

COUNCIL PROCEEDINGS FOR AUGUST 14, 2000

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

Pledge of Allegiance led by Councilmember Julie Miller.

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

CORRECTION/APPROVAL OF MINUTES:

Motion by CM Miller, support by CM Pavel, to approve the minutes of July 24, 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 \$71,666.09; Payroll fund \$31,160.99; Investment fund \$73,966.05; Sanitary Sewer fund \$7,713.00; Water Recreation \$218.23. Motion Carried.

OLD BUSINESS:

1. Preapplication Bldg. Permit-Matt Firmingham, 6813 Cade Road-Fence/Move Hydrant. Job should be started by Monday.
2. Christmas Decorations. Can be purchased and stored as soon as storage floor is done.
3. City Ordinance Chapter 5 Work Session Scheduling. City Manager has not gotten responses yet from engineering firms.

PUBLIC HEARING: None.

PUBLIC QUESTIONS AND COMMENTS:

1. Eva Gottler-Resident Second Street - City Manager to address the following issues:
 - a. Voiced concerns about property on Main Street that abuts Second Street being overgrown with weeds and grass.
 - b. Weed problem along the old Travco parking lot.
 - c. Condition of the American Flag flying over City Hall
2. Pamella Abel and Chris Seidel, residents of Third Street, voiced concerns about lack of lighting on Third Street after recent break-ins and asked for more police coverage on weekends or possibility of additional car patrol on weekends. Chris Seidel and CM Carpenter offered use of their properties for poles and lights. City Manager will contact Detroit Edison to determine cost and feasibility of installing an additional street light on 2nd and 3rd Streets.

PERSONAL APPEARANCES:

1. Tony Zimmerman and John Liebler. Cemetery Millage Request. Finance Committee to meet on Thursday, August 17th at 7:00 p.m. along with Mr. Liebler to review estimate of projected cemetery costs and current budget. Finance committee to bring recommendations to next regular council meeting. Attorney Zimmerman presented ballot

wording and general procedures in the event millage request is added to November, 2000, ballot.

2. Clint Cahoon. Zoning Request. Requested zoning change from Commercial to Residential. Deferred to Planning Commission, that will next meet in September. Planning Commission will have option to set Public Hearing and send recommendations to City Council.
3. Chuck Kunisch. Michigan Agricultural Commodities-Concerns. Presented concerns regarding Maple Valley Estates and operations of elevator. He wanted Council to be aware that dust and noise generated during the fall harvest could result in complaints from those who move into this area. He also presented the Council with a copy of Public Act 381 of 1998: Michigan agricultural processing act.
4. Ray Carman. Brown City Days, Homecoming 2001, and Sidewalk issue.
 - a. Requested City pay half of the \$445 cost for Port-a-Johns used downtown during Brown City Days. Attorney will look up procedures from years past to determine if the City can assist with this expense.
 - b. Asked Council recommendations on dates for Homecoming 2001. Consensus of Council is July 13 and 14, 2001.
 - c. Sidewalk Issue McMorrان Street. Mr. Carman repaired sidewalk DPW apparently broke two years ago. City replaced and billed Mr. Carman for a separate sidewalk. Consensus of Council to credit Mr. Carman \$53.60 for sidewalk repair.
 - d. Also voiced concern about continual drop and sink of curb at corner of Main and McMorrان. DPW will investigate.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS: Three Pre-Application Building Permits.

1. Jerry Steigerwald, 7114 Lincoln Street-Reshingle House.
2. Danny Jones, 4288 Main Street-Reshingle House.

Motion by CM Carpenter, support by CM Lukacs, to approve reshingle projects. Motion Carried.

3. Mike Jones, 6805 Cade Road-24' x 32' attached garage. Requires variance (since proposed building would be less than 10' from property lines). Motion by CM Pavel, support by CM miller, to set Public Hearing for September 11, 2000 at 7:15 p.m. Motion Carried.

ORDINANCES: An Emergency Ordinance To Amend the Brown City Code by Amending Subsections 3132.A and 3132.7 of Chapter 3, Article 1 of said code, Which Amended Subsections Shall be Entitled 3132.AA and 3132.7A of the Brown City Code Vehicle Weight Limitation Exceptions. This Emergency Ordinance will expire in 61 days. Introduced by CM Carpenter. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes. 6-yes, 0-no, 0-absent. Motion Carried.

An Ordinance to Amend the Brown City Code which subsections shall be known as 3132.2AA and 3132.7A of the Brown City Code, Vehicle Weight Limitation Exceptions. Introduced by CM Miller provided the sentence "*However, no person shall drive or move the said construction*

vehicles when Sanilac County frost laws are in effect;” is added to Paragraph B. Public Hearing set for August 28, 2000, at 7:30 p.m.

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: None.

ATTORNEY’S REPORT:

1. Maple Estates Lawsuit. Motion by CM Lents, support CM Carpenter, to authorize City Attorney Zimmerman to stay involved in case along with the Dloski Law Firm who is the firm representing the City in this matter. Motion Carried.
2. Burger Building Closing. City Manager handled the closing.
3. Cemetery Board Millage Request. See above.

MANAGER’S REPORT:

1. **JAMES STREET WATER MAIN:** DPW has completed the new water taps for the seven homes and businesses connected along James Street. Still need to remove chlorine tap and replace 12” deep concrete patch. Hinojosa Construction will complete both patches needed on Main Street (other in front of Town & County) for \$5,600. They plan to pour concrete on Wednesday. This will bring the project to just under \$30,000 or \$23,000 over estimate. Once this work is completed (and no leaks have been detected), James P Construction will be notified that they can begin the street project.
2. **WATER QUALITY:** Recommend a meeting of the Sewer and Water Committee to approve final draft of presentation for the August 21 “Town Meeting”. To date, Representative Barcia’s office and DEQ will each send a representative. Senator Abraham’s office will try and send someone. Still waiting for word from Senator DeGrow and Representative Ehardt. School will make the cafeteria available for this meeting at no cost.

Sewer and Water Committee to meet Friday 08/18/00, at 5:30 p.m. to review Final Draft for Town Meeting.

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

3. **BURGER BUILDING:** Paperwork has been completed with the possible exception of final recording of deeds and title insurance. Michigan Community Underwriters was contacted and the building is now insured. Dave Kinney is working to get the utilities separated. Library Board to meet Thursday, August 24 at 7:30 PM to select an architect. I have received two estimates to block up the wall separating the two portions of the building. Pro Masonry Construction (Tim Blatt) is \$4,000 and Larry Hunt Mason

Contractor is \$3,750. Also, a new steel frame double door is \$1,800. Need motion to continue with repairs.

Motion by CM Murray, support by CM Pavel