

COUNCIL PROCEEDINGS FOR MAY 22, 2000

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

Pledge of Allegiance led by City Attorney Marilyn Zimmerman.

PRESENT: Councilmembers: Laura Carpenter, Mike Lents, Frank Lukacs, Julie Miller, Judy Murray; Mayor Ken Brown, City Manager Clint Holmes, City Clerk Barbara Seidel, City Attorney Marilyn Zimmerman. Councilmember Kelly Pavel arrived at 07:05.

CORRECTION/APPROVAL OF MINUTES:

Motion by CM Lukacs, support by CM Miller, to approve the minutes of 05/08/00, as presented. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Lukacs, to pay the bills as presented, except for \$32,307.14 to Hinojosa Construction. Motion amended by CM Murray, support by CM Lukacs, to pay Hinojosa Construction \$23,380.00 (original bid for sidewalk program). DPW will re-measure for accurate sidewalk sizing and report to City Manager who will convey to Council at next regular meeting. Bills to be paid in the following funds: General fund amended total \$36,402.96; Payroll fund \$12,060.76; Investment fund \$29,987.10; Sanitary Sewer fund \$1,322.42; Major Street Fund \$301.71; Local Street Fund \$301.71. Motion Carried.

OLD BUSINESS:

1. Preapplication Bldg. Permit-Matt Firmingham, 6813 Cade Road-Fence/Move Hydrant. One neighbor has given approval for easement. DPW to move hydrant at next earliest convenience.
2. Comcast Franchise (Resolution 00-07 below).
3. Amendment to Section 4203A (Curfew Ordinance). See below in Committee Reports.

PUBLIC HEARING: None.

PUBLIC QUESTIONS AND COMMENTS: Tony Zimmerman asked Council to have City look at the height of the catch basin at his property on Walter Street and asked if there is an Ordinance that deals with a neighbor bringing in dirt to level out their property and divert drainage into another neighbor's property. City Attorney Zimmerman will review Ordinances and City Manager will review catch basin problem with City Engineer to possibly correct along with Third Street Drainage problem.

PERSONAL APPEARANCES:

1. Kathy Dorman candidate for County Treasurer introduced herself to Council and asked for support in the August 8th Primary.
2. William Walters, Brown City Treasurer, informed Council that a Deputy should be appointed by the City Council per MCLA 87.11. Issue tabled pending review by the City Attorney.

RESOLUTIONS: Resolution 00-07, Authorizing the Transfer of a Cable Television Franchise. Motion by CM Pavel, support by CM Carpenter, to adopt Resolution 00-07 authorizing the transfer of Cable Television Franchise from Adelphia Communications Corporation to Jones Cable Holdings II, Inc. (Comcast Corporation). Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes; 6-yes, 0-no, 0-absent. Motion Carried.

PETITIONS AND COMMUNICATIONS: Consent Agenda: Five Pre-Application Building Permits.

1. Raymond Gierman, 6751 St Mary's Street – Pole Barn.
2. Matthew Firmingham, 4347 Maple Street – Front and Rear Deck.
3. Timothy Verbeke, 4053 Second Street – Replace Siding, Windows, Front Porch.
4. Marilyn K. Childers, 6859 James Street – New Garage.
5. Scott Welch, 4227 Vine Street, New Garage.

Motion by CM Carpenter, support by CM Lukacs, to approve all five pre-application building permits. Motion Carried.

ORDINANCES:

1. Council will hold a Work Session to review Chapter 5 Ordinances on Tuesday, June 6, 2000, at 7:00 PM.
2. Chapter 8 Ordinances are being reviewed by the Planning Commission. Recommendations, amendments, and changes will be provided to the Council at the next regular meeting.

COMMITTEE REPORTS:

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Miller: Ordinance 4203A tabled and will be introduced at next regular meeting.

Sewer and Water: Lents: None.

Tax and Finance: Murray: None.

Streets and Sidewalks: Pavel: None.

ATTORNEY'S REPORT:

1. A letter to Attorney Tim Denney, representing Burnside Township, went out after the last meeting. He was informed of the Council's decision and he was asked if he was interested in starting the first draft of Act 425.
2. If the DDA were interested, Attorney David Churchill would look over procedures to make sure they are in conformance with State law. Attorney Churchill's hourly rate for advising DDA would be \$150.00 an hour.
3. Two opinion letters were received by Council from the City Attorney re: Maplevue Estates and Maple Valley Estates.

