

COUNCIL PROCEEDINGS FOR JULY 13, 1998

MEETING CALLED TO ORDER AT 7:00 PM BY MAYOR KEN BROWN.

PLEDGE OF ALLEGIANCE LED BY CM JERRY JOHNSON.

PRESENT: COUNCIL MEMBERS: KELLY PAVEL, JUDY MURRAY, MIKE LENTS, MARVIN FORD, JERRY JOHNSON, LAURA CARPENTER, MAYOR KEN BROWN, CITY CLERK JULIE MILLER, CITY ATTORNEY MARILYN ZIMMERMAN.

MOVED BY CM CARPENTER SUPPORTED BY CM FORD TO ACCEPT THE MINUTES OF JUNE 22, 1998 AS CORRECTED. MC.

PUBLIC QUESTIONS AND COMMENTS: NONE  
PERSONAL APPEARANCES: NONE

**PETITIONS AND COMMUNICATIONS:**

A. PREAPPLICATIONS AND BUILDING PERMITS:

1. MOVED BY CM CARPENTER SUPPORTED BY CM JOHNSON TO APPROVE RESTORING AND REBUILDING FIRE DAMAGED HOME FOR BILL AND ROSE EVEN, 6917 JAMES ST.. MC
2. MOVED BY CM CARPENTER SUPPORTED BY CM PAVEL TO APPROVE AN 8x8 STORAGE SHED FOR SUSAN BIRKETT, 7095 MCMORRAN ST. MC.
  - CM LENTS REQUESTED FORM BE GIVEN BACK AND FILLED IN COMPLETELY AND CORRECTLY.
3. MOVED BY CM CARPENTER SUPPORTED BY CM MURRAY TO APPROVE NEW WOOD AND NEW SHINGLES ON ROOF FOR NELDA STEIGERWALD, 7126 LINCOLN ST. MC.
4. MOVED BY CM CARPENTER SUPPORTED BY CM PAVEL TO APPROVE A NEW FRONT PORCH FLOOR FOR RAY KRAFT, 4322 MAIN ST. MC

MOVED BY CM JOHNSON SUPPORTED BY CM FORD TO DESIGNATE DAVE KINNEY AS AUTHORIZED COORDINATOR AND PERSON RESPONSIBLE FOR ACCEPTING FEDERAL SURPLUS PROPERTY WITH POWER AND FULL AUTHORITY TO SIGN FOR SUCH SURPLUS PROPERTY. MC.

**PUBLIC HEARING:**

1. EDRA HAYES, NEEDS VARIANCE FOR SETBACK REQUIREMENTS FOR ATTACHED CAR PORT.

A. PUBLIC HEARING OPENED TO PUBLIC AT 7:17 PM . NO COMMENTS FROM PUBLIC.

MOVED BY CM FORD SUPPORTED BY CM PAVEL TO GRANT VARIANCE FOR EDRA HAYES, 4109 MAIN ST., TO ALLOW ATTACHED 10X15 CAR PORT

DUE TO THE SIZE AND NARROW WIDTH OF PROPERTY. MC . CLOSED AT 7:23PM.

2. PUBLIC HEARING FOR ROBERT KOHLER FOR SPECIAL LAND USE PERMIT.

A. PUBLIC HEARING OPEN TO PUBLIC AT 7:23 PM. DALE BISSETT QUESTIONED DRAINAGE AND PRIVACY FENCE ON PROPERTY. KOHLER ANSWERED WITH A NEW SEWER AND 2 MANHOLES. MAYOR BROWN READ ORDINANCE 8404.5 SUBSECTION C AND 8405.5 SUBSECTION 2A ., THAT THERE MUST BE A SOLID FENCE OR WALL 6 FT IN HEIGHT ALONG COMMON LOT LINE AND MAINTAINED IN GOOD CONDITION. MOVED BY CM FORD SUPPORTED BY CM CARPENTER TO GRANT A SPECIAL LAND USE PERMIT TO ROBERT KOHLER, 4429 MAIN ST. MC. CLOSED AT 7:33.

PREAPPLICATION :

MOVED BY CM CARPENTER SUPPORTED BY CM PAVEL TO APPROVE 10X 15 ATTACHED CAR PORT. ROLL CALL VOTE: PAVEL, YES, MURRAY , YES, LENTS, YES, FORD, YES, JOHNSON, YES, CARPENTER, YES. 6=YES 0=NO. MC.

DISCUSSION ON FUTURE, IF SOMEONE SHOULD WANT TO TURN CAR PORT INTO A GARAGE: THEY WOULD NEED A NEW VARIANCE TO DO SO.

MOVED BY CM FORD SUPPORTED BY CM JOHNSON TO INTRODUCE THE LIST OF ORDINANCES TO BE REPEALED.(ORDINANCE 16.300), COMPLETE TEXT AVAILABLE AT CITY HALL. MC.

