

REGULAR MEETING
Litchfield City Council - City Council Room
October 15, 2013 - 6:30 PM

Mayor Smith called the meeting to order at 6:30 PM.

Roll Call: Present – Mayor Edwin Smith, Councilpersons Jessica Bills, Rick Siebert, Don Bannick, OR Smith and Greg Chapman.

Absent – Brenda Thomas

Also Present – City Manager- Douglas Terry, Clerk-Susan Ballinger, Treasurer-Jill Pelham, Chief, John Michelin DPW Supervisor-Tony Langhann, Admin/ Asst.- Lauren Skelly, Susan Michaels, Dennis Mitchell (Rainbow Services), Kelly Gampel (Index), Andy Barrand (HDN), Jim White and Brand Benzing

Consent Agenda – Councilman Siebert moved to approve the consent agenda, seconded by Councilman Chapman. Motion Carried.

Call to the Public – None

Public Hearing-Single Family Dwelling as A Conditional Use in B-1 District- Mayor, Smith opened the public hearing at 6:31pm. Manager, Terry informed the board that the Planning Commission in regards to a request of a property owner in the B-1 District which is referred to as Marshall Street. The property owner is almost surrounded by houses, although he is a manufacture facility, but has houses to the south and east of his property. The property owner's goal is to build a single family dwelling home on the same property as his manufacturing facility. After discussing with the city attorney, council members, and planning commission it was decided to hold a public hearing, advertise in local papers, and send out notices. The Planning Commission did endorse this change at their meeting and what's in front of this board tonight is the Planning Commission's recommendation to amend the ordinance as presented. Councilman, Siebert stated that in the Planning Commission minutes there's one member of the board that felt if this ordinance was passed it would mean any business could do this. Manager, Terry stated no, this is a "Conditional Use" so each and every time a request like this occurs it would have to go under the review of the Planning Commission. Councilman, Siebert stated this would be setting a precedence. Manager, Terry stated every property is unique. Mr. Barker's property is already surrounded by mostly homes (residential property) it was felt that there would not be to more cases like this one. Once this ordinance is passed, Mr. Barker will have to go back in front of the Planning Commission for his plans to be reviewed to make sure they meet all the requirements of setbacks and is in full compliance. With no further comments/discussion Mayor, Smith closed the public hearing at 6:35pm.

First Reading Ordinance 2013-02- Amend Chapter 1266 of the Codified Ordinances to "Allow a Single Family Dwelling as A Conditional Use in B-1 District"- Clerk, Ballinger read the first reading of Ordinance 2013-02.

Public Hearing-Add to Permitted Uses in B-1 District- Office, Personal Services, & Storage - Mayor, Smith opened the public hearing at 6:35pm. Manager, Terry stated this is the first reading of the proposed ordinance and it has been reviewed by both the city attorney and the planning commission. What precipitated the writing of this ordinance was a new property owner of the old nursing home. Once we started looking at what was allowed in this district we realized that professional offices, storage and personal services needed to be added to "Permitted Uses in the B-1 District". With no further comments/discussion Mayor, Smith closed the public hearing at 6:37pm.

First Reading Ordinance 2013-03 Amend Chapter 1266 of the Codified Ordinance to add "Offices, Personal Services, and Storage as a Permitted Use in the B-1 District."- Clerk, Ballinger read the first reading of Ordinance 2013-03.

Approval of Revised Resolution 2013-17 Livonia Tool Inc. - Clerk, Ballinger informed the board that Livonia Tool had submitted two separate IFT applications with one being under the name of Livonia Tool Properties. Both IFT's and all the required paperwork was submitted to the State Tax Commission. Then last week I was contacted by the State Tax Commission and that the original submitted IFT documents could not be approved under the name Livonia Tool Properties. The state felt that entity to be a real estate holder and IFT's can only be granted to industrial companies and they have requested the documents be changed to say Livonia Tool Inc. The state had also contacted Livonia Tool's CPA which whom submitted and created the original application to the city and requested the same change be done to the application.

