

COUNCIL PROCEEDINGS FOR AUGUST 9, 1999

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

Pledge of Allegiance led by City Manager Clint Holmes.

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

CORRECTION/APPROVAL OF MINUTES:

1. Under Attorney's Report: **Strike** (Precedent may have been set when Park land was sold to a Group home, which is being researched and will be provided to the Attorney.)
2. Under Mayor's Report: Change **August 1st** to **May 1st** of each year.

Moved by CM Lukacs, supported by CM Carpenter to approve the Minutes of July 26, 1999 as corrected. Motion Carried.

PAY BILLS:

Moved by CM Murray, supported by CM Ford to pay the bills as presented in the following funds: General fund \$18,948.59; Payroll fund \$15,269.75; Sanitary Sewer fund \$3,105.51; Major Street Fund \$584.67; Water Recreation fund: \$8164.41; Investment fund \$15,880.74. Motion Carried.

OLD BUSINESS:

1. Resolution 99-15 (Consent Resolution Authorizing the Transfer of Control of the Cable Television Franchise). Mr. Tom Lerash, General Manager, Thumb Division, Harron Communications, again appeared before the Council requesting adoption of Resolution 99-15 and Council consent to the sale of Harron Communications (which provides cable TV service to the City) to Adelphia Communications Corporation. He reassured Council that he would send technicians to fix remaining cable problems in the City. Mr. Lerash stated that he would be back in the future for another Resolution, when the transfer of the Brown City Franchise from Adelphia to Comcast takes place.

Moved by CM Pavel, supported by CM Murray to adopt Resolution 99-15. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS:

Bill Walters, City Treasurer, stated that the county will be transitioning to a new software program for tax collection. He will provide information concerning the number of municipalities in the County planning to adopt this program, as well as the cost to the City of Brown City, at the next Council. If the City plans to participate, he needs a signed commitment by September 1, 1999.

Dan Burton questioned if Council made a decision on selling him that portion of the City Park upon which he had built a swimming pool. Attorney stated that she needs to additional information from the Title Company and will provide the information to the City Manager who in turn will inform Mr. Burton. CM Murray questioned if the City had the correct insurance

information from Mr. Burton, due to the pool being on Park Property. Mr. Burton stated that he would do that this week.

PERSONAL APPEARANCES:

Mitch Evenson: Regional Manager; and David Martin: Project Engineer from LAS International presented information on Lagoon Windmills. Each gave detailed information on the purpose, need and cost of their product. Sewer and Water Committee to meet and bring their recommendation to the Council. No decision made.

RESOLUTIONS:

1. 99-17 (Building Permit Requirement)

Brief discussion.

Moved by CM Ford, supported by CM Lukacs to go into Executive Session to discuss Confidential Attorney-Client communication at 8:07PM. Roll Call Vote: Pavel-yes, Murray-yes, Ford-yes, Lukacs-yes, Carpenter-yes. 5-yes 0-no. Motion Carried.

Public asked to leave. Executive Session. Public invited back in.

Moved by CM Ford, supported by CM Carpenter to come out of Executive Session at 8:48PM. Roll Call Vote: Pavel-yes, Murray-yes, Ford-yes, Lukacs-yes, Carpenter-yes. 5-yes 0-no. Motion Carried.

[NOTE: No decision made concerning Resolution 99-17]

PETITIONS AND COMMUNICATIONS:

1. Moved by CM Carpenter, supported by CM Ford, to approve the pre-application building permit for Roger E. Pilon, 6895 James Street, for new windows and siding. Motion Carried.
2. Moved by CM Carpenter, supported by CM Lukacs, to approve the pre-application building permit for Calvary Baptist Church, 4296 Main Street, for reroofing. Motion Carried.
3. Moved by CM Carpenter, supported by CM Pavel, to approve the pre-application building permit for Marvin Ford, 6766 St Marys Street, to reshingle home. CM Ford: Abstain. Motion Carried.

Manager gave brief description on ditch fill in requirements in Ordinance Sections 5603 and 5603.1, and what options are available. DPW Supervisor explained drainage requirements.

4. Moved by CM Carpenter, supported by CM Ford, to approve the pre-application building permit for Steve Jozefiak, 7051 Maple Valley Road, subject to the following conditions:
 - a. A twelve-inch (12") diameter perforated drain tube must be placed in the bottom of the ditch, with connects to the 18" tube under his driveway to the 12" tube under the driveway of Hank's Repair. Also, he must install a catch basin, at least three feet (3') deep, at the north end of this 12" perforated tile.
 - b. Before the ditch is filled, installation of the tube and catch basin must be inspected and approved by the City DPW Supervisor.
 - c. A swale at least six inches (6") deep and three feet (3') wide must be installed on top of the filled-in ditch to allow for drainage off Maple Valley Road.
 - d. Meet those additional requirements detailed in Ordinance Sections 5603 and 5603.1).Motion Carried.