\*AMENDED >>>>>MOVED BY CM FORD SUPPORTED BY CM JOHNSON TO AMEND INTRODUCTION OF 16.300 TO INCLUDE BICYCLE ORDINANCE. MC.

MOVED BY CM MURRAY SUPPORTED BY CM CARPENTER TO PAY THE BILLS AS PRESENTED IN THE FOLLOWING FUNDS: GENERAL: \$18,134.99, PAYROLL: \$19,005.59, SANITARY SEWER : \$5,853.00, MAJOR STREET: \$660.14, LOCAL STREET: \$594.02, WATER RECREATION: \$5,250.23, INVESTMENT: \$22,459.89. MC.

OLD BUSINESS:

1. M-90 TURN LANE , NO ACTION TAKEN.

2. DISCUSSION ON DAY CARE CENTER FOR MARTHA KENNEDY AND KAREN TOBEY, NEEDS VARIANCE TO HAVE IN RESIDENTIAL AREA.

MOVED BY CM JOHNSON SUPPORTED BY CM CARPENTER TO HAVE A PUBLIC HEARING FOR HOME DAY CARE IN RESIDENTIAL AREA FOR MARTHA KENNEDY AND KAREN TOBEY ON AUGUST 10, 1998 AT 7:15, CONTINGENT ON IF STILL INTERESTED. MC..

COMMITTEE REPORTS:

1. CM CARPENTER TO FIND OUT SIZE OF CAR PORT FOR EDRA HAYES.

2.PESONAL: NONE

3.POLICE: NONE

4. WATER AND SEWER: MOVED BY CM LENTS SUPPORTED BY CM FORD AND MURRAY TO GIVE MAYOR BROWN AUTHORITY TO ACCEPT A BETTER BID TO COMPLETE REPAIR WORK ON REMAINING WORK..

DISCUSSION ON INCREASE FOR GARBAGE PICK UP IN SEPTEMBER.DUE TO INCREASE IN DUMPING COSTS, TO BE PUT IN PAPER.

5. TAX AND FINANCE: MOVED BY CM MURRAY SUPPORTED BY CM JOHNSON TO HAVE A PUBLIC HEARING ON AUGUST 10, 1998 AT 7:30 PM, FOR TRUTH IN TAXATION.

DISCUSSION ON PURCHASING NEW UTILITY BILL SOFTWARE, APPROX. \$2,000, PLUS \$179.00 A YEAR FOR UNLIMITED SUPPORT. MOVED BY CM MURRAY SUPPORTED BY CM JOHNSON TO PURCHASE UTILITY BILL SOFTWARE, WITH PAYMENT SPLIT 3 WAYS FROM THE WATER, SEWER AND GENERAL FUNDS. MC.

4. STREETS AND SIDEWALKS: DISCUSSION TO HAVE LOCAL AND MAJOR STREET FUND BUDGETS TO REFLECT THE FOLLOWING AMENDMENTS: MOVED BY CM PAVEL SUPPORTED BY CM MURRAY TO RECIND MOTION FROM JUNE 22, 1998 ,WHICH READ TO INCLUDE MAPLE VALLEY RD N FROM M-90 TO BUBY ST IN THE 98 STREET PROJECT.MC. THIS IS DUE TO COMPLETING MCMORRAN ST WITH CURBS AND GUTTERS, DOING IT RIGHT THE FIRST TIME., COSTING ABOUT 12,500. MOVED BY CM PAVEL SUPPORTED BY CM CARPENTER TO AMEND THE MAJOR STREET FUND FROM \$62,000 TO \$42, 000. MC MOVED BY CM PAVEL SUPPORTED BY CM JOHNSON TO AMEND THE LOCAL STREET FUND FROM \$24,000 TO \$39,000. MC. MAKING THESE AMENDMENTS, CONTRIBUTIONS FROM THE GENERAL STREET RESERVE WILL BE ADJUSTED ACCORDINGLY, WITH APPROX.. \$4,000 LEFT.

DISCUSSION ON DOWNTOWN ENHANCEMENT PROGRAM.

MOVED BY CM PAVEL SUPPORTED BY CM CARPENTER TO HAVE BOB NICHOLS TO REVIEW MATERIALS TO HELP DEVELOP DOWNTOWN HIGHWAY ENHANCEMENT PROGRAM AND TO APPLY FOR GRANT. MC.

MAYORS REPORT:

1. TREE BIDS. MOVED BY CM FORD SUPPORTED BY CM MURRAY TO HAVE OWENS TREE SERVICE REMOVE BAD TREES AND STUMPS IN RIGHT OF WAY IN TOWN. MC

2. FAX MACHINE: ORDER NEW THICKER PAPER.

3. SANILAC COUNTY DATA PROCESSING AGREEMENT. MOVED BY CM PAVEL SUPPORTED BY CM CARPENTER TO ENTER INTO AN AGREEMENT

WITH SANILAC COUNTY DATA PROCESSING TO PROCESS THE CITY'S TAX BILLS. MC.

