

REGULAR MEETING  
Litchfield City Council - City Council Room  
October 16, 2018 - 6:30 PM

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

Roll Call: Present – Mayor, Smith, Councilpersons – Don Bannick, Rick Siebert, Dan Efstathiou, Jessica Bills, Kevin Collins and Andy Reynolds.

Absent: None

Also Present – City Manager - Douglas Terry, Treasurer/Finance Director - Jill Barrett, Police Chief – Dan Roberts, DPW Supervisor – Tony Langhann, City Clerk-Susan Ballinger, Deputy Clerk/Treasurer – Lauren Skelly, Abe Dane, Ed Clark and Mike Warner-Index.

**Consent Agenda** – Councilman Siebert moved to approve the consent agenda as presented and place on file, seconded by Councilwoman Bills. Motion carried.

**Call to the Public-** Mr. Clark asked if the board would be discussing anything about the sump pump letters that went out to all residents. Manager Terry stated that over the last year there has been an issue of overcrowding of the sanitary sewer system. The city was having a lot of extraneous flow from storm water and the city had a premature ice melt and then also the city had a lot of rain in the spring. We knew from our lift stations that were continuously running and looking at the quality of water, it is what we call extraneous flow rain water. The city experienced a terrible problem in the South part of town where ground water levels had risen and sump pumps were going into the sanitary sewer. In every community throughout the state there has been an effort to try and remove sump pumps out of the sanitary sewer, why, because we are treating rain water that doesn't need to be treated as part of our sanitary sewage problem. The other thing it does, it causes our city pumps to run continuously. The city has seven lift stations but they're running continuously. There is a concern on the part of the city that if the pumps were to fail such as the motor burning up, not only do we have a problem of water backing up into people's basements but also sanitary sewage. So, the city administration is trying to take an inventory of sump pumps in our resident's basements, not everyone has a sump pump and not everyone's pumps flow into the sanitary sewer. It's important for us to inventory who has a sump pump to lessen the effect of water going into the sanitary sewer system. We are not trying to inflict any costs onto our residents; the problem is that it will have to be addressed. The city needs to try and re-route the sump pumps out of the city sewer systems.

Mr. Clark stated then this process will be done on an individual basis. Manager Terry stated yes. At one time, the city has stepped up and paid to have some of these sump pumps re-directed. The city had to because the lift stations at M-49 was at a point that it was taking in so much and running 24/7 we were fearful of its failure. We will take an inventory first then give a report to the board for their review and decide what approach to take. Mr. Clark stated that for some people this could be an expensive change. Mr. Terry stated not exactly, until we need to do an inventory before we even say. The city doesn't want to impose a cost on the home owner but what we do want to do is try and get out of the sanitary sewer. Councilman Bannick asked what gives the city the right to enter a home. Manager Terry stated first of all, we will ask to enter the home. Councilman Bannick asked so the homeowner has the right to say no, Mr. Terry stated yes, however, under the city ordinance the city has the right and the obligation at any time to be able to enter upon the property as a condition of us giving you service. We're not trying to be intrusive but we have an obligation also to maintain the system in safe and efficient manner. Over time the city hopes to remedy this and have the cooperation of our residents. Treasurer Barrett pointed out that the alternative is that if there are too many people that aren't honest is sewage backing up into their basements and I'm sure the residents don't want that either. The city is trying to prevent that from happening.

Mr. Paletis asked if the board heard back from the city attorney regarding the liability of possessing the dams and secondly, does the city council have an opinion of wanting the Mill Race and are we butting heads quietly and nobody wants it but us. Mayor Smith stated the city does not have control of the Mill Race its dams are located outside city limits. Councilman Bannick stated he would like to see the dams opened again but you have to talk with the township. Manager Terry stated the city has not yet heard back from the attorney and we need to make sure what the city's exposure would be. We want the board to be able to make a decision based on good science and what the facts are and what the laws are, so as far as the Mill Race the city doesn't have control over the dams. We would have to sit down with the township and work on that but until that time we want the city attorney give us the facts are.

**Discussion Payment in Lieu of Tax Contracts** – Manager Terry informed the board that the school has objected to paying the \$3,000 as part of an agreement signed in 1970. So the city has a conflicting opinion from two attorneys one those attorneys being Kevin Shirk written in 2004 and then we have attorneys Tom Thompsons letter written in 2018. The letter from Kevin Shirk was found today when the girls were looking for another document. Manager Terry stated that he knows that both the school board and city council wants to rid themselves and make a decision on this issue. Manager Terry recommends to the board that the contracts remain intact and stay in place and after a long discussion amongst the board members.

Councilman Bannick moved that the Payment in Lieu of Tax contracts with Litchfield Community Schools and other businesses stay enforce until which time they are returned to the tax roll, support Councilman Efstathiou. Clerk Ballinger did a roll call vote, Yeas: Councilpersons, Efstathiou, Bannick, and Reynolds. Nays: Councilpersons, Collins, Bills, Siebert, and Mayor Smith. Motion Failed.

The board continued with further discussion regarding Payment in Lieu of Tax contracts and after a lengthy discussion Councilman Bannick made another motion.

Councilman Bannick moved to collect the Payment in Lieu of Tax for the 2018 year contracts and then eliminate all contracts after the 2018 tax year, support by Councilman Siebert. Motion Carried. With (1) Nay vote from Councilman Efstathiou.

**Resolution 2018-15 Support Grant Application to the Mich. Twp. Participating Plans Risk Reduction**- Councilman Siebert moved to adopt Resolution 2018-15, supported by Councilwoman Bills. Motion Carried.

**First Reading Ordinance 2018-04 – Amend Section 1020.02 Prohibit Deposit of Grass in Streets** – Clerk Ballinger gave the first reading of Ordinance 2018-04. No action required at this time.

**Bills for Approval** – Councilman Bannick moved to approve the bills in the amount of \$77,569.50 and charge to the proper accounts, seconded by Councilman Reynolds. Motion carried.

**Police Report** – Councilman Bannick moved to approve the police report as presented and place on file, seconded by Councilwoman Bills. Motion carried.

**Public Works Report** – Councilman Siebert moved to accept the public works report as presented and place on file, seconded by Councilman Reynolds. Motion carried.

**Treasurers Update** – City Treasurer Jill Barrett informed the board that she has finished closing the books. Quarterly reports are in the packets and based on we the city is at this time of year the revenue and expenditures are right where they are expected to be for this time of year. If any board members have any questions they can contact Jill at her office anytime.

**City Manager's Update** – Manager Terry stated that Consumers Energy is still trying to track down a Street Light for half of Hawthorne Heights.

Mayor Smith informed the board that Red White & Blue Organization stopped in the City of Litchfield two weeks ago and there was a great turnout. Manager Terry stated that it was a success due to the support of DPW, Police and Fire Departments, along with city staff.

Manager Terry gave a brief update regarding the ground breaking of the new Michigan Hubb located on Herring Road.

**Correspondence** – None

**Committee Reports** – None

**Councilpersons Concerns** – Councilman Siebert asked the staff to put out reminders to the public regarding burning leaves.

Councilman Bannick asked if we could check the lights at the memorial they haven't been coming on. Clerk Ballinger Stated that Mr. Griffiths stopped in the office today to take care of the lights at the Veteran's Memorial.

**Adjournment** – Councilman Bannick moved to adjourn at 7:32 p.m., seconded by Councilman Collins. Motion carried.

