
JUNE 21, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, June 21, 2004 in the Council Chambers of Durand City Hall.

CALL TO ORDER:

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

ROLL CALL:

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

Council Absent: None

D. Doyle moved, Hall supported to approve the agenda with addition of an Executive Session.

Carried.

McDonough moved, Bemis supported to approve the minutes of the regular meeting and the Executive Session held June 7, 2004.

Carried.

Tim Doyle moved, Hall supported to approve the payment of the city bills numbering 30192-30236.

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

NAYS: None

Carried.

CITIZENS PRESENT: Rob Dolehanty, 312 Fitch Street, stated enforcement of rental ordinances-309 Fitch Street. Over the past 5 years it has deteriorated below the standard I would like to see. Currently, half dozen tires sitting collecting water. There are 5 mini dumpsters – lawn does not get mowed, no screens in upstairs windows, driveway disintegrating. There are fireworks going off many nights. Countertops coming away from walls. You can hear water coming down walls when it's raining. I am disgusted by the condition of the property. I am being fairly assessed, but my resale value may be going down. What are you, as a City Council, going to do to better enforce the rental ordinances to improve this situation? City Manager stated that the city does have a rental ordinance and it calls for an inspection every two years. "I do not know when the last time that the building was inspected."

Bryan Roberts, 307 Fitch Street – I just completed a \$70,000 renovation. My son rented an apartment there. There is black mold, and water running down the walls when it rains inside. It really does need to be inspected.

Rob Dolehanty – What time frame may be imposed for this rental to be fixed up? City Manager replied that a reasonable amount of time, based on how serious the infraction is.

McDonough asked if the Health & Safety Officer should be included in the inspection also. City Manager agreed. Dolehanty requested a copy of the Inspectors Report after it has been completed.

Christine Foster, DVA, 308 North Saginaw Street, stated that she had good news to share with the city regarding the audit. “We understand the need for you to have the financial information. We will release this to you. 2003 is not yet completed, but we will release this to you as soon as it is completed. We will also share the audit with other government units.” City Manager thanked Foster for her cooperation. “We will be happy to take a look at the audits as they become available.”

Joe Hammontree, 7537 Lansing Road, Vernon Township. I really need to know where to put this flag. The schools may be a good area, but may have a conflict with ceremonies during school hours.

Dean McConkey – 100 Naldrette. I have been parking in the city parking lot next to Optimist Park. Mark Seigrist parks there also since Naldrette Street was repaved. We both lost part of our driveways, so the only solution there is to park in spots at the park. We have been encountering some conflict from Lloyd Fredrick, who runs the softball program. He doesn’t want our cars parked in the lot at Optimist Park. I would like to get an answer from the city if it is all right for me to park there. City Manager responded that the parking lot was public property and there should be no reason why the cars cannot be parked in the parking lot.

Paula Brooks, 104 Summit Street. “It was stated at the township meeting that they would drop the lawsuit and re-negotiate again. I was very disappointed to hear the city’s refusal to sit down and negotiate again. I would hate to see all of this work go down the drain.” City Manager – “I am a little disappointed that you just took their information and formulated an opinion. We cannot comment on this since it is still in litigation.” City Attorney made no further comment.

D/LT. Gretchen M. Voltz spoke regarding the MAGNET Program. MAGNET stands for Mid-Michigan Area Group Narcotics Enforcement Team. There are 5 officers working for MAGNET. We do anything we can to eradicate drugs, narcotics, etc. Financially, we are trying to keep this program alive. Gratiot County – 1/3 of budget which is \$80-\$90,000. Michigan State Police paying for 2 leased cars. We are asking for \$1.00 per capita for each municipality within Shiawassee County. Each of my officers is assigned to a specific jurisdiction. We share with other agencies and we work together. D/LT Voltz talked about the production of met amphetamine and that this area is becoming a popular part of the country to produce it. “We need your help to support MAGNET as a team.” City Manager – “What is your fiscal year?” Voltz – “October 1.”

City Manager – “Gratiot County is providing what?” Voltz – “Committed to everything that we need from their County.”

City Manager – “What is your total budget?” Voltz – “\$80-\$90,000. Our fiduciary is the City of Owosso”.

City Manager – “What is the population in Gratiot?” Voltz – “41,000; Shiawassee County - 71,000”.

Canute – “What is the reason you have not gotten any federal grants?” Voltz – “We did not need the grants before now.”

Canute – “What has been the response from other government units?” Voltz – “Antrim, Caledonia and Fairfield have committed.”

City Manager – “How long are you asking this commitment for?” Voltz – “Perpetual.”

Voltz was thanked for her presentation regarding MAGNET.

D. Doyle moved, Bemis supported to increase the City of Durand Asset Threshold amount from \$1,000 to \$2,000.

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

NAYS: None

Carried.

McDonough moved, Tim Doyle supported to cancel the regular scheduled meeting for July 5, 2004.

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

NAYS: None

Carried.

Tim Doyle moved, McDonough supported to approve the budget amendments for the 2003-2004 fiscal year, as follows:

General Administration \$34,600.00

Assessor \$ 3,000.00

Police \$(15,000.00)

Fire \$ (2,000.00)

DPW \$(15,000.00)

Parks & Recreation \$ 4,400.00

Planning \$(10,000.00)

Local Street \$14,700.00

DDA \$27,000.00

Industrial Park \$ 1,500.00

Optimist Park \$ 9,000.00

Fire Hall Project \$31,100.00

Centennial Commission \$ 5,000.00

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

NAYS: None

Carried

DEPARTMENT REPORTS:

Police – Hope to have the new car on the road next week.

DPW – Hydrant flushing this week. Pre-construction meeting for North Oak Street project was held last week. The project will begin the week of July 19th and should be completed by Aug 20.

City Attorney –Regarding the Blackburn vs. Mince and City of Durand – Mince is being dismissed.

City Manager – Several projects may come to fruition in July.

City Clerk – Waste Management will pick up garbage on Monday, July 5, 2004.

Hall – U-turns in downtown area. Two hour parking excessive, 5-6 hours. Roller blades and bikes in downtown. Mike O’Keefe’s house is a junk mess. 208 S. Oak – For Sale by Owner sign is in easements.

Boggs – B&E in my area. Could the police provide some extra patrol down Brand Street?

McDonough – The Manfred area says thanks for the black dirt. Weiske Tool needs to be cut. Vinewood Corporation needs to be cut also.

Canute – Shiawassee District Library fundraiser by Rotary Club. Wellhead Protection certificate – a good thing. Brown Street – problems – are they resolved? City Manager responded that the city has not been approached by Rotary about their fundraising project for the library, but I am aware that they are planning to raise money for a parking lot. The Brown Street residents’ claims have been filed for review with FEMA.

Tim Doyle moved, McDonough supported to enter into Executive Session to discuss pending litigation at 8:56 p.m.

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

NAYS: None

Carried.

Mayor Canute reconvened and adjourned the meeting at 9:30 p.m.

JUNE 7, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, June 7, 2004 in the Council Chambers of Durand City Hall.

Mayor Canute called the meeting to order at 7:30 p.m. A moment of silence was held to recognize the passing of Former President Ronald Reagan.

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

Council Absent: None

Bemis moved, McDonough supported to approve the agenda with addition of: Executive Session minutes from 5-17-04.

Carried.

Tim Doyle moved, Boggs supported to approve the minutes of the regular meeting and the Executive Session held May 17, 2004.

Carried.

Deb Doyle moved, McDonough supported to approve the payment of the city bills numbering 30089-30191.

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

NAYS: None

Carried.

CITIZENS PRESENT: Kathleen Snyder, 201 Naldrette, stated she has a car that needs a transmission sitting in her front yard. I would like to move it into the back yard and put a fence around it. City Attorney stated that putting it into the back yard might compromise the intent of the ordinance. City Manager asked how long they'd been looking for a transmission. Snyder responded, "Almost two years – I do not have any relatives around here to move it to." City Attorney noted, "You may wish to consider a storage unit." Mayor Canute stated that it seems that it would be advisable to get rid of the vehicle or to store it. Snyder: "I'd like to get rid of it, but my husband says it's too good of a vehicle to get rid of."

Bemis moved, McDonough supported to extend the storage of the vehicle located at 201 Naldrette Street until Wednesday, June 23, 2004.

Carried.

McDonough moved, Boggs supported to accept the bid for 2004-05 sidewalk program to Randy's Custom Concrete.

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

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported, to approve the invoice for membership in the Michigan Municipal League in the amount of \$3,516.00.

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

NAYS: None

Carried.

T. Doyle moved, McDonough supported to authorize the City Treasurer to place the accounts declared a delinquent on the respective property tax invoice for payment. YEAS: Bemis, Boggs, Mayor Canute, D. Doyle, Tim Doyle, Hall, McDonough NAYS: None Carried.

Public Hearing: DVA Assessment Request Increase Assessment from \$10.00 to \$25.00 per Household

Mayor Canute opened the Public Hearing at 7:45 p.m.

Rick Crew, 500 N Oak Street. “The Village of Vernon gave them a temporary increase until they can vote on it. We should do the same.”

Carol Clark, Vernon Township, 8180 Newburg Road. Vernon and Venice Townships pay the \$25.00 assessment. A number of people in the townships are not in favor of the increase of the assessment. We would like to see it as a ballot issue. We want our ambulances back in the area that D.V.A. was originally designed to cover. I feel that the ambulances should be here, and not in Genesee County.

Christine Foster, President of D.V.A. Board. “Two ambulances are in Durand and a ALS unit. We can’t pick and choose what calls we go on. If we are called out as the closest available ambulance, we must take the call.” She also stated that the ambulances that are in Shiawassee County stay in Shiawassee County. There is a fleet that stays in Genesee County.

Barbara Deering, 710 Mackinaw St.: “I supported the assessment increase. Things have changed since the inception of D.V.A.”

City Manager: If Durand area was the only area you served – based on the runs and assessments – how much would it cost to operate? Foster: 70 runs per month, \$240,000 – \$260,000 to keep an ALS rig in operation.

City Manager: How many bases are in Genesee County? Foster: 4

City Manager: How did you finance the Fenton base when it was started? Foster: There wasn’t any initial start-up cost in Fenton, and we only ran it for 6 months until we determined that it was not financially feasible to stay.

Doyle: If I came in and requested the audit, could I copy it? Foster: You could write down information; you would be monitored.

Gerald Woodruff, Sharp Road, Mundy Township. I worked for D.V.A. for many years. I worked in excess of 70 hours a week to keep this operation open. The reason that this operation is struggling is that we are trying to pay living wages to

our employees. We are looking at new ways to save money – buying ambulances smartly, doing maintenance, and changing the way we drive – to save money.

Canute: Where are the 4 units in Flint?

- An apt in Sr. Citizen High Rise in Flint Township**
- Rented room at a daycare center in North Flint**
- Downtown Flint in low cost community center**
- Small house on Richfield Road NE side of Flint**

Canute: What do any of these areas pay in assessments?

They don't. They pay EMS millage in Genesee County and provide drug boxes for all of our ambulances.

Boggs: Since you are not profitable here, but are profitable in Flint, what's our guarantee that the money stays in our community?

City Manager: Back to Fenton – how much did you lose? Tim Shaw, DVA

Boardmember: Approximately \$50,000, but there were political problems also.

Bemis: People can go into DVA and get their blood pressure checked and there is no charge? Tina Christenson, Business Manager: Blood pressures are free. If the person comes in and say they are ill, then we assess for medical treatment.

Bemis: What do we get for the assessment? Sue Hatherill: We are trying to keep this base open. We have done everything we can to cut corners, but we are losing money. We need to have 2 rigs available here, one on duty and one on back-up. We can't afford to keep the back-up crew sitting in the garage.

