

## COUNCIL PROCEEDINGS FOR SEPTEMBER 13, 1999

Pledge of Allegiance led by CM Frank Lukacs.

Meeting called to order at 7:00PM by Mayor Pro-tem Laura Carpenter.

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

### **CORRECTION/APPROVAL OF MINUTES:**

Moved by CM Ford, supported by CM Pavel to approve the Minutes of August 23, 1999 as written. Motion Carried.

### **PAY BILLS:**

Moved by CM Murray, supported by CM Lukacs to pay the bills as presented in the following funds: General fund \$97,772.31; Payroll fund \$24,645.28; Sanitary Sewer fund \$1,664.03; Water Recreation fund: \$72.56; Major Street Fund: \$27,019.67; Local Street fund \$53,493.17; Investment fund \$116,384.07. Motion Carried.

### **OLD BUSINESS:**

1. Park Property - On September 9<sup>th</sup>, the Park Board approved selling an 80' x 80' piece of property to Dan Burton. Manager stated that the Park Board unanimously voted in favor of selling property to Mr. Burton, who is aware that it may remain without a clear title. Council questioned why their recommendation was not considered, especially by the Mayor (who voted in favor of selling while serving on the Park Board). Attorney said that Council could have filed an injunction to enjoin the sale by Representative from City, unless the City's Representative, which is the Mayor, approved the sale. The Mayor already voted in favor of sale so this course of action is therefore invalid. Council disappointed with decision to sell the property.

**PUBLIC QUESTIONS AND COMMENTS:** Al and Joyce Teryak, who are working to construct a home on Lot #3 within Hillside Subdivision requested that the road within the Subdivision be lowered. Request is due the elevation of their home relative to the road, and the costs already incurred with the home and property. Their home is currently 16" below grade, with a porch and an attached garage. Mr. Teryak explained that the Subdivision is now owned by Mr. Van Agen, rather than Mr. Edward Tobey. Manager explained to Mr. Teryak that Mr. Van Agen would have to re-submit the plans to the Planning Commission (which meets on the first Thursday of the Month), and request an amendment.

### **PERSONAL APPEARANCES:**

1. Aaron Aumann –Police Scholarship/Personnel Issue [Executive Session Requested].

Moved by CM Ford, supported by CM Pavel to go into Executive Session for Personnel Issue at 7:34 PM. Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Lukacs-yes. 5-yes 0-no. Motion Carried.

Moved by CM Lukacs, supported by CM Ford to come out of Executive Session at 7:49 PM.  
Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Lukacs-yes. 5-yes 0-no. Motion Carried.

No Action taken on Personnel Issue.

**RESOLUTIONS:**

1. 99-17 –ESTABLISHING A FEE FOR ANY PERSONAL, BUSINESS OR CORPOTATE CHECK RETURNED DUE TO “INSUFFICIENT FUNDS” OR OTHERWISE NOT HONORED BY THE FINANCIAL INSTITUTION UPON WHICH IT WAS DRAWN.

Moved by CM Lukacs, supported by CM Murray to approve RESOLUTION 99-17 – ESTABLISHING A FEE FOR ANY PERSONAL, BUSINESS OR CORPOTATE CHECK RETURNED DUE TO “INSUFFICIENT FUNDS” OR OTHER WISE NOT HONORED BY THE FINANCIAL INSTITUTION UPON WHICH IT WAS DRAWN. Motion Carried.

2. 99-18 – APPROVAL TO ENTER INTO A FORMAL AGREEMENT FOR CIVIL ENGINEERING SERVICES WITH JONES & HENRY, LTD.

Resolution tabled pending review by the City Attorney.

**PETITIONS AND COMMUNICATIONS:**

1. Moved by CM Pavel, supported by CM Ford, to approve the pre-application building permit for Brown City Masons, 4262 Main Street, for Roof Repair. Motion Carried.
2. Moved by CM Pavel, supported by CM Murray, to approve the pre-application building permit for Ray Carman, 4347 Main Street, to Replace Shingles on Garage. Motion Carried.
3. Moved by CM Pavel, supported by CM Lukacs, to approve the pre-application building permit for Rusty Raetz, 7114 Mapleview Circle, for Wheelchair Ramp. Motion Carried.
4. Moved by CM Pavel, supported by CM Lukacs, to approve the pre-application building permit for Todd Vandewalker, 6930 Maple Valley Road, for New Dormer on House. Motion Carried.
5. Moved by CM Lukacs, supported by CM Pavel, to approve the pre-application building permit for Bill Grace, 4200 Main Street, for steel posts (set in concrete) to be used as a fencing barrier to protect rear wall and gas meters of the micro-mall. Fense to be a minimum of four feet (4’), and no taller than five to six feet (5’-6’), spaced approximately every 8 feet, except by gas meters, then every four feet (4’). Motion Carried.

**PUBLIC HEARING:**

1. Continuation of Ordinance Section 17.100 (Sale of old fire hall and adjacent vacant lot). Attorney stated that through various channels Title should be cleared after pursuing contact with an out of state person. Manager to inform Mr. Pieters.

Moved by CM Lukacs, supported by CM Ford to continue Public Hearing until next Council meeting (9-27-99). Motion Carried.

**ORDINANCES:**

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

**COMMITTEE REPORTS:**

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Ford: None.

Sewer and Water: Lents: None.

