

REGULAR MEETING  
Litchfield City Council - City Council Room  
September 20, 2016 - 6:30 PM

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

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

Absent: None

Also Present – City Manager - Douglas Terry, Treasurer / Deputy Clerk - Jill Barrett, Police Chief-Dan Roberts, DPW Superintendent – Tony Langhann, Ed Clark, Melinda DinWiddie, and Julie Games.

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

**Call to the Public** – None

**Second Reading Ordinance 2016-09- To Approve the Editing & Inclusion of Certain Ordinance & Resolutions & To Repeal Ordinances & Resolutions in Conflict Therewith.** Deputy Clerk Barrett gave the second reading of Ordinance 2016-09. Councilman Smith moved to adopt Ordinance 2016-09, seconded by Councilman Efstathiou. Motion carried.

**Bills for Approval** – Councilman Bannick moved to approve the bills in the amount of \$59,481.03 and apply to the proper accounts, seconded by Councilman Reynolds. Motion carried.

**Police Report** – Police Chief Roberts stated that he and a few of our other officers attended training for legal updates and human trafficking put on by the prosecutor's office. Both police cars have been serviced to get them ready for winter. Councilwoman Bills moved to accept the police report as presented and place on file, seconded by Councilman Bannick. Motion carried.

**Public Works Report** – DPW Superintendent Langhann stated he has an update on the door quotes for the public works building we talked about last month. The Skelly bid was a lot cheaper and the type of door quoted in Skelly's bid is a commercial door. DPW Superintendent Langhann stated he felt comfortable with trying Skelly because they are local and if we have trouble they are right here. Councilman Bannick moved to accept the bid from Skelly for two doors in the amount of \$2,850.00 each, seconded by Councilman Siebert. Motion carried.

Councilman Siebert stated he noticed there are a lot of trees hanging in the walkways of the sidewalks and wanted to know if it was the homeowner's responsibility to trim those or ours. DPW Superintendent Langhann stated that our DPW started working on trimming the branches overhanging streets and sidewalks yesterday. Motion made by Councilman Smith to accept the DPW report as presented and place on file, seconded by Councilwoman Bills. Motion carried.

**Discussion/Review Snow Plow Bids** – DPW Superintendent Langhann stated he received bids from Ziebart out of Battle Creek and Performance out of Jonesville and both were under budget. We are installing this snow plow ourselves. Councilman Smith moved to accept the bid from Performance in the amount of \$6,647.67, seconded by Councilman Reynolds. Motion carried.

**Treasurers Update** – Treasurer Barrett informed the board that our office has finished collecting summer taxes and for personal property and IFT taxes we have only two that remain unpaid which is really good. She is still working on closing the books.

**City Manager's Update** – City Manager Terry placed proposals for software in front of the board and stated that

part of the SAW (Stormwater Asset management and Wastewater) grant we received a couple years ago included software to pinpoint exactly where our sewer utilities are but it does not include water utilities. The proposals we received are for both water and sewer. The stormwater and sanitary sewer would be about \$37,000 and the water would be about \$9,000. It is important to include both water and sewer in our software. The engineer working on this is going to see if the DEQ will pay for the water as well as the stormwater and sanitary sewer, but because of lack of State funds available, we will probably be asked to pay for the water portion ourselves. Manager Terry asked the board to review the information provided over the next month and pose any questions he should ask the engineer before we purchase this software. Mayor Smith asked why does it say four years in the proposal. DPW Superintendent Langhann said that the proposal covers the first four years of software maintenance, and then there would be an annual maintenance fee. One of the questions DPW Superintendent Langhann has is what would it cost the City annually after the first four years. Councilman Bannick asked if this software would show if there was a leak. DPW Superintendent Langhann stated that this software is more about record keeping where our underground utilities are so that if we have a water main break we can identify what valves need to be shut off in order to repair it. Manager Terry said our current meter reading software, Galaxy, does a pretty good job of identifying leaks. Our public works department monitors the reports that alert us to a possible leak. Councilman Bannick asked why we did not catch the leak at the mobile home park. DPW Superintendent Langhann stated that we had found it and notified the property owner, but it is tough when you have so many units in a mobile home park locating where the problem is so that it can be repaired. Councilman Smith asked who does the mapping for the software? DPW Superintendent Langhann stated the engineers have done most of that already. Mayor Smith stated he sees it requires us to provide Shapefiles and AutoCAD drawings. DPW Superintendent Langhann stated the engineers have already done that under the SAW grant.

Manager Terry informed the board that TIFA has decided to postpone paving Hawthorn Heights until TIFA's current project(s) costs and revenues are known. Manager Terry apologized for prematurely sending out letters to homeowners in Hawthorn Heights notifying them their street was going under construction this month. He will send out another letter to those same property owners notifying them that their street project has been postponed. The Pioneer Street project will proceed as planned.