T. Doyle: Are all ambulance services in this area – ALS? Shaw: No.

Christina Christensen: Our ambulances run ALS and I can't imagine that anyone 20 minutes from a hospital not wanting an ALS unit. She stated actual costs for runs:

Transport costs:

Basic Life Support: \$400.00 + \$8.00 per mile

Advanced Life Support: \$525.00 + \$8.00 per mile

Hall: Why aren't you working with other entities in Shiawassee County to form an association? Tim Shaw: It would be great if we had a countywide service, but there's not enough cooperation.

Unknown comment: What is DVA doing for this community? We do blood pressure training, back-ups for fire. Bemis: DVA is a beloved organization of our community, but things have changed.

City Manager: If we are paying an assessment and other areas are not, what is discriminate about that?

Sue Hatherill: Medicare has ruled – if you are a Medicare provider, you will not discount. We are working diligently to make a profit so that we can stay in Durand. Fifteen years has changed the way business works. We have to be innovative and creative.

Tim Shaw: We did not use any of our capital here to set-up Flint. All of the equipment came from the Swartz Creek.

Barbara Deering: Maybe people don't have a problem with the \$25.00 – they have resistance because things have changed from the past.

City Manager: I want to know what the finances are, so that I know that I'm making a sound financial decision. I want to know that once I pay my assessment that you will be there for the next year. If we are going to expect our residents to pay assessment, we have a financial obligation to our residents to ensure that your organization is solvent and that you are financially stable.

Leo Krupp: I wrote the software that D.V.A. used 10 years ago, and I wrote the Twin Twps ambulance software today – they are more rural than Durand, and they are solvent. The big difference – they are VOLUNTEER!

Mike Rhoades, D.V.A. employee, Flint Fire Department. ALS has immediate intervention and it is the best.

Donna Kline: It started out as a membership based organization. DVA – Durand-Vernon Ambulance 1967 non-profit organization. When did it become a private company that did not have to reveal finances?

Mayor Canute closed the Public hearing at 9:07 p.m.

Bemis: How can we have access to the information we need, protect DVA's privacy while protecting our residents' best interests in the finances of the organization? Have City Attorney contact their attorney regarding financial audits.
City Manager requested that City Council allow for public letter in writing.

McDonough moved, **Bemis** supported, to allow for a two week time period for public input and for communication between the attorneys.
Carried

PUBLIC COMMENT:

Mike Fuja, Shia. Co. Commissioner: City of Corunna and Shiawassee County will host a joint ceremony in remembrance of former President Ronald Reagan at noon on Friday, June 11, 2004.

DEPARTMENT REPORTS:

Mince: In May, the city has received a foot of rain. Governor declared storms. Meet with FEMA and Shiawassee County. We may get federal assistance. Out costs are approximately \$20,000 for the storm. Had to postpone hydrant flushing until week of June 21st.

City Clerk – Governor Granholm will visit June 8, 2004 at Durand Union Station. There will be a reception in her honor.

McDonough – Can someone explain the sirens and tornado warnings?

D. Doyle – Compliments to DPW on cleaning up after the storm.

Hall: We had a situation over the weekend with campers and tents. We are not in the business of having campgrounds.

Boggs – Problems with Junior High School. Last week, there were several bikes over there, but no kids. They must have been inside. Chief Tanner: The police will not arbitrarily be walking around inside the buildings. It is a dangerous structure.

Canute: How much water did we release untreated? Mince: 250,000 gallons. City Attorney: We have done all that we can do under the provisions of the consent order with MIDEQ.

D. Doyle moved and Bemis supported to enter into Executive Session to discuss the purchase of property.

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

NAYS: Mayor Canute

Carried.

Meeting reconvened, and Mayor Canute adjourned the meeting at 9:56 p.m.

MAY 17, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, May 17, 2004 in the Council Chambers of Durand City Hall.

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

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

D. Doyle moved, McDonough supported to approve the agenda with addition of: Items J. Appointment to Parks and Recreation Board, K. Contract with appraiser for tax tribunal & Executive Session – Pending Litigation.
Carried.

McDonough moved, Tim Doyle supported to approve the minutes of the regular meeting held Monday, May 3, 2004 as printed.
Carried.

D. Doyle moved, Bemis supported to approve the minutes of the Special Meetings held Tuesday, May 11, 2004 and Thursday, May 13, 2004 with corrections.
Carried.

Bemis moved, McDonough supported to approve the payment of the city bills numbering 30048-30088.

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

NAYS: None

Carried.

CITIZENS PRESENT: Joe Hammontree, 7537 Lansing Rd. President of the Shiawassee County Chapter of the National Flag Association urged the City Council to support the efforts that are being made to bring this project to Durand. He stated that there have been six other groups that have requested further information on the project. There has not been able to be a noise reading in terms of decibels and the flag would need 60 feet of clearance maintained so that the flag does not hit anything. Mr. Hammontree requested for this issue to be placed on the agenda for the next City Council meeting for consideration.

Betty Benson, 301 E. Monroe, stated that she was present to address the quality of Monroe Road. Something must be done to repair this road; I have been informed that nothing could be done until the water line along Mackinaw Street has been repaired.

City Manager answered Ms. Benson stating that the City is planning to replace the water line on Mackinaw but the Township needs to put in drainage along with curb and gutter.

Amy Morrish, 215 E. Monroe, stated that there are three pot holes in front of her driveway that she would like to have repaired.

Barb Dingman, 331 E. Monroe, stated that she has lived on Monroe Road since 1969 and the road drains right into her driveway.

City Manager responded that he believes that a group should get together and attend a Shiawassee County Road Commission meeting and voice concerns. They need to know how you feel about the condition of this road.

Nick Lomako, Sr. Vice-President of Wade-Trim, made a presentation to the City Council regarding an update of the City of Durand's Master Plan.

Mr. Lomako stated, "If we don't do a Master Plan, someone else will." If the City does not plan, a developer will do the planning for us. The last Master Plan was completed in 1962 and there have been many changes in Planning since this time. Shopping is one area that has changed; in the 1960's and 1970's malls were popular - now people prefer more convenient shopping facilities. Housing trends have also changed; single family homes use to be the demand - now people are looking more to condos, clusters, townhouses, etc.

Lomako distributed the Municipal Planning Act to the City Council. He informed the Council that there is a legal obligation for each municipality to have a Master Plan that is current. This is a relatively new provision of the Act. Mr. Lomako also stated that the active participants in the process of preparing the Master Plan should be City Council, the Planning Commission, DDA and other community groups. He outlined his proposal with items 1 - 9 in the prepared document and reviewed the schedule by task and fee during the 18-month cycle for completion. The entire cost is \$48,000. The plan has been reviewed by the City Manager, and the Planning Commission has approved this concept.

Tim Doyle moved, McDonough supported to accept the proposal from Wade-Trim to work with the Planning Commission to prepare a new Master Plan for the City at a cost of \$48,000.

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

NAYS: None

Carried.

Christine Foster, DVA President was present to request consideration regarding an increase in the City of Durand's current assessment of \$10.00 to \$25.00. She stated that DVA has ambulances that are dedicated to Shiawassee County and they can call upon rigs that in Genesee County when needed.

McDonough moved, Bemis supported to have the City Council review information and listen to the request and set a public hearing to be held at the June 7, 2004 City Council meeting to take public comment before taking any action.

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

NAYS: None

Carried.

Public Hearing: 2004-05 City of Durand Budget

Mayor Canute opened the Public Hearing at 8:27 p.m.

Paula Brooks, 104 Summit Street, asked if the Water and Sewer Debt would not change and also asked where the millage roll back is. City Manager responded that the rollback is taken from the Street Fund mallage, due to Headlee.

Mayor Canute closed the Public hearing at 8:38 p.m.

**DURAND CITY COUNCIL RESOLUTION
ADOPTION OF ANNUAL BUDGET**

MOTION BY: D. Doyle

SUPPORTED BY: Tim Doyle

TO ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, The City Charter of the City of Durand, Michigan states that “not later than the second meeting in May, the City Council shall, by Resolution, adopt the Budget, for the next Fiscal Year, and, shall provide for a levy, of the amount necessary, to be raised by taxes, upon real and personal property for Municipal Purposes”...

NOW, THEREFORE, BE IT RESOLVED, that the budget for the City Fiscal year beginning July 1, 2004 as recommended by Administration and adopted by the City Council, and as described in the Summary as follows:

	Revenues	Expenditures
General Fund	\$1,988,775	\$1,988,775

Be the same and is hereby adopted, and, the amount therein provided as recommended, appropriations are hereby appropriated according to the department totals;

BE IT FURTHER RESOLVED, that in order to carry-out the provisions of the above described Budget, the following tax rate be applied to the completed Assessment Roll Valuation of \$66,143,368 as approved by the City of Durand Board of Review and required by the State Constitution, and be applied to all properties, subject to the Commercial Facilities Taxes, which shall have one-half of the tax rate applied, and be applied to all properties subject to the same;

WHEREAS, The Total City Tax Levy for General Fund Purposes, as of July 1, 2004, shall be 16.7966 per \$1,000 of taxable valuation, subject to all related provisions of the Truth in Taxation and Headlee Amendment and, \$3.25 per \$1,000.00 of Taxable Valuation Tax Levy for Debt Service.

BE IT FURTHER RESOLVED, to adopt the following City of Durand Budgets:

Major Streets	\$404,400
Local Streets	88,100
Street Fund	97,700
Building Inspector	20,300
Debt Service-WWTP-01	49,200
Debt Service-WATER-01	\$163,850
Debt Service-WWTP-98	31,095
Debt Service-WWTP-99	97,050
Debt Service-Fire Hall-02	33,600
WWTP Fund	754,000
Water Fund	474,500
Refuse Service	187,200
Equipment Revolving	340,600
Fringe Benefits	478,800
Downtown Development Authority	54,100
Sidewalks & Curbs	23,300

and all other Capitol Improvement Projects for the Fiscal Year beginning July 1, 2004, and ending June 30, 2005;

BE IT FURTHER RESOLVED, that the City Manager as Chief Administrative Officer be allowed to exceed any line item or department or fund including both revenues and expenditures providing that the total end of the year expenditures titles "TOTAL" or "GRAND TOTAL" to a value less than the amount extra revenues appropriation should exceed either of the above prior to such exceeding, the City Council must make a supplemental adjustment to the appropriation.

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

NAYS: none

MOTION CARRIED: Unanimously

CERTIFICATION

I, Amy J. Roddy, Clerk for the City of Durand, Michigan, hereby certify that the above resolution was passed at a Regular City Council Meeting held on May 17, 2004.

Amy J. Roddy, City Clerk

D. Doyle moved, McDonough supported to pass the resolution for Charitable Gaming Licenses recognizing the Durand Patriots as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

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

NAYS: None

Carried.

Bemis moved, McDonough supported to declare outstanding utility accounts delinquent.

Carried.

McDonough moved, D. Doyle supported to approve Traffic Control Order #170, establishing an on street parking space at 220 N. Saginaw Street.

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

NAYS: None

Carried.

Tim Doyle moved, Boggs supported to approve the contract with HSC Services, Inc. in the amount of \$19,200 for assessing services for 2004-05.

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

NAYS: Bemis

Carried 5-1

Bemis moved, McDonough supported to approve the contract with the Michigan Department of Transportation, MDOT Contract No.: 04-5111, Control Section: STUL 76455, Job Number: 76820 for N. Oak Street construction Project, and in accordance with the City Charter that the Mayor and City Clerk be authorized to sign the contract.

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

NAYS: None

Carried.