Councilman, Bannick, moved to accept revised Resolution 2013-13, seconded by Councilman, Smith. Motion Carried.

Resolution 2013-19-Authorizing taking custody of Real & Personal Property DDA - Manager, Terry explained the purpose of this resolution to the board. Treasurer, Pelham stated that she questions the wording of the immediate possession in the DDA motion. If the DDA's intent is to take possession of their assets upon dissolution then they would need to amend their current motion from July. Clerk, Ballinger stated that it was her understanding that the DDA Chairman and board wanted the assets (photographs) off their book immediately. Councilwoman, Bills stated that she thought possession of assets was to take place upon dissolution. Mayor, Smith suggested that we pass the current resolution as presented and then make amendments if needed at a later date. Councilwoman, Bills moved to accept Resolution 2013-19, seconded by Councilman, Chapman. Motion Carried.

Lot Line Adjustment-Bender to Eagle Funeral Home - Manager, Terry described the lot split and the process to the board. This split will still allow both properties to meet the required setback requirements. The administration request that city council approves this request. Councilman, Smith moved to accept the lot line split/adjustment from Bender to Eagle Funeral Home, seconded by Councilman, Siebert. Motion Carried.

Semco Energy, Inc. Utility Easement Agreement -(19-040-001-436) &(19-015-400-017) -Manager, Terry informed the board that this utility easement project is related to the Southern Michigan Power Plant request to put in 6' inch steel pipe line along the old railroad right-of-way. The railroad started in 1866 and the right-of-way was owned by the State of Michigan. When the railroad dissolved and the right-of-ways weren't needed anymore the right-of-ways were conveyed by to the municipality. The attorney's discovered that the city has deed but not title but none the less and there had to be a re-writing of the utility corridor and it's going to the railroad right-of-way just about in the same spot. The documents that you have in front of you tonight describe a new utility right-of-way and have been viewed and approved by both Roy Brandes and Kevin Shirk's offices. Councilman, Bannick moved to approve the Semco Utility Easements-(19-040-001-436) &(19-015-400-017) and Authorize the Mayor to sign, seconded by Councilwoman, Bills. Motion Carried.

Hillsdale County Equalization Contract Renewal-Authorizing Mayor & Clerk Signatures - Treasurer, Pelham stated that the Hillsdale Equalization & Mapping department provide certain services to all the units of government in Hillsdale County. The county uses a two tier structure. A few years ago the county approached the units of government about a fee to provide certain services such as mapping and equalization. Most of the units of government have the county print their tax bills but I print our own tax bills. Treasurer, Pelham recommended to the board to go with option (1) which doesn't have the printing of the tax bills included. Councilman, Siebert moved to accept the Hillsdale County Equalization Contract Renewal Option (1) and authorize the Mayor and Clerk to sign, seconded by Councilman, Chapman. Motion Carried

Solid Waste Contract - Manager, Terry stated that our current contract with Republic Services has expired and as the board is aware that I have been working with other communities to come up with a collation that would go in jointly to try to achieve scales of economy. We started off with fourteen communities and then down to three now down to ourselves. The way Litchfield collects for solid waste fees is different than other communities so it was very difficult to come up with a single request for proposal that was mostly like ours. Talking with most municipalities they agreed the way Litchfield collects for solid waste was the proper way. However, administratively it would have been a difficult task for other communities to change. Manager, Terry stated he would create an RFP(Request for Proposals) and seek proposals from other collectors, he would do so, but in this

case Mr. Terry believes that the .34 cents increase yearly over the next five years is a good deal for the city and its citizens. Councilman, Bannick questioned the contract but felt it would be the best deal the city would be able to receive. Councilman, Siebert stated he has contacted and tried to have other companies come into Litchfield but has been unsuccessful. Councilman, Bannick moved to accept the Solid Waste Contract from City Star Services, Inc. (Republic Waste), seconded by Councilwoman, Bills. Motion Carried.