Manager Terry stated he has been contacted by several property owners in the Pioneer Street area concerning Mill Race. There is a private property owner who is making claim to property and has advised the surrounding homeowners that any trees are his. Under Michigan law there are a number of statutes regarding riparian rights. Riparian rights are the way the State of Michigan administers waters able to be navigated, such as lakes, streams, ponds, mill races... anything by water. Over time, water erodes land when a property owner has property that is contiguous to a body of water. On the other side of the body of water it may give it back. There is a shifting of physical property all the time. Michigan law indicates that both parties have rights. Manager Terry informed the board the City of Litchfield cannot become involved in private property disputes. We can provide information such as land descriptions but not take sides with any property owner or referee between property owners. Manager Terry stated he has advised the property owners involved to seek legal counsel to find out what their rights are and suggested the board should offer the same advice if approached with this matter. It is up to an attorney to review the law, title and abstract to see where the property lines are but most of the time it is settled through the means of a survey.

Manager Terry presented the board with a proposal for street preservation maintenance on North Chicago Street, the section between Centennial Street and M-99. He explained that seal coating a street protects the surface helping to make it impervious to water as well as other things. Manager Terry recommended that we crack seal and seal coat this section of North Chicago Street. Councilman Bannick asked what we were going to do about the section on North Chicago Street between Park and Centennial Street. Manager Terry explained that section requires more than preservation maintenance. Councilwoman Bills asked if there was anything we could do to smooth out the section on North Chicago Street between Park and Centennial Street. Manager Terry said no; that section requires a total reconstruction. Councilman Bannick asked if there was any short term patch we could do. DPW Superintendent Langhann said our public works department has patched that section several times this summer. Manager Terry stated there are shade trees and probably root system in that area, but until the water gets off that street, we are always going to have that problem. We need to connect the storm sewer and put in catch basins between Park and Centennial Street, probably three to four man holes. Councilwoman Bills asked if we

can take care of the water before we begin a total reconstruction project on that section. Manager Terry explained that we would have access to address the water problem when we reconstruct the street because streets are built from the bottom up. Manager Terry said he could get a price on just putting in the storm sewer this year, but we still would be spending a substantial amount of money. Mayor Smith stated this proposal is just for crack sealing, and does not include seal coating. Manager Terry said that is correct. Mayor Smith asked if Manager Terry was recommending crack sealing a section on Saint Joe Street also because it is included on the proposal. Manager Terry said no, he is only recommending we crack seal and seal coat North Chicago Street at this time. Manager Terry is concerned if we have a bad winter, we might deplete our street funds, so he is only recommending the North Chicago Street project at this time. Councilwoman Bills stated that we budget for a bad winter. Councilwoman Bills asked what needs to be done on Williams Street because the section up by the school seems worse than North Chicago and East Saint Joe Street. Manager Terry said that section of Williams Street would probably need to be milled. Councilwoman Bills asked if there were only two options; crack seal & seal coat or mill & resurface, to repair the streets. Manager Terry, the board, and DPW Superintendent Langham discussed additional street repair processes. Manager Terry stated that when you crack seal, you should also seal coat so the rubber that has been placed in the cracks does not come up. Manager Terry said he will get more information on the cost of seal coating after crack sealing the North Chicago Street section in the proposal. Mayor Smith asked if Manager Terry would like the board to postpone any action on this at this time. Manager Terry said yes, he will contact the contractor in the proposal to get a cost on seal coating and bring that information back to the board.

**Correspondence** – Councilman Smith asked if the city swimming pool information they received in their council packet was just a report. Manager Terry said yes, our Mayor is working on pursuing a grant on pool repair and that report shows how much busier our pool was this summer compared to last summer. Councilman Smith asked if we were going to put a pool millage on the ballot for this election. Mayor Smith said we can't now, but we need to plan on doing that. Councilwoman Bills asked Treasurer Barrett if she was going to look into a millage with the City Attorney. Treasurer Barrett said we are not going to be able to put it on the ballot for this year because the date has already passed to have the ballot language to the County. Clerk Ballinger looked into it and I believe she said it needs to go on the next City election. This would allow us more time to gather information to educate the public. Manager Terry stated there is also a question on whether levying a separate pool millage would prohibit us from levying additional operating millage because we are limited to a maximum millage by charter and further limited by a headlee rollback from years ago. Treasurer Barrett, Mayor Smith, and Manager Terry discussed how the headlee rollback works. Manager Terry stated the attorney proposed the possibility of creating a recreation authority where they could levy millage. Councilman Smith stated at one time we discussed bringing a pool millage up for a vote to let the citizens decide on how they wanted to pursue that. Treasurer Barrett stated there are two issues: 1) the capital investment of improving the condition of the pool, removing it, or putting in something else and 2) cost of operating it. A millage of two mills will not be enough for the capital investment portion. Manager Terry stated that with the streets in need of repair Council, at some point, will need to determine what our priorities are. Treasurer Barrett said what we are concerned about is if the public passed a millage of approximately two mills for pool operations and we don't have enough money coming in from the State to fix the streets, Council cannot levy additional millage to fix the streets (with the cap of 14.994 mills). Mayor Smith said the grant he put together is for 1.5 million dollars and there is a pool in it, playground, and a bigger parking lot. He is not sure if we will get some of it, all of it, or none of it, but if we should get a new pool, then I think we are going to need to go to a vote and see if the people want to put a millage on just to operate it. It would be a shame if we got a new pool and have to turn it down because we can't afford to operate it.

**Committee Reports** – None

**Councilman Concerns** -None

**Adjournment** – Councilman Smith moved to adjourn at 7:20 p.m., seconded by Councilman Efstathiou. Motion carried.