D. Doyle moved, Bemis supported to appoint Rob Dolehanty to the Parks and Recreation Board.

Carried.

D. Doyle moved, Tim Doyle supported to hire Kern Slucter as the Appraiser for the City on Docket 0301977.

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

NAYS: None

Carried.

CITIZENS SPEAK: Paula Brooks, 104 W. Summit St., When is the N. Oak Street going to start and end? City Manager stated that the city won't know until the bid is awarded, but the road will be open.

DEPARTMENT REPORTS: Police Chief: Have been working with local elementary schools on issues of drugs, fire, personnel safety and bike safety. Railroad Days was fairly slow with lots of foot patrol. Chief Tanner thanked the Lions Club for their help during the parade and the reserve officers who volunteered their time.

DPW Director: Jeremy Marshall has accepted a position with the City of Flushing. With the large amounts of rain that we have had, the WWTP and the Genesee lift station had sewer overflows occur. He also added that the NE section of town is the biggest problem now for sewer situation. The City Attorney has sent a letter to MIDEQ requesting “forced measures” where an “Act of God” occurred and the overflows could not be helped.

City Manager: Thanked the Department Heads for their help in putting together the budget. There has been a lot of talk about State Shared Revenues, but it’s future is uncertain. The difference in the city’s SSR is \$130,000, which is 2 mills. “It is apparent to me that the financial tool for funding municipalities is broken and it must be fixed. The MML commissioned a study by Plante-Moran to review the financial situation.”

COUNCIL COMMENTS: Boggs asked if there were any updates on railroad crossings since May 3, 2004 meeting? Mince answered that he had emailed CN right after the last meeting.

McDonough: Did the City Attorney find out about non-residents OUIL? Are we billing for false alarms? Police Chief responded that many of the alarms are set off by weather and cannot be categorized as nuisance false alarms. McDonough also asked about the black dirt for Manfred Street? Mince answered now that Railroad Days is over we will get on it.

Mayor Canute: Park Development, Youth and Friends of the Park Funds should be combined into one fund. The Parks Board is considering renovating the basketball courts at Trumble Park.

D. Doyle moved, Bemis supported to adjourn to Executive Session to discuss litigation.

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

NAYS: None

Carried.

Meeting reconvened, and Mayor Canute adjourned the meeting at 9:47 p.m.

Minutes of the regular meeting of the Durand City Council held Monday, May 3, 2004 in the Council Chamber of Durand City Hall.

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

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

Council Absent: None

D. Doyle moved, Hall supported to approve the agenda with the addition of ZBA appointments.

Carried.

McDonough moved, Bemis supported to approve the minutes of the regular meeting held Monday, April 19, 2004 and the minutes of the Executive Session meeting held Monday, April 19, 2004 as printed.

Carried.

Tim Doyle moved, McDonough supported to approve the payment of the city bills numbering 30006-30047.

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

NAYS: None

Carried.

CITIZENS PRESENT: No one spoke at this time.

D. Doyle moved, McDonough supported to approve the solicitation request from the Reed Raymond VFW Post #2272, to hold their annual Buddy Poppy sale on May 13, 14 & 15, 2004.

Carried.

D. Doyle moved, Tim Doyle supported to pass the budget for the fiscal year 2004-05 for the first reading.

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

NAYS: None

Carried.

D. Doyle moved, Bemis supported to approve the appointments of Rick Crew and Bob Strachan as alternate members of the Durand Zoning Board of Appeals.

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Manager reported that the Department of Environmental Quality is raising revenues. Also the Blue Water event on April 24th went well.

COUNCIL COMMENTS: Hall asked if anything was going to be done the hole on Columbia Street and that there is another hole on Genesee and Marquette. Hall also reported that the paint project was rained out this past weekend.

Boggs asked if there was any new information regarding the railroad crossing. DPW Director stated that he has repeatedly called and has only had one call back where the man stated he would be willing to meet but that is all.

Canute stated that a lot of work went into the celebration and it was very nice.

Mayor Canute adjourned meeting.

APRIL 19, 2004 CITY COUNCIL MINUTES

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

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

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

Council Absent: None

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

**McDonough moved, Bemis supported to approve the minutes of the regular meeting held April 5, 2004 with corrections and the minutes of the Executive Session meeting held March 18, 2004 as printed.
Carried.**

Tim Doyle moved, Hall supported to approve the payment of the city bills numbering 29958-30005.

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

NAYS: None

Carried.

CITIZENS PRESENT: Joe Hammontree, 7537 Lansing Rd., stated that he is looking into the decibel levels of the large flag for the Flags Across America program.

Jean Sloan, 402 Obert St., Democratic candidate for Shiawassee County Commissioner of District 4.

Mike Powers, 10180 Newburg Rd., addressed the Council in regards to him running for State Representative for the 85th District. Mr. Powers has served on the Shiawassee County Sheriffs Dept. and the Knights of Columbus. He will be addressing the issues of prescription drug cost, jobs in the 85th District and restricting Canadian garbage into Michigan.

Mike Fuja stated that he is running for re-election for Shiawassee County Commission for the 4th District.

Tim Doyle moved, D. Doyle supported to approve the appointments of Ann Howe and Candy Rathbun to the Durand Union Station Centennial Commission. Carried.

Tim Doyle moved, Boggs supported to authorize the Durand Union Station Centennial Commission to purchase mouse pads for a fundraiser for the depot's centennial celebration.

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

NAYS: None

Carried.

D. Doyle moved, Tim Doyle supported to approve the request from Durand Railroad Days as outlined in their letter dated March 29, 2004 Carried.

D. Doyle moved, McDonough supported to approve the workshop meetings scheduled for the 2004-05 fiscal year budget.

Carried.

Joe Borgstrom provided a progress report for the City Council regarding the Shiawassee Economic Development Partnership.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: City Clerk, Blue Water Inaugural Run, Sat. April 24th at 10:15 a.m.

COUNCIL COMMENTS: Boggs: Has the City heard anything back from the Railroad? City Manager stated that the Building Inspector has not heard anything back.

McDonough: Restoration of Sewer Separation projects on front lawns?

Bemis: Vernon Township voting on DVA, are we doing anything with our rates or are we putting out a vote to the public? City Attorney answered that since the Bolt decision, this is a tax and it must go to the voters

D. Doyle moved, Bemis supported to adjourn to Executive Session to discuss pending litigation because to do so in public may have detrimental financial impact on the City's position.

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

NAYS: None

Carried.

Mayor Canute adjourned to Executive Session at 8:15 p.m.

Reconvene at 8:43 p.m.

Mayor Canute adjourned meeting at 8:43 p.m.

APRIL 5, 2004 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, April 5, 2004 in the Council Chamber of Durand City Hall.

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

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

Council Absent: None

D. Doyle moved, McDonough supported to approve the agenda with the addition of Item C: Purchase of a 2004 patrol car.

Carried.

T. Doyle moved, Boggs supported to approve the minutes of the regular meeting held March 15, 2004 and the Workshop held March 18, 2004

Carried.

McDonough moved, Boggs supported to approve the payment of the city bills numbering 29890-29957.

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

NAYS: None

Carried.

CITIZENS PRESENT: Joe Hammontree made a presentation to the City Council regarding the Flags Across America program. Mr. Hammontree believed that after speaking with some of the public that the general consensus was that they would like to see this program be put into action. The program would result in Flags Across America putting up a 125' flagpole with a 30' x 60' flag by donations of the public. If Durand decided to take on this project it would be the first community in Michigan to have a Flags Across America flag. A project of this size would

approximately cost \$50,000-\$75,000 the flags cost \$2,000 each and the flag pole cost \$25,000.

D. Doyle moved, Bemis supported to approve splitting the additional fees of \$5,122.10 with Wade-Trim for the Zoning Ordinance resulting in a payment of \$2561.05.

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

NAYS: None

Carried.

Bemis moved, McDonough supported to accept the proposal from Layne Northern to repair the North Well at Lincoln Street at a cost of \$21,897.00

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

NAYS: None

Carried.

Mayor Doyle called a Recess at 8:30 p.m.

Reconvene at 8:43 p.m.

McDonough moved, Boggs supported to approve the purchase of the 2004 Crown Victoria in the amount of \$20,522.00.

YEAS: McDonough, Bemis, Boggs, Mayor Canute

NAYS: T. Doyle, Hall, D.Doyle

Carried

(4-3)

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Police Chief: The Police Department has stepped up violation enforcements, hopefully by the end of the month we will have most of the rubbish out of peoples yards. Also, all officers have been in training with the defibrillators and thanks to the Rotary Club who presented the Police Department with a donation that covered the cost of the training.

DPW Director: The DEQ has approved our Well Head Protection Program. Also, we had a meeting here at City Hall for the footing drain separation last Monday; there was a good turn out of citizens.

Brush pick-up starts tomorrow.

City Attorney: Regarding the Staff Report:

Item 2: We are attempting to get a written report on what needs to be

done immediately from Peerless Environmental.

Item 3: DPW Director has indicated that Phase II is completed, we will

Be finding out who still needs to be notified by letter to have
Them comply with state standards.

Item 9: Have had a meeting with City Manager and City Planner on
Developing an agreement we will be reporting back on this
next month.

City Manager: We are working on a lot of projects at this time.

COUNCIL COMMENTS: Hall: What is the life expectancy on an asphalt project
and are there any guarantees. DPW Director: Typically there is a one-year
guarantee that begins after the project has been totally accepted. City Manager:
Life expectancy depends on many factors such as road base, traffic, ect. The
expectancy could be from 8-10 years or 10-12 years.

Boggs: on Courtland and Scougle St. there is an old railroad building that is
boarderd up with the exception of the front door being left open. This building has
been out of commission since 1987 and I have received a complaint that some kids
have been playing in it. City Manager: It will be looked into.

McDonough: What are the laws regarding neighboring properties trees hanging
into your yard. Also there is a street light out on Oak and Brand.

Bemis: Thanks to Steve and Lynn for the presentation of the Sewer Separation
Project.

Mayor Canute: What is the update on the Bay Station? City Manager: We have
been working with the company about them donating the property to the City, but
first we need to have some environmental test done. The Bay sign has been
removed.

The street light between Standard and Charter Bank flickers on and off.

Mayor Canute adjourned the meeting at 9:02 p.m.

MARCH 18, 2004 CITY COUNCIL MINUTES

Minutes of the special meeting of the Durand City Council held Thursday, March
18, 2004 in the Council Chambers of Durand City Hall.

Mayor Canute called the meeting to order at 6:07 p.m.

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

Council Absent: None

**D. Doyle moved, McDonough supported to approve the agenda with the switching of order from A & B to B&A.
Carried.**

CITIZENS PRESENT: No one spoke at this time.

D. Doyle moved, Bemis supported to enter into Executive Session for possible settlement/pending litigation with Vernon Township because discussing this in public may have adverse effects on the City's position, per Section 80 of the Open Meetings Acts.

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

NAYS: None

Carried.

Adjourn to Executive Session at 6:10 p.m.

Reconvene to Regular Meeting at 6:35 p.m.

D. Doyle Moved, Bemis supported to follow the attorney's recommendation regarding the lawsuit with Vernon Township.

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

NAYS: None

Carried.

City Manager gave an overview of the Street's since 1994.

The administrative staff gave a brief funding lesson on Act 51 monies and the current millage that the City levies for Streets.

Tim Doyle moved, McDonough supported to allow the City administration to pursue financing for street improvement millage and bring a proposal to the City Council for approval.

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

NAYS: None

Carried.

CITIZENS SPEAK: No one spoke at this time

CITY MANAGER AND DEPARTMENT REPORTS: None

COUNCIL COMMENTS: None

Mayor Doyle adjourned the meeting at 7:20 p.m.