MANAGER'S REPORT:

1. **BURGER BUILDING:** Ed Pieters withdrew his offer to purchase a portion of the Burger Building. Manager spoke with current owner who declined to sell the City a portion of the building.
2. **POLICE ACADEMY RECRUIT:** Developed a contract for Greg Barker of Peck to be sponsored by the City to attend the police academy. City Attorney assisted with the fine-tuning. Contract was signed May 16. Graduation is August 25. Term of contract is two years.
3. **JAMES STREET WATER MAIN:** DPW is still working to get the main installed as soon as possible. Significant problems have been encountered to include thickness of concrete on Main Street, weather, and problems with the excavation on James Street. DPW has been authorized two hours per day overtime to speed completion.
4. **TAX COLLECTION TRAINING (L-4029):** At this May 9th training, paperwork for tax collection process was provided along with information concerning proper completion. Specific question concerning the City's public hearing on taxes was asked, and the City met all requirements for both City tax collection as well as that for the park. No additional public hearings or meeting are required for this year. Also, the Park Board can collect at their full allowable tax rate if approved by them (it was). Park rate will be 1.1556 vice 1.1267 (a difference of \$486.72).
5. **DEQ LANSING:** At this May 10th meeting, potential implications of EPA reduced arsenic levels in drinking water was discussed. Included were potential costs for filtration systems. Cost to Brown City about \$2M plus \$70K/year O&M. Plan is for another meeting once the new levels are published.
6. **WATER QUALITY REPORT:** Mailed to all households and businesses in the City. Forms and copies sent to DEQ and County Department of Health. Meets requirement for calendar year 2000.
7. **DPW GARAGE EXPANSION PROJECT:** Since the deal for the Burger Building has fallen through, and since Mr. Pieters wishes to begin work on the fire hall, et al., as soon as possible, I strongly recommend the City erect a new police garage over at the DPW.

Motion by CM Miller, support by CM Carpenter, to approve Hurley Construction to proceed with construction of the police garage as long as costs remain within the budget. 5-yes, 1-no. Motion Carried.

8. **THIRD STREET DRAINAGE:** Still waiting on drainage improvement proposal from Phillips Engineering.
9. **OUT OF AREA MEETINGS:** I plan to be out of the office to attend the following: On Thursday (May 25) I will be in Lansing for "Local Officials Day" sponsored by Senator DeGrow. On Thursday (June 1) is an MML Training course on "Funding Community Improvements".

10. JUNK CARS: The City Police began writing tickets last Friday (May 19). **CM Pavel asked City Manager to have DPW inspect drainage ditch that runs along Wood Trucking Property.**

MAYOR'S REPORT:

1. MML Region V Conference Overview.

Motion by CM Pavel, support by CM Carpenter, to adjourn to Executive Session to discuss confidential Attorney/Client communication at 8:20 PM. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes. 6-Yes, 0-No, 0-Absent. Motion Carried.

Motion by CM Miller, support by CM Carpenter, to reconvene City Council Meeting at 9:59 PM. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes. 6-Yes, 0-No, 0-Absent. Motion Carried.

No formal decisions were made during the Executive Session.

Motion by CM Miller, support by CM Pavel, to extend beyond the 9:00 hour. Motion Carried.

CM Pavel stated that given the recollection and notes of the Sewer and Water Committee that the Sewer and Water Committee had valid considerations when the tap-in fee rates were increased, she recommended no action be taken at this time to rescind the increase of tap-in fees since adoption of Ordinance 5304.2A in May, 1999.

Motion by CM Lents, support by CM Lukacs, to authorize City Attorney to offer to Maplevue Estates that any tap-in fees paid and collected since adoption of Ordinance 5304.2A be put in an interest bearing escrow account until Council determines whether to further amend Ordinance 5304.2A by Resolution with the understanding that any overpayment shall be refunded to the payer. Motion Carried.

Motion by CM Lents, support by CM Pavel, that Sewer and Water Committee Chair and City Manager begin a search for a consultant to perform a review of the Sewer and Water System to determine the (1) capacity, (2) cost, (3) manner in which the system has been financed, (4) its current debt load, and (5) total current flow to the system from each mobile home, as projected by the consultant. Motion Carried.

Motion by CM Pavel, support by CM Lukacs, to adjourn at 10:10 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel
City Clerk