

City of Corunna
Regular Council Meeting
Monday, October 2, 2000

Present: Billis, Bayless, Dumond, Hornus, Ockerman, Runyan.

Absent: Bendall (excused).

Guests: Lisa Hitchcock, City Manager; Robert Gilman; Jackie Leone, The Argus Press; Dick & Pat Sanderson; Tim Crawford, Superintendent of Public Works; Matt Hickson, Abraham & Gaffney; Steve Kirinovic, Abraham & Gaffney; Fred & Betty Bates; Larry Friess; Stephanie Wuttke, The Independent; Clark Long; Cindy Parks, American Red Cross; Don Runyon; Judy Horton; Larry LeCureux; Frank Svrcek; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Billis at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Hornus moved, Ockerman seconded to approve the minutes of the previous regular meeting.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Runyan, Bayless.

No: None.

Motion CARRIED

AGENDA APPROVAL: Hornus moved, Ockerman seconded to approve the agenda with the addition of Item No. 6) Consider Acceptance of 2000 Street Improvements and Item No. 7) Consider Appointment of Jim Lockwood to the Corunna Downtown Development Authority.

Roll call vote:

Yes: Bayless, Runyan, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Hornus moved, Dumond seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Runyan, Ockerman, Bayless, Hornus, Dumond.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Don Runyon asked if someone could come to the next council meeting to explain what the school proposals are. Mayor Billis asked Mr. Runyon if he was referring to the school voucher proposal. Mr. Runyon advised yes. He stated other cities have had audiences with school personnel to explain what is going on and he has not heard anything. He further stated he does not know how to vote because he does not know what the hell is going on. Mayor Billis stated he recalled seeing that there were

some meetings this week where the information is available. Mr. Runyon asked how someone could take a public school and turn it into an academy when the public schools belong to the taxpayers. Mayor Billis stated he would check to see where discussion on the issue would take place and let Mr. Runyan know.

CONSIDER REQUEST FROM AMERICAN RED CROSS: Councilperson Ockerman asked what the Red Cross was requesting. Cindy Parks explained the Red Cross was requesting to have the water tap-in fee waived since they were trying to connect to city water. Councilperson Ockerman asked how long the building has been in Corunna. Ms. Parks advised fourteen years. Councilperson Ockerman asked how many other non-profit organizations would be allowed to have the fee waived. Ms. Hitchcock advised it would be a council decision. Councilperson Ockerman asked if any fees have been waived in the past. Ms. Hitchcock advised the only tap-in that the city has given an exemption to is the road commission with the understanding that they do not charge fees to other governmental units. She further advised Habitat for Humanity paid the tap-in fees for the house they built, but she does not know of any others that have been considered. Councilperson Ockerman stated the members of council have to represent the citizens and if council approves this then the cost would be paid by the citizens. Ms. Parks stated she understood that. Mayor Billis asked what compelled the Red Cross to come to the council to request the waiver. Ms. Parks stated the Red Cross is a human services organization that is a benefit to the community and the organization was trying to save money. The money saved would be put towards programs and services in the community to help people in need. Councilperson Ockerman stated he was tired of the Corunna citizens having everything on their backs and this is one of those issues. He further stated he wants to be compassionate and helpful but it was a fairness issue. Ms. Parks stated there are many citizens in the community who benefit from the Red Cross, and it does not sound like any other non-profit organization has ever asked to have the fee waived. Mayor Billis stated he has city water but drinks bottled water because it is better for you as a health issue but he was not saying the city has bad water. Councilperson Hornus asked if the Red Cross receives money from the United Way. Ms. Parks advised yes. Councilperson Bayless stated since this is a countywide organization, it was not fair to ask the city to bear the full cost. He suggested waiving a portion of the fee as a compromise solution and the Red Cross could fundraise throughout the county to raise the other portion. Ockerman moved, Bayless seconded to share the burden of the water tap-in fee with the Red Cross by waiving \$450.00 of the tap-in fee, making the bill \$300.00. Councilperson Runyan stated council was opening a door and setting a precedent. He further stated it might be best to set a percentage so the next organization that comes along is told the same percentage. Councilperson Ockerman stated he would like to change his motion to share the burden of the water tap-in fee with the Red Cross by waiving fifty-percent (50%) of the water tap-in fee, making the bill \$375.00. Councilperson Bayless supported the change.

Roll call vote:

Yes: Hornus, Bayless, Ockerman, Runyan.

No: Dumond.