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

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

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

Council Absent: None

McDonough moved, D. Doyle supported to approve the agenda with the addition of items: H. Tootsie Roll Drive

I. SATA Millage

Bemis moved, Boggs supported to approve the minutes of the regular meeting and the Executive Session held March 1, 2004.

Carried.

McDonough moved, D. Doyle supported to approve the payment of the city bills numbering 29832-29889.

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

NAYS: None

Carried.

CITIZENS PRESENT: Terry McGaughy, Scougle St., addressed incidents that had occurred with Officer Crooks in 1999, 2003 and 2004.

Mike Fisher, 811 N. Oak St., addressed an issue that he had presented to the City Council in 1986 regarding a campaign that was in the interest of the kids in Durand to have a youth center.

Paula Brooks, 104 W. Summit St., asked what is going to happen with Mackinaw Street from Genesee St. to Monroe Rd.

D. Doyle moved, T. Doyle supported to approve the appointment of Pat Post, Sue Hatherill and Nancy Folaron to the Durand Union Station Centennial Commission.
Carried.

Tim Doyle moved, Hall supported to approve the appropriation of \$10,000 for the Durand union Station Centennial Commission to be used for the 100th Anniversary of the depot.

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

NAYS: Bemis

Carried 6-1.

McDonough moved, Bemis supported to approve the proposal from Capital Consultants for engineering services for improvements to mackinaw Street.

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

McDonough moved, Hall supported to accept the proposal for Premarc Corporation to televise 10,000 feet of sewer main for a cost of .25 per foot and give City Manager discretion to perform more if there are areas that demonstrate need.

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

Bemis moved, McDonough supported to plan a clean up day for May 1st – May 8th (rain date) and that we designate the area of the downtown as the primary site for the project.
Carried.

Bemis moved, Boggs supported to designate the west softball field at Optimist Park as Lloyd Fredericks Field in honor of Mr. Fredericks many years of service to the City of Durand as Fire Chief and Chairman of the Parks and Recreation Commission.
Carried.

D. Doyle moved, Bemis supported to approve a City Council Workshop to be held on Thursday, March 18, 2004 at 6:00 p.m. at City Hall.
Carried.

D. Doyle move, Hall supported to approve the Knights of Columbus Tootsie roll sale to be held April 1st ,2nd ,3rd & 4th in Durand.
Carried.

Boggs moved, Bemis supported to approve the funding request for SATA to be paid from the 2004-05 budget not to exceed \$3000.00

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

CITIZENS SPEAK: Terry McGaughy, Scougle St., asked if the City uses union workers only. City manager responded that we use the lowest bidder.

DEPARTMENT REPORTS: DPW Director stated the brush pick-up will begin the 1st Tuesday in April.

City Manager: The Department of Transportation and Amtrak handed us a project to launch called the Blue Water Ridership. Media and state dignitaries will be attending.

City Clerk: Capital Consultants will be hosting a dinner after the MML Legislative Conference, please RSVP.

COUNCIL COMMENTS: Hall: asked about speed limits on Monroe Rd. between Saginaw St. and east to City limits and stated that we need some traffic limit signs in this area. City Manager stated that County or Township has to request a traffic speed study to adjust the speed limit and that we cannot post signs outside of our jurisdiction.

Tim Doyle: It is a really good idea to attend the MML Legislative Conference and educate.

Mayor Canute: Asked about the sign on the old Bay Station. City Manager stated that they have been contacted and the city may purchase the property.

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

MARCH 1, 2004 CITY COUNCIL MINUTES

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

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

Council Present: Bemis, Boggs, Mayor Canute, D. Doyle, T. Doyle

Council Absent: Hall (excused), McDonough (excused)

D. Doyle moved, **T. Doyle** supported to approve the agenda as printed.
Carried.

T. Doyle moved, **D. Doyle** supported approve the minutes of the regular meeting and the Executive Session held February 16, 2004.

Carried.

Bemis moved, **Boggs** supported to approve the payment of the city bills numbering 29769-29831.

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

NAYS: None

Carried.

Citizens Present: No one spoke at this time.

Dennis Rainwater of the Durand Patriots made a presentation of the U.S. Flag to the City of Durand on behalf of Michael Mogg, CW3, U.S. Calvary, 1st Regiment. Mr.

Rainwater read the letter that Michael Mogg wrote to the City Council and showed a videotape of him flying his Kiowa helicopter. Mayor Canute accepted the flag on behalf of the City Council.

**D. Doyle moved, Bemis supported to approve the appointments of Connie Krupp, Donna Tobias and Jim Autrey to the Durand Union Station Centennial Commission.
Carried.**

T. Doyle moved, D. Doyle supported to appropriate \$10,000 for the Durand Union Station Centennial Commission to use for the celebration of the 100th Anniversary of the Depot.

Boggs asked why there is a need for two commissions. City Manager responded that there are other issues going on with the D.U.S.I. Committee and this celebration needs to happen.

Bemis asked how we came up with the \$10,000 amount. City Manager answered that this would be seed money to begin the project.

**T. Doyle moved, D. Doyle supported to table the appropriation of \$10,000 for the Durand Union Station Centennial Commission to use for the celebration of the 100th Anniversary of the Depot until the next meeting.
YEAS: Mayor Canute, D. Doyle, T. Doyle, Bemis, Boggs
NAYS: None
Carried.**

**Boggs moved, T. Doyle supported to approve the replacement of the transmission in the police cruiser at a cost of \$2,500.00.
YEAS: D. Doyle, T. Doyle, Bemis, Boggs, Mayor Canute
NAYS: None
Carried.**

**D. Doyle moved, T. Doyle supported to accept the proposal from Capital Consultants to conduct a water and sewer utility rate study.
YEAS: T. Doyle, Bemis, Mayor Canute, D. Doyle
NAYS: Boggs
Carried.**

**T. Doyle moved, D. Doyle supported to accept the proposal from Capital Consultants to conduct a Water System Reliability Study and General Plan for a lump sum cost of \$19,900.00.
YEAS: Bemis, Mayor Canute, D. Doyle, T. Doyle
NAYS: Boggs
Carried.**

Bemis moved, T. Doyle supported to accept the proposal from Dixon Engineering to prepare the necessary documents and to perform the inspection for work to be completed on the water tower.

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

NAYS: None

Carried.

CITIZENS SPEAK: Anita Matevier, 4104 S. Sheridan Rd., stated that she believed the Council should give the DUS Centennial the money for the celebration.

DEPARTMENT REPORTS: DPW Director: The parking lot lights behind the 100 block of N. Saginaw Street have been installed.

City Attorney, Chuck McKone, stated that there is an Option Agreement in the Council's packets. This is for the Methodist Church property; I would like you to consider this tonight.

T. Doyle moved, Boggs supported to approve the option to purchase the Methodist Church property as presented by the City Attorney.

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

NAYS: None

Carried

City Manager: DDA Market Analysis is complete and is being printed. The property west of town is moving forward the City Attorney, City Planner and I will meet this week to develop an agreement for a developer. Thank you to Dennis Rainwater and the Durand Patriots.

COUNCIL COMMENTS: D. Doyle thanked the Durand Patriots for attending.

Bemis: This presentation really touched me, thank you again; I can only imagine what it means to them. Also, Vassar Drive needs patching.

City Manager: I would like the City Council to hold a workshop regarding streets. We've spent over \$2 million on street repairs and now we need to look at how we can fund these repairs in the future.

Boggs: Asked DPW Director if he had heard anything back from the railroad on the crossing. Mince: No

T. Doyle: Thank you again to the patriots

Canute asked about the sign in the front of the old Bay Station. There is a need for gravel on Russell, Atwater and Railroad Street. Mince stated that they are working on these projects.

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

FEBRUARY 16, 2004 CITY COUNCIL MINUTES

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

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

Council Present: Boggs, Mayor Canute, D. Doyle, T. Doyle, Hall

Council Absents: Bemis (excused), McDonough (excused)

**D. Doyle moved, Boggs supported to approve the agenda with the addition of Item F: Appointment to D.U.S. Centennial Commission
Carried.**

**D. Doyle moved, Hall supported to approve the minutes of the regular meeting held February 4, 2004.
Carried.**

T. Doyle moved, Hall supported to approve the payment of the city bills numbering 29738-29769.

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

NAYS: None

Carried.

CITIZENS PRESENT: Mike Fisher, 805 N. Oak Street, stated that someone had filed a complaint against him reporting that he locked his wife and children in the basement. Now his children have to attend Durand Area Schools and he has 36 hours to produce his children to the authorities.

Paula Brooks, 104 Summit St., said that last week the Township had noted that they wanted to drop the lawsuit and enter into negotiations.

City Manager reviewed that letter and there was no mention of lawsuit.

Brooks asked if the lawsuit is dropped will the City Council enter into negotiations.

City Attorney stated "We will be meeting later tonight in Executive Session to discuss how the City Council wishes to proceed."

Marty Johnson from Regional Building addressed the Council he then distributed literature to the City Council and stated that he would be attending the next meeting to answer any questions.

Jason Zusack addressed the Council stating that he would like to become more active in the community.

Presentation by Don Trapp, Vice-Chairperson of SATA, explaining the proposed funding request which has a more equitable factor than the original “across the board” millage proposed last year. They tried to develop the most equitable means of assigning cost based on ridership within the county.

D. Doyle moved, T. Doyle supported to accept the low bid for sand at a cost of \$3.59/ton from Fuoss Gravel.

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

NAYS: None

Carried.

T. Doyle moved, Boggs supported to accept the low bid for stone at a cost of 9.60/ton from Constine, Inc.

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

NAYS: None

Carried.

D. Doyle moved, Hall supported to accept the high bid in the amount of \$1,555.00 from Trumbull Auto Sales for the 1999 Ford Crown Victoria police cruised that has been retired from service.

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

NAYS: None

Carried.

T. Doyle moved, Hall supported to authorize the purchase of two trash pumps at a cost of \$3,300.00.

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

NAYS: None

Carried.

Boggs moved, T. Doyle supported to appoint Jean Sloan, Cameron Canute, Deb Doyle, Lynn Markland, Suzette Brohm, Jason Zusack and Pat Roussin as members of the Durand Union Station Centennial Commission.

Carried.

DEPARTMENT REPORTS: DPW Director: During Phase I of Sewer Separation 84 footing drains were separated. So far during Phase II 30 have been separated and 24 more have been identified. We have sent out another set of letters reminding property owners of grant deadlines.

City Manager: Will ask administrative staff to look into long distance cost of cell phones.

D. Doyle moved, T. Doyle supported to adjourn the meeting to executive Session to discuss pending litigations because discussion in the public may have detrimental impact on the City's position in the lawsuit.

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

NAYS: None

Carried.

Reconvene at 9:05 p.m.

Mayor Canute adjourned the meeting at 9:05 p.m.

FEBRUARY 2, 2004 CITY COUNCIL MINUTES

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

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

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

Council Absent: None

D. Doyle moved, McDonough supported to approve the agenda with the deletion of item A. Presentation: SATA Funding Request and replacing it with the Appointment of Parks & Recreation Member.

Carried.

Bemis moved, McDonough supported to approve the minutes of the regular meeting and the executive session minutes held January 19, 2004.

Carried.

T. Doyle moved, McDonough supported to approve the payment of the city bills numbering 29690-29737.

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

NAYS: None

Carried.

CITIZENS PRESENT: Mike Fisher, 805 N. Oak St., commented on the replacement of his hot water heater and the fact that he is selling his house and will be moving out the Durand community.

