

REGULAR MEETING  
Litchfield City Council - City Council Room  
September 11, 2012 - 6:30 PM

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

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

Absent – None

Also Present – City Manager- Douglas Terry, Clerk-Susan Ballinger, Treasurer-Jill Pelham, Officer Dan Roberts, DPW Superintendent-Tony Langhann, Charles Hegwood, Walt Adams, Brian Sattler, Dave Tefft, Steve Burns, Wayne Cook, Charles Hergert, Tony Trombley, Chad Wilson and Andrea Wilson.

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

**Call to the Public** – Charles Hegwood informed the board of his brother Dan Hegwood and Shane Lindemeyer's homeless situation and stated that they both have been living in a tent in the woods. Charles stated that he could no longer assist with housing them during the winter months because Charles' lease obligation at the apartment complex where he currently resides at does not allow for more than one occupant in his apartment. Charles is asking the board what could be done if anything to help his brother and Shane with winter approaching. Manager, Terry stated that Mr. Hegwood had spoke with the police department regarding this matter and the city will do anything the city can do to help or assist by contacting social services agencies that will assist these two men. Although, I have indicated at other meetings that it is prohibited for anyone to be residing on city owned property especially without sanitary facilities. The city's approach would be to have the police department make contact with the individuals and then contact the Salvation Army and other agencies in Hillsdale County that provide those services. The city would then be quite insistent to the individuals that they have to vacate the property. Manager, Terry stated that the city does not want to see anybody injured or fall to illness due to weather conditions. It is somewhat difficult because someone of competence can't be mandated, but the city would work with them in a proper manner to try and help those individuals find proper housing. But people must understand the primary mission of the city is to protect all its inhabitants, but the focus is municipal government and there are state agencies that specifically deal with the homeless and the city can help pursue those avenues. Mayor, Smith stated that the board supports anything the city manager can do to help out, beyond that there is no action that the board can take at this time. Charles stated he just wanted to let the board know their situation. Manager, Terry asked Officer, Roberts to take some information from Charles Hegwood and they could start working on a solution in the morning.

**Public Hearing – Ordinance 2012-04- Amendment to Section 660.02 Subsection (b) (4) Discharging of Firearms.** Mayor, Smith opened the Public Hearing at 6:36p.m. Mr. Sattler asked if there had been any past problems or incidents within the city with this issue. Mayor, Smith stated that he was not aware of any incidents and that the city is trying to prevent any incidents. Mr. Sattler asked the board to leave the option of allowing bow hunting up to the residents and the DNR already has a rule that a hunter must be 450 feet away from any building when hunting. Mayor, Smith stated that the board has discussed this issue in great lengths and it was consensus of the board that there is no need for any type of hunting within the city limits, that there are plenty of hunting grounds surrounding the city. Mrs. Wilson stated that she and her husband own sixteen acres within the city limits and doesn't feel it's right to be told that they can't hunt on their own land. Mr. Tefft spoke on behalf of hunters and stated he himself has owned a Sporting Goods business in this city for the last thirteen years. Mr. Tefft stated that his customers either own property or have had permission to hunt within the city limits and feels that's been allowed for all these years that it's wrong to take it away when there has not been any bad incidents. The hunters have always respected the rules of the state and the land owners. From a conversation side of this is,

