

City of Corunna
Regular Council Meeting
Monday, October 18, 2010

Present: Kerridge, Mehigh, Jessen, Sarrazin, Johnson, Reichert.

Absent: Haskins (excused).

Guests: Joe Sawyer, City Manager; Judy Horton; Gary Granger; Tim Crawford, Superintendent of Public Works; Merilee Lawson, City Assessor/Planner; Chief Kim Williams, Police Department; Gary Arnold, C2AE; Bob Morehouse; Donna Kerridge; John Pajtas; Julie Mattera, The Argus Press; Helen Granger, The Independent; and other concerned citizens.

The meeting was called to order in the council chambers of Corunna City Hall by Mayor Kerridge at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Johnson moved, Sarrazin seconded to approve the previous regular meeting minutes dated October 4, 2010 as presented.

Roll call vote:

Yes: Jessen, Sarrazin, Johnson, Reichert, Mehigh.

No: None.

Motion CARRIED

AGENDA APPROVAL: Johnson moved, Jessen seconded to approve the agenda as presented with the deletion of Item No. 8) Discussion on 2011/2012 Budget Goals/Priorities.

Roll call vote:

Yes: Sarrazin, Johnson, Reichert, Mehigh, Jessen.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Sarrazin moved, Reichert seconded to approve the vendor disbursements dated October 15, 2010 as presented.

Roll call vote:

Yes: Johnson, Reichert, Mehigh, Jessen, Sarrazin.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Chuck Fellows from Green Oak Township, Michigan introduced himself as the democratic candidate for the Michigan Senate District 22. He advised is a retired manufacturing manager and not an incumbent politician which may define him as crazy for running for office. He has over 40 years in the business world and has been active for small business development and education. His business background gives him the experience for public office. He encouraged everyone to go to his website www.chuckfellows.com to find his resume and position on the issues.

John Pajtas, County Commissioner, brought council up to date on what had happened at the Finance Committee meeting today. The Finance Committee decided to keep the Veterans Affairs millage rate the same as last year which was 1/20 of a mill because it is projected that \$70,000 will be spent and between the amount that will be rolled over from last year and the millage collected this year it should generate about \$167,000. He encouraged veterans who need help to come in to see if they can get some assistance.

Donna Kerridge updated council on the Labor Day walk. It was very successful and she was happy with the turnout even though she would have liked to see more Corunna faces. There was discussion a couple of years ago about developing a turnaround area on the walk path in case of emergency and it is something she felt is needed.

CITY MANAGER'S REPORT: Mr. Sawyer advised the city has been working with the county board

of commissioners in obtaining easements from the county that were required as part of the USDA loan. The USDA program requires the city to map its water and sewer lines. There has been a history of the city not getting easements that it was supposed to have gotten in years past. He thanked Ms. Lawson for all of her hard work in preparing the easements.

CONSIDER EXCUSAL OF COUNCILPERSON DOUG HASKINS FROM THE OCTOBER 18,

2010 COUNCIL MEETING: Johnson moved, Reichert seconded to excuse Councilperson Doug Haskins from the October 18, 2010 council meeting due to being out of town.

Roll call vote:

Yes: Reichert, Mehig, Jessen, Sarrazin, Johnson.

No: None.

Motion CARRIED

PRESENTATION – COMMUNITY CENTER IMPROVEMENTS: Mr. Sawyer advised Judy

Horton has donated \$5,000 to replace the windows in the lower level of the community center. Ms. Horton stated it is something that had to be done.

CONSIDER PROPOSAL FOR INDUSTRIAL PARK PLAT: Mr. Sawyer advised the hold up for developing the industrial park on Parmenter Road is a lack of water and sewer utilities. The project should be out for bid by Thanksgiving and construction should begin in the spring. Gary Arnold explained the procedure required for preparing an industrial park plat. Councilperson Sarrazin asked where the money would come from. Mr. Sawyer advised the Industrial Development Fund. Johnson moved, Reichert seconded to approve the proposal for an Industrial Park Plat in an amount not to exceed \$23,925 with C2AE.

Roll call vote:

Yes: Reichert, Mehig, Jessen, Sarrazin, Johnson.

No: None.

