

COUNCIL PROCEEDINGS FOR AUGUST 23, 1999

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

Pledge of Allegiance led by CM Laura Carpenter.

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

CORRECTION/APPROVAL OF MINUTES:

Moved by CM Lukacs, supported by CM Carpenter, to approve the Minutes of August 9, 1999 as written. Motion Carried.

PAY BILLS:

Moved by CM Pavel, supported by CM Ford, to pay the bills as presented in the following funds: General fund \$9,659.91; Payroll fund \$12,740.67; Sanitary Sewer fund \$2,139.39; Water Recreation fund: \$2,762.66; Major Street fund \$405.44; Local Street fund \$2,456.31; Investment fund \$25,793.71. Motion Carried.

OLD BUSINESS:

(Continuation of Ordinance Section 17.100. Sale of old fire hall and adjacent vacant lot.) City Attorney stated that Title work is being done, pursuing contact with an out of state person. Moved by CM Carpenter, supported by CM Lukacs, to continue the Public Hearing and review of Ordinance Section 17.100, until next Council meeting (September 13, 1999). Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: NONE.

PERSONAL APPEARANCES:

1. Eleanor Grout, County Commissioner District 6 (Brown City) presented information on several issues within the County of concern to the Council and the City. (1) Announced a County-wide Disaster Drill is scheduled for September 8 at 9 AM; (2) that Waste Management, Inc., still takes recyclable materials (paper and plastic) at the Tri-County Landfill in Deckerville on Monday, Wednesday, and Friday, and the annual free dump day will be September 11; (3) An adult education class for individuals seeking their GED is now available at Croswell-Lexington School; (4) Updates to local zoning ordinances are now recommended by the state at least every five years; and (5) a Sanilac County Directory was distributed to the Council with extra copies made available to City Hall.
2. Dale Benish, Director, Sanilac County Community Economic Development Office presented information concerning the mission and continued development of his organization and the potential benefits to Sanilac County and the City of Brown City. This office will be directed by an Economic Development Council, the budget for which will derive from a state and county grant, and municipal funds. A fee of one dollar per resident will insure a City resident is appointed to this Council. Our cost is \$1,244.00. Manager recommended that the City participate.

3. Pete Kautz, Owner, Brown City Lanes requesting exception to license fees for electronic games and other restrictions listed in Ordinance 7700. Mr. Kautz requested an exception to this Ordinance due to it being unfair to business and the fact that in the 12 years he has owned the bowling alley this Ordinance has not been enforced. Additionally, the majority of rules and regulations listed are already enforced through the Liquor Control Commission (LCC). Mr. Kautz explained he is in compliance with the LCC, and if he cannot comply with the City Ordinance, he will not pay the License fee and will have the games removed. The owner of these coin operated machines stated that this is the only municipality that has this type of Ordinance. Pete Kautz requested that Council rescind this Ordinance. Council replied they could not selectively enforce Ordinances, and since this Ordinance is currently valid, it must be enforced. This Ordinance is due for review and will be evaluated as soon as possible.
4. Bill Walters, Brown City Treasurer, Tax Collection software package: Mr. Walters requested permission to send in preliminary agreement to the Sanilac County Equalization office to purchase this new Resource Tax Collection software package. Final price is subject to the total number of County municipalities that purchase this software. Ms. Grout stated that the County is definitely purchasing this software.

Moved by CM Ford, supported by CM Pavel, to allow the City Treasurer to purchase Resource Tax Collection software package, for approximately \$850 to \$950. Motion Carried.

RESOLUTIONS: NONE.

PETITIONS AND COMMUNICATIONS:

1. Moved by CM Carpenter, supported by CM Pavel, to approve the pre-application building permit for Richard Lee, 7140 Lincoln Street, for a 12'x20' shed. Motion Carried.
2. Moved by CM Carpenter, supported by CM Lukacs, to approve the pre-application building permit for Linda Yockey, 4288 Grant Street, to expand existing shed, increase from 12'x16' to 24'x24'. Motion Carried.
3. Moved by CM Carpenter, supported by CM Pavel, to approve the pre-application building permit for First Baptist Church, 6910 Cade Road, and First Baptist Church Parsonage, 6971 Thelman Avenue, to pave driveways at both locations. Motion Carried.
4. Moved by CM Carpenter, supported by CM Ford, to approve the pre-application building permit for David Sump, 6920 John Street, to remove existing back porch and replace with a 12'x16' sunroom. Motion Carried.

PUBLIC HEARING:

1. Continuation of Ordinance Section 17.100 (Sale of old fire hall and adjacent vacant lot). SEE ABOVE, UNDER OLD BUSINESS.