it's that constant hunting pressure in the fall especially during bow season that have kept a large number of deer out of town and if that pressure is taken away there will be a large amount of deer showing up in town. There is a reason that the property owners have allowed hunting on their property's it's because of damage deer can cause to their yards, gardens, and bushes. Walter Adams stated that his brother-in-law (Mr. Sattler) owns thirty-five acres within in the city limits and it's all wooded and the bow hunters have always been very respectful and shoot only what they see and not just what is moving. Mr. Burns stated that he feels this issue of hunting within the city limits came when an issue came up with him hunting a piece of the golf course property. Mr. Burns stated that the city police were called to respond to a report of someone hunting on property, which was me but I was not hunting I was setting tree stands up to hunt on the adjacent property. Mr. Burns disagrees with the ordinance on the basis of what the other residents have already stated to tonight. Mr. Burns asked the board why this ordinance is even on table and what brought the ordinance to the table tonight. Mayor, Smith stated that he is not sure what brought this issue to table. Mr. Burns stated that he hunts a forty acre parcel located on the golf course and that this is a source of income that the golf course can receive from that property and this ordinance will take that income away from the golf course. The city should stick with the current policy of no firing a gun within the city limits. Mr. Wilson agrees that there have been no incidents regarding the hunters breaking any DNR laws and the residents don't have a problem with the current policy and that there is no reason for this ordinance. Mayor, Smith asked for further comments. Mr. Tefft stated that you see a lot of land owners represented here tonight and they should have the last say on whether anyone hunts on their property and not be dictated to them on whether they or anyone else can hunt their land. Mayor, Smith asked Mr. Tefft when you talk about a bow -n- arrow are you talking about a cross bow too. Mr. Tefft stated that a cross bow is a legal bow in Michigan. Archery season starts September thru January and a hunter can carry any bow. The true bow season starts October 1<sup>st</sup> and goes for about 45 days and the average archery shot is 30 yards or under. I hate to see this right be taken away from the hunters when in my thirteen years of business here there have been no problems. Councilwoman, Bills asked what distinguishes from a cross bow is it what shoots 30 yards. Mr. Tefft stated most people in archery, their stands are designed to shoot 30 yards a cross bow does have the capability of going a little farther. And hunting from a tree stand the hunter is shooting towards the ground so they'll either hit the deer or the ground. Mr. Sattler stated that you could have the ordinance state that a hunter must hunt with their bow from an elevated stance, which would give it the downhill grade. Councilwoman, Bills stated the other issue is that we have all these restrictions but who is going to go around and enforce them. Mr. Sattler stated the same people that enforce the rules now. Mr. Burns stated that the DNR and the police department. Mr. Siebert asked would there be a certain height required to shoot at an elevated stance. Mr. Sattler stated 10 or 12 feet. Councilman, Bannick stated that we are trying to enforce an ordinance for a problem that doesn't exist. Manager, Terry stated that this ordinance was brought to the Planning Commission and it was that board that held some public hearings on this issue. What the Planning Commission board was trying to do was look at what the city currently had as an ordinance and compared to other cities, what could or should we do and that is why this issue brought to the council. This is also about the protection, health and safety of our citizens. From the safety stand point it was brought to the Planning Commission for their review. Public hearings were held and some of the audience members here tonight attended those hearings. There was a delay in the time period because the city was busy with other requirements and projects. The Mayor and the attorney reminded me that the city needed to address this issue again. The current ordinance you have here; the administration followed the council's instructions based on the last council meeting this was issue was discussed. But what the people need to understand is what the motive was bringing this to council; 1. What does the other cities do in the state and 2. The city has an obligation to protect the residents. These are the only reasons for bringing this issue to the board. Mr. Burns stated he disagrees with the Manager's reasons for bringing this to the board and believes the board should leave things the way they are and reject this ordinance. With no further comments Mayor, Smith closed the public hearing at 6:55p.m.

**First Reading, Ordinance 2012-04-To amend Subsection (b) Section (4) of Section 660.02 of the Codified Ordinances of the City of Litchfield, Prohibiting the discharge of Firearms, Air Rifle, Air Pistol, or Bow and Arrow within the City of Litchfield.** Councilman, Bannick moved to reject Ordinance 2012-04, seconded by Councilman, Smith. Motion Carried

**Approval of Change Order #1 Belson Asphalt Paving.** – Manager, Terry stated that after he and Mr. Belson done the initial walk through and put the proposal together we found some other areas that need to be paved. The water mains break on Pioneer Drive that needed to be repaired. So along with some other areas that elevated the cost up another \$3,612.00 to be exact. We are asking the council to amend the original contract to also include this \$3,612.00 change order. Councilman, Bannick moved to approve the \$3612.00 change order for Belson Asphalt, seconded by Councilman, Smith. Motion Carried.

**Stock Street Water Main Extension.**-Manger, Terry informed the board of the situation regarding the cause and need for the water main extension. Stating that right now the Grain Mill and the red building both have city service which starts by Mr. Burns driveway and that service went south a number of years ago. Mr. Walters has built a new building and is requesting water service to that building. The city's service currently only comes up to the right-a-way/property line. The city can only run a certain diameter of water service so many feet due to friction laws. In order to give Mr. Walters' new building water service, the city will need to extend the water main on Stock St. and where the hydrant currently sets is about where the water terminates. This will be a 4 inch main and when streetscape was done the city put in 12 inch stub for future use, so that a loop could be done for water service from M-49 to M-99. The administration is not asking to do the loop right now, but we do need to get water to Mr. Walters and in order to do that the city needs to bring the main out 60 feet and then install a water service at the edge of the property and from that point on would be Mr. Walters responsibility. Councilman, Smith asked so there are water lines on our existing easement. Manager, Terry stated yes, and this will initiate things that need to be done. The city might have to bring in a survey crew to describe an easement in the Stock Street roadway. To keep the city in a good legal position we need to describe the width of the water main and declare it in a public right-a-way and that means we need a legal description for the water main. Manager, Terry stated he will meet with the city attorney to go over this again. If you as a board approve this tonight, that will require the administration to contact the city attorney and start lining up the contractor. So what the administration is asking for the council's approval to expend around \$12,000.00 to install a water main to provide water service to Mr. Walters new building. Councilwoman, Bills moved to accept the bid from Parrish Excavating in an amount for \$11,956.00 with the authorization to allow the City Manager another \$3,000.00 for extra items that pertain to the water extension, seconded by Councilman, Smith. Motion Carried

**Compensation Commission Re-appointment – Bill Nobels.** Councilman, Bannick moved to re-appoint Bill Nobles to the Compensation Commission, seconded by Councilwoman, Thomas. Motion Carried.