**T. Doyle moved, Bemis supported to approve the appointment of Stan James to the Parks and Recreation Board, replacing Dale Arnold.
Carried.**

D. Doyle moved, T. Doyle supported to approve the proposal from Capital Consultants Engineers, Inc. for a water and sewer rate study in the amount of \$6,800.00.

YEAS: D. Doyle, T. Doyle, Bemis

NAYS: Mayor Canute, Hall, McDonough, Boggs

Failed 3-4

McDonough moved, Boggs supported to adopt the amendments to the City of Durand Zoning Ordinance regulating the Building Setback provisions for C-1, Central Business District properties and Revisions to the Schedule to Regulations.

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

NAYS: None

Carried.

DEPARTMENT REPORTS: Chief Tanner: Defibrillators have been delivered. The City will be losing two part time Police Officers; they have taken full-time jobs.

DPW Director: The Railroad has returned my calls; the City Manager and I will be setting up a meeting time with MDOT and railroad representatives.

City Manager: Gave a report from the DVA annual meeting.

City Clerk: Economic Development Meeting will be held February 7th at City Hall; the 2004 MML Legislative Conference date is March 24th in Lansing; MML President Sinclair cancelled his meeting in Durand due to family illness.

COUNCIL COMMENTS: Hall thanked the Fire Dept., Police Dept. and the DPW for the efforts made when his son's house burned last week. He witnessed a total team effort on the part of the city employees.

T. Doyle noted the good job that the DPW had done on snow removal and water main breaks.

Boggs thanked the DPW Director for his informative oral report.

McDonough reiterated Doyle's praise of the good work that the DPW had done on getting the streets cleaned.

D. Doyle also praised the DPW.

Bemis commented on how the Water Department and Officer Folaron jumped right in to help the Fire Department with the house fire. There is great interaction between all of the departments.

Mayor Canute: Good work on snow removal.

Mayor Canute adjourned the meeting at 8:42 p.m.

JANUARY 19, 2004 CITY COUNCIL MINUTES

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

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

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

Council Absent: None

T. Doyle moved, McDonough supported to approve the agenda with the deletion of Item C. Contract Proposal: Water Rate Study.

Carried.

McDonough moved, Boggs supported to approve the minutes of the regular meeting held December 15, 2003.

Carried.

D. Doyle moved, Bemis supported to approve the payment of the city bills numbering 29555-29689.

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

NAYS: None

Carried.

CITIZENS PRESENT: Dennis Rainwater, 505 Vassar Dr., gave a presentation regarding the Durand Patriots fundraiser for Mike Mogg a helicopter pilot in Baghdad who is a resident of Durand. Mr. Rainwater showed a news clip that was shot at Durand City Hall and reported that the Patriots were able to send 57 boxes of needed items to the unit. This included DVD players, portable CD players, CD's, DVD's, snacks, ect.

The Council thanked Mr. Rainwater for a great presentation.

Mike Fuja, County Commissioner, introduced Mr. Avery Weaver a co-commissioner who is running for the 85th District House of Representatives seat. Larry Julian currently holds the seat and his term will be up soon.

Paula Brooks, 104 W. Summit St., asked if the Council had any updates about an article in the Flint Journal regarding chemicals affecting well water. City Manager responded that his impression of the article was focusing on private wells. DPW Director stated that the City does quarterly water checks and depending on what you are looking for there are daily test done also.

Ms. Brooks asked about the UCA and if there has been any new information on the subject. City Attorney stated that the attorneys have talked and that there are discussions going on.

Ms. Brooks asked if the Optimist Park pavilion will be available to the public for large gathering. City Manager answered that it is available to rent but tables may be limited depending on how large of a gathering.

Vince Gonyou, owner of 304 Monroe, received a shut off notice for \$7200.00. He has met with the City Manager and the charges have been explained. Mr. Gonyou does not believe he should have to pay for the hook up charges since the house was connected to the City when he purchased it. City Manager: The house is in the Township and we have no records of the house ever being hooked up to city water this brings us to the conclusion that there have not been any tap in fees paid.

City Attorney stated that the City Ordinance states that no free services will be given, since there are no records of this connection it is believed that it happen unknowns to the City. The position of the City is that we do not offer free service. I advised the administration to send a bill that goes back 6 years and includes the tap in fees. Since this property is in the township the City does not have the ability to put these charges on the tax bill the only option if there is not payment arrangements made is to discontinue services. The City administration is in a position to enforce the City Ordinance.

Mayor Canute: It seems that the Council can not do anything for you; this is an issue that needs to be taken up with the administration.

D. Doyle moved, T. Doyle supported to authorize the City Manager to approve a franchise fee audit for the Charter Communications franchise.

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

NAYS: None

Carried.

Boggs moved, McDonough supported to authorize the administration to proceed with the installation of the new light for the parking lot on Clinton Street. Also, that the administration be authorized to sign the necessary documents.

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

NAYS: None

Carried.

T. Doyle moved, McDonough supported to approve the first reading of the amendment to the City of Durand Zoning Ordinance that sets the Building Setback Provisions for C-1, Central Business District properties and Revisions to the Schedule of Regulations.

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

NAYS: None

Carried.

Bemis moved, T. Doyle supported to approve the budget amendments for the fiscal year budget 2003-2004 reducing the General Fund expenditures in the amount of \$38,000 and increasing the carry forward by \$26,000 to fund the purchase of the property at 109 W. Clinton Street.

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

NAYS: None

Carried.

CITIZENS SPEAK: Mike Fuja, the County Commissioners will be interviewing for the coordinator position tomorrow.

DEPARTMENT REPORTS: Chief Tanner: Everything has been going good.

DPW Director: I have spoke with the Building Inspector regarding past discussions about the former Bay Station. The Building Inspector sited the owner code violations for the drum and sign that were on the property. Since this time the drum has been removed and they have until the end of this month to remove the sign at which time if it is not removed the City can remove it.

The DPW has been working on getting ice at the skate rink.

City Attorney: The property in the Manfred Sub. that had not conformed to the sanitary sewer separation has pleaded in court and now has 30 days to perform the disconnection.

City Manager: The MML President will be here this week.

COUNCIL COMMENTS: Hall: Is there any way to have Consumers Power clean out the street light globes that are filled with bugs in the residential area.

T. Doyle: Thanks to the DPW for the great job on snow removal.

Boggs: Welcome everyone to the New Year. Also would like to have a report from the administrative staff regarding what is happening in the office.

Has there been any updates regarding the railroad crossing on Oak Street. DPW Director: I have spoken with the railroad company and at this point it is in the hands of their safety inspector who I am expecting a call back from.

What is the situation on the police car that is not in use? Chief Tanner: We will be taking bids.

McDonough: Is there any way that the City can charge a person who is arrested for OUIL? City Attorney: the judges believe that this is a criminal not a civil position and that cost are incorporated into their judgments. But this is something that I can discuss with the judges to get feedback on.

Why don't we have an impound yard for vehicles towed in the City? City Attorney: 1 ½ years ago the City Council passed a resolution to designate an area on Lincoln St. to hold vehicles in case of an emergency.

Bemis: There will be a DVA meeting that is open to the public at 6 p.m. on January 27, 2004.

Mayor Canute: We should look into the impound yard, if there is an ordinance regarding a designated area we should use it.

On Christmas Eve Mayor Canute saw an officer sitting behind the counter at the Shell Station at 3:30 a.m. would Chief Tanner please look into this?

Great job to the DPW on snow removal.

D. Doyle moved, McDonough supported to adjourn to executive session to discuss pending litigation.

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

NAYS: None

Carried.

Reconvene at 8:53 p.m.

Mayor Canute adjourned meeting at 8:53 p.m.

JANUARY 5, 2004 CITY COUNCIL MINUTES

NO MEETING

DECEMBER 15, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, December 15, 2003 in the Council Chambers of Durand City Hall.

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

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

D. Doyle moved, McDonough supported to approve the agenda with the addition of Item B: Purchase of Automatic External Defibrillators.
Carried.

T. Doyle moved, Bemis supported to approve the minutes of the regular meeting held December 1, 2003 and the minutes of the Executive Session held December 1, 2003.
Carried.

Bemis moved, McDonough supported to approve the payment of the city bills numbering 29526-29554.
YEAS: Boggs, Mayor Canute, D. Doyle, T. Doyle, Hall, McDonough, Bemis
NAYS: None
Carried.

CITIZENS PRESENT: Joe Boergstrom, Shiawassee County Economic Development Partnership, thanked the City Council for participating in the partnership and to let the City Council members know that he would be coming here on a quarterly basis to keep them updated. "We are here to serve you."

Paula Brooks, 104 W. Summit St., asked what the status was with the Township regarding the Urban Cooperation agreement. City Manager stated that there is no UCA because the Township turned it down, and the attorneys have spoken.

Paula Brooks asked if the City was going to continue with the land swap with Compak. City Manager stated that they were still working on the land agreement.

Richard Ball, Candidate for 85th house seat, a life long resident of Owosso. Mr. Ball was an Optometrist for 45 years, Associate Professor at MSU with a MS and a PhD, served 15 years on the school board, lives on a 100 acre farm in Bennington Township and is pro-life. Mr. Ball stated that he was not looking for a new job or a career ladder. He stated that he wanted to make a commitment to the 85th district and with his background and service I can serve the residents of the 85th district.

T. Doyle moved, McDonough supported to allow the administrator of the McCreery Estate to finalize the estate by purchasing the balance of the jewelry and personal effects for \$2,000.00 and time recorded on behalf of the estate.
YEAS: Mayor Canute, D. Doyle, T. Doyle, Hall, McDonough, Bemis, Boggs
NAYS: None
Carried.

Tom Olund, Secretary of the Durand Eagles presented a check to the Durand Fire Department the amount of \$3,000.00, Richard Rinker, Fire Chief gave it to the Police Department to be used for automatic defibrillators.

D. Doyle moved, Hall supported to approve the purchase of two Automatic External Defibrillators.

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

NAYS: None

Carried.

D. Doyle moved, Bemis supported to cancel the first meeting in January 2004.

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: Police Chief stated that the VFW Auxiliary, Am Vet Auxiliary, Lions Club and the Eagles raised \$6,050.00 for defibrillators.

DPW Director: Dialogue with CN Railroad regarding blockage of the traffic to the south side community. MDOT and CN safety personnel said they would take a look at this problem. The crew has been struggling with leaf pick-up; should be done by the end of the week.

City Attorney: Chuck McKone is a new grandpa to Emma Catherine McKone.

City Manager: DUSI is having some problems. The City Council needs to be aware of what is going on over at the Depot.

Revenue sharing: approximately \$50,000 has been lost. The Department heads met today and cut \$38,000. This has been difficult because there's not much left to cut out. This has been going on at the state for the past couple of years and there was very little to eliminate from the budget. City offices will be closed December 24, 25, 26 and December 31, January 1 and 2 for the holidays.

COUNCIL COMMENTS: Hall: Have a safe holiday!

T. Doyle: Merry Christmas

D. Doyle: Merry Christmas

Boggs: Have a magnanimous Christmas

McDonough: Great police report. I would like to see a DPW report, and Merry Christmas.

Bemis: Thanks to the Eagles for their support. With budget cuts, it is great to receive this charity. Happy Holidays.

Canute: Thanks to the Eagles, Am Vets, VFW and Lions the donations for the defibrillators. Also what is the status of the Bay Station and the possible contamination?

City Manager: I can look into it and let you know.

Mayor Canute adjourned the meeting at 8:04 p.m.

DECEMBER 1, 2003 CITY COUNCIL MINUTES

Minutes of the Regular meeting of the Durand City Council held Monday, December 1, 2003 in the Council Chambers of Durand City Hall.