PUBLIC HEARING:

1. Continuation of Ordinance Section 17.100. Attorney stated this is continued until Aug 23, 1999 per motion made at last meeting.

ORDINANCES: (SEE ABOVE).

COMMITTEE REPORTS:

Buildings and Grounds: CM Carpenter requested a meeting for Monday, August 16, 1999, at 7:00PM to discuss Ordinance Chapter 8, to include a review of Marlette Zoning Ordinance. A Planning Commission subcommittee has been invited to participate.

Personnel: CM Lukacs reported that the committee met and requested that the Council give approval to confer with a Labor Attorney concerning voluntary retirement policy. Following a brief discussion, Council did not approve the request since this issue is included in the new Employee Handbook that was adopted approximately 6 months ago. Manager to give decision to the Employee.

Moved by CM Lukacs, supported by CM Carpenter to extend the meeting beyond the 9:00PM deadline. Motion Carried.

Police: Ford: CM Ford requested a meeting to discuss requirements for a Police Scholarship. Meeting set for Tuesday, August 10, 1999 at 7:00 PM.

Sewer and Water: CM Lents: Absent.

Tax and Finance: CM Murray requested Budget information, and requested a meeting around the beginning of September.

Streets and Sidewalks: CM Pavel: None.

NOTE: City Attorney left at 9:15.

MANAGER'S REPORT:

1. **STREETS:** Received report from the (acting) City Engineer concerning the quality of the work done by Valley Asphalt of Saginaw on St. Mary's Street. Report was strongly negative. Manager to provide a copy of the report to Valley Asphalt and set up an appointment to discuss required corrections. Payment held pending resolution of problem areas. Two driveway approaches are being replaced to bring them even with the road surface at a cost of about \$800. Joe Furst requested an approach be installed in front of his home, with cost split equally with the City, or about \$200 each.
2. **OFFICE COMPUTERS:** Propose to replace Dave's computer, upgrade the police computer, and the computer provided by grant will go to the DPW.

NOTE: CM Pavel left at 9:18PM. (Remaining four constitutes a Legal quorum.)

3. **BIKE RACK:** City Library reimbursed the City for the full cost of the bike rack.
4. **SIDEWALK BILLS:** Individuals owing the City for sidewalk replacement were sent bills earlier this summer, and late notices were sent to those who did not respond. People who still owe for 1997 (4) and 1999 (11) will have these charges added to their tax bills.
5. **POLICE CAR:** The windshield of the new police car was broken by a rock thrown by a truck tire. Windshield was replaced and bill forwarded to the insurance company (\$410.85).
6. **THUMB AREA EMPLOYMENT TRAINING:** Letter reads that each city in Sanilac County would provide the organization \$1.00 for each resident based on the Census Count, which would be \$1,244.00 for Brown City. These funds will provide the budget for this organization. Attorney researching issue.
7. **ASTEC ASPHALT:** Total Cost for Crusty's, Vine St, Wells St, Behind Bank \$3000.00. Discussion on repairing Maple Valley Road where road was cut to install water line for the Manufactured Home Park and sending the owner (Mr. Wirth) the bill. Council decided to send him a notice to get it done, if not City will do work and send him the bill. Moved by CM Carpenter, supported by CM Ford to have Astec Asphalt do Crusty's, Vine St, Wells St, and Behind Bank. CM Murray opposed for Crusty's. Motion not carried. CM Murray requested that the gravel be put back into Crusty's lot as it was prior to Valley Asphalt removing it. All work will be done by the DPW with detailed records of costs maintained.
8. **TV FRANCHISE COMMITTEE:** Manager, CM Carpenter and Mayor volunteered for this committee.
9. **AFTER HOURS IN BANNER:** Complaint concerning perceived drug problem in the City with no action being taken by City Police. Police are definitely aware of this problem and are pursuing continually. [Most current arrests for illegal drug use was day before yesterday (Saturday).]

CM Ford questioned status of Lift Station overhaul. Hydro Dynamics is still assembling parts. Estimate from Detroit Edison not yet received. Concerning overhaul of Water Well #3, Layne Northern has not yet scheduled work, Manager to send letter to inquire into this issue. If no action by Layne Northern by September 1, 1999, will to cancel control panel contract and water pump overhaul contracts and re-bid them.

MAYOR'S REPORT: NONE.

Moved by CM Ford, supported by CM Murray to adjourn at 9:47PM. Motion Carried.

Respectfully submitted,

Julie P. Miller
City Clerk