ORDINANCES:

1. Ordinance Section 17.100. SEE ABOVE, UNDER OLD BUSINESS.

COMMITTEE REPORTS:

Buildings and Grounds: Carpenter: CM Carpenter stated that the committee met on Monday, August 16 and discussed modifications to Ordinance Chapter 8, Building and Zoning Ordinance.

Personnel: Lukacs: None.

Police: Ford: CM Ford stated that the committee met and recommends the Council not sponsor an individual to the Police Academy, at this time.

Sewer and Water: Lents: None.

Tax and Finance: Murray: Absent.

Streets and Sidewalks: Pavel: CM Pavel stated that she has received complaints from homeowners on St Marys Street, concerning poor quality of backfill (sand) that was used by Valley Asphalt and the quantity of weeds growing in this backfill in front of their homes.

CM Pavel questioned the Council's decision on the Economic Development Committee.

Manager restated that we should get involved due to a) buy in for setting policy and b) exposure for the City. Manager stated that someone with knowledge of the City needs to be on the initial committee, with himself as a volunteer for this position.

Moved by CM Pavel, supported by CM Carpenter, to instruct the Manager to pay the fee of \$1,244.00 (one dollar per citizen within the City, based on 1990 census report) and participate as a member of the Economic Development Council when convened. Motion Carried.

CM Pavel requested that Council move to enforce Ordinance Chapter 7 [Section 7700] for the Brown City Lanes, the Harrington Inn and the Oasis Teen Center.

Moved by CM Pavel, supported by CM Ford, to enforce Ordinance Chapter 7 for the Brown City Lanes, the Harrington Inn, and the Oasis Teen Center. Motion Carried.

Manager stated that these establishments would be sent letters this week.

Representative and owner of coin operated games for Pete Kautz, Brown City Lanes stated that he would remove the games next week. Manager requested notification once they were removed.

ATTORNEY'S REPORT:

Attorney commented on Park property transfer requirements. The City was asked to complete the sale of an 80'x80' piece of Park property to Dan Burton (who erected a pool on this Park property) for \$1,200.00. The Park Board owns and can sell the property. The City is a Tenant with a lease (30 years) for the Park. Dan Burton could purchase this property without clear Title, and transfer could take place. Council expressed their opposition to this sale due to: price being too low; lack of building permit for the pool; lack of City permission to build on Park property; Title issues, and lack of liability insurance protecting the City.

Moved by CM Ford, supported by CM Pavel, to advise the Park Board, and Mr. Burton, that the Council opposes allowing the pool to remain on Park property, sale of the property due to lack of proper permit, lack of permission, Title issues, low offering price, and lack of reason for City to change the Park Board's Articles of Incorporation (due to cost and complexity). Motion Carried.

MANAGER'S REPORT:

1. ST MARY'S STREET: Received report from the (acting) City Engineer on status of street work. Copy forwarded to Valley Asphalt. Contacted by company president and will meet with him Tuesday, August 24 at 10:00 AM. Manager will be joined by the (acting) City Engineer and DPW Supervisor.
2. SMOKE TEST: Test of entire City completed by DPW last Friday. Only four properties are in violation. Three are for broken sewer clean-out covers. Fourth will require some excavating. Letters to go out when final report received from DPW.
3. STREET SIGN: Representative from J&J Farm Services, Inc., requested permission to erect a temporary one foot by one foot (1'x1') sign on the corner of Lincoln and Main Streets to direct individuals to their experimental corn field at the end of Lincoln Street.
4. SCHOOL WATER AND SEWER TAP FEES: School has completed extending their existing pipe system to connect the new admin building and snack bar to City water and sewer. Discussed tap fees with School Superintendent. Plan to bill school when final cost of tap-ins and materials is determined. Anticipate bill to be approximately \$3,000.
5. SANILAC COUNTY SOLID WASTE COMMITTEE MEETING: Attended last week's meeting, which included a public hearing, concerning adoption of the Sanilac County Solid Waste Plan. Once approved, plan will be provided to each community, to include the City of Brown City, in the county for approval.
6. PART TIME OFFICER: Request Council's approval of the hiring of Scott Baldwin as a part time police officer for the City. Physical exam and background checks were completed satisfactorily.

Moved by CM Ford, supported by CM Carpenter, to hire Scott Baldwin as a part-time officer for the City of Brown City. Motion Carried.

7. BEN'S SUPERMARKET RESORT LIQUOR LICENSE: The Liquor Control Commission (LCC) has requested Chief Smith complete a background investigation form for Ben's license request. Apparently, the licensing process continues.
8. BILL FOR MML: Dallas Berry, Chairman of the Planning Commission, requested the opportunity to attend an MML training session concerning zoning issues, at a cost of \$65.00. Council approved.

Moved by CM Ford, supported by CM Pavel, to adjourn at 8:52 PM. Motion Carried.

Respectfully submitted,

Julie P. Miller
City Clerk