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

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

Council Absent: None

D. Doyle moved, Bemis supported to approve the agenda with the addition of item A-1 and Executive Session.

Carried.

McDonough moved, Boggs supported to approve the minutes of the regular meeting held November 17, 2003.

Carried.

Bemis moved, McDonough supported to approve the payment of the city bills numbering 29490-29525.

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

NAYS: None

Carried.

CITIZENS PRESENT: Mike Fisher, 805 N. Oak St., asked for someone to tell him the minimum water rates in the City and the Township. The City Clerk responded that the minimum rates within the City are \$10.50 for water and \$11.00 for sewer. The minimum rates for the Township are \$21.00 for water and \$22.00 for sewer.

Mr. Fisher stated that he would be attending the April 13, 2004 trial for the pending lawsuit.

Paula Brooks, 104 W. Summit St., asked if there has been a letter sent to Vernon Township regarding the UCA.

December 5 & 6 the D.U.S.I will be holding Christmas at the Depot from 5:30 to 7:00 p.m.

Leo Krupp, 507 Wickshire Dr., Good job on leaf pick up and getting the Christmas decorations up.

Bemis moved, McDonough supported to approve the test pit exploration activities at 105 W. Clinton St. not to exceed \$4358.00 with amendments to contract language recommended by City Attorney.

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

NAYS: None

Carried.

D. Doyle moved, Hall supported to approve the Mayors recommendation to appoint Lori Childs and Dennis Schmidt to the DDA to fill unexpired terms.

Carried.

T. Doyle moved, D. Doyle supported to approve Change Order #4 for Naldrette Street reconstruction project in the amount of \$6,499.68.

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

NAYS: None

Carried.

McDonough moved, D. Doyle supported to approve the final payment for the Naldrette Street Reconstruction Project in the amount of \$33,135.82.

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

NAYS: None

Carried.

D. Doyle moved, Boggs supported to accept the proposal from Capital Consultants to prepare a five year Parks & Recreation Master Plan at a lump sum cost of \$7,950.00.

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

NAYS: None

Carried.

CITIZENS SPEAK: No one spoke at this time.

DEPARTMENT REPORTS: DPW Director reported that Christmas decorations have been completed and we are back to working on leaf pick up.

City Treasurer reported that the City has started winter tax collection and dog licenses are now available.

City Attorney stated that the Manfred Subdivision trial for the sewer separation will be held tomorrow, December 2, 2003 at 1:30 p.m.

City Manager stated that there will be a meeting this week with Charter Communication regarding franchise agreement. Mr. Markland also stated that a water rates study proposal is coming.

City Clerk: We are looking at revising the water collection ordinance for the deposit of delinquent accounts.

COUNCIL COMMENTS: Hall: Charter Communication line is laying out in Berndt Horden yard.

McDonough: Question regarding bill run, WWTP evaluation, Construction Services Naldrette and WWTP pipe discharge lagoon.

Bemis: Will the brown paper leaf bags be picked up that are out to the curb? City Manager: Yes.

Canute: Leon Perrin will be sadly missed.

**D. Doyle moved, McDonough supported to adjourn to Executive Session to discuss strategy issues regarding pending litigation because to discuss the matter in open session will have a detrimental effect on the Cities position.
Carried**

Reconvene at 9:55 p.m.

Mayor Canute adjourned meeting at 9:55 p.m.

NOVEMBER 17, 2003 CITY COUNCIL MINUTES

Minutes of the Regular Meeting of the Durand City Council held Monday, November 17, 2003 in the Council Chambers of Durand City Hall.

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

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

**D. Doyle moved, McDonough supported to approve the agenda with the deletion of item C.
Carried.**

T. Doyle moved, D. Doyle supported to approve the minutes of the regular meeting held November 3, 2003 and the minutes of the special meeting held November 12, 2003.

Carried.

T. Doyle moved, D. Doyle supported to approve bills 29436-29489.

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

NAYS: None

Carried.

CITIZENS PRESENT: Ann Sleeseman, 602 Gomas Ct., stated that there are serious water problems, such as standing water, on Vinewood St. during times of heavy rain. Also would like to have answers regarding the issue of access to the South side of town due to trains blocking the railroad crossing for long periods of time.

Ms. Sleeseman stated that tracks had been closed for one hour today for some type of repair and would like to have some answers as to why this is happening.

Paula Brooks, 104 W. Summit St., asked what the status is between the City and Vernon Township regarding the Urban Cooperation Agreement. Mr. McKone stated that he has spoken with Mr. Erickson and he and Mr. Fahey have spoken.

Bruce Blackburn, 407 E. Clinton St., presented an alternative plan for the Urban Cooperation Agreement.

Jon Majeski, 708 Kingswood St., welcomed the new City Council members and the best of luck to all of you. Has there been any progress on the tunnel under ground to the depot? City Manager responded that T-21 money is a grant program through the federal government that may help this project.

D. Doyle moved, McDonough supported to approve Payment Request #8 in the amount of \$8,188.00 from Perrin Construction for work done to date on the Optimist Park Improvement Project.

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

NAYS: None

Carried.

T. Doyle moved, Boggs supported to approve Payment Request #9 from Gregory Construction in the amount of \$14,679.50 for work on the Fire Hall Renovation Project.

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

NAYS: McDonough

Carried 5-1

D. Doyle moved, McDonough supported to approve Amendment #1 on the contract with Capital Consultants for the Oak Street Mill/Resurface Project at a cost of \$27,000.

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

NAYS: None.

Carried.

Presentation made to honor retiring Council members: Vicki Fuja, Leo Krupp and James Schuyler.

CITIZENS COMMENTS: None at this time.

DEPARTMENT REPORTS: City Manager: Received applications from Verizon and AT&T for telecommunication legislation. Draft of Cablevision franchise received today, will be reviewed and reported to City Council a later time.

Several administrators attended media blitz today at the Shiawassee County Courthouse:

-\$100,000 loses in statutory revenue sharing

-Down \$132,000 over the past years

-\$63,000 to balance 2002-03 budget

City Manager: We will have to make severe budget cuts.

COUNCIL COMMENTS: Hall: Thank you to everyone for voting for me, I hope that I do you right.

Boggs: Most exuberant to be here.

McDonough: Thank you for electing me; I will do a good job.

Mayor Canute adjourned the meeting at 8:07 p.m.

NOVEMBER 12, 2003 CITY COUNCIL MINUTES

Minutes of the Special Meeting of the Durand City Council held Wednesday, November 12, 2003 at 6:00 p.m. in the Council Chambers of Durand City Hall.

Mayor Doyle called the meeting to order.

Council present: Bemis, Boggs, Canute, D. Doyle, T, Doyle, Hall, McDonough.

Council absent: none

Pledge of Allegiance was recited at this time.

City Clerk Roddy read the certification of the Shiawassee Board of Canvassers verifying the votes from the General City Election which was held on November 4, 2003, as follows:

Precinct I: B. Boggs – 114, D. Doyle – 107

Precinct II: C. Canute – 181, V. Fuja – 139, K. McDonough – 188

At-Large: B. Blackburn – 88, R. Hall – 234, L. Krupp – 106

She, then, administered the Oath of Office to the newly elected City Council representatives.

D. Doyle moved, T. Doyle supported to elect Cameron Canute as Mayor for the ensuing term of office.

YEAS: Boggs, Canute, D. Doyle, T. Doyle, Hall, McDonough, Bemis, Canute.

NAYS: none

Carried.

City Clerk administered the Oath of Office to newly elected Mayor Canute.

McDonough moved, D. Doyle supported to elect Mike Bemis as Mayor Pro-tem for the ensuing term of office.

YEAS: Canute, D. Doyle, T. Doyle, Hall, McDonough, Bemis, Boggs

NAYS: none

Carried.

City Clerk administered the Oath of Office to newly elected Mayor Pro-tem Bemis.

Mayor Canute adjourned the meeting at 6:06 p.m.

NOVEMBER 3, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, November 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

Bemis moved, Canute supported to approve the agenda as presented.

Carried.

Canute moved, T. Doyle supported to approve the minutes of the regular meeting held October 20, 2003.

Carried.

Krupp moved, Schuyler supported to approve the bills 29387-29435.

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

NAYS: None

Carried.

CITIZENS PRESENT: Mike Fisher, 805 N. Oak St., stated that the article written by Mrs. Kline for the Independent was very nice. He also commented on youthful memories regarding Councilmember Canute and his father. He stated that his water bill is always the same, and thinks that the meter is not being read.

Paula Brooks, 104 W. Summit St., asked what the status of the communication with the Township. City Attorney stated that the attorney handling the matter is Phil Erikson, and at this point there is a possibility that a letter didn't get sent.

Fuja moved, Schuyler supported to approve the payment for the 2003 Special Assessment for Shiawassee County Drains in the amount of \$3,345.61.

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

NAYS: Bemis

Carried

Schuyler moved, Fuja supported to approve the list of unpaid invoices and declare them s delinquent to be placed on the winter taxes. This is approved for the first reading.

Carried.

CITIZENS COMMENTS: None at this time.

DEPARTMENT REPORTS: Police Department: Had a safe and quiet Halloween in the City.

D.P.W. Director stated that November is the last brush pick for the season. There will four to five hydrants being flushed in the NE quadrant of the City.

City Manager: Regarding brush pick-up, we may not be providing this service next April. Depending on revenue sharing, this is one service that maybe eliminated. The State Shared Revenue for October was 12% lower than planned. To elaborate on the property options, it is our intention to make an agreement with the developer to build residential housing.

COUNCIL COMMENTS: Doyle urges everyone to get out and vote tomorrow.

Krupp: I am going to miss Jim Schuyler on the City Council. I urge everyone to get out and vote.

Fuja: “Should I not retain my elected seat following the election on Tuesday, I would like to make a couple of personal comments. For me, it has been a privilege to have worked so closely with the Administrative staff and many of our employees. The loyalty and the dedication I have seen demonstrated by our staff has given me profound respect for the job all of you do. Our Attorney, Mr. Charles McKone has been our city attorney for a very long time. He always represents us in a very professional manner and had guided us well during good times and bad. I wish good luck to this Council and to those running. I will continue to support the efforts of this city, and the City Council, even if it is from the audience.”

Canute: Urged everyone to get out and vote.

Bemis: This has been a pretty sound City Council; we have all been pushing on the same side of the rock. Some our decisions may not have been popular but we stick together.

Schuyler: Being one of the senior members of this City Council it has been challenging, exciting and a learning experience. Sometimes you don't get your own way, but you learn. I have enjoyed every part of it.

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

OCTOBER 20, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, October 20, 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.

T. Doyle moved, **Canute** supported to approve the agenda with the addition of item:
E. Trick or Treating Hours from 6-8 p.m.
Carried.

Canute moved, **Schuyler** supported to approve minutes of the regular meeting held October 6, 2003 and the Executive Session held October 6, 2003.
Carried.

**Canute moved, Schuyler supported to approve the bills 29340-29386.
YEAS: Canute, Mayor Doyle, T. Doyle, Fuja, Krupp, Schuyler, Bemis
NAYS: None
Carried.**

CITIZENS PRESENT: Rod Hall, 724 Princeton Dr., asked for any updates on the parking and lighting situation behind Theresa's Hallmark and Papa Joe's restaurant. Due to the lack of parking behind the businesses we are losing customers and would greatly appreciate any additional parking. Also, Mr. Hall addressed a problem of a black film that has been coming from the water at his home and other homes east of Saginaw Street. DPW Director stated that this problem would be addressed.

