

COUNCIL PROCEEDINGS FOR JULY 24, 2000

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

Pledge of Allegiance led by Councilmember Frank Lukacs.

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

CORRECTION AND APPROVAL OF MINUTES: MOVED BY CM Lukacs, supported by CM Pavel, to approve the Council Minutes of July 10, 2000 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 - \$30,897.58, Payroll - \$13,612.41, Sanitary Sewer - \$14,435.75, Water Recreation - \$1,556.30, Investment - \$24,923.93. Motion Carried.

OLD BUSINESS:

1. Pre-application Building Permit – Matt Firmingham, 6813 Cade Road – Fence/Move Hydrant. After the DPW completes the James Street Project, they will work on moving the hydrant plus installing/moving a second hydrant in that same area.
2. Christmas Decorations. The new storage building is now complete. We need to begin looking into ordering some more decorations.
3. City Ordinance Chapter 5 Work Session Scheduling. The Council was given copies of Subdivision Ordinances for Croswell and Almont. No date was set for a work session.

RESOLUTIONS:

Resolution Number 00-08 = Amend City's 2000-2001 Budget.

MOVED BY CM Murray, supported by CM Carpenter, to adopt Resolution #00-08 to amend the City's 2000-2001 Budget to better reflect revenues and expenditures.

ROLL CALL VOTE: Pavel – yes, Murray – yes, Lents – yes, Miller – yes, Lukacs – yes, Carpenter – yes. 6 – yes, 0 – no, 0 – abstain. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS:

1. Don and Mabel Green voiced their concerns (safety, etc) about their neighbor putting up a fence along the alley between McMorran and Reed Streets. The City currently does not have a fence ordinance.
2. George Hahnefeld asked when the meeting on arsenic levels would be held. This will be addressed later in the meeting.

PUBLIC HEARING:

7:15 PM – Judy Traub, 6943 Thelman Ave. – Day Care Center.

Mayor Brown opened the Public Hearing at 7:15 PM on the Special Land Use Request for Judy Traub to operate at Day Care Center in her home.

There were no public comments.

The Council asked questions about fencing and an existing swimming pool.

There is a fence around the playground area. The pool has been inspected and is not in the playground area.

Mayor Brown closed the Public Hearing at 7:21 PM.

MOVED BY CM Carpenter, supported by CM Lukacs, to grant a Special Land Use request to Judy Traub to operate a Day Care Center in her home at 6943 Thelman Avenue to operate Monday through Friday from 6:00 AM to 6:00 PM with a maximum of six (6) children. Motion Carried.

PERSONAL APPEARANCES: None.

PETITIONS AND COMMUNICATIONS: Three Pre-application Bldg. Permits-

1. Robert Stephens, 4046 Main Street – Deck with Roof.
2. Doris Avery, 6940 Maple Valley Road – 10 x 14 Addition to House.
3. Brian Kohler, 6929 Cade Road – Reroof and Reside House.

MOVED BY CM Carpenter, supported by CM Lukacs, to approve all three (3) pre-application building permits. Motion Carried.

ORDINANCES: None.

COMMITTEE REPORTS: None.

CM Pavel asked City Manager Holmes about the following:

1. James Street repaving. CM replied that the work is continuing and should be complete by the end of the week.
2. Has property and ditch on Maple Valley Road been cleaned up. A letter will be sent to the property owner following and inspection by the City Manager and DPW Supervisor.
3. Park looked good for the weekend. City Manager commented that Pete Piche had worked especially hard to make the park as nice as possible for the Little League Tournament and UAW picnic.
4. Hillside Subdivision – swale, road, catch basins. Work began this morning to complete the grading on the road and swale. City Manager to check on the status of the catch basin lowerings.
5. MDOT - electrical conduit work. Mr. Doug Wilson, Cass City Region for MDOT was contacted to determine status of the project. No status was available at the time of the meeting.

ATTORNEY'S REPORT:

1. Maplevue Estates Lawsuit – Attorney Zimmerman received a call from their attorney the week of June 27th. The lawsuit has been filed on two (2) counts. She is in the process of formulating a response and City Manager Holmes has contacted the City's insurance company.

2. **Burger Building Closing** – Attorney Zimmerman has received the survey. She has spoken with Ms. Ellis’s attorney and hopes to close July 28th. The City can close when they receive the title work.
3. **Cemetery Board Millage Request** – The Cemetery Board has requested that a “half mill” be added to the City’s millage to operate the Cemetery. Brown City is the only City around that doesn’t have millage to supplement their cemetery. Ballot language would need to be written. The Council would have to approve it by resolution. It then would have to be submitted to the County Clerk by August 29th. Discussion by the Council to see if there was support for the request. The issue was tabled until the next meeting. City Attorney Zimmerman to prepare ballot language.

