

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

The 1390th Regular Commission Meeting of the Scottville City Commission was held on November 21, 2016 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, Treasurer Shaffer and Attorney Thompson.

APPROVAL OF THE MINUTES

Motion, by Begue and seconded by Duncil, to approve the 1389th Regular Meeting Minutes and the 41st Organizational Meeting Minutes. Motion carried.

APPROVAL OF THE BILLS

Motion, by Begue and seconded by Cole, to approve the bills in the amount of \$80,542.06. Motion carried.

HEARING OF THE CITIZENS

Sandy Durfee was glad that the sidewalk on Main Street south of Fifth Street was repaired. Mrs. Dufeee was pleased to see police vehicles patrolling her neighborhood.

COMMUNICATIONS

A copy of the corrected September 22 Meeting Minutes was submitted for review along with the minutes from their October 27th meeting. A meeting to discuss the wage reimbursement issue will be held in December.

Williams received correspondence from MDOT regarding a meeting that is scheduled to discuss non-motorized plans and new bike maps for our area. The meeting will be held December 7 from 4-7 p.m. at the airport. The public is invited to attend the meeting.

PUBLIC HEARING

Motion, by Duncil and seconded by Donald, to close the regular Commission meeting and open the Public Hearing for the purpose of discussing an alley abandonment request. Motion carried.

Williams stated the alley in question runs north and south between East Fourth Street and East Fifth Street, but it does not look like an alley because over the years two garages, a green house, fences and gardens have been placed there by property owners who have property adjacent to the alley. Williams stated it was always assumed the alley was previously abandoned, but after intensive research, no proof locally or at the county level was able to be found that the abandonment officially took place. If the alley is abandoned it will be divided in half and each of the property owners on either side of the alley would own an additional 10 feet. Letters of the abandonment request were sent to all property owners adjacent to the alley as well as all utility companies. None of the utility companies contacted Williams, so it appears no utility lines run through the alley. She received one letter from Mrs. Betty Orton who is in favor of abandoning the alley. Jim and Sandy Durfee also submitted paperwork that supports their desire to not have the alley abandoned in its entirety.

Thompson cautioned the Commissioners to make sure they make the right decision because once a decision is made it cannot be reversed. Thompson is recommending the Commissioners abandon the alley because it would prevent any future problems with the City. A vote from five Commissioners is needed to do this and Thompson is recommending Krieger abstain from voting because his name appears on the petition to abandon the alley. Krieger noted he built his garage in the early 90's and received a building permit so he never questioned that the alley was not abandoned. The same is true for his neighbor to the north when he built his garage.

Commissioner Donald spoke with Mr. Durfee over the weekend about this issue and tried to make contact with Mrs. Orton, but was unsuccessful. His suggestion was to not act on a decision that night and he would like to see the neighbors sit down and try to resolve their problem between themselves because if it is left up to the Commission to decide an outcome, one of the parties is not going to be happy.

Commissioner Begue does not feel it is fair to expect Mr. Durfee to access his lots by way of Nelson Road, which will be his only option if the alley is abandoned.

Betty Orton does not want Mr. Durfee to use her property to get to his property.

Sandy Durfee read a statement regarding the history of the alley and also what the responsibility of the City and the residents are regarding the legal use of the alley.

Jim Durfee submitted a copy of the legal deed along with a survey of the area in question that clearly shows residents have misused the alley for years for their own purpose and he feels this should never have been allowed to happen.

Ed Hahn feels the City is responsible for the mess that has been created for allowing the residents to do as they please in the alley. He supports the request to have the alley abandoned.

Mrs. Orton's daughters supported their mother's wish to have the alley abandoned.

Thompson stated the proposed request is to abandon the entire alley and if the Commission wants to do anything different then they have to start the process all over again. There is no legal benefit for the City to not abandon the alley. Thompson noted if the alley is abandoned, Mr. Durfee will not be landlocked and will still be able to access his property from Nelson Road. If the alley is not abandoned the City could be put in a position to start making residents remove the items that are in the alley if those items become an issue.

Begue recommended a decision be tabled until the first of the year to allow time for the Durfee's and Mrs. Orton to resolve their personal dispute amongst themselves.

It was suggested that maybe an easement on Mrs. Orton's property would be a solution, but that could create its own set of problems.

Motion, by Donald and seconded by Begue, to table a decision regarding the abandonment of the alley until the first of the year. Motion carried.

Motion, by Duncil and seconded by Begue, to close the public hearing and re-convene the regular commission meeting. Motion carried.

REPORTS CITY MANAGER

- Stated there is a punch list of items that the contractor needs to take care of regarding the water main replacement project. Most of the items are restoration issues, which will be done in the spring. However, two priority issues will have to be taken care of immediately. The first is to place a permanent stop sign at the SW corner of North Main and West Broadway by Wesco and the second is to relocate a fire hydrant on East Third Street. If these two issues are resolved, no liquated damages will be charged.
- Noted the ornamental street light on East State Street just past the Shell station is not working along with the ornamental street light in front of City Hall. Consumers contacted Williams and informed her that extensive work is needed to repair both lights and they will not be repaired until next spring.
- Attended a meeting with the Mason County Housing Task Force to discuss the one-year progress report. The Neighbor-to-Neighbor program will continue and additional fund raising ideas were discussed.
- Two terms on the Board of Review will expire and any interested residents are asked to contact Williams.

- City Hall has limited hours this week due to the Thanksgiving holiday.
- It appears the reason that the sidewalk to the bridge heaved in two spots was because the cement depth was only 2” instead of the 4”, which was part of the design. The DPW crew will check the rest of the sidewalk for the depth of the sidewalk and if the result is that the whole sidewalk is not up to grade, the contractor will be contacted.

CITY ATTORNEY

No additional reports were available.

POLICE DEPARTMENT

No reports were available.

TREASURER’S REPORT

Shafer stated the City receives 20 different bills from Consumers Energy and they have agreed to change the due date on 14 of them to the same date. She is working to have the remaining 6 come due at the same time. Shafer also noted she submitted some financial reports.

DDA REPORT

Williams reminded everyone that the next Harvest Festival meeting is scheduled to be held December 7 at 6:00 p.m. at the Senior Center.

ADDITIONS AND DELETIONS TO THE AGENDA

None.

OLD BUSINESS

Sue Begue has been the City’s representative on the Ludington Mass Transit Board and she has agreed to serve for an additional two years. Motion, by Cole and seconded by Duncil, to appoint Begue to the LMTA Board. Motion carried with Begue abstaining.

NEW BUSINESS

Williams stated there are three water/sewer accounts that are uncollectable. One is for the Mason County Treasurer for a home that had delinquent taxes; the second had two accounts on a foreclosure property that has been since sold to a private citizen. Motion, by Cole and seconded by Donald, to approve the resolution for write-off delinquent water bills. Motion carried.

HEARING OF THE CITIZENS

Ed Hahn was pleased with the repairs that were made to Evergreen Lane and Gay Streets.

COMMISSIONERS REPORTS AND COMMENTS

Krieger state that when the railroad demolished the building by the railroad tracks they left behind some items. Williams stated they need to have those items removed by a certified waste hauler.

ADJOURN

It was moved by Begue seconded by Duncil to adjourn. So carried at 6:21 p.m.

Bruce Krieger, Mayor

Deborah A. Howe, Clerk