Motion CARRIED

7:15 P.M. PUBLIC HEARING TO CONSIDER AMENDMENT TO CHAPTER 54, PARKS

AND RECREATION, OF THE CORUNNA CITY CODE: Hornus moved, Dumond seconded to leave the regular session and go into a public hearing to consider an amendment to Chapter 54, Parks and Recreation, of the Corunna City Code.

Roll call vote:

Yes: Bayless, Runyan, Dumond, Hornus, Ockerman.

No: None.

Motion CARRIED Time was 7:26 p.m.

Ms. Hitchcock explained the three options that were being considered by council. Councilperson Runyan asked if the amendment was just for the park. Ms. Hitchcock advised that was the intent. Councilperson Runyan asked what the difference was if an unleashed pet walks up on someone's yard where four or five children are playing in the yard. Councilperson Ockerman stated the consensus of the council was to take care of the park problem immediately. Councilperson Runyan asked if council wanted to adopt an ordinance since the park season was almost over. Councilperson Hornus advised people would be in the park for a long time with the addition of the hockey rink. He further advised there are many people who use the park every weekend. Councilperson Runyan stated council needs to take a look at the city as a whole. Mayor Billis stated council would do that. Judy Horton stated she was very interested in keeping dogs in the park and if people get use to not being able to do it in the park then it might help the city in the long run. If not, then something will have to be done. She further stated if some person was walking their dog by her house and their dog dropped its doo doo she would be at the edge of the sidewalk telling the person to pick it up. Larry Friess stated he personally felt council was off base on this issue. He does not see how council could pick out one spot in the city and say dogs have to be on a leash and everywhere else they can run under voice command. He further stated if his grandkids are over and some dog comes in his yard and bites them he would be very unhappy with the city for not making it mandatory citywide. As far as down to the park, if you pull into any rest area in the State of Michigan there is a dog run along the side where you have to take your dog on a leash. He also stated the city does not have enough police in this town to stop everybody from letting their dogs crap in someone's yard or in the park. If someone told me I had to carry my dog's waste back home, I would probably laugh at him or her. Mr. Friess advised if an ordinance is going to be made then it should be citywide because the city is only asking for problems. Councilperson Hornus stated the Parks and Recreation Commission and the mayor brought the issue to council. Dick Sanderson asked what would be done if someone is caught without his or her dog on a leash. Mayor Billis stated he did not like the smell in the park on the Fourth of July and asked if the city should expose people to dog crap. He further stated he did not think so and it is council's responsibility to make responsible decisions. There are two elements in the park; the kids who are there to use the playscape and the people who bring their pets to the park to let them run. He also stated no one knows when a dog will bite, and he was in favor of making sure animals are on a leash and not chasing kids. Mr. Friess stated he was not

against pets on a leash in the park, but he wanted to see one citywide ordinance so the police department will know what they have to do. Councilperson Runyan stated there are no set fines if someone is caught. Ms. Hitchcock advised yes, the fines would be the same as any other violation. Councilperson Hornus stated council has to start somewhere. The park is a problem area and that is why the park is being focused on right now. Mr. Friess stated the ordinance would end there because there will not be enough people in the city who will say anything. He further stated why should there be two ordinances when one would take care of the problem. Mayor Billis stated not everyone would be caught but an ordinance would be a deterrent. Councilperson Hornus asked if there was a problem citywide. Mr. Friess advised yes. Pat Sanderson stated two weeks ago there was a lady walking in front of the courthouse whose dog was on a leash, but it was walking way behind her. There was a bunch of kids on the courthouse lawn and that dog went up there and the owner never turned around to see if her dog was still behind her. She further stated one of those kids could have gotten hurt. Mayor Billis asked council what they wanted to do. Councilperson Dumond asked if there could be an area designated for a dog run. Councilperson Bayless stated the commission could take a look at it. Councilperson Ockerman stated people have the right to go down in the park and enjoy their animal if the animal is on a leash and it's waste is picked up. He further stated he was concerned about the person who likes to jog or walk in the park and he would like to think that they could do so if their dog was confined by a leash or under their control. He would not like to see the park restricted where people could not enjoy the park. Councilperson Bayless advised that was not the intention of the Parks and Recreation Commission. Mayor Billis stated he has always said the government belongs to the people and if the people sitting in the audience tell council they do not want dogs on leashes in the park then that is the way it would be, but at this point, council needs to protect the kids in the park. Don Runyon asked how far east the park comes from the old ball stadium because there is land there that could be used for a dog run. Councilperson Hornus advised most of the land belongs to the Bush family. Mayor Billis stated the Parks and Recreation Commission would check into the situation and it would come to council for approval. Councilperson Bayless stated council does not know what the people's opinions are until there is a public hearing and he was expecting to hear people complain about having a leash law. He further stated most people want to be law-abiding citizens and when they are made aware of ordinances they will follow them. He also stated there was discussion at the last meeting about having appropriate containers provided in the park versus the pet owner. He felt there would be more voluntary compliance if containers were provided in the park. Councilperson Hornus asked what type of containers should be provided for people to use. Councilperson Bayless stated he was talking about using the barrels that are already in the park. Councilperson Hornus stated he thought it was a good idea for a pet owner to bring their own container. Councilperson Bayless advised the owner would have to bag the dog doo doo and dispose of it in the barrel. Mayor Billis stated there are communities who have ordinances that require people to take their own bags home with them. Clark Long stated the state parks in Indiana do not provide containers for anything. A person has to take everything with them including their garbage. Robert Gilman stated he goes to the park with his grandchildren and there is no place else in this city where there is a higher concentration of

