

A regular meeting of the City Council was held at City Hall, 200 S. Main Street on Monday, September 22, 2008, at 7:00 p.m.

Mayor Davidson called the meeting to order.

Present were Mayor Davidson and Councilpersons Brown, Greenhoe, Letarte and Harri. None were absent.

The invocation was given by Pastor Scott Boles of the First Baptist Church of Eaton Rapids.

Councilwoman Brown moved Council Amend the Agenda, to Add Item 9a., under Unfinished and Special Business, Presentation by Cathy Gaupel to Police Chief Malewski and Fire Chief McNutt; seconded by Councilman Harri, passed unanimously. The Agenda was approved as amended.

The minutes from the September 8, 2008, Regular Meeting and the September 15, 2008 Worksession Meeting were approved as printed.

Councilman Harri moved that disbursements of \$994,027.58 be approved; seconded by Councilman Letarte, passed unanimously.

Cathy Gaupel presented Police Chief Malewski and Fire Chief McNutt with a quilt that had been made in their honor in remembrance of September 11<sup>th</sup>. Police Chief Malewski, Fire Chief McNutt and Council thanked Ms. Gaupel for the beautiful quilt and artwork.

Councilwoman Brown moved Council approve the Eaton Rapids High School Student Council to hold the Homecoming Parade on Friday, October 17, 2008, at 6:00 p.m., with the Parade route being River to Knight, Knight to Main, Main to State, State to Greyhound, with the line-up being on River Street between State and Knight and closure of this street at 5:00 p.m.; seconded by Councilman Greenhoe, passed unanimously.

Councilwoman Brown moved Council approve the Mayor's recommendation to reappoint William O'Connell, 807 Jackson Street, to the Local Officers Compensation Commission, for a five year term which will expire on October 1, 2013; seconded by Councilman Greenhoe, passed unanimously.

Councilwoman Brown moved Council approve City Superintendent Poyer's recommendation to award the bid from Fredrickson Supply, in the amount of \$150,000.00, for the purchase of a 2005 Vac-Con Unit; seconded by Councilman Letarte, passed unanimously.

Councilman Harri moved Council approve City Superintendent Poyer's recommendation to award the bid from Candy Ford, in the amount of \$33,909.00, for

the purchase of a F350 Dump Truck for the Department of Public Works; seconded by Councilman Greenhoe, passed unanimously.

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Councilman Letarte moved Council approve City Superintendent Poyer's recommendation to award the bid from Candy Ford, in the amount of \$31,039.00, for the purchase of a F350 Utility Truck for the Water Department; seconded by Councilman Harri, passed unanimously.

Councilman Letarte moved Council approve the Resolution to impose a nine-month moratorium on the operation of new pawnbroker and second hand businesses within the City limits to allow the City Manager and the City Attorney to study the issue and recommend ordinance language governing the licensing and zoning of such businesses; seconded by Councilwoman Brown, passed unanimously.

Councilman Harri moved Council approve the Resolution in support of the Eaton Rapids Public Schools proposal for the use of Union Street school facility; seconded by Councilman Greenhoe, passed unanimously.

Mayor Davidson opened the meeting up at 7:20 p.m. for an Appeal Hearing in accordance with Chapter 12, Housing, Article VI, Property Maintenance, for Property commonly known as 420 Raymerville Court. City Manager LeFevere explained the process and procedure for the Appeal Hearing. There was no owner present from 420 Raymerville Court. Mayor Davidson closed the Appeal Hearing at 7:24 p.m.

Councilman Harri moved Council approve the Resolution on the enforcement of the property maintenance code in regards to 420 Raymerville Court; seconded by Councilman Greenhoe, passed unanimously.

Mayor Davidson stated that the next Agenda Item was for the public to speak on any problems or concerns that they had with the recent flooding, and for the City to report on how this was handled.

City Superintendent Poyer reported that from September 11<sup>th</sup> through September 15<sup>th</sup>, the City had received 7.95 inches of rainfall. Superintendent Poyer stated that on September 13<sup>th</sup> the City had received 4.4 inches and on September 14<sup>th</sup> the City had received 3 inches. Superintendent Poyer reported that the Wastewater Treatment Plant as of September 14<sup>th</sup> was processing four million gallons per day, but by 11:00 p.m. they were having to use the additional storage tank. Superintendent Poyer stated that at 2:30 a.m., they acquired two pumps to help relieve some of the flow and from 2:30 a.m. until 11:00 a.m. they had pumped over ten million gallons. Superintendent Poyer stated that on Wednesday, September 17<sup>th</sup>, it was discovered that there was a break in the line at the Union and River Street crossing, and that there was a sink hole and that the whole yard was flooded, so when this area was sand bagged, it alleviated even more flow from the Wastewater Treatment Plant.

Superintendent Poyer stated that the first part of the river crossing project will be pressure tested this week and put into service by the end of the week, but the second crossing will have to wait until the flow from the river subsides.