Mayor, Smith excused himself from the meeting at 7:15pm for another meeting. Councilman, Smith will proceed with the meeting as Mayor, Pro-Tem.

**Bills for Approval** – Councilman, Bannick moved to approve the bills in the amount of \$48,755.57 and charge to the proper accounts, seconded by Councilman, Smith. Motion Carried.

**Police Report** – Corporal, Roberts informed the board that the new car is ready and just waiting on the computer control cam for the laptop. Also, Corporal, Roberts updated the board on new expense repairs regarding the older cars. Councilwoman, Bills questioned if the plan was to now sell the gray car. Manager, Terry stated that we are having an employee meeting on Thursday and the administration needs to review our equipment. Manager, Terry stated his thoughts are to keep the gray car for a back up and because it's newer and has had maintenance, but we will have to monitor the repair expenses and if the department has to continue putting out money for repairs then we might have to do something different. Councilman, Bannick moved to accept the police report as presented and place on file, seconded by Councilman Smith. Motion Carried.

**Public Works Report** – Superintendent, Langhann stated they received the W. Saint Joe bridge report and all is done and sent into the state. Councilman, Smith asked if this was just an inspection. Langhann said yes, it's done every other year. Langhann stated that he received a 5 and 10 year maintenance plan on the bridge and he will get a copy to the board. Langhann said they have been doing bridge maintenance at Fireman's Park and we are looking at doing some maintenance on the damn by the feed mill. The pool is just about ready to be done for the season. Councilman Siebert, moved to accept the public works report as presented and place on file, seconded by Councilwoman, Bills. Motion Carried.

**Treasurers Update** – Treasurer Pelham informed the board that she finished closing the books for June 30 and the reports are in their packets. Treasurer, Pelham was approached to hold a training session regarding the budget reports and she would like to know if anyone else on the board would like to attend a refresher training session to just contact her to setup a date and time that fits everybody's schedules. Treasurer, Pelham stated that the auditors have audited the books and things sounded good and we should have a nice report at the October meeting.

**City Manager's Update** – Manager Terry stated that the administration has been going through its 20 year Master Plan. The city received a quote from Region II to re-do the plan, but it was around \$8,000.00 and Manager, Terry believes it's something that he and the Planning Commission can revise over the next year. Manager, Terry stated that we have had a successful season, but the pool manager has informed me that she will be unable to return next season. So the city office will be re-advertising for that position. Manager, Terry stated that a lot of his time has been working with Litchfield Initiative and they are currently offering Welding classes four days a week at the Krohn's Center. Manager, Terry stated that he is meeting with a non-profit agency regarding the Nursing Center, he believes the agency deals with substance abuse and I'm meeting with them on Thursday. The administration will be sending out letters to different agencies for the Nursing Home to be used as an assisted living, because the building can never be opened with skilled nursing again. The city is working with Hillsdale Hospital to try and help us find a partner. Manager, Terry informed the board that TIFA went out for bids for a 20,000 square foot concrete floor for their Spec Building. Manager, Terry informed the board that the public works department will be picking up brush and leaves and getting equipment ready for the winter months. Councilman, Bannick asked if TIFA was purchasing the property on Marshall St. that used to be the old Rehabilitation Center to put in a cemetery. Manager, Terry said no, TIFA is not purchasing that property or putting in cemetery. Manager, Terry stated that there is a movement to develop a World War II Memorial and one of the sites looked at was that property.

**Committee Reports** – Councilman, Smith said he was approached with a question regarding an accident with one of our fire trucks. Councilwoman, Thomas stated that yes, there was an accident. Manager, Terry stated that incident happened while he was out East and that Bill Nobles was the person that informed him of the incident. Councilwoman, Thomas stated that the Fire Department was not at fault that a person tried passing the fire truck while the truck was attempting to make a left turn all the lights and sirens were on.

Mayor, Smith returned to the meeting at 7:45pm

**Councilman Concerns** – Councilman, Smith stated we have correspondence from the Post Office. Manager, Terry stated that the administration has notified every elected official. The Litchfield Post Master has to write her supervisor to receive permission to disclose information. Senator, Levin's' office has shown a great deal of interest in this subject and has requested information. The Post Master is awaiting a response from her supervisor, so that the city can gather revenue information to show that we do more than the surrounding cities. The city really needs to come together to keep this office open. Mayor, Smith stated when this hearing comes up, the city needs to get everybody here we can from residents to business owners.

**Adjournment** – Mayor, Smith motioned to adjourn at 7:50 pm, supported by Councilman, Chapman. Motion Carried.