Minutes of the Regular Meeting of the Durand City Council held Monday, October 7, 2002 in the Council Chambers of Durand City Hall.

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

Council Present: Bemis, Canute, Mayor Doyle, Doyle, Krupp, Schuyler  
Council Absent: Fuja (Excused)

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

Doyle moved, Schuyler supported to approve the minutes of the Regular Meeting and the Executive Session held Monday, September 16, 2002.  
Carried.

Schuyler moved, Bemis supported to approve the payment of the city bills numbering 27830-27898.  
YEAS: Bemis, Canute, Mayor Doyle, Doyle, Krupp, Schuyler  
NAYS: None.  
Carried.

CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, asked the status of the Joint Meeting. City Manager Markland answered the next meeting would be Tuesday, October 15, 2002

Canute moved, Schuyler supported to approve the election inspectors for the November 5th General Election, as presented.  
Carried.

**PRECINCT I**

Gayle Silas (D)  
Nora Eddy (D) 6am-2pm  
Tracy Lytle (R) 2pm-10pm

**PRECINCT II**

Pat Tullar (D)  
Donna Turner (R)  
Nancy Cech (R)



**Ann Collard (R)**  
**Lorraine Stone (R)**  
**John Doyle (D) 6am-10am**  
**Brianne Wooton (R) 10am-2pm**  
**Emily Chapman (R) 2pm-6pm**  
**Bart Middleton (D) 6pm-10pm**

**Deb Alumbaugh (D)**  
**Joe Zick (R) 6am-10am**  
**Meghan David (D) 10am-2pm**  
**Ryan Carlston (R) 2pm-6pm**  
**Kyle Nelson (D) 6pm-10pm**

**Bemis moved, Doyle supported to approve the invoice from ACI Finance, Inc. in the amount of \$4,500.00 for financial services for the fire hall bond project.**

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

**NAYS: None.**

**Carried**

**Canute moved, Schuyler supported to approve Payment #3 for the Optimist Park/CMI Grant Project to Perrin Construction for work done to date in the amount of \$173,360.52.**

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

**NAYS: None.**

**Carried.**

**Krupp moved, Canute supported to approve the invoice dated 3-31-02 in the amount of \$14,500.00 from Gregory Construction for work completed on the fire hall.**

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

**NAYS: Bemis, Doyle**

**Motion Carried 4-2.**

**Schuyler moved, Canute supported to approve the contract for inspection of the water tower and the ground storage tank to Dixon Engineering in the amount of \$4520.00.**

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

**NAYS: None.**

**Carried.**

**Canute moved, Bemis supported to approve the first reading of the new city code ordinance and pass it to second reading and adoption.**

**Carried.**

**Bemis moved, Schuyler supported to approve the first reading of the telecommunications ordinance and pass it to second reading and adoption.**

**Carried.**

**Krupp moved, Schuyler supported to authorize the City Manager to spend \$10,000 for electricity to power the new warning sirens for the community.**

**YEAS: Mayor Doyle, Krupp**

**NAYS: Bemis, Canute, Doyle, Schuyler**  
**Motion failed 4-2.**

**PUBLIC COMMENTS: No one spoke at this time.**

**DEPARTMENT REPORTS: Police Department reported they have been busy and that an individual has been found to work on the radio systems in the police cars.**

**DPW Director, Steve Mince reported that sidewalk work is being completed. Leaf pick-up and hydrant flushing will begin on Monday, October 14, 2002. Storm warning sirens scheduled to be installed this week. Installation of one siren to be at Maple Street and the second siren has two possible locations of Stuart/Summit and F.F.A Field.**

**Soccer field on Lansing Road is an excellent location, but it would cost \$7,000-\$8,000 more to have it connected; funds would come from the General Fund.**

**City Attorney, Chuck McKone asked if there were any questions on the Co-operative Development Agreement. Any concerns can be addressed with Chuck.**

**City Clerk, Amy Roddy reported that ballots are in and they are working on getting them out.**

**COUNCIL COMMENTS: Canute, asked about a tree stump that is in the corner of Optimist Park, is it going to be removed? DPW Director, Steve Mince reported that it would be removed next time the city does stump grinding. Is the tire swing going back into the park? Markland was not sure; it had been damaged when removed.**

**What is happening with the tile on the Depot roof? There are some tiles that are broken, Markland has spoke with Durand Union Station regarding annual maintenance fund. To his knowledge they have not taken any action. This issue will be addressed at the meeting on Tuesday, October 8, 2002.**

**DPW did a good job with brush pick-up.**

**Ice Arena- The city might need to consider leaving one door open and locking one door. There will need to be some rules and some means of monitoring usage of the Ice Arena.**