4. BUD WELCH LETTER: DISCUSSION TO SEND A LETTER BACK TO RESPOND TO VIOLATION OF AN ORDINANCE, PREAPPLICATION PERMIT WAS GIVEN FOR AN UNATTACHED GARAGE, NOT LIVING SPACE., CITY TO ENFORCE ORDINANCE.

5. SPECIAL ASSESMENT DISTRICT: DISCUSSION OF MAYORS REPORT FOR SPECIAL ASSESMENT AREA. MOVED BY CM LENTS SUPPORTED BY CM FORD AS FOLLOWS:

THE CITY OF BROWN CITY HEREBY RESOLVES:

1.) THE CITY COUNCIL ACCEPTS THE REPORT OF THE MAYOR PRESENTED AT THE JULY 13, 1998, CITY COUNCIL MEETING REGARDING THE PROPOSED SPECIAL ASSESMENT DISTRICT WITH THE FOLLOWING MODIFICATION: THE PROPOSED BOUNDRIES OF THE SPECIAL ASSESMENT DISTRICT AND THE LANDS TO BE ASSESSED SHALL BE ALL THOSE PROPERTIES LOCATED IN THE AREA BORDERED BY THE FOLLOWING FOUR STREETS IN THE CITY OF BROWN CITY: FOURTH STREET, WALTER STREET, FIRST STREET, AND JAMES STREET.

2.) IT IS DIRECTED THAT THE REPORT, AS MODIFIED IN THIS RESOLUTION, BE FILED.

3.) THE CITY COUNCIL TENTATIVELY DETERMINES TO PROCEED WITH THE PUBLIC IMPROVEMENTS AS OUTLINED IN THE REPORT, AS MODIFIED; TENTATIVELY DETERMINES THE NECESSITY THEREOF; SETS FORTH THE NATURE THEREOF TO BE THAT OUTLINED IN THE SAID REPORT, AS MODIFIED; TENTATIVELY DESIGNATES THE LIMITS OF THE SPECIAL ASSESMENT DISTRICT AND THE LANDS TO BE ASSESSED TO BE AS SET FORTH IN THE REPORT, AS MODIFIED; TENTATIVELY DETERMINES THE PART OF PORTION OF THE COST OF THE PUBLIC IMPROVEMENTS TO BE PAID BY THE LANDS SPECIALLY BENEFITTED THEREBY AND THE PART TO BE PAID BY THE CITY AT LARGE FOR THE BENEFIT OF THE CITY AT LARGE TO BE AS SET FORTH IN THE REPORT, AS MODIFIED..

4.) THE CITY ASSESSOR IS HEREBY DIRECTED TO MAKE A SPECIAL ASSESMENT ROLL OF THE PART OR PORTION OF THE COST TO BE BORNE BY THE LANDS SPECIALLY BENEFITTED ACCORDING TO THE BENEFITS RECEIVED AND TO REPORT THE SAME TO THE COUNCIL.

MOVED BY CM CARPENTER SUPPORTED BY CM PAVEL TO PROCEED BEYOND 9:00 PM. MC. LENT=NO. 5-YES 1-NO.

6. LASER LEVEL BIDS: DISCUSSION ON THREE BIDS RECEIVED FOR THIS. 1.) \$1,045.00 THUEPT, CROSWELL 2.) \$1,295.00 NOLANS, LAPEER 3.) \$1,485.00 INDUSTRIAL TOOL, LAPEER. MOVED BY CM FORD SUPPORTED BY CM CARPENTER TO PURCHASE LASER LEVEL FOR \$1,045.00 FROM THUEPT, CROSWELL. MC.

7. POOL COVER: DISCUSSION ON BID FROM A-1 POOL SERVICE FOR POOL COVER, OPENING AND CLOSING THE POOL. COUNCIL REQUESTED MORE BIDS.

DISCUSSION ON PURCHASING A NEW ENGINE FOR WELL #3. MOVED BY CM JOHNSON SUPPORTED BY CM PAVEL TO PURCHASE ENGINE AND GEAR BOX FROM CLARE FOR \$500.00, MAX AMOUNT \$700.00. MC

PERSONAL COMMITTEE: MEET ON JULY 25, 1998 AT FIRE HALL TO INTERVIEW CANDIDATES FOR CITY MANAGER.

MOVED BY CM FORD SUPPORTED BY CM JOHNSON TO ADJOURN AT 9:25 PM.

RESPECTFULLY SUBMITTED,

JULIE P. MILLER  
CITY CLERK