Presentation on the 2002-03 fiscal year audit by Paul Bailey

**Schuyler moved, Bemis supported to accept and approve the audit report for the 2002-03 fiscal year.
YEAS: Mayor Doyle, T. Doyle, Fuja, Krupp, Schuyler, Bemis, Canute,
NAYS: None
Carried.**

Presentation on the Sewer Separation Project by Steve Mince, DPW Director

**Canute moved, Fuja supported to approve the renewal of the annual maintenance agreement with Fund Balance at a cost of \$3,034.00.
YEAS: T. Doyle, Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle
NAYS: None.
Carried.**

**Fuja moved, T. Doyle supported to approve the option to purchase the property at 311 N. Saginaw Street.
YEAS: Fuja, Krupp, Schuyler, Bemis, Canute, Mayor Doyle, T. Doyle
NAYS: None.
Carried.**

**Canute moved, Fuja supported to set trick or treating hours from 6-8 p.m. on Friday, October 31, 2003.
Carried.**

CITIZENS COMMENTS: Rod Hall, 724 Princeton Dr., inquired about the Zoning of the First Methodist Church. City Manager was not sure of the zoning under the new zoning districts.

DEPARTMENT REPORTS:

City Attorney: Mr. McKone addressed that City Council regarding the Tax Tribunal case that is pending regarding Monroe Manor. Based on the appraisal it is our obligation to make sure the property is properly appraised in order to reach a settlement.

Canute moved, Bemis supported to approve that the property, Monroe Manor, has been properly assessed at \$220,000.00 for the tax year 2002 and \$223,300.00 for the tax year 2003.

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

NAYS: None

Carried.

City Manager: Thanks to Mr. Mince for a very informative presentation and to the DPW for all the hard work that has gone into the Sewer Separation Project. Mr. Markland also stated that he had spoken with Gregory Construction regarding the door at the Fire Hall and when threatened with terminating their contract the door was installed within a week.

City Manager: Presented City Council with Revenue Sharing statements and stated that administration is still looking at budget cuts and these should be presented to the City Council in November.

Mr. Markland thanked the United Methodist Church and the City Council for the option to purchase the property at 311 N. Saginaw. He informed the Council that he was in the process of developing a purchase agreement for 195 acres that would be able to be used for residential expansion.

COUNCIL COMMENTS: T. Doyle: thanked Steve Mince for the presentation on the Sewer Separation Project. He then thanked City Treasurer for the good work on the budget and thanked City Manger for all the positive projects in the works.

Krupp: thanked City Manager for finally getting the door at the Fire Hall installed and commended Steve on his presentation.

Fuja: thanks to city Manager for all the positive development that we will be seeing in our city and thank you to Steve Mince for his presentation.

Canute: Thanks to DPW Director and City Manager. Inquired about Pop machines.

Bemis: Good job Steve on the presentation; it will be nice to see this information posted on the Website. After seeing the results of the Sewer Separation Project it is good to know that we made a good decision.

Schuyler: Thank you to City Manager and DPW Director

Mayor Doyle: Thank you to Steve Mince for the Sewer Separation Project and thank you to City Manager for positive development in the City,

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

OCTOBER 6, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, October 6, 2003 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, Krupp, Schuyler

Council Absent: Bemis (excused)

Schuyler moved, Krupp supported to approve the agenda with the addition of items:

D. Termination of Contract: Gregory Construction, Fire Hall

E. 2nd Reading and Adoption of Zoning Ordinance

F. Request to Purchase: Variable Frequency Drives/WWTP

Carried.

T. Doyle moved, Canute supported to approve the minutes of the regular meeting held September 15, 2003 and the minutes of the Executive Session held September 15, 2003.

Carried.

Krupp moved, T. Doyle supported to approve the bills 29235-29339.

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

NAYS: None

Carried.

Citizens Present: Dennis Rainwater from the Durand Patriots presented a four minute video presentation on military appreciation and acknowledgement. Mr. Rainwater spoke to the Council regarding the 12 soldiers that are in Iraq, two in Kuwait and the 56 soldiers that are stationed all over the world that the Patriots send care packages to. He stated that the soldiers enjoy the Argus Press subscription and love Twinkies.

Rod Hall, 724 Princeton Drive, requested that some telephone poles be moved and that a light pole be moved by Christmas.

Michael Fisher verbally attacked Dennis Rainwater about Schmeltzer's allegedly pouring chemicals behind their building and talked about people who had worked there previously, dying of leukemia.

Krupp moved, Fuja supported to approve the list of election inspectors for the November General Election.

PRECINCT I

**Gayle Silas (R)
Nora Eddy (D)
Lorraine Stone (D)**

Carried.

PRECINCT II

**Pat Tullar (R)
Donna Turner (R)
Barbara L. Thomas (D)**

T. Doyle moved, Schuyler supported to approve Change Order #2 & 3 for the Optimist Park CMI Project.

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

NAYS: None

Carried.

Canute moved, T. Doyle supported to approve payment Request #2, in the amount of \$17,736.99 as the final payment for the Water System Communication project.

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

NAYS: None

Carried.

Krupp moved, Canute supported to terminate the contract with Gregory Construction if the overhead door on the fire hall is not installed by October 9, 2003.

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

NAYS: None

Carried.

Canute moved, Schuyler supported to approve the final reading of the City of Durand Zoning Ordinance and adopt it for use, as recommended by the City Planning Commission.

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

NAYS: None

Carried.

Schuyler moved, Canute supported to approve the purchase of variable frequency drives for the WWTP at a cost of \$2,922.25 from Michigan Industrial Controls.

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

NAYS: None

Carried.

CITIZENS COMMENTS: None at this time.

DEPARTMENT REPORTS: Director of Public Works reported that the railroad tracks on South Oak Street were opened on schedule. Brush pick-up is scheduled for tomorrow, October 7, 2003 and leaf pick-up will begin next week.

City Attorney reported that the issue of Sewer disconnection in Circuit Court – dye test will be done this week. Also, a lawsuit was brought against City by a home owner in the Manfred neighborhood for a sewer back-up. Charges were dismissed in front of Judge Lotracco.

City Manager stated that the City will be applying for a Federally aided road project that would benefit Saginaw Street from Main Street to Tuscola Street. Mr. Markland also discussed budget cuts as a result of State Revenue Sharing decline.

Mr. Markland commended Mr. Rainwater for the job he has been doing for our friends and neighbors overseas serving this country.

City Clerk reported on the upcoming election scheduled for November 4, 2003

COUNCIL COMMENTS: T. Doyle: “Thank you to Dennis Rainwater”

Krupp stated that he has appreciated all of the work that Mr. Rainwater has done for the soldiers.

Krupp asked about the sewer separation phase I project, is there one more household left?

City Attorney answered that he will comply.

Fuja: “ I apologize for Mr. Fisher – He attends meeting to publicly decry many of us. After the last meeting I think that he was out of material. I am proud that your organization was started here in Durand.”

Canute: I also commend Mr. Rainwater efforts.

Schuyler: I also commend Mr. Rainwater efforts.

Krupp moved, Canute supported to adjourn to Executive Session to discuss the purchase of property.

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

NAYS: None

Carried.

Reconvene 8:28 p.m.

Mayor Doyle adjourned meeting at 8:28 p.m.

SEPTEMBER 15, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, September 15, 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, Canute supported to approve the agenda with the additions of item D Sewer Tap – Franchise Agreement for 107 E. Monroe, item E Sponsor Veterans Day Parade, Item F Contract: WIC Clinic and Executive Session: Litigation Strategies for pending litigation.

Carried.

T. Doyle moved, Krupp supported to approve the minutes of the regular meeting held August 18, 2003 and the minutes of the Executive Session held August 4, 2003.

Carried.

T. Doyle moved, Krupp supported to approve the bills 29125-29234 & 29247, 29428, 29249.

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

NAYS: None.

Carried.

Citizens Present: Mike Fisher, 805 N. Oak St., voiced opinion regarding the anger he feels about the water rates and about wells in the City.

Paula Brooks, 104 W. Summit St., asked if there were any updates on the joint planning with the City and Township. Mayor Doyle responded that there have been none at this time.

Bemis moved, Fuja supported that the City Council proclaim October 4th as Breast Cancer Awareness Day in the City of Durand and approve the solicitation request.

Carried.

Canute moved, Bemis supported to approve the invoice from Ekos Computers in the amount of \$2,454.00.

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

NAYS: None

Carried.

Bemis moved, Fuja supported to approve the Exclusive Option for Purchase and Development Agreement and authorize the Mayor and City Clerk to sign the agreement on behalf of the City of Durand.

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

NAYS: None

Carried.

Krupp moved, Canute supported to approve franchise agreement for sewer extension for 107 E. Monroe.

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

NAYS: None

Carried.

Canute moved, Bemis supported to sponsor the 2003 Shiawassee County Veteran's Day Parade, hosted by the Durand Community.

Carried.

Canute moved, Bemis supported to approve the contract with Shiawassee County Health Department for WIC clinic monthly rental.

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

NAYS: None

Carried.

CITIZENS COMMENT: No one spoke at this time.

DEPARTMENT REPORTS: Director of Public Works reported that the railroad crossing is closed at S. Oak Street for 2 weeks and there was a water main break at Main Street today. Mr. Mince explained about the Footing Drain Program – Special assessment drops to only \$500.00 at the end of September for a 6 month period

Treasurer reported that the audit will begin on Monday.

COUNCIL COMMENTS: Canute asked if the netting is up at the skate rink. He stated that kids are climbing on the pavilion roof and that trash cans placed on the roof. The platform at the rink needs to be flush with the ice. He also asked if the pop machine have been totaled?

Canute: When can a light be installed at the new pavilion at Optimist Park. Also, siding needs to be replaced at Trumble Park.

Bemis: There will be an Open House for the Fire Hall on October 12, 2003 from 1-4 p.m.

Krupp moved, Bemis supported to adjourn to Executive Session to discuss litigation strategies for pending litigation.

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

Reconvene at 8:39 p.m.

Bemis moved, Canute supported to direct administration to draft a letter to the Township upon a dismissal with prejudice of the Federal and State suits, the City Council will discuss and consider any written proposals presented by the Township Board with an explanation from elected representatives of the residents of the Township and provide the City with what they found objectionable with the UCA, as negotiated.

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

Mayor Doyle adjourned meeting at 8:41 p.m.

SEPTEMBER 1, 2003 CITY COUNCIL MINUTES
(NO MEETING)

AUGUST 18, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, August 18, 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)

Krupp moved, Canute supported to approve the agenda with the tabling of executive session minutes.
Carried.

T. Doyle moved, Bemis supported to approve the minutes of the regular meeting held August 4, 2003 with corrections.
Carried.

Canute moved, Bemis supported to approve the payment of the city bills numbering 29074-29124.
YEAS: Canute, Mayor Doyle, T. Doyle, Fuja, Krupp, Bemis
NAYS: None
Carried.

CITIZENS PRESENT: Sean Trombley, 402 Elizabeth St., Owosso, made a request to the Council to organize a hockey league for 18 and older. City Attorney addressed the issue of liability of this type of organization and need for forms that did not hold the City responsible for liability.

Canute: City would collect funds that would then be disbursed for supplies. Trombley agreed with the financing and a liability form.

Fuja: Voiced concern regarding usage time of the skate rink.

**Trombley: Jersey's - \$11.90 per person
To City- \$5.00 per person
Cost would incur maintenance, clean up, equipment and officials**

Paula Brooks, 104 W. Summit St., Has the City had an opportunity to consider re-negotiations with the Township? Mayor Doyle: We really have not had an opportunity to discuss it yet.

John Hayden, 418 W. Main St., Mr. Hayden stated that there are weeds on the property directly behind his and that the owners of the property at 415 W. Main, next door to him, has not install the sidewalk correctly.