**Bemis would like the City to come up with a name to grace the skate facility.**

**Schuyler moved, Doyle supported to adjourn to Executive Session to discuss Personnel.**  
**Carried.**

**Schuyler moved, Bemis supported to approve a 3% retroactive salary increase for the City Manager for 2001-02 and a 3% increase for 2002-03.**

**Krupp moved, Doyle supported to amend the motion to approve a retroactive 3 ½ salary increase for the City Manager July 2001-02 and a 3% salary increase for 2002-03.**

**YEAS: Bemis, Mayor Doyle, Doyle, Krupp**

**NAYS: Canute, Schuyler**

**Motion carried 4-2**

**YEAS: Canute, Schuyler**

**NAYS: Bemis, Mayor Doyle, Doyle, Krupp**

**Motion failed 2-4**

**Mayor Doyle adjourned the meeting at 9:16 p.m.**

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**SEPTEMBER 16, 2002 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, September 16, 2002 in the Council Chambers of Durand City Hall.**

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

**Council Present: Canute, Mayor Doyle, Doyle, Krupp, Schuyler**

**Council Absent: Bemis (Excused), Fuja (Excused)**

**Schuyler moved, Canute supported to approve the agenda as presented with the deletion of item D.**

**Carried.**

**Doyle moved, Schuyler supported to approve the minutes of the Regular Meeting held Monday, August 19, 2002 and approve the minutes of the Special Meeting held Thursday, August 1, 2002.**

**Carried.**

**Doyle moved, Canute supported to approve the payment of the city bills numbering 27719-27829.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street, asked the status of the Joint Meeting. City Manager Markland answered the meeting would be September 17, 2002.**

**Brian Schneck, 609 Lincoln Street, Stated he was constantly being harassed because there was no place to skate.**

**Andrew Rasschert, 420 Brand Street, City needs a safe environment to skate where we would not tear up the community.**

**City Manager responded that the State of California went to legislators to request reduction of municipal liability for skate parks in the cities, they then resumed building skate parks. Markland has spoken with Rep. Julian regarding the possibility of sponsoring this type of legislation. Markland encouraged the citizens present to meet with Rep. Julian and himself to discuss the subject more.**

**Richard White, 8530 S. Durand Road. Asked how other skate parks are avoiding liability. City Attorney stated that the recreational use statute has some immunity in the statute for these types of recreational activity**

**Canute moved, Krupp supported to accept Mayoral recommend appointments to the cities Boards and Commissions.**

**DDA: Joseph Borgstrom  
Parks/Recreation: Robert Strachen  
Planning Commission: Jeffery Brands  
Carried.**

**Schuyler moved, Canute supported to approve the invoice from Municipal Code Corporation in the amount of \$3,221.14 for the recodification.**

**YEAS: Canute, Mayor Doyle, Doyle, Krupp, Schuyler.  
NAYS: None.  
Carried.**

**Krupp moved, Schuyler supported to adopt the awarding resolution to Citizens Bank at an interest rate of 3.730350% for G.O. Bonds.**

**YEAS: Canute, Mayor Doyle, Doyle, Krupp, Schuyler.  
NAYS: None.  
Carried.**

**Doyle moved, Canute supported to approve the agreement with the Michigan Dept. of Environmental Quality for a grant in the amount of \$8,240.00 from the Wellhead Protection Grant Assistance Program. In accepting this grant we acknowledge that matching funds are required in the amount of \$8,240.00 as specified in the agreement.**

**YEAS: Canute, Mayor Doyle, Doyle, Krupp, Schuyler.  
NAYS: None.  
Carried.**

**PUBLIC COMMENT: No one spoke at this time.**

**DEPARTMENT REPORTS: DPW Director, Steve Mince reported that the auction last weekend (September 7, 2002) went well. The Railroad expects to be finished fixing spots in the rails that have rotted by next week.**

City Attorney, Chuck McKone reported that the city has a meeting tomorrow (September 17, 2002) at 6:00 p.m. If there is anything that you would like to see, he will be meeting with the City Manager at 4:30 p.m.

City Manager, Lynn Markland reported of a grant for \$20,000 for marketing analysis.

**COUNCIL COMMENTS:** Leo Krupp asked when are the doors suppose to be here?

City manager answered: October 15th, 2002. City Attorney commented that the contractor has a bond to ensure performance. If the contractor is incomplete within a reasonable amount of time, the city has the right to contact the bonding agency and have another contractor complete the project. A letter to contractor with copy to Saretz Company and architect will be sent out

Krupp moved, Schuyler supported to direct City Attorney to notify the contractor of its breach of contract.

