

## **COUNCIL PROCEEDINGS FOR JUNE 12, 2000**

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

Pledge of Allegiance led by City Manager Clint Holmes.

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

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

Motion by CM Pavel, support by CM Lukacs, to approve the minutes of May 22, 2000, as written. Motion Carried.

### **PAY BILLS:**

Motion by CM Murray, support by CM Carpenter, to pay the bills as presented in the following funds: General fund \$94,439.18; Payroll fund \$12,678.12; Investment fund \$51,230.74; Sanitary Sewer fund \$287.39; Water Recreation \$248.92. Motion Carried.

### **OLD BUSINESS:**

1. Preapplication Bldg. Permit-Matt Firminham, 6813 Cade Road-Fence/Move Hydrant. DPW to move hydrant at next earliest convenience.
2. Amendment to Section 4203A (Curfew Ordinance). Section 4203A of Chapter IV, Article 2, amendment to subsections 4203A.1, 4203A.2, and 4203A.6. New subsections will be known as 4203A.1A, 4203A.2A, 4203A.6A introduced by CM Miller. Public Hearing scheduled for next regular meeting, June 26, 2000, at 07:30 PM.
3. Burger Building Survey. Two companies were contacted to submit bids to conduct survey of building, received one bid of \$325.00 from Millitecs of Sandusky. (Addressed below in Manager's Report).
4. Service Connection Engineering Report. Eleven firms were contacted to submit bids to perform a review of the City's Water & Sewer System, to include the following: (1) Evaluate the current capacity of the system, (2) analyze the current value of the system, (3) review the manner in which the system has been financed and its current debt-load, (4) determine the total current flow coming into the system and the projected flow if the City's planned and zoned property is developed, (5) track the amount of flow coming into the system from each mobile home, (6) investigate the projected costs of expansion if required and (7) based on the above, any other issues deemed relevant, recommend appropriate system connection fees if different from those that are currently established. Nine firms responded and four submitted bids: Jones & Henry Engineers, Ltd. \$5,500.00, Spicer Group \$9,875.00, Wade-Trim \$13,500.00, Ayres, Lewis, Norris & May, Inc. \$11,174.13. Motion by CM Lents, support by CM Lukacs, to hire Jones & Henry Engineers, Ltd. to perform review of the City's Water & Sewer System. Motion Carried.

**PUBLIC HEARING:** None.

**PUBLIC QUESTIONS AND COMMENTS:** City Treasurer Bill Walters appointment of Deputy Treasurer per MCLA 87.11. City Attorney Zimmerman stated that MCLA 87.11 is applicable to 4<sup>th</sup> Class Cities, but since the City of Brown City is a home rule city and the position of Deputy Treasurer is not included in the City Charter, no requirement exists. Further, appointment or election of a Deputy Treasurer will require an amendment to the City Charter. An alternative to this is to expand the job description of a current city employee; however, the City Treasurer will still be ultimately responsible for all duties associated with the office. Current city employee, City Deputy Clerk David R. VanCura, has offered to act as assistant to the City Treasurer and asked for no pay increase for additional responsibilities to job description. Motion by CM Miller, support by CM Carpenter, to add to the job description of David R. VanCura assisting the City Treasurer in his duties. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes; 6-yes, 0-no, 0-absent. Motion Carried.

**PERSONAL APPEARANCES:**

1. Judy Traub, 6943 Thelman Ave., Day Care Center. Mrs. Traub stated that she still needed her furnace inspected and is in the process of acquiring a license from the State to operate a Day Care Center. City Attorney, City Manager and Mayor advised Mrs. Traub that she will need to meet all requirements as outlined in Special Land Use Ordinance 8404.4 A and B, submit site plan drawings to the City Planning Commission and then to City Council, apply for a Special Use Site Permit and acquire a state license to operate a Day Care Center.
2. John Marsh, 4115 Main Street, Permit Extension Request. Mr. Marsh stated he would like more time to work on housing project. Mayor reminded Mr. Marsh that per the requirements of the City Planning Commission for last extension allowed, that Mr. Marsh was to present to the City Planning Commission and City Council a Certificate of Occupancy by 06/15/2000. Mr. Marsh responded that he did not know if he agreed to having a Certificate of Occupancy and Mayor responded that on the tape-recorded at meeting held 01/24/00, he stated he would have it. CM Carpenter asked Mr. Marsh what work had been done in the last six months and he stated that he was strapped for money and he has not been able to do as much work on the property as he would like. Mayor reminded Mr. Marsh also that he was to enclose a hole on the building that raw sewage used to seep out of. Mr. Marsh stated that he would check on the hole, but does not know anything about raw sewage. City Resident Ed Smith stated that he has a live trap set in his father-in-law's backyard that has caught several animals (possum and raccoons) coming from the stated property. CM Pavel stated that we made our decision to extend his permit based on the Planning Commission recommendations and CM Carpenter stated that Mr. Marsh, at the meeting of 01/24/00, stated he would have no problem meeting the timeline of 06/15/00, to obtain a Certificate of Occupancy. CM Pavel stated that she did not have any interest in any more extensions, that if Mr. Marsh were close to having the work completed possibly arrangements could be made, but since nothing has been done it was her personal opinion that no more extensions be allowed. Mayor recommended to Council to vote down another extension. Motion by CM Carpenter, support by CM Pavel, to deny permit extension request by John Marsh. Motion Carried. Mr. Marsh stated that he had never been to another township where he had to go in front of any township board or Council and ask for an extension, that he always went to the County. He also stated that progress had been made and that he had before and after