small children and dogs than in the park. It frightens him when there are large dogs playing around the playscape. Hornus moved, Ockerman seconded to leave the public hearing and return to the regular session.

Roll call vote:

Yes: Dumond, Hornus, Ockerman, Runyan, Bayless.

No: None.

Motion CARRIED Time was 8:04 p.m.

Ockerman moved, Hornus seconded to adopt the following ordinance as presented and to follow-up with a city wide ordinance to bring to council as soon as possible:

ORDINANCE NO. 2000-04

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MI, BY AMENDING SECTION 54-2, WASTE DISPOSAL, AND ADDING SECTION 54-19, PETS, OF CHAPTER 54, PARKS AND RECREATION, THEREOF.

I. AMENDMENT.

Section 54-2 of the Corunna City Code reads:

Sec. 54-2. Waste disposal. No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose. **Such waste shall only be that which is generated in the park, and miscellaneous waste deposited in the park receptacles shall be prohibited.**

Section 54-19 of the Corunna City Code reads:

Sec. 54-19. **Pets. All pets on the premises of any city park are the responsibility of their owner. All pets that are on the premises of any city park must be confined in an appropriate cage, or on a leash. Persons with pets shall dispose of their pet's feces in appropriate containers as provided by pet owner.**

II. CONFLICTING ORDINANCES AND PORTIONS THEREOF REPEALED.

All Ordinances previously adopted and inconsistent with the provisions of this Ordinance are repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

III. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Runyan, Bayless.

No: None.

Motion CARRIED

AUDIT PRESENTATION AND ACCEPTANCE: Steve Kirinovic from Abraham and Gaffney presented and explained the 1999-2000 audit. He further explained the city has received a clean and unqualified opinion, which says that everything is in accordance with generally accepted accounting principles. He also explained the city has received the best possible opinion it can get and this is what bond and grant holders like to look at. Mr. Kirinovic stated the General Fund has an unreserved and undesignated fund equity in the amount of \$403,549, which is the amount that is available for current expenditures and for future years. He further stated his firm likes to see an eight to twelve percent of the annual expenditures in the fund equity and the city has a 32 percent fund equity in the General Fund. He also stated the General Fund Revenues increased about \$59,000 from last year. The main increase came from property tax revenue, which has increased about \$28,000 from last year and was caused by an increase in the city's taxable value. Councilperson Ockerman asked what the percentage increase was. Mr. Kirinovic advised he did not know what the specific percentage was but it could not be more than the rate of inflation. Councilperson Ockerman asked Mr. Kirinovic if he could get him the percentage. Mr. Kirinovic advised yes. He further advised the other area that increased was the interest revenue, which went up almost \$23,000 from last year. He also advised the expenditures went down about \$68,000 or five percent from last year. Dumond moved, Hornus seconded to accept the 1999-2000 audit as presented by Abraham and Gaffney.