Carried.

Cameron Canute asked about brush pick-up and if there can be letters sent out to owners of vacant buildings in the city, such as Victory Machine and Brendas Bistro. This would be in an effort to make the buildings more presentable. City Manger answered that he was unsure of what the City could do except for weed control. Canute asked if there has been any updates from the man who bought the old Junior High building? Have we gotten anything back on the appraisal for the Industrial Park? No.

Schuyler, Removal of signs from vacant buildings in City such as Brenda's Bistro, Bay gas station and other businesses that are no longer in business.

Doyle, read letter from a resident recognizing Orville McDaniels and Dave Hildebarant.

Schuyler moved, Canute supported to move into Executive Session for discussion on personnel.

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

NAYS: None.

Carried.

Meeting resumed and Mayor Doyle adjourned the meeting at 8:18 p.m.

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**SEPTEMBER 2, 2002 CITY COUNCIL MINUTES**

No meeting due to Labor Day Holiday

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**AUGUST 19, 2002 CITY COUNCIL MINUTES**

**Minutes of the Regular Meeting of the Durand City Council held Monday, August 19, 2002 in the Council Chambers of Durand City Hall.**

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

**Council Present: Canute, Mayor Doyle, Doyle, Fuja, Krupp, Schuyler  
Council Absent: Bemis (Excused)**

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

**Doyle moved, Krupp supported to approve the minutes of the Regular Meeting held July 15, 2002 and the Executive Session held July 15, 2002.  
Carried.**

**Doyle moved, Krupp supported to approve the payment of the city bills numbering 27619-27718.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: Paula Brooks, 104 W. Summit Street asked if the joint meeting was still planned for the next week for Tuesday, August 27, 2002. City Manager Markland answered yes.**

**Donna Riley, 103 Naldrette Street asked if the funding for the city was still at risk of being lost and voiced concern that she did not want to lose police or fire services. City Manager Markland stated that the House of Representatives and the Senate did override the Governor's veto of the state budget, which would have eliminated the states shared revenue to all local governments. She asked about the options of implementing a Crime Watch program in her south side neighborhood. She asked to have support from the city on this program. Chief Tanner told her to contact him on the issue this week. Donna asked what grandfather clause was. City Attorney answered, giving a definition of grandfather clause in regards to zoning, a non-conforming use. She voiced her concern of the negative comments of residents directed towards the city and the police.**

**Canute moved, Fuja supported to cancel the Regular Meeting schedule for Monday September 2, 2002 due to Labor Day falling on the same day.**

**Carried.**

**Canute moved, Fuja supported to accept the bid for Ferric Chloride from PVS Technologies in the amount of \$294.00 per ton.**

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

**Fuja moved, Krupp supported to accept the low bid for the sludge hauling from Synagro at .0335 per gallon.**  
**YEAS: Doyle, Fuja, Krupp, Schuyler, Canute, Mayor Doyle.**  
**NAYS: None.**  
**Carried.**

**Krupp moved, Schuyler supported to accept the bid for the 2002 Streets Improvements Project from Rhodes Bros. Excavating, Inc. in the amount of \$435,593.00**

**City Manager Markland recommended accepting the low bid from Rhodes Bros. Excavating Inc. for Items B and C. This would exclude Naldrette Street until further notice and the amount of the low bid would be reduced to \$57,936.**

**Krupp moved, Schuyler supported to accept the low bid for 2002 Street Improvements Project from Rhodes Bros. Excavating, Inc. for items B and C in the amount of \$57,936.**  
**YEAS: Fuja, Krupp, Schuyler, Canute, Mayor Doyle, Doyle.**  
**NAYS: None.**  
**Carried**

**Canute moved, Fuja supported to approve Payment #2 for Optimist Park/CMI Grant Project to Perrin Construction for work done to date in the amount \$145,090.20.**  
**YEAS: Krupp, Schuyler, Canute, Mayor Doyle, Doyle, Fuja.**  
**NAYS: None.**  
**Carried.**

**Schuyler moved, Canute supported to approve Amendment #1 to the Agreement for Engineering Services Sewer System Evaluation Survey (SSES) with Capital Consultants in the amount of \$52,000.**  
**YEAS: Schuyler, Canute, Mayor Doyle, Doyle, Fuja, Krupp, Schuyler**  
**NAYS: None.**  
**Carried.**

**City Attorney commented on the Utilities Extension/Franchise Agreement in regards to Thomas and Peggy McMahons. Since the McMahons are not owners of the Russell Street property yet, a tentative approval be given pending the signing of the sale papers of the property at Russell Street.**

**Schuyler moved, Canute supported the tentative approval of the Franchise Agreement for water and sewer services presented for \_\_\_\_\_ Russell Street**

pending the signing of the sale papers.