Motion CARRIED

CONSIDER NORTH SHIAWASSEE STREET TRAFFIC DESIGN: Gary Arnold explained the sewer line will be replaced on North Shiawassee Street from Walnut Street north to the K-Mart entrance drive. The street is being designed for three 12-foot lanes instead of four lanes

because the traffic counts do not support a four lane road. Mr. Sawyer advised the depth of the new sanitary sewer will be deeper than what it is now. A new lift station will be installed across from the Sleseman Drive intersection, which will allow the city to eliminate the K-Mart and Walnut Street lift stations. The city does not currently have an adequate right-of-way for a four lane road. Councilperson Sarrazin stated he does not understand why the southbound lane will start off as two lanes then merge into one in front of D & G Equipment. Mr. Arnold advised he would get an answer. Councilperson Sarrazin stated he thought it would create an issue when Machine Tool and Gear employees leave at shift change. Johnson moved, Sarrazin seconded to approve the North Shiawassee Street Traffic Design.

Roll call vote:

Yes: Jessen, Johnson, Reichert, Mehig, Sarrazin.

No: None.

Motion CARRIED

CONSIDER PROPOSALS TO CLOSE/PROTECT TEST WELLS: Mr. Sawyer explained the test wells were installed when the E85 project was being explored. Three test wells were done; one on school property where the soccer field is located, one at the boat launch area and one along the brush line of the boat launch area. One of the two inch wells were driven over this past year and an emergency repair was required on the well casing. During the repair, John Bendall advised the wells could be capped inexpensively if the city wanted to get rid of them. The cost to cap the three two-inch wells is \$580 and the cost to protect the six inch well is \$566.74. He is recommending awarding the bid to Bendall Well Drilling. The money will come from the Industrial Development Fund, which is where all of the activity began in the first place. Johnson moved, Reichert seconded to approve the proposal from Bendall Well Drilling in the amount of \$1,146.74 to close and protect the test wells.

Roll call vote:

Yes: Reichert, Jessen, Sarrazin, Mehig, Johnson.

No: None.

Motion CARRIED

CONSIDER 2010/2011 BUDGET AMENDMENT #1: Sarrazin moved, Reichert seconded to approve the following Resolution 101810-01 a resolution amending the 2010/2011 Budget:

RESOLUTION 101810-01
RESOLUTION AMENDING THE 2010/2011 BUDGET

WHEREAS, The City Council of the City of Corunna desires to Amend the 2010/2011 Budget to Adjust Departmental Expenditures and increase the Adopted General Fund Appropriation;

NOW THEREFORE BE IT RESOLVED, that the budget for the City fiscal year beginning July 1, 2010 after recommendation by the City Manager be amended by the City Council as described as follows:

<u>Fund. #</u>	<u>Fund. Name</u>	<u>FROM:</u>	<u>TO:</u>
101	General Fund	\$1,612,559	\$1,662,559

General Fund Expenditures:

<u>Dept. #</u>	<u>Dept. Name</u>	<u>FROM:</u>	<u>TO:</u>
203	Internal Services	\$100,486	\$90,486
301	Police	\$408,513	\$409,513
441	Public Works	\$280,338	\$346,838
967	City Services	\$368,547	\$361,047

BE IT, the same is hereby adopted, and the amount therein provided as recommended; appropriations are hereby appropriated according to the departmental totals.

BE IT FURTHER RESOLVED, to amend the following fund appropriations:

<u>Fund. #</u>	<u>Fund. Name</u>	<u>FROM:</u>	<u>TO:</u>
211	Parks Improvement Fund	\$8,950	\$16,350
245	City Improvement Fund	\$356,431	\$376,431
415	North Shiawassee Construction	\$500	\$115,000
416	East Corunna Ave Construction	\$10,045	\$55,295
419	West Corunna Ave Construction	\$5,025	\$125,275
422	Industrial Development Fund	\$27,500	\$37,500
590	Sanitary Sewer Fund	\$487,882	\$517,882
591	Water Fund	\$465,900	\$556,400

Roll call vote:

Yes: Johnson, Reichert, Mehig, Jessen, Sarrazin.

No: None.

