

## COUNCIL PROCEEDINGS FOR JUNE 28, 1999

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

Pledge of Allegiance led by City Clerk Julie Miller.

PRESENT: Councilmembers: Laura Carpenter, Frank Lukacs, Marvin Ford, Mike Lents, Judy Murray, Kelly Pavel; Mayor Ken Brown, City Clerk Julie Miller, City Manager Clint Holmes, City Attorney Marilyn Zimmerman.

CORRECTION: UNDER ORDINANCES: In the second sentence, delete "attach to Charter" and add "Council."

Moved by CM Ford, supported by CM Carpenter to approve the Minutes of June 14, 1999 as corrected. Motion Carried.

### PAY BILLS:

Moved by CM Murray, supported by CM Pavel to pay the bills as presented in the following funds: General fund: \$6,102.46; Payroll fund: \$14,106.22; Sanitary Sewer fund: \$156.66; Major Street Fund: \$463.12; Local Street Fund: \$1,389.38; Water Recreation fund: \$1,581.43; Investment fund: \$36,189.26. Motion Carried.

OLD BUSINESS: City Manager and DPW Supervisor Dave Kinney visited a community (St. Claire, MI) that had installed a Hydro-Dynamics variable speed pump in their lift station. They spoke with the Waste Management Director there who was very satisfied with the pump system and highly endorsed the variable speed system. Jett Pump, the other bidder on the project, had some reservations to installing this variable speed pump system and their bid was higher than Hydro-Dynamics. Manager and Kinney recommended going with Hydro-Dynamics and their variable speed pump system and control panel.

Moved by CM Lents, supported by CM Lukacs, to hire Hydro-Dynamics to overhaul Thelman Avenue and Maple Valley Road lift stations, and to have Detroit Edison install three phase electric power to the Thelman station. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: NONE.

### PERSONAL APPEARANCES:

1. Julia DeGuise, Human Development Health Plan, postponed her appearance due to a death in her family. She will attend the next Council Meeting, July 12, 1999.

### RESOLUTIONS:

1. 99-15: Transfer Cable Television Franchise.

Letter from Director Thomas Lerash was received with a proposed agenda for correcting cable transmission deficiencies, specifically concerning channels 2, 4, 15 and 20.

Manager spoke with Lerash earlier today (June 28, 1999) and Lerash stated that Harron Cable has accomplished the following: Channel 20 and 15 had been fixed. Channel 4

was in the process of replacing some equipment and expected it to be fixed by today or relatively soon. Channel 2 is more problematic, due to need to switch from Fox in Detroit to Fox in Flint which requires a minimum of 30 days notice to the affected TV stations. Additionally, various equipment must be modified and additional antennas mounted. This letter followed a meeting between Mayor Ken Brown and the City Manager, and Harron Cable representatives: General Manager Lerash and Mr. Kurschner. CM Ford suggested that we table this Resolution until Harron Cable does what they say they are going to do, due to promises made but not kept over a long period of time. Mayor stated that Harron Cable said that they had no complaints on file from Brown City, but that he knew of several people who had told him they had called to complain. Manager spoke with other communities and found others are experiencing difficulties. Audience commented that there have been problems from day one. Complaints were made starting when cable service began and even then, Harron Cable said that there were no complaints from Brown City or that there were no problems with the system. However, at that time it was discovered that there was open sheathing on cable lines and difficulties in terminals rather than in consumer's equipment. Manager stated that complaint forms are available in City Hall and encouraged the Citizens to fill these in so they can be forwarded to Harron Cable. CM Lukacs suggested that the Council wait at least 35 days to ensure that these problems are fixed. Manager stated that the length of Franchise needs to be looked into, due rapid technology changes. Moved by CM Ford, supported by CM Lukacs to table Resolution 99-15 {transfer franchise} until at least 30 days after completion of work by Harron Cable, with an additional 30 days to make sure completion is working properly. Motion Carried.

#### PETITIONS AND COMMUNICATIONS:

1. Moved by CM Carpenter, supported by CM Pavel to approve the pre-application building permit for Robert Stevens, 4046 Main Street, for siding and shingles on 24x32 ft garage. Motion Carried.
2. Moved by CM Carpenter, supported by CM Lukacs to approve the pre-application building permit for Jack Nickens, Harrington Inn, 4156 Main Street, to replace existing porch with enclosed vestibule. Motion Carried. {Plans were reviewed by Council}
3. Resubmission: Moved by CM Carpenter, supported by CM Pavel to approve the pre-application building permit for Clee Bissett, 6972 John Street, for re-roofing 12x26 ft Deck . Permit had been approved last year and expired prior to his beginning work. Motion Carried.
4. Moved by CM Carpenter, supported by CM Ford to approve the pre-application building permit for Robert Meeks, 4093 3<sup>rd</sup> Street, for 24x4ft above ground pool. Motion Carried.
5. Moved by CM Carpenter, supported by CM Lukacs to approve the pre-application building permit for GTE to install underground telephone lines in the Hillside Subdivision off of Cade Road, with the requirement that exact location of wiring be made available to the City. Motion Carried.

PUBLIC HEARING: NONE.

