

COUNCIL PROCEEDINGS FOR NOVEMBER 23, 1998

Meeting called to order at 7:00 P.M. by Mayor Ken Brown.

Pledge of Allegiance led by City Manager Clinton Holmes.

PRESENT: Council Members- Laura Carpenter, Jerry Johnson, Marvin Ford, Mike Lents, Judy Murray, Kelly Pavel, Mayor Ken Brown, City Clerk Julie Miller, City Manager Clint Holmes, City Attorney Marilyn Zimmerman.

Moved by CM Pavel, supported by CM Carpenter to approve the Minutes of November 9, 1998 as presented. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None.

PETITIONS AND COMMUNICATIONS: None.

RESOLUTIONS: None.

PAY BILLS:

Moved by CM Murray, supported by CM Ford to pay the bills as presented in the following funds: GENERAL FUND: \$11,331.83; PAYROLL FUND: \$10,848.15; WATER RECREATION FUND: \$115.50; 1984 HIGHWAY BOND FUND: \$580.00; INVESTMENT FUND: \$30,348.69; SANITARY SEWER FUND: \$2,026.22; MAJOR STREET FUND: \$392.37; LOCAL STREET FUND: \$187.63. Motion Carried.

City Clerk Julie Miller passed around a summary of the Minutes from the November 9, 1998 Meeting to be published.

REPORTS AND RECOMMENDATIONS: None.

ATTORNEY'S REPORT:

City Attorney Marilyn Zimmerman reported to the council on the Snoblin house. She and Mayor Brown appeared in court for the City's petition of distribution of the \$15,000.00 in escrow money paid by the purchaser of the Snoblin property, 4115 Main Street with the judge ruling in favor of the city for 100% reimbursement for attorney fees and court costs, less \$1,500.00 already reimbursed due to the sale of the Snoblin's 4309 Main Street Property, in addition \$840.14 for a sidewalk assesment, \$60.00 for lawn mowing, and 50% interest from bidding in at the tax sale in the amount of \$419.11. Snoblin argued the attorney fees. The court ordered the balance of the \$15,000.00, minus \$10,263.11 for the city and \$1,050.00 to Red Carpet Keim Realty for the listing, to go to Snoblin. Papers needed to be processed and then the checks would be sent to the Attorney. Zimmerman reported that the new owner is interested in fixing the home, and she recommended that if the work is not done in one year after the permits are filed that the city not renew the permits.

City Attorney requested to be excused from the December 28, 1998 regular Council Meeting unless an emergency arises, offering to owe the city a free meeting or 2 hours of legal services.

Moved by CM Carpenter, supported by CM Johnson to excuse the City Attorney Marilyn Zimmerman from the December 28, 1998 regular Council Meeting with the agreement of owing the city a free meeting or 2 hours of legal services. Motion Carried.

OLD BUSINESS: None.

OPENED PUBLIC HEARING AT 7:14 PM TO AMEND ORDINANCE SECTIONS 5307 AND 5310.

No public questions or comments made.

CLOSED PUBLIC HEARING AT 7:15 PM.

CM Murray noticed that under 5307.1A it reads "sewer" service where it should read "water" service. Council agreed it needed to be amended to say "water" service. Council questioned if they would have to repeat the public hearing if they changed it in two spots from "sewer" to "water", City Attorney read a section from the City Charter that said it was allowed if it wasn't anything of "substance". Council agreed that it should be "water" in place of "sewer" in 5307.1A. Banner reads "water".

Moved by CM Lents, supported by CM Ford to adopt as amended Ordinance 5307 of the Brown City Code, 5307.1A a three (3) percent increase per year or the rate of inflation, whichever is less, water rates. Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Johnson-yes, Carpenter-yes. 6-yes 0-no Motion Carried.

Moved by CM Lents, supported by CM Carpenter to adopt Ordinance 5310 of the Brown City Code, 5310.2A a sum set by resolution of the City Council from time to time, turn on fee. Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Johnson-yes, Carpenter-yes. 6-yes 0-no Motion Carried.

Moved by CM Lents, supported by CM Ford to set the sum of the turn on fee at \$25.00. Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Johnson-yes, Carpenter-yes. 6-yes 0-no Motion Carried.

COMMITTEE REPORTS:

BUILDINGS AND GROUNDS: NONE.

PERSONNEL: NONE.

POLICE: NONE.

WATER AND SEWER: NONE.

TAX AND FINANCE: NONE.

STREETS AND SIDEWALKS: NONE.

MANAGER'S REPORT:

1. Report on the most recent smoke test, of the original 24 violators, 15 are complete. BC Schools are currently making repairs and 8 failed to comply, and 4 new problems were found. Discussion on Justin property and Marion property.

Moved by CM Pavel, supported by CM Murray to instruct the City Manager to notify the 4 new problem area residents with the same 6 month time period to complete the repairs. Motion Carried.

Discussion on Letter to be sent to the remaining 8 violators.

Moved by CM Ford, supported by CM Pavel to send a letter to the remaining 8 violators and allow them until December 4, 1998, to provide proof to the city of completion or a plan of completion acceptable to the City Manager. CM Pavel withdraws support. CM Lents Supports. CM Johnson and CM Pavel- - APPOSE.

2. Location of abandoned storm drain in the Special Assessment District unsuccessful.

3. Report on Maplevue Estates plan.

4. Discussion on pay schedule for council members for regular and committee meetings. Moved by CM Murray, supported by CM Pavel that the Council Members be paid quarterly for all meetings. Motion Carried.

5. Discussion on the need for committee meeting minutes to be recorded, submitted and filed.

6. Discussion on cost of 1996 sidewalk repairs for Amy Welch, DPW estimated the cost to be \$294.80 (divided by 2= \$147.40) based on researched 1996 City costs.

Moved by CM Carpenter, supported by CM Johnson to refund Amy Welch the amount of \$68.20, difference in amount billed and actual costs. Motion Carried.

7. Skipped.

8. City Hall to be closed THURSDAY AND FRIDAY for the Thanksgiving holiday.

9. Fire Department requested \$100.00 for Sanilac County Search and Rescue, from the city for services from the Heritage Days. City needs a bill submitted from them, the City cannot donate money.

10. Report on water survey.

11. Report on Police Radio, extra radio once belonging to the Fire Authority, who gave the extra radio which is installed into the police car, now the Fire Authority wants it back. City Manager told them to send him a formal request and it would be returned.

12. Report on Instruction sheets for Preapplication permits, gave to committee members.

Return to #7. Booklets were handed out regarding Water Engineering bids. Discussion on narrowing the number of bids down to three companies.

Bob Nichols present and will be involved into process. City Manager recommends the committee to narrow down to three companies and invite them to give a formal presentation to the council on Dec. 14, 1998 or at a special council meeting.

Mayor Brown requested to the council to choose a company and continue through the entire process with only the 1 company.

CM Lents requested to not be involved in the narrowing down process because he is employed at one of the companies involved.

CM Lent, CM Johnson and CM Murray to meet on November 30, 1998 at 7:00 PM, with City Engineer Bob Nichols and City Manager Clint Holmes to narrow 15 companies bids down to 3 to be invited to do a formal presentation.

City Manager to issue Letters of invitation on Dec. 14, 1998, also letters of regret.

MAYOR'S REPORT: NONE.

Moved by CM Ford, supported by CM Johnson to adjourn at 8:45 P.M. Motion Carried.

RESPECTFULLY SUBMITTED,

JULIE P. MILLER
CITY CLERK