MANAGER’S REPORT:

1. **MAPLE VALLEY ROAD LIFT STATION:** Insurance company has been contacted and a claims adjuster appointed. Anticipate some help from the insurance company to cover the \$6,856.78 replacement cost.
2. **JAMES STREET WATER MAIN:** DPW has completed the connection between the two mains. Water samples have been tested and proved clean. DPW began installing new water taps for the six homes and businesses along James Street. Should finally be complete soon. Once work is completed, James P Construction will be notified that they can begin the street project.
3. **WATER QUALITY:** A reporter and camera crew from the Lehrer NewsHour on PBS interviewed the Mayor and City Manager last Wednesday. Report should air sometime in August. Need to schedule “Town Meeting” for end of August and determine location for it.
Council decided to tentatively schedule a special council meeting for Monday, August 21st. at 7:00 PM at the School cafeteria if AWWA and DEQ people are available.
4. **BURGER BUILDING:** Anticipate closing on the property on July 28. Ellis’ attorney to coordinate paperwork with City Attorney.
5. **NEW POLICE GARAGE:** The new garage is complete except for electric service. All City material (to include police cars) has been moved out of the old fire hall and the keys turned over to Ed Pieters.
6. **EES INTERNET:** GTE installed 200 additional phone lines in the Library on Thursday (July 6). EES to install servers soon.
7. **THELMAN AVENUE LIFT STATION:** Coordinated with the property owner and received the final bid from HydroDynamics. Cost to replace the lift station (complete swap out) is \$60,432.40. Recommend Council approve bid so construction can begin as soon as possible.

MOVED BY CM Lents, supported by CM Carpenter, to proceed with the replacement of the Thelman Avenue lift station. Motion Carried.

8. ECONOMIC DEVELOPMENT COUNCIL: Each of the Councilmembers was provided with the letter from EDC requesting \$450+ to promote the renaissance zone. I need a recommendation to provide to the EDC Director.

MOVED BY CM Murray, supported by CM Miller, to provide \$450.00 to promote the renaissance zone. The funds are to come out of the E.D.C. Fund.
Motion Carried.

9. KOHLER BEER AND WINE LICENSE: Each of you was provided with the letter from the Liquor Control Board concerning granting of a license. If City plans to reply, response must be sent by July 31, 2000.

MOVED BY CM Lukacs, supported by CM Carpenter, to have the City Manager send same response as was sent to Ben's Supermarket.

ROLL CALL VOTE: Carpenter – yes, Lukacs – yes, Miller – yes, Lents – yes, Murray – no, Pavel – no. 4 – yes, 2 – no, 0 – abstain. Motion Carried.

10. WINDSOR DRAIN: Maplevue Estates filled in the Windsor Drain on the south end of town late last week. Mr. Bowerman, the Sanilac County Drain Commissioner, and his chief engineer contacted the owner and manager of the trailer park today. They also conducted an inspection of the site. Following that, they stopped by the office and stated that the drain will be opened as soon as possible.

11. SIDEWALK BILLS: Bills for the 1996, 1997, 1999, and 2000 sidewalk program have been sent. Payments are due by August 14, 2000 to allow time to add to tax bills if not paid when due.

12. 4406 MAIN STREET: Louis Nagy has requested a variance to return this house from single family to apartments. The house is currently zoned commercial. He has to appear before the Planning Commission on Thursday. If they approve, then a Public Hearing and approval by the City Council, acting as the Zoning Board of Appeals must approve. A Public Hearing must be scheduled and the appropriate advertising and mailed notices must be executed. Recommend the City Council schedule a Public Hearing for August 14, 2000 at 7:15 PM.

City Attorney Zimmerman noted that this request would fall under expansion on a Non-Conforming Use and would not require a public hearing.

The request will still go before the Planning Commission.

13. CITY MANAGER VACATION: I plan to take the next four days (July 25- 28) as vacation time to paint my house. I will be in town should any problems arise.

14. LIBRARY BOARD: Met last Thursday and decided to contract an architect to design library expansion. They will invite Council representatives to initial meeting with architect.

15. MDOT STREET ENHANCEMENT GRANT: Contacted the grant office to determine the status of our grant request. Awardees are to be announced in August.

MAYOR'S REPORT: None.

MOVED BY CM Lukacs, supported by CM Pavel, to adjourn the meeting at 9:00 PM. Motion Carried.

Respectfully submitted,

David R. Van Cura
Deputy Clerk