Superintendent Poyer reported that there was a problem in the South End of Town, when the stormwater detention pond on Marilyn Street filled to capacity at 2:00 p.m. on Saturday. Superintendent Poyer stated that by 2:00 a.m., all of the water had been cleaned out of the streets and yards, and that the system was just overwhelmed, and that this wasn't even a 100 year storm event, but more like a 200 year storm event.

Superintendent Poyer stated that during this time there had been staff helping with the phones, and logging in any complaints. Superintendent Poyer stated that nine letters with forms have been sent out to residents, and to date only two have been sent back. Superintendent Poyer stated that the next step in the process is to send the forms along with damages incurred to the City's Insurance carrier.

City Manager LeFevere stated that on Sunday night the phones had been monitored by staff that logged in calls where residents were given claim forms and advice on how to proceed. City Manager LeFevere stated that residents who had damage needed to document this with pictures and bills and attach all of this information to the Claim form and that this information would be then sent to the City's Insurance carrier.

Mayor Davidson asked if there was a time limit on filing claims. Superintendent Poyer stated that there was a 45 day time limit.

City Manager LeFevere stated that it needed to be noted that even though the WWTP was at full capacity, it was still able to process over four millions gallons per day that was disinfected.

Mayor Davidson stated that for clarification the claim forms needed to come back to the City and then the City would forward them on to the Insurance Company.

City Attorney Phil Erickson stated that this was correct. The Claims would be sent to the Insurance Company, and the Insurance Company would work with the City and take any recommendations that the City had. Attorney Erickson stated that it was not clear to him as to whether the City has any liability for these types of events. Attorney Erickson stated that new statutes have been passed, and with sewer backups stated there is governmental immunity unless it can be proven that the City knew that there was a defect in the system. Attorney Erickson stated that there was a Act of God Defense. Attorney Erickson stated that the City has contracted to have the WWTP upgraded and that the City has been diligent in correcting known deficiencies. Attorney

Erickson stated that many of these claims might not even be sewer backup claims, but that the claims will need to be submitted and reviewed and then they can move forward. Attorney Erickson stated that in

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the event is was an Act of God Event and/or flooding event, then the statute does not even apply, and that there were a lot of unanswered questions and it was premature to make any decisions until all of the claims have been received and reviewed.

Councilman Harri stated that in some instances claims could be due to flooding while others could be due to sewer back-up, but that this would have to be looked at case by case. Attorney Erickson stated that this was correct, that the City would need access to the homes that filed claims so they could do their investigation to see which were flooding versus sewer backup claims.

Councilman Letarte asked when the 45 days began, was it based on the claim or the rain event. Attorney Erickson stated that it was a statutory notice, and that it starts when the City is notified, which would be Sunday or Monday.

Mayor Davidson asked how residents could be notified to file a claim. City Manager LeFevere stated that this could be put on the bottom of the utility bills that will be mailed out at the beginning of next week.

Mayor Davidson thanked City Manager LeFevere and Superintendent Poyer for the report.

Councilwoman Brown reported on the following: thanked Cathy Gaupel and Nancy Sanchez for the beautiful quilt; that she was at the Public Safety Facility during the flooding and it was very impressive to see the CERT Team in action, and thanked Chief Malewski and Chief McNutt for all of their hard work and the City of Eaton Rapids is blessed with dedicated people; that she is honored to be Precinct 2 Councilperson, and thanked citizens for all of their phone calls, and to continue to contact her with their questions or concerns by phone or email.

Councilman Greenhoe reported on the following: thanked Cathy Gaupel for the quilt; that the CERT Team did an outstanding job as well as the Police and Fire Departments, and that Eaton Rapids is full of volunteers who are well trained and really is a Community that cares.

Councilman Letarte reported on the following: thanked Cathy Gaupel for the beautiful quilt; that kudos go to the City Staff and volunteers for a job well done.

Councilman Harri reported on the following: thanked Cathy Gaupel for the quilt; that the storm had a huge impact on the City last weekend, and thanked the Police and Fire Departments as well as the volunteers and City staff who all pulled together.

City Manager LeFevere reported on the following: thanked Cathy Gaupel for the quilt; and thanked the DPW Staff who also worked all night.

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Police Chief Malewski reported on the following: thanked Council for allowing him to do his job and having their support; thanked Superintendent Poyer and Chief McNutt as this was a team effort; and read the Policeman's Prayer.

Fire Chief McNutt reported on the following: read the Fireman's Prayer; and thanked the County and City of Charlotte for their assistance during the flooding.

City Superintendent Poyer reported on the following: stated that with the CERT Team, Council, the City Manager and Police and Fire Departments it was a team effort.

Mayor Davidson reported on the following: thanked Cathy Gaupel for the quilt; thanked the staff and CERT Team for a job well done; and that Council would be looking into flooding issues in the Springbrook area as well as the Connemara area.

The meeting was adjourned at 7:56 p.m.

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James E. Davidson, Mayor

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Kristy Reinecke, City Clerk