ORDINANCES:

Proposed ordinance for sale of real estate to Mr. Pieters. Attorney stated that she spoke with Title Company in Sandusky to order Title insurance for this sale, and they advised that this Ordinance along with the Deed signed by the Mayor should be sufficient to pass Title. Actual purchase agreement wouldn't be signed until this Ordinance goes into effect.

{Corrections to Proposed Ordinance- -' Peters' to 'Pieters' and change 'back half' to front half }

CM Ford introduced the following: AN ORDINANCE TO AMEND THE BROWN CITY CODE BY ADDING A NEW SECTION WHICH SHALL BE KNOWN AS SECTION 17.100 OF CHAPTER 17, ARTICLE 1 OF SAID CODE. [SALE OF REAL PROPERTY]. WITH CORRECTIONS.

Public Hearing for this set for July 26, 1999 at 7:15 PM.

Attorney reviewing Zoning Ordinances from other counties to help update those for Brown City. Manager stated he attended a class where he learned that we need a Master Plan in order to legally have Zoning Ordinances. Technically we have a Master Plan, but it needs to be updated.

Attorney reported that Attorney John Lengeman will be here for the July 12, 1999 meeting due to her summer vacation.

COMMITTEE REPORTS:

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Ford: None.

Sewer and Water: Lents: CM Lents reported that the Committee met and discussed the lift stations. Inquiry on Water Heater leaking water into Commercial Building. Manager stated that 149, 600 gallons of water leaked due to rusted water heater and added that the cost to the Owners would have been \$94.15 if it were to be charged due to accident. No charges are being extended. Inquiry on Mason's water tap: See Manager's report.

Tax and Finance: Murray: None.

Streets and Sidewalks: Pavel: None.

CM Lukacs added that he visited his neighbor, Graham Marion, across the street from his residence on St Mary's Street and noticed broken curb in front of their home.

Homeowner said that is was due to heavy equipment running over it, and that she spoke with the workers and questioned if they were going to fix it, they said that they would tar over it. Council agreed that if they broke it that they need to fix it and at their cost.

ATTORNEY'S REPORT: NONE.

MANAGER'S REPORT:

1. **St Mary's Street and Maple Valley Road:** Talked to Al Birnbaum, President of Valley Asphalt twice this week. First promise was to have the grading and paving

work begin Friday June 25. Grading is to begin and finish Saturday (26 June), with paving to begin Monday or Tuesday (weather). Paving should be completed in one day.

2. **Mason Water Tap:** Sue Mason on Cade Road has requested City water. The house is in Burnside Township. The Mason's will be meeting with the Burnside Council on June 28 to determine if Burnside has any reservations about this action. Met with the Council Sewer and Water Committee for policy decision. Contacted the following cities to determine their policy on water taps for residents outside the city limits. Almont: No (must be annexed into the city). Marlette: Yes but cost of tap and water is 1.5 times the resident rate. Crosswell: Yes, on a case-by-case approval. Policy will affect new Missionary Church and others close to the City now or in the future. **Discussion. Moved by CM Lukacs, supported by CM Carpenter to set policy that in order for them to receive City Water that they must be ANNEXED into the City. Lents opposed. Motion Carried.**
3. **MML Conference (Grand Rapids):** Plans to attend the conference on October 6-8. If members of the Council wish to attend, need to make reservations within a couple of weeks.
4. **Computer Training:** There is a three day course in Southfield in September that Manager should attend. Cost is \$540, but the City should be able to avoid service calls in the future.
5. **Printer:** Plan to purchase an HP LaserJet 2100se. Best price is direct from HP at \$695 plus shipping.
6. **Port-a-lets for BC Days:** Chairperson Ray Carman for Brown City Days , requested that Council help with the cost of these. **Moved by CM Ford, supported by CM Carpenter to pay in full, \$398.00 to Jays Septic based on legal approval from Attorneys findings in statute. Motion Carried.**
7. **Letter from Brown City Schools:** School building a house West of Museum to house Superintendent and other offices. Need to know if Water and Sewer tap-in fees are applicable. Council agreed that they are.
8. **(New) AGENDA for meeting:** Council agreed the new agenda arrangement was fine.
9. **DDA:** Need people to serve on this committee!! Require meeting to settle issues concerning sale of property used as collateral in a DDA co-signed loan. Additionally, need to update other paperwork. Also require committee to oversee cable TV franchise renewal. Attorney to check into this issue to see if we have to have Cable Commission, and if 3 members on Council can serve.

10. CM Pavel questioned if Little Texas was going to finish parking lot. Mayor stated that Roger Wood stated that work is scheduled.

11. **Maple Valley Road Manufactured Home Park:** DPW Supervisor Kinney inspected bore under railroad and noticed that they were drilling a 4 inch hole instead of 8 inch hole for sewer installation. Plumber has different set of plans than the City. DEQ gave City a set of plans in Lansing. Council agreed that the work needs to be stopped by any means needed until plans are agreed upon by the City and the Developer. Red Tag.

12. **Editorial on BC Police Dept.:** Banner printed a great Editorial supporting our Police Dept..

CM Lukacs questioned if Attorney was going to set a Policy for annexation for above Motion for Mason's request. Attorney stated that if it is set forth in the Minutes that is acceptable.

Moved by CM Lents, supported by CM Pavel to adjourn at 8:24PM. Motion Carried.

Respectfully submitted,

Julie P. Miller  
City Clerk