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

**NAYS:** None.

**Carried.**

**City Manager Markland asked to have the closing of streets approved for the Labor Day weekemd, End of Summer Cruise.**

**Schuyler moved, Canute supported the approval for closing the streets for the End of Summer Cruise.**

**Carried.**

**City Manager Markland reported that a number of members of the city went to Lansing to attend the rally to ensure the legislations over ride of the governor's veto. All local revenue was restored thanks to our senators.**

**PUBLIC COMMENT: No one spoke at this time.**

**DEPARTMENT REPORTS.: None**

**COUNCIL COMMENTS: None**

**Schuyler moved, Canuted supported to move into Executive Session to discuss the possible purchase of real estate.**

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

**NAYS:** None.

**Carried**

**Meeting resumed and Mayor Doyle adjourned the meeting at 8:06 p.m.**

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### **AUGUST 5, 2002 CITY COUNCIL MINUTES**

**Minutes of the Regular meeting of the Durand City Council held Monday, August 5, 2002 in the Council Chambers of Durand City Hall.**

**Mayor Doyle called the meeting to order at 7:31 p.m.**

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

**Council Absent: none**

**Schuyler moved, Fuja supported to approve the agenda with the following additions: Consent Agenda – 3. Approval of Election Inspectors 4. Proclamation: Scholastic Clay Target Program and deletion of Executive Session.**

**Carried.**



**Krupp moved, Doyle supported to approve the minutes of the regular meeting held July 15, 2002 with corrections as noted.  
Carried.**

**Canute moved, Fuja supported to approve the payment of city bills numbering 27551– 27618.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: Richard Folaron, representing Teamsters Local #214 Full-time Police, stated that the union recognizes the situation that the city has been placed in due to impending state shared revenue cuts and that the union will work with the administration to maintain police protection within the city.**

**Doyle moved, Krupp supported to approve the Consent Agenda, as follows:**

- 1. MMLWCF Board of Trustees election, candidates as presented**
- 2. Mayor and Mayor Pro-tem named as Delegate and Alternate to the MML Annual Business Meeting**
- 3. Proclamation – Scholastic Clay Target Program Day in Durand**
- 4. Election Inspectors for Primary Election**

**Precinct I – Gayle Silas, Nora Eddy, Deb Alumbaugh**

**Precinct II – Pat Tullar, Donna Turner, Dawn Alacheff, Rhea Freumb**

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

**NAYS: none**

**Carried.**

**Canute moved, Bemis supported to approve the invoice from Fund Balance for annual software maintenance for administrative programs in the amount of \$4,739.00.**

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

**NAYS: none**

**Carried.**

**Canute moved, Doyle supported to approve the Mayor's appointments to the following boards:**

**Bonnie Mann – Shiawassee District Library Board – 3-year term**

**Allen Kregger – Parks and Recreation Board – 3-year term**

**Dale Arnold – Parks and Recreation Board – fill vacancy of Matt Fiebernitz**

**Carried.**

**Doyle moved, Krupp supported to approve the Budget Amendment Contingency Plan and to authorize the administration to implement the plan if the Michigan State House of Representatives and Senate do not override the Governor's veto of the state budget, which eliminates state shared revenue to all local governments.**

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

**NAYS: none**  
**Carried.**

**PUBLIC COMMENT: No one present spoke at this time.**

**DEPARTMENT REPORTS: Public Works Director Mince noted the following:**

- **E. Main Street RR crossing will be closed for repairs and a detour will be necessary. Traffic will be routed north on New Lothrop to Lansing Road west to Saginaw Street. Mayor Doyle and Councilwoman Fuja both commented that an emergency route must be available to the depot.**
- **Brush pick up for August begins tomorrow**
- **Thanked the Teamsters #214 Labor Union for its cooperation in the budget reduction plan**

**City Manager reported that the grant project at Optimist Park is moving forward – the steel for the skate rink is in place, the concession stand and the pad for the pavilion are complete.**

**COUNCIL COMMENTS: Krupp asked about the internet connection for the Fire Hall. Mince stated that the consultant was unable to keep the appointment. Krupp also noted that it was wonderful to see the employees band together.**

**Fuja applauded the administration for quick action after the announcement of eliminating revenue sharing.**

**Canute echoed Fuja's comments.**

**Bemis noted that Rep. Julian "is really fighting for us". Bemis also wanted to see 210 Mercer Street added to the action list. Krupp asked to have the Fire Dept. internet connection added to the list also.**

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

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### **JULY 15, 2002 CITY COUNCIL MINUTES**