Motion CARRIED

DISCUSSION ON DAM: Mr. Sawyer explained this has been a frustrating process. The city has been trying to get some answers from the state, but they are not required to give the city any answers. The Administrative Law Judge, who works for the DNRE, is refusing to give the city a hearing even though the law says they shall if the city asks. The city has the following four options that Gary Croskey has recommended and the city attorney concurs with: to litigate in court and if this is an option the council wants to pursue, the city attorney is recommending that it be done immediately so a docket can be set in Shiawassee County versus Ingham County, which will save the city some money; file a permit application to draw down impoundment and to “abandon” the dam; follow the order to draw down but not file a permit application; or do nothing and wait for another DNRE Order, which is something the staff is not recommending. Councilperson Reichert stated it is obvious that this is something political and advised he was in favor of filing a lawsuit which will give the city time to talk with local state representatives to find out why the city is being targeted and get it stopped. Mr. Sawyer advised it appears there is escalated enforcement of dams throughout the state from what he has seen. Councilperson Sarrazin stated he would like to agree with Councilperson Reichert as far as litigating, but he also wonders what the end game result is going to be and wants to move wisely and not waste anymore taxpayer money. Mr. Sawyer stated there is no question that if the city wants to spend tens of thousands of dollars or six digits it could be victorious in a legal setting but sometimes you can win but still lose. The city could win all of the points but potentially have a finding that if there is an uncontrolled

discharge from the natural failure of the dam it could release sediment downstream and fill in a fish bed. Even though the city is absolutely right with all of its arguments, the city could still be required to do the draw down and would be out thousands of dollars. Councilperson Sarrazin stated the state is ordering the city to pull the stop logs and it is the only action that it is requiring. The city will not be operating the dam after that and he would move to abandon the dam and put it in their hands. He suggested complying with the order by filing for a permit and immediately after that advise the state that the city is no longer operating the dam and give it to them. If they want to pull out the dam then it will be on their nickel. He further stated it should be clearly written in the permit application that the city is doing it under protest. Mr. Crawford advised once the stop logs are removed, he does not want the city or anyone else held liable for any damages it may cause. The city tried to address this with the state, but they did not want to hear it. He asked the council for direction in the way the staff should go. Councilperson Sarrazin advised he would file the permit and abandon the dam, but before doing this, an article should be put in the paper notifying the property owners along the river that if they have a boat in the river they should get it out because the city is complying with the state's order and there might not be any water. The timing could be right with the millage question coming up that might cause people to vote for the millage since it can be used to repair, replace or remove the dam. Mr. Sawyer suggested applying for a permit under protest so the city can once again have the opportunity to voice its concerns and if the state decides to ignore it once again then so be it. Councilperson Reichert stated once the dam is abandoned is there a way to get it back if people want to spend money on it. Mr. Sawyer stated the city is not abandoning ownership; it is only abandoning its operation. Councilperson Johnson advised the city has probably opened the state's eyes to a lot of what ifs. Mr. Sawyer stated the spillway is not wide enough to handle the water flow during high water. It is questionable if the water level will ever draw down because the second it rains the water will come back up and will flow over the dam. It will create a huge fluctuation of water which is a great enemy to sedimentation, wildlife, wetlands, erosion and puts both sides of the dam in danger. The state's response was if the city feels that way then maybe the city should hire an engineer to evaluate it. They do not recognize Mr. Croskey even though he is an engineer and retired from the state DNR Dam Safety Division. He further stated the state representative and state senator have been contacted and expressed no concern whatsoever. Sarrazin moved, Reichert seconded to file a permit application to draw down impoundment under protest and to abandon the dam.

Roll call vote:

Yes: Jessen, Mehig, Sarrazin, Johnson, Reichert.

No: None.

Motion CARRIED

ROUNDTABLE DISCUSSION: Councilperson Mehig advised he had nothing to discuss.

Councilperson Jessen advised he had nothing to discuss.

Councilperson Sarrazin advised on Mack Street across from the middle school there is a concrete pavement joint that is two inches lower than Comstock Street. He asked if it could be milled down because it is a rough joint.

Councilperson Johnson advised she had nothing to discuss.

Councilperson Reichert thanked Judy Horton for her donation and it is appreciated. He stated the DNRE should feel lucky that they picked on somebody with no money because if they had picked a battle with someone with money they might be losing this battle.

ADJOURN: Jessen moved, Mehig seconded to adjourn.

Roll call vote:

Yes: Sarrazin, Mehig, Jessen, Johnson, Reichert.

No: None.

Motion CARRIED Time was 8:23 p.m.

Charles Kerridge, Mayor

Nichole L. Cowdrey, Clerk/Treasurer