Tax and Finance: Murray: Set meeting for review of budget amendments: Monday, September 20, 1999 at 7:00 PM.

Streets and Sidewalks: Pavel: None.

CM Pavel voiced concerns including grate in front of City Hall, tree branch down across from Harrington Inn, House on Lincoln Street (Manager to send letter, if returned: then post on door at house for 5 days, if no response, call Bill Stickler to start Condemnation process.), garbage along fence across from Crusty's on Maple Valley Rd, Dump being open and nobody there to detour bad dumping, and disappointment concerning removal of crabapple tree in front of Computer Center (Bank) near St Marys Street. Manager stated he told DPW to remove tree. Tall weeds across from Harrington were a concern as well. CM Lukacs added that the alley behind Treves, Old Fire Hall, and Bowling Alley also needed to be cleaned up and maintained.

**ATTORNEY'S REPORT:**

Attorney introduced Sally Miller, an Attorney from her firm that may be with her periodically and possibly sub for her if necessary.

**MANAGER'S REPORT:**

1. **ST MARY'S STREET:** Still have not been contacted by Valley Asphalt concerning when repairs will be made. Payment for the curbs and Maple Valley Road repairs was made to Valley Asphalt. This worked out to approximately one-half of the total amount owed. Final payment will be held until work is completed and approved.
2. **HYDRO-DYNAMICS:** Began work on the Maple Valley Road lift station. Expect to take 4-6 weeks. They are overhauling and replacing one motor at a time. Following Maple Valley Road, they plan to begin work on the Thelman Street lift station.
3. **THREE-PHASE ELECTRICITY FOR THELMAN LIFT STATION:** Received the estimate from Detroit Edison concerning running three-phase power to the Thelman Street Lift Station. Cost will be approximately \$3,654. Advantage of 3-phase will be lower operating costs for the life of the lift station. Once paid, work can begin in 4-6 weeks. REQUIRES RESOLUTION.

**Moved by CM Lents, supported by CM Lukacs to allow Detroit Edison to run Three-phase power to the Thelman Street Lift Station. Motion Carried.**

4. **JONES & HENRY ENGINEERS:** Along with the Agreement discussed in Resolution 99-18, two Letter Agreements were received to develop: (1) Rural Development Grant Application, and (2) Infiltration / Exfiltration Study required by MDEQ for continued operation of the lagoons.
  
5. **STREET SWEEPER:** DPW has the opportunity to trade a catch basin for a towed street sweeping brush. Cost of new machine about \$3,300. Cost of catch basin about \$190. Machine would initially require about \$600 in parts. Brush can also be used for sidewalks and snow removal. **REQUIRES RESOLUTION.**  
**Moved by CM Lukacs, supported by CM Lents to allow DPW to trade a catch basin for a towed street sweeping brush. Motion Carried.**
  
6. **HILLSIDE SUBDIVISION:** Met with the two brothers who are the primary investors in Hillside Subdivision. Also present were the (acting) City Engineer and the Mayor. Discussed status of project and City requirements. They anticipate going ahead with project once legal concerns are better understood.
  
7. **LAYNE-NORTHERN:** Notified that contract for control panel is cancelled. If work does not begin on overhauling Well #4 on September 20 as promised, that contract will be cancelled also. North Star is preparing a bid for a control panel.
  
8. **THELMAN AVENUE CATCH BASIN:** Currently a problem exists with storm water drainage on the east side of the street between the apartments and the parsonage. Solution is placing a storm water catch basin tied into the already existing drain pipe. Permission from the property owners was granted. DPW has estimated the cost at \$1,200. **REQUIRES RESOLUTION.**  
**Moved by CM Lents, supported by CM Lukacs to have DPW place a storm water catch basin tied into existing drain pipe on Thelman Ave near Main Street Apts and Parsonage. Motion Carried.**
  
9. **COMPUTER TRAINING:** Manager will be in Southfield for a computer training course (Council approved June 28), Wednesday through Friday (September 15-17). Manager will provide telephone contact numbers when available.
  
10. **TRAVCO DITCHES:** Owners have requested the ditch along Maple Valley Road be cleaned. Owners would agree to pay half. DPW feels that the cost would be about \$800 total. **REQUIRES RESOLUTION.**  
**Moved by CM Lents, supported by CM Murray to have DPW clean ditch along Maple Valley Road with cost to be split with owners of Travco. Motion Carried.**
  
11. **DPW EMPLOYEE:** Applications for employment are beginning to arrive. Three have been received to date. Would like to advertise position and hold interviews in October, with individual to start in October to maximize training time for the new individual.
  
12. **WADE-TRIM:** The 5-year Community Park Recreation Plan was presented to the Park Board last Thursday night. This plan is required to begin the Clean Michigan Initiative Grant

process. A public hearing is scheduled for September 30 at 6:30 in the Library. Plan calls for \$650,000 in improvements over the next five years. Plan is available for review at City Hall.

13. **XEROX MACHINE:** With the increasing volume of work done on the Xerox machine, need to purchase an automatic document feeder (\$1049) and a 10 bin sorter (\$762).  
**Moved by CM Murray, supported by CM Lukacs to allow purchase of auto feeder and sorter for Xerox machine for City Hall. Motion Carried.**

Moved by CM Lukacs, supported by CM Ford to adjourn at 8:59 PM. Motion Carried.

Respectfully submitted,

Julie P. Miller  
City Clerk