

COUNCIL PROCEEDINGS FOR DECEMBER 22, 1999

Meeting called to order at 6:58 PM by Mayor Ken Brown.

Pledge of Allegiance led by City Manager Clint Holmes.

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

CORRECTION/APPROVAL OF MINUTES:

Moved by CM Pavel, supported by CM Carpenter, to approve minutes as presented. Motion carried.

PAY BILLS:

Moved by CM Murray, supported by CM Pavel, to pay the bills as presented in the following funds: General fund \$26,291.74; Payroll fund \$7,608.15; Sanitary Sewer fund \$176.38; Investment fund \$24,682.15. Motion Carried.

OLD BUSINESS: None.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None.

RESOLUTIONS:

- 1. 99-24:** Presented by CM Pavel, supported by CM Murray, for "Resolution of Consent" for inclusion of property in the Sanilac County Brownfield Redevelopment Zone. Roll Call Vote: Pavel – yes, Murray – yes, Lents – yes, Lukacs – yes, Carpenter – yes, Miller – absent. 5 - yes; 0 – no; 1 – absent. Motion Carried.
- 2. 99-25:** Presented by CM Murray, supported by CM Carpenter, for Resolution of the City of Brown City to extend the term of the cable franchise until January 22, 2000. Roll Call Vote: Pavel – yes, Murray – yes, Lents – yes, Lukacs – yes, Carpenter – yes, Miller – absent. 5 - yes; 0 – no; 1 – absent. Motion Carried.

PETITIONS AND COMMUNICATIONS: None.

PUBLIC HEARING:

07:13 P.M.: **City Ordinance Section 14.2200:** Renewal of Franchise Agreement (Cable TV). Public presented concerns with sudden volume changes and audio/video delays, but overall were satisfied with the cable service. Residents also had some questions they wanted to ask of an Adelphia representative, although one was not present. Public Hearing closed at 07:24 PM.

07:30 P.M.: **City Ordinance Section 17.200:** Transfer of Interest in Real Property (Railroad Easement). K. Muxlow stated that this property was part of the property sold to Parrish & Heimbecker (P&H). At the time P&H was built, the City was involved in the land transfer. An easement to build a railroad siding was retained by the land owners and the City. Subsequently, P&H built a building that projected onto the easement. City must transfer interest in the easement before final property transfer to Michigan Agricultural Commodities (MAC). City Manager Holmes addressed Council in regards to the litigation before the tax tribunal initiated by P&H, and stated that there is no direct connection to the transfer of this property and the tax litigation. Public Hearing closed at 07:39 PM.

ORDINANCES:

1. **City Ordinance Section 14.2200:** Renewal of Franchise Agreement for Cable Television Service. ~~Introduced~~ **Moved** by CM Lukacs, supported by CM Carpenter, to renew the Franchise Agreement with Adelphia. Roll Call Vote: Pavel – yes, Murray – yes, Lents – yes, Lukacs – yes, Carpenter – yes, Miller – absent. 5 – yes; 0 – no; 1 – absent. Motion Carried.
2. **City Ordinance Section 17.200:** Transfer of Interest in Real Property (Railroad Easement). ~~Introduced~~ **Moved** by CM Lukacs, supported by CM Lents, to adopt Ordinance 17.200. Roll Call Vote: Pavel – yes, Murray – yes, Lents – yes, Lukacs – yes, Carpenter – yes, Miller – absent. 5 – yes; 0 – no; 1 – absent. Motion Carried.

COMMITTEE REPORTS:

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Miller: None.

Sewer and Water: Lents: Meeting held December 14, 1999, to review Layne Christensen bill and compare to original bid. The committee was satisfied, after review, and agreed to pay bill as presented. CM Lents asked City Attorney M. Zimmerman if there were any ~~resolutions~~ **laws** addressing **amending** contracts for future reference. City Attorney M. Zimmerman stated City Charter, Section 1003, ~~is a Resolution of~~ **required** Council **approval** to Modify Contracts and **suggested** that a paragraph covering modifications may be included in the cover letter ~~with a~~ **soliciting bids**.

Tax and Finance: Murray: None.

Streets and Sidewalks: Pavel: None.

ATTORNEY'S REPORT: Chapter 5 Ordinances complete and available for review. Sewer and Water Committee to make provisions for renumbering duplicate ordinance numbers.

MANAGER'S REPORT:

1. **CITY HALL CLOSURE:** Reminder that City Hall will be closed all day on Friday December 24 and 31.

DEPARTMENT OF JUSTICE GRANT: DOJ has approved our grant request to pay one-half (½) the cost of two bulletproof vests (\$587.49 total) for BCPD. City required to match the funds. Chief of Police Smith will purchase the vests for the two full-time City police officers.

2. PART-TIME POLICE DEPARTMENT HIRE: Interviewed Heather Parks of Lapeer last week. Recommend hiring her part-time. She satisfactorily completed her physical. This will bring us up to three part-time officers.

Moved by CM Carpenter, supported by CM Lents, to hire Heather Parks as part-time Police Officer.

4. DPW EMPLOYEE HIRES: Reserve/Part-Time DPW (at least in our case) can **not** be classified as either independent contractors or sole proprietor. MML says we would be required to cover them under our workman's comp policy. Cost for two individuals working for \$10.50/hour for 20 hours a month for five months is about \$151 total. When working, individuals would be automatically covered with final cost determined at audit time. CM Murray emphasized need for pre-employment physical exams. City Manager will task DPW Supervisor to insure physicals are passed prior to starting work.

5. RENAISSANCE ZONE: Met in Sandusky to discuss our responsibilities relative to the RENZONE. Included required reports to the state, general information concerning the RENZONE to include a copy of the enabling legislation. State and county plan a robust advertising campaign for which we will be asked for a contribution. Costs have not been finalized, but \$1,500 will cover advertising and basic operating budget. Expect to have more information at the next Council Meeting.

6. FORMER POLICE OFFICER DEBT: A former Brown City Police Officer, Brenda Krumenaker, still owes the City the balance of an equipment loan made to her when hired. Plan to submit paperwork for Small Claims Court immediately after the Holidays.

7. M-90 RAILROAD: Met with Dale Carlstrom, VP and General Manager of the Huron and Eastern Railroad. Discussed culvert installation, increase in easement charges to the City, and required track repair. Railroad civil engineer to contact City Manager to discuss repairs and upgrades.

8. JONES & HENRY ENGINEERING: They are still working on the loan/grant application for Rural Development. They submitted to me a list of required information. Additionally, the City must contract a bond attorney, as a component of the application. Rural Development must receive a bond from the City before any loans/grants can be made.

MAYOR'S REPORT: Reminder to Council to develop a list of names to recommend to serve on Board of Directors at the SCEDO for meeting on January 11, 2000. Mayor requests list be available for January 10, 2000 Council Meeting.

Moved by CM Lukacs, supported by CM Pavel, to adjourn at 8:00 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel
City Clerk