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

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

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

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

**Canute moved, Fuja supported to approve the minutes of the regular meeting held July 1, 2002 and the budget workshops held May 15, 20 & 21, 2002.  
Carried.**

**Canute moved, Bemis supported to approve the payment of city bills numbering 27503– 27550.**

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

**NAYS: None.**

**Carried.**

**CITIZENS PRESENT: No one present spoke at this time.**

**Doyle moved, Fuja supported to approve the request from the Shiawassee Humane Society to hold their annual fundraiser in Durand “Pets on the Streets” on September 6 & 7, 2002.**

**Carried.**

**Schuyler moved, Bemis supported to award the bid for the sale of the 1997 Crown Victoria to Police Cars Unlimited, Inc. for the bid sale price of \$2,444.00.**

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

**NAYS: none**

**Carried.**

**Canute moved, Schuyler supported to accept the bid from Motor City Truck for the cab and chassis for the Department of Public Works in the amount of \$54,695.00.**

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

**NAYS: none**

**Carried.**

**Krupp moved, Bemis supported to accept the bid from Truck and Trailer Equipment Co. for the underbody scraper dump box and hydraulic system for the new dump truck for the Department of Public Works in the amount of \$33,857.00.**

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

**NAYS: none**

**Carried.**

**Schuyler moved, Canute supported to remove from the table of the last regular meeting the purchase of a laptop computer for the Fire Department.**

**Carried.**

**Canute moved, Bemis supported to approve payment request #1 for the Optimist Park CMI Grant Project in the amount of \$23,180.40 to Perrin Construction.**

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

**NAYS: none**  
**Carried.**

**Schuyler moved, Krupp supported to approve the purchase of a laptop computer for the Fire Department from Dell Computer at a cost of \$2,098.78.**

**Doyle questioned the purchase of a laptop computer for the department, and was it the best price for the purchase. Fire Chief Rinker stated that he utilized the state purchasing for the pricing of the computer. He explained that it would be used as a portable command unit, storing "Right to Know" information and emergency telephone numbers and data. Doyle also asked what type of software would be used to build the data base, and didn't believe that it was a good idea to purchase the computer before the software was either developed or functional on the computer housed in fire hall.**

**YEAS: None**

**NAYS: Schuyler, Bemis, Canute, Mayor Doyle, T. Doyle, Fuja, Krupp.**  
**Failed, 0 – 7.**

**Schuyler moved, Canute supported to approve the Franchise Agreement for 227 S. Russell Street.**

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

**NAYS: none**  
**Carried.**

**PUBLIC COMMENT: No one present spoke at this time.**

**DEPARTMENT REPORTS: Public Works Director Mince noted that on July 30, 2002 at 7:30 p.m. there would be a meeting for residents regarding the Naldrette/S. Saginaw Streets construction project. Tree and sidewalk work will begin this month. Next week, hydrant flushing will be done between 6 p.m. and 4 a.m. Also, sometime in mid-August, there will be another city auction.**

**City Manager reported that the Durand Garden Club is beginning its landscaping project at city hall.**

**City Clerk introduced Erin Jones as the new Recording Secretary for the city.**

**COUNCIL COMMENTS: Krupp asked Mince about the telemetry update at the water plant and if there was a time line. Mince responded that there is no time line; there hasn't even been a pre-construction meeting yet. Krupp asked about the internet connection for the Fire Hall. Mine stated that he would contact the technician tomorrow.**

**Canute stated that the lift station readings had been in the 20's; since the sewer separations, has there been a drop in the reading? Mince stated that the readings**

have been in the high teens and that there is a noticeable improvement in flow at the WWTP.

Schuyler moved, Canute supported to move into Executive Session to discuss the possible purchase of real estate at 8:12 p.m.

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

NAYS: none

Carried.

Meeting resumed and Mayor Doyle adjourned the meeting at 8:34 p.m.

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**JULY 1, 2002 CITY COUNCIL MINUTES**

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

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

Council Present: Canute, Mayor Doyle, T Doyle, Fuja

Council Absent: Bemis, Krupp, Schuyler

Fuja moved, Canute supported to approve the agenda with the addition of approval of minutes from the Special Meeting held May 28, 2002.

Carried.

T. Doyle moved, Canute supported to approve the minutes of the regular meeting held June 17, 2002 and the Special Meeting held May 28, 2002.

Carried.

T. Doyle moved, Fuja supported to approve the payment of city bills numbering 27445– 27502.

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

NAYS: None.

Carried.

**CITIZENS PRESENT:** Dennis Rainwater, Chairman of the Durand Patriots, noted that the group had

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