Roll call vote:

Yes: Bayless, Runyan, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED

DISCUSSION ON STORM WATER ISSUES: Ms. Hitchcock advised letters were sent to the property owners who had problems with storm water. She further advised Councilperson Ockerman provided the pictures council had from people who have contacted him. She also advised the home on Crestview Drive was the first house going up the hill on the south side of the street. The water level was so high it was up to the windows and she believed the home has had problems since the time it was constructed. Councilperson Ockerman advised the property owner, Ms. Powell, was present. Ms. Hitchcock stated she did not know if Ms. Powell had problems before but she does know the previous owners had problems with the home. She further stated in 1997, the city did petition to have a drainage district established, which did not pass. Most of the property owners who attended spoke against developing the district. She also stated the city could replace the culvert underneath the roadway when the street is paved. It should alleviate the problem, but if there were a downpour like the city had, there would still be a backup because it was backed up all the way to the river. Councilperson Ockerman stated he mentioned installing guardrails in that area but they could not be installed as close to the

road as suggested. He asked how much rain fell in a period of time. Ms. Hitchcock advised she was advised more than four inches of rain fell in an eight-hour period. Councilperson Ockerman stated that was just unbelievable and it has been at least one hundred years since that amount of water fell that fast. He further stated he offered Ms. Powell several suggestions when she came over to his home that night. Ms. Hitchcock informed Ms. Powell to call city hall if there was anything the city could do. Ms. Powell stated if the culvert was cleaned out more often it would help with the water flow. Ms. Hitchcock advised the culvert has been cleaned out several times. She further advised Ms. Powell might want to go to the drain office to see the actual map of the area to get an idea of where the water is coming from. Councilperson Runyan asked where the water was coming from. Councilperson Ockerman advised the lower area. Councilperson Runyan asked if the water was coming from the south. Ms. Hitchcock advised yes, and then the water goes along the railroad tracks to the ditch on the road commission property then to the river. She further advised according to the drain office the whole ditch should be cleaned out. The petition in 1997 was to establish the drainage district, place a larger culvert under the roadway and clean out the whole drainage district. Councilperson Runyan stated it looks like the city could use some outside help. Councilperson Ockerman stated he was one of those who were opposed to the drainage district because he did not think there was a problem, but he was not on the city council then. Mayor Billis asked Ms. Powell what solution she was going to undertake. Ms. Powell advised she is going to have her whole backyard excavated. She further advised she will be placing new drain tiles and pea gravel around her house and the house will be re-tarred and insulated at a cost of \$13,000. She also advised she loves her house and does not want to move because she likes the community. Ms. Powell stated she thought there was suppose to be a retention pond built with the new subdivision. Ms. Hitchcock advised the retention pond is located behind 615 Crestview and it cannot be seen from any roadway. Councilperson Dumond stated the amount of rain the city had would probably fill the retention pond anyway. Ms. Hitchcock stated the retention pond only takes in water from the new subdivision. It was built to only handle that portion of the Crestview Heights subdivision. Councilperson Runyan stated the elevation maps show that Corunna is low and all of the water outside the city runs into the City of Corunna. Councilperson Ockerman stated Mr. Crawford has done everything possible he could do. Councilperson Ockerman further stated he has met with some of the citizens individually and they asked to have the issue brought to council's attention. Mayor Billis stated there have been other communities who have been hit just as hard if not harder than Corunna has. He further stated it was a tough storm that brought a lot of water. Councilperson Ockerman stated Mr. Crawford and Ms. Hitchcock did a terrific job in answering the citizen's questions and not everybody will be happy, but he thinks the citizens know that the city has done everything possible to alleviate the problem. Robert Gilman stated the problem will only get worse with further development of the new subdivision because there will be more and more water runoff in the area. Councilperson Hornus stated that was the reason for trying to get the drainage district but nobody wanted it. Councilperson Runyan stated it appears the ditch running along the railroad tracks should be cleaned out. Ms. Hitchcock advised the ditch does need to be cleaned out but it does not belong to the city. The entire length of the ditch is on private property and the only thing the city is responsible for is the roadway. Councilperson Runyan asked if the ditch that runs

along the railroad belongs to the railroad then maybe the city could explain the problem the city has to them. Ms. Hitchcock suggested looking at the drainage study that was done. Mayor Billis asked what the objections were with the drainage district. Councilperson Hornus stated the people did not want it or think it was needed. Councilperson Ockerman stated the proposed drainage district encompassed a large area. He further stated the people in his area do not have a water problem and that is why they were opposed to the drainage district. Mayor Billis stated he received a call from Edward Hagan who resides on S. Comstock Street and the street washed out because of the rain and Mr. Hagan indicated he spoke with Ms. Hitchcock about it. Ms. Hitchcock stated she did not talk to him about this situation and has not spoke to him in a month. She further stated the last time she spoke to him he wanted the road graded. Mayor Billis stated he drove down the road and it appeared that water did wash the road out. He further stated Mr. Hagan indicated a crown would help the road. Councilperson Hornus stated it would help any road. Frank Svrcek stated the road has always been a problem and there was not much that could be done with it. Mayor Billis asked if the road had a crown on it. Mr. Svrcek advised yes, but Mr. Hagan's house is on a hill and water runs down hill. Mayor Billis stated from what he saw the water ran along the side of the road and then crossed over the road, which washed the road out.