Mr. Hayden also asked why there has been a delay in the approval of the new Zoning Ordinance. Mayor Doyle, Bemis, City Manager and City Clerk commented on this issue.

**Canute moved, T. Doyle supported to authorize the City's administration to negotiate the general terms for an adult hockey league with the Durand In-Line Hockey Organization.
Carried.**

**Canute moved, T. Doyle supported to award the bid for ferric chloride to PVS Technologies in the amount of \$288.00 per ton.
YEAS: Mayor Doyle, T. Doyle, Fuja, Krupp, Bemis, Canute
NAYS: None
Carried.**

**Krupp moved, Canute supported to award bid for janitorial service to At Your Service, Inc. in the annual cost of \$15,764.00.
YEAS: T. Doyle, Fuja, Krupp, Bemis, Canute, Mayor Doyle
NAYS: None
Carried.**

**T. Doyle moved, Krupp supported to approve the new fence project for Durand Union Station.
Carried.**

T. Doyle moved, Krupp supported to approve the franchise agreement for water with the property designated as 105 E. Summit Street.

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

NAYS: None

Carried.

PUBLIC HEARING: Curb and Gutter Special Assessment District/Naldrette Street

Public Hearing opened at 8:23 p.m.

No one was present.

Public Hearing closed at 8:23 p.m.

Bemis moved, Canute supported to approve the Special Assessment Roll for curb and gutter installation on Naldrette Street and that the Treasurer collect the liens against the affected properties for a 5 year period beginning with the Summer 2004 tax bills.

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

NAYS: None

Carried.

Krupp moved, Fuja supported to cancel the regular meeting scheduled for September 1, 2003 due to the Labor Day holiday.

Carried.

Fuja moved, Canute supported to approve the use of the City streets for Chamber of Commerce End of Summer Cruise, August 30, 2003 from 7:00 a.m. to 9:00 p.m.
Carried.

DEPARTMENT REPORTS: Director of Public Works reported that the 2004 MDOT money for N. Oak Street has matching funds required of \$47,000.00. There are no 2005 projects being awarded at this time.

City Attorney stated that a hold harmless agreement would be needed for the organized hockey league.

City Manager discussed the UCA, he stated that the City is looking forward to improve the community by preparing a Master Plan for the city. The City is also looking for vacant land that is planned to be development for single family homes.

COUNCIL COMMENTS: Mayor Doyle discussed a special meeting for the adoption of the Zoning Ordinance. Markland stated that this is a revised copy of the Zoning Ordinance not a new Zoning Ordinance.

Krupp: What is going on with the Fire Hall door? Mr. Riley refit the door to work and he refit the outside panels to match the weather seal. Fire Chief said that they were going to take the door down to Delta Door and refit the door.

Krupp: No door is unacceptable for any period of time.

Canute: Stated that the softball field needs warning tracks by lights for protection. Questioned the status of signage for the park? City manager stated that he will be meeting with Linda Marsh regarding the design of the plaque, DNR symbols need to be incorporated. Canute asked about the ads for inside the park and if the wood floors had been finished in the players boxes. City manager answered that he had nothing on the ads yet and the floors were finished. Canute asked when the player boxes will be moved and City manager responded that this will not be looked at until after the warranty expires.

Canute: stated that the lights are not working at Optimist Park. DPW Director responded that he was not aware of this problem. Canute thanked Charter One Bank for a donation of \$100.00 to the parks. He then questioned if the rink needed to be locked. City Manager stated that it needed to be locked due to liability. When will the ends be installed? DPW Director answered, will not installed until the fall.

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

AUGUST 4, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, August 4, 2003 in the Council Chambers of Durand City Hall.

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

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

**Bemis moved, Krupp supported to approve the agenda with corrections.
Carried.**

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

Krupp moved, Bemis supported to approve the payment of the city bills numbering 29004-29073.

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

NAYS: None
Carried.

CITIZENS PRESENT: No one spoke at this time.

Krupp moved, Bemis supported to approve the payment of the \$9,000.00 to Perrin Construction for the Optimist Park project, holding back \$1,000.00 retainage until the rink has been repainted.

YEAS: T. Doyle, Fuja, Krupp, Bemis, Mayor Doyle
NAYS: None
Carried.

T. Doyle moved, Krupp supported to approve the proposal for Engineering Services for the Monroe Street Water Main and Sanitary Sewer Improvements in the amount of \$28,000.00.

YEAS: Fuja, Bemis, Mayor Doyle, T. Doyle, Krupp
NAYS: None
Carried.

PUBLIC COMMENTS: John Hayden, 418 W. Main, addressed the Council regarding the second reading of the Zoning Ordinance that was removed from the agenda. Mayor Doyle responded that the Zoning Ordinance public hearing may not have notified all proper entities and it must be done properly.

DEPARTMENT REPORTS: Chief Tanner reported that the new police car has been detailed and will be on the road soon. The cameras have been ordered and will be here and installed in the police cars next week.

City Manager stated that the environmental reports have come back on the old Smith Buick property and the Durand Feed and Grain property. The Smith/Buick report stated that the property was clean of contamination and the Durand Feed and Grain property reported contamination that exceeds the state accepted level.

COUNCIL COMENTS: Krupp: What is the status on fire hall door? City Manager stated that the door has been delivered and will be installed on Friday.

Krupp moved, T. Doyle supported to adjourn to executive session to discuss pending litigation.

YEAS: Krupp, Bemis, Mayor Doyle, T. Doyle, Fuja
NAYS: None
Carried.

Council reconvened at 7:53 p.m.

Krupp moved, Bemis supported to accept the settlement from Blackburn vs. City of Durand lawsuit on the terms set forth during closed session.

YEAS: Bemis, Mayor Doyle, T. Doyle, Fuja, Krupp
NAYS: None
Carried.

Mayor Doyle adjourned the meeting at 7:55 p.m.

JULY 21, 2003 CITY COUNCIL MINUTES

Minutes of the regular meeting of the Durand City Council held Monday, July 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)

Canute moved, Bemis supported to approve the agenda with deletion of Item I, Contract: Capital Consultants, and addition of Executive Session for discussion of pending litigation.
Carried.

Bemis moved, Fuja supported to approve the minutes of the regular meeting held June 16, 2003.
Carried.

T. Doyle moved, Krupp supported to approve the payment of the city bills numbering 28880-29003.

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

CITIZENS PRESENT: Larry Elpert, SATA Director, stated that he was back to request that the City Council authorize for the request of a millage. "We followed your advice and went to Shiawassee County Commission for support; there was no support at that level."

Paula Brooks, 104 W. Summit St., within the "Vote Yes" campaign; questions have been raised concerning the Industrial Park. City Manager Markland responded that engineering plans have been prepared to extend water and sewer to the park. The cost to extend the services is \$325,000. If the agreement does not pass, we will begin to look at development opportunities for the land along Reed Road. City Attorney noted that the city is moving the Zoning Ordinance to the first reading; it has appraisals for the industrial park land, "and we are hoping to move forward." City Manager: "We will be moving forward with or with out the UCA."

Rod Hall, 724 Princeton Dr., Very productive meeting for the Downtown Market Analysis, I hope that we are able to take the plan and start running with it. Curb and Gutters; are they going to get this done this year? DPW Director: We will get this done this summer. Hall: Also, alleyways need weeding or spraying.

Dennis Rainwater: The Chicken BBQ for the Durand patriots was great success. Our organization is still strong, monthly mailings to those military persons in Iraq, quarterly mailings to those stationed in other areas.

Canute moved, T. Doyle supported to pass the consent resolution approving the request of the Shiawassee County Humane Society, the appointment of the delegate and alternate to the MML annual meeting and the election of the MI Municipal Workers Compensation Fund.

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

NAYS: None

Carried.

T. Doyle moved, Krupp supported to approve the resolution recognizing the Durand Hockey Club as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

Carried.

Krupp moved, Fuja supported passing the resolution approving the transfer of the 2002 Class C License from Dennis Bittner Enterprises, Inc. to William D. Kane.

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

NAYS: None

Carried.

Bemis moved, Canute supported to accept the bid for sidewalks from Dave Collard Masonry.

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

NAYS: None

Carried.

T. Doyle moved, Krupp supported accept the bid for three in-car video systems from Blumrich Communications in the amount of \$8,817.00.

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

NAYS: None

Carried.

Canute moved, Bemis supported to approve the new City Zoning Ordinances and pass them on to the second reading.

Carried.

Public Hearing: Naldrette Street Curb and Gutter Special Assessment

Mayor Doyle opened the public hearing opened at 8:04 p.m.

Donna Delong, 203 Naldrette St., stated that she had an asphalt drive before, and the new asphalt is not holding up. Also, the grass seed that was planted was not high quality and is now full of weeds. Steve Mince, DPW Director, responded that these issues will be dealt with.

Cathy Snyder, 201 Naldrette St., stated that the seeding is poor and the driveway is poor quality.

Public Hearing Closed 8:07 p.m.

City Manager Markland stated that the curb and gutter project has made the street beautiful.

T. Doyle moved, Fuja supported that the Naldrette Street and gutter project be approved, and the cost for the project be assessed to each property based on per foot of frontage that has been improved.

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

NAYS: None.

Carried.

Fuja moved, Krupp supported to approve change order #3 with Rhode Bros. Inc. in the amount of \$35,848.49 for the Naldrette St. project.

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

NAYS: None

Carried.

Bemis moved, Canute supported to approve payment #5 to Rhode Bros. Inc. in the amount of \$169,151.60 for the Naldrette Street project.

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

NAYS: None

Carried.

PUBLIC COMMENTS: Paula Brooks 104 W. Summit St., I thought that utilities were to be placed in the right of way. DPW Director: Water is to be placed in the right of way, sewer to be placed in the middle of street.

Rod Hall 724 Princeton Dr., asked to get a copy of the Zoning Ordinance?

Dennis Bittner, "I would like to thank the city for supporting me and I hope that you will give the new owner the same support".

STAFF REPORTS: DPW Director: reported on the storm damage.

City Attorney reported about the sewer separation project. Phase I has been completed. There is one remaining property that will be completed by the next meeting, and another has been served and will be present in court.

City Manager stated that the environmental firm prepared soil borings last week; no report has been issued so far. The Concert in the Park series is going very well, there have been 500+ people in attendance at the shows. There were meetings last Thursday and Friday regarding the Downtown Marketing Analysis. The Tax Tribunal that the city is involved in has a preliminary hearing tomorrow.

COUNCIL COMMENTS: Bemis: Old Bay Station needs some attention; the property in Mercer Street has had good progress and the city crews did a good job on storm clean up.

Krupp: Will the door at the fire hall be repaired this week? City Manager responded that is what the architects stated.

Fuja: Painting and weeding need to be done earlier in the summer

Canute: DVA assessment-how did it work? City Clerk responded that voters authorized a millage with authorization that City Council set any future millage rates.

Canute: Lights at Trumble Park need to be adjusted to turn off earlier in the evening.

Canute moved, Krupp supported to remove S.A.T.A. from the table for further discussion.

Carried 6-1

Canute moved, Krupp supported to place S.A.T.A.'s request for ½ mill for operations on the November election so that voters can decide.

YEAS: Fuja, Krupp, Canute

NAYS: T. Doyle, Bemis, Mayor Doyle

Motion failed, 3-3

Krupp moved, T. Doyle supported to adjourn to Executive Session to discuss pending litigation.

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

NAYS: Krupp, Canute

Failed 4 – 2 (Motion requires 2/3 vote of entire board; needed 5 yes votes)

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

JULY 7, 2003 CITY COUNCIL MINUTES
(NO MEETING)

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