pictures. CM Pavel stated that we have Ordinances that we are required to follow and that you attended the meetings and agreed to make progress and have not. Mayor Brown responded that the judge would have to decide this.

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:** Six Pre-Application Building Permits.

1. Pam Bowers, 6905 Cade Road-Reshingle house.
2. Jan Kreiner, 6819 Cade Road-Fence.
3. GTE, Alley between Main and Vine-Aerial cable.
4. Amco (Brown City Shell), 4139 Main Street-Canopy.
5. Gerald Kosal, 4235 Vine Street-Two garages, a 16'x20' and a 16'x24', one to be attached to the house.
6. Theodore Blackmer, 6873 Vine Street-Move neighbors garage to his property.

Motion by CM Carpenter, support by CM Pavel, to approve all six preapplication building permits. Motion Carried.

Motion by CM Carpenter, support by CM Lukacs, to schedule a Public Hearing for three variance requests by Rod Hughes. Motion Carried. Public Hearing scheduled for 06/26/00, at 07:15 PM.

**ORDINANCES:** Chapter 5 work session scheduled for Monday 06/19/00, at 07:00 PM.

**COMMITTEE REPORTS:**

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Miller: None.

Sewer and Water: Lents: None.

Tax and Finance: Murray: None.

Streets and Sidewalks: Pavel: Asked about Tony Zimmerman's catch basin and neighbor adding fill to backyard. City Manager stated the catch basin is still on the list of things to do for DPW and that there is nothing the City can do about the fill issue and that if that happened it would then be a Civil issue. CM Pavel reported that on the corner of Second St. and George St. where there is no curb, a washout had begun of the gravel lying there. City Manager to relay to DPW. Also reported that the garbage bins between Liebler Insurance and the Pharmacy were broken and asked if we could purchase new bins and of a different type. City Manager will have DPW supervisor check catalog to see what is available.

CM Carpenter asked about purchasing new Christmas decorations and City Manager responded that current decorations will have to be moved to new storage until floor is completed on Building B and would like to wait a little longer to check on new decorations. (Move to Old Business.)

CM Lukacs asked why the City could not put pressure on the railroad to fix the tracks on Main Street. Mayor reported that a meeting with MDOT took place last week with DPW supervisor, Mayor and representatives from MDOT. Currently there are three issues:

1. The driveway going out of J&J Farm Services onto Main Street is a safety concern to MDOT and they wondered if driveway going onto Welles Street could not be solely used.
2. Next to the Bank there is nothing to stop a vehicle from going into the path of an oncoming train and MDOT asked if it would be possible to make one block of James Street a one-way street and if the Bank could then block off existing entrance into drive-through window of bank and then create a new entrance into drive-through window.
3. MDOT thought the best idea would be to either put up lights on James and Welles streets or "arms" at RR crossing at James and Welles Streets.

MDOT will work with the railroad to fix Main Street crossing and come up with solution to these issues.

**ATTORNEY'S REPORT:**

1. City Attorney reported that on May 23, 2000, she contacted the Attorney for Maplevue Estates to make the City's offer to escrow connection fees paid while the Engineering study of connection fees is conducted with the provision that if the Engineering study results in a reduction of connection fees, any excess previously paid will be refunded and that if the Engineering study results in an increase of connection fees, no additional connection fees will be assessed against those properties who have previously connected and paid fees. The City Attorney reported that she had also advised Maplevue's Attorney that the City has established an escrow fund for collection of connection fees until resolution of connection fee issue following the Engineering study and that the study will be completed within a reasonable time. City Attorney reported that in the same telephone conversation she asked that Maplevue's Attorney respond to the offer prior to June 12, 2000, Council Meeting but he had not responded. City Attorney suggested that she and the City Manager review enforcement procedures for collection of connection fees for tap-ins.
2. Ellis Building.

