

**OFFICIAL PROCEEDINGS OF THE
CITY COMMISSION OF THE
CITY OF SCOTTVILLE, MICHIGAN**

The 1393rd Regular Commission Meeting of the Scottville City Commission was held on January 9, 2017 and called to order at 5:30 p.m. by Mayor Krieger.

Roll Call was taken with the following members present:

Commissioners	Leon Begue
	Sally Cole
	Tom Donald
	Connie Duncil
	Bruce Krieger
	Sue Petipren
	Marcy M. Spencer

Also in attendance were City Manager Williams, Clerk Howe, Chief Riley and Attorney Thompson.

APPROVAL OF THE MINUTES

Motion, by Cole and seconded by Duncil, to approve the 1392nd Regular Meeting Minutes with the following correction:

- Under the DDA report the first sentence should read, “The Mason County Family Events has offered to be an umbrella organization for the Harvest Festival, pending a signed contract.”

Motion carried as corrected.

APPROVAL OF THE BILLS

Motion, by Begue and seconded by Spencer, to approve the bills in the amount of \$137,681.04. Motion carried.

HEARING OF THE CITIZENS

- Sherry Anderson, 5117 North Stiles Road, read a statement why the Orton family is asking that the alley between East Fourth and East Fifth Street be abandoned. The reasons included, but were not limited to:
 - >The City attorney is recommending the alley be officially abandoned.
 - >The Durfees property is not land-locked and they have access to their property from Nelson Street. The City spent \$800.00 to open the street to make this happen.

>It would cost the City additional money (demolition, legal fees, etc.) to open the alley back up because they have allowed the residents to build structures and other items in the alley.

- Jim Durfee, 411 South Main Street, would like just the north end of the alley abandoned.
- Ed Hahn, 311 Evergreen Lane, asked why citizens who live outside the City limits were allowed to speak at the meeting.
- Wendy Orton, Manistee, stated the reason her and her sisters were attending the meeting that night was because their mother was unable to be there.
- Williams noted the Lothrop and Krieger deeds state they own both sides of the alley, which indicates the alley was abandoned at one time, but no record of the abandonment has been found.
- Sandra Durfee, 411 South Main Street, feels a resident is only entitled to own the property that is recorded on their deed.
- Jackie Krieger, 509 South Main Street, believes a building permit would never have been issued to a resident if the property was not owned by that person.
- Thompson noted ownership does not have to be proven before a building permit is issued.

COMMUNICATIONS

The monthly Rural Fire Authority Minutes were submitted for review. Williams stated another township has opted out of paying the firemen's wages. This topic will be discussed at an upcoming township supervisor's meeting.

Mason County is in the process of updating their master plan and they are asking for input from the citizens by filling out a simple survey, which can be accessed on the County of Mason's website.

REPORTS CITY MANAGER

Williams is still waiting on the final pay request from B& L, the engineers for the water main replacement project. She noted there are several items still left on the punch item list that needs to be resolved in the spring and money for those items will be withheld from their final pay request.

The Infrastructure Committee met to discuss the PAVER software program and they have requested that the Finance Committee create a multi-year budget for street repairs. A formal recommendation will be presented at a future Commission meeting for approval once the report is finalized.

Williams will be meeting with the MCC superintendent and transportation director to discuss alternative routes for the buses to use that will help alleviate the wear and tear of the streets.

Williams noted she learned of a grant opportunity from the MEDC that may pay for some street repairs.

CITY ATTORNEY

Thompson stated he has been to court regarding some tickets and has been working on easements and alley abandonment issues.

POLICE DEPARTMENT

Chief Riley noted the monthly police report was submitted for review.

TREASURER'S REPORT

Reports will be available at the next meeting.

DDA REPORT

The Harvest Festival Committee meeting will meet on January 19 at 6:00 p.m. at the North Country Café.

ADDITIONS AND DELETIONS TO THE AGENDA

None.

OLD BUSINESS

Mayor Krieger stated he purchased his property over 50 years ago. When he purchased the property there was a cement post located on the SE corner of the lot and a barn sat on the alley right-of-way. The property to the north of his property had a building that still exists and it also was located in the alley right-of-way. Over the years, the residents of South Main Street between Fourth and Fifth Streets have used and maintained the alley as an extension of their yard. Krieger believes sometime between 1970 and 1980 the City abandoned the alley, although no record of it can be located. At the time the abandonment took place, Mr. Krieger removed the cement post. He purchased part of the lot directly behind his property and has always been under the impression that he owned both sides of the abandoned alley. The description of his property does not indicate anything about an alley. In 1991 he tore down the barn and built his

garage. Mayor Krieger and his neighbor to the north both received the necessary permits from the county to build their garages. Krieger stated the Durfees purchased two lots behind the Orton's knowing that he would not have access to those lots. The City made some improvements to Nelson Street so the Durfees could access their property and not be land-locked. The City also paid to have Fourth Street surveyed so the exact boundaries were known. It cost the City approximately \$1,200 for the survey and the improvements to Nelson Street. Krieger stated there has been a dispute between the Durfees and Mrs. Orton, which has caused a lot of tension between them.

Attorney Thompson is recommending the entire alley and not just a portion of it be abandoned for the following reasons; it appears the alley was abandoned years ago because the residents have been using it as part of their property and it has never been used as an alley. The Durfees would be the only ones who would benefit from the alley not being abandoned because it would be more convenient for them to access their lots, but Thompson noted they can access their lots from Nelson Street. If the alley is not abandoned it could cause a hardship for the remaining residents who have used the alley as an extension of their property. If the alley is abandoned, the City will not be involved in any dispute that might result between neighbors because their legal responsibility will end.

Williams stated they found paperwork from 1914 that suggested the alley was to be platted, but somehow it was never formally documented. All the legal descriptions indicate the alley is un-platted, which has led to the confusion.

Commissioner Donald asked Mrs. Orton's family if the Commissioners postponed a decision for two more weeks would they be willing to sit down with the Durfees and try to resolve their dispute. Mrs. Orton's daughter stated too many things have happened between the two parties to make that possible at this time. Jim Durfee stated he is tired of the mud-slinging and he no longer cares if the alley is abandoned or not and just wants a decision made that night.

Sandy Durfee asked about the process of recording the land associated with abandoning the alley.

Williams stated the legal descriptions are recorded with the State of Michigan within 30 days of the abandonment.

Motion, by Begue and seconded by Spencer, to abandon the alley between East Fourth and Fifth Streets. Roll Call Vote:

Cole – Yes
Duncil – Yes
Petipren – Yes
Krieger – Abstained
Donald – Yes
Spencer – Yes
Begue – Yes

Motion carried.

NEW BUSINESS

None.

HEARING OF THE CITIZENS

None.

COMMISSIONERS REPORTS AND COMMENTS

None.

ADJOURN

It was moved by Begue seconded by Spencer to adjourn. So carried at 6:19 p.m.

Bruce Krieger, Mayor

Deborah A. Howe, Clerk