CONSIDER PURCHASE OF FIRE HYDRANTS: Bayless moved, Dumond seconded to purchase three fire hydrants from Etna Supply Company at the price of \$725 each for a total of \$2,175.

Roll call vote:

Yes: Runyan, Ockerman, Bayless, Hornus, Dumond.

No: None.

Motion CARRIED

CONSIDER ACCEPTANCE OF 2000 STREET IMPROVEMENTS: Ms. Hitchcock explained the low bid for the street improvements came in at \$119,630.80, which was more than what was budgeted. She recommended accepting the bid from Tom's Advanced Paving, and if council decides to change the project then it could be changed after that point. She stated council was approving the quantity or unit cost. She further stated no paving would be done if the contract was not approved. Councilperson Ockerman asked how much was budgeted. Ms. Hitchcock advised \$80,000. Dumond moved, Hornus seconded to accept the bid from Tom's Advanced Paving in the amount of \$119,630.80 with the knowledge that the contract can be adjusted according to the work that will actually be done. Mayor Billis asked what council was approving. Ms. Hitchcock advised council was approving the contract with Tom's Advanced Paving to do the street work. Councilperson Bayless advised council had four options to look at and streets could be

eliminated or added. He further advised council had discussed doing some streets this year according to the priority list that was created and he thought everyone was in agreement that streets needed to be done.

Roll call vote:

Yes: Hornus, Dumond, Bayless, Ockerman, Runyan.

No: None.

Motion CARRIED

Ms. Hitchcock advised council had four options to consider, which she reviewed. She further advised the projected year-end balance for 2001 in the General Fund is \$370,000 and the auditors recommend keeping the General Fund at eight to twelve percent, which is \$130,000 to \$195,000. She also advised the projected year-end for Major Streets is \$162,000 and the recommended amount is between \$20,000 and \$30,000. The projected year-end for Local Streets is \$57,000 with the recommended amount being between \$11,100 and \$16,600. Ms. Hitchcock stated her recommendation would be to go ahead with the project and to lower the fund balances. Councilperson Runyan asked if the entire project could be done without a budget amendment. Ms. Hitchcock advised no. Mayor Billis asked when the paving season ended. Mr. Crawford advised November 15. Mayor Billis stated he wanted to take options one to four with him in order to give it more thought. Councilperson Ockerman stated he was opposed to raising the budget; but if the budget is raised then the money should go into the streets. Councilperson Runyan stated he was opposed to starting a project and then stopping it. If the city has the money then the project should be finished. Ms. Hitchcock asked Councilperson Runyan if he wanted the project to come out of the Local Street Fund. Councilperson Runyan advised yes. Ms. Hitchcock advised the local street budget expenses (203-450-818) would need to be increased by \$49,000. Runyan moved, Hornus seconded to amend the local street budget expenses by \$49,000 to bring the total project cost to \$128,830.80. Councilperson Ockerman stated he was still opposed to budget amendments and does not want to use this amount as a starting point next year.

Roll call vote:

Yes: Bayless, Runyan, Dumond, Hornus, Ockerman.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF JIM LOCKWOOD TO THE DOWNTOWN

DEVELOPMENT AUTHORITY: Hornus moved, Runyan seconded to approve the appointment of Jim Lockwood to the Downtown Development Authority as presented by Mayor Billis.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Runyan, Bayless.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Larry LeCureux stated there are high weeds on the street corners and he has pulled them out once. Mayor Billis stated he noticed them today.

Larry Friess stated he started smelling fumes after Mr. Crawford turned on the air conditioner. Sooner or later someone is going to get sick in this room. Mrs. Bates stated it could be the fire truck.

Judy Horton stated she has lived on Dutcher Street for 36 years and she had more water on her property this year than she ever had.

Betty Bates asked for an update on the city sewer and sidewalk projects. Mr. Crawford advised the final work on the sewer construction was being done right now and it should be done soon. He further advised the sidewalk project was suppose to start today but he did not see the contractor because he was at the sewer construction project most of the day.

ADJOURN: Runyan moved, Bayless seconded to adjourn.

Roll call vote:

Yes: Bayless, Runyan, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED Time was 9:38 p.m.

DR. JAMES BILLIS, MAYOR

YVONNE F. LONG, CITY CLERK