Motion by CM Lents, support by CM Miller, to move to Executive Session to discuss Ellis Building at 08:08 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 Lukacs, support by CM Carpenter, to reconvene Council Meeting at 08:26 PM, with no formal decisions being made by Council while in Executive Session. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes; 6-yes, 0-no, 0-absent. Motion Carried.

Ordinance Section 17.300, an Ordinance to amend the Brown City Code by adding a new section which new section shall be known as Section 17.300 of Chapter 17, Purchase of Real Property introduced by CM Pavel.

3. Maple Valley Estates. Tabled until next regular meeting.

**MANAGER'S REPORT:**

1. **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.
2. **MAYOR EXCHANGE DAYS:** Tentatively planned for June 28 in Croswell and June 29 in Brown City. Croswell needs to know how many people we plan to send there. They will let us know how many we can expect. Council requested to RSVP soon.
3. **CREATING A HEALTHY DOWNTOWN:** Attended this class last week. Good information on types of municipal bonds. Information on downtown development less helpful. We may wish to consider having a professional organization conduct a consumer survey and make some recommendations as to types of businesses to attract. Cost of this type of survey is high (\$12K+). Local merchants may wish to participate if the Council has an interest to proceed.
4. **INDUSTRIAL PARK DEVELOPMENT:** The Mayor and I met with the federal regional and area economic development specialists to discuss a possible industrial park for the City. The one-hour meeting provided us with the procedures we must follow to make this a reality. The City must acquire the land (first), the Feds can then provide grants to assist with development of infrastructure, specifically water, sewer and roads. This could include some improvements to the existing water and sewer system to the extent that it relates to industrial development.
5. **WATER QUALITY:** EPA plans to lower acceptable arsenic levels in drinking water to 5 ppb. Brown City's water is 15-26 ppb. The public comment period begins once the new standard is published in the Federal Register and will then last for 90 days. I spoke with DEQ, and they are planning on having a meeting to discuss the comment procedures and potential courses of action on June 20 in Lansing.
6. **DPW GARAGE EXPANSION PROJECT:** The new garage and building expansions are proceeding well. Framing has been completed and siding should be going on this week.
7. **ALMONT SCREW PRODUCTS:** The manager called to state he is purchasing two additional machines and adding one additional employee. He wants to know if the Council will support his getting a tax abatement for these two machines. Cost of machines is about \$160K. City Manager to further research this request and report back at the next regular meeting.
8. **THIRD STREET DRAINAGE:** Still waiting on drainage improvement proposal from Phillips Engineering.
9. **CABLE TV COMPUTER:** Adelphia Cable dropped off a new computer for programming Channel 6. Problem is it is a rack computer, which needs a PC to operate it. Recommend replacing the personnel/accounting/tax computer with a more powerful one, and "sell" the old one to Channel 6 to operate the system.

- 10. BROWN CITY AREA FIRE AUTHORITY WATER FEES:** The Fire Chief presented the City with two checks totaling \$80 toward the cost of water they use to fill swimming pools outside of the City.

Motion by CM Carpenter, support by CM Lukacs, to extend beyond the 9:00 hour. Motion Carried.

- 11. POLICE OFFICER PROMOTION:** Chief Smith recommends Part time police officer Shane McKibben be promoted to full-time police officer.

Motion by CM Miller, support by CM Pavel, to promote Shane McKibben to full-time police officer.

**MAYOR'S REPORT:**

1. Planning Commission Re-Appointments: Mayor recommends re-appointing Dallas Berry, Ralph Lowe and Joan Palmeri to three year terms expiring in 2003.

Motion by CM Carpenter, support by CM Miller, to re-appoint Dallas Berry, Ralph Lowe and Joan Palmeri to Planning Commission for three year terms expiring in 2003. Motion Carried.

2. Election Commission Re-Appointment: Mayor recommends re-appointing David R. VanCura to the Election Commission for a two year term expiring in 2002.

Motion by CM Pavel, support by CM Lukacs, to re-appoint David R. VanCura to the Election Commission for a two year term expiring in 2002. Motion Carried.

Motion by CM Pavel, support by CM Miller, to adjourn at 09:05 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel  
City Clerk