Proposed Stantec Engineering Contract for Pavement Marking Design of East St. & Stock St. - Manager, Terry informed the board that on some of our major streets there has been some difficulty delineating where ownership and right-of-way begins and ends and where center line is located. Approximately, two weeks ago Mr. Terry had contacted Stantec for a proposal to properly mark out legal lines for streets. The proposed price is \$1450.00 and the reason for that is because there is a lot of legal research that needs to be done regarding lane width. If the board decides to stripe the streets it should be done by a professional engineer so that the board has the certainty that the city knows where it stands legally. Mayor, Smith asked Mr. Terry to inform the board of East Street. Manager, Terry stated that along East Street that some of the parking lot is up along the school and there has been some irregular parking situations up at the school nothing serious that hasn't been able to be remedied through talking. The idea is that it's a major street and we want the parking areas and be able to delineate where the parking areas where. Mayor, Smith asked about what the estimate would be to actually stripe the streets. Manager, Terry stated probably around \$2800.00 maybe a little less and that would be for both streets. Councilman, Chapman asked if the \$2800.00 would be on top of the \$1450.00. Manager, Terry stated yes. After some discussion amongst the board Councilwoman, Bills moved to table the proposal contract from Stantec for Pavement Marking Design of East & Stock Streets, seconded by Councilman, Smith. Motion Carried.

Request-City Manager, Vacation Time Review -Manager, Terry informed the board that on November 15th which is his hire in date he would acquire another 19 days (152 hours) of vacation time and that he currently has a balance of 275 hours and that will bring Manager, Terry to a total 427 hours. Manager, Terry requested that the board allow him to give each of the full time employees (1) one week of his vacation time which would still leave him 147 hours of vacation time. After a some discussion amongst the board. Councilman, Bannick moved to allow Manager, Terry to transfer (1) one week of his vacation time to the (7) full time employee's and carry over any remaining hours, seconded by Councilman, Chapman. Motion Carried.

Approval of Resignation of Councilman, Greg Chapman - Councilman, Bannick moved to accept the resignation of Councilman, Chapman with regrets, seconded by Councilman, Smith. Motion Carried.

Bills for Approval – Councilman, Chapman moved to approve the bills in the amount of \$66,463.63 and charge to the proper accounts, seconded by Councilman, Bannick. Motion Carried.

Brad Benzing - Mr. Benzing addressed the board introducing himself and informing them that he will be running for 58th District, State Representative seat in August 2014. Mr. Benzing gave information regarding his background.

Police Report – Councilman, Siebert moved to accept the police report and place on file, seconded by Councilman, Smith. Motion Carried

Public Works Report – Councilman, Siebert moved to accept the public works report and place on file, seconded by Councilman, Smith. Motion Carried

Treasurers Update – Treasurer, Pelham stated that she has officially closed the books for June 30, 2013. Treasurer, Pelham went over her final report and the first quarter fiscal report for 2013-2014.

City Manager's Update – Manager, Terry stated that he had met with MDOT regarding the bridge's deck deteriorating prematurely which was done during streetscape. This normally is under warranty by the contractor. Unfortunately, the contract for streetscape is closed out. MDOT will bring in their own crews next spring and grind down the bridge and put a new decking on it.

The city will soon begin replacing Simpson Drive Lift Station. However, the Farmer's Almanac says we are in for a rough winter so we are going to talk with contractors and see maybe about waiting until spring.

As Treasurer, Pelham had indicated cash wise the city is in good position but Lansing is moving its targets all the time and it's very important that the city stays within our budget.

Committee Reports – Councilman, Smith stated that the Fireboard had position replacement of a few people.

Councilman Concerns - Councilman, Chapman thanked the board for a good experience serving on the council. Clerk, Ballinger reminded board members that city charter states it's their responsibility to appoint someone to Councilman, Chapman's seat within 30 days.

Correspondence –

Adjournment – Councilman, Chapman moved to adjourn at 7:32pm, seconded by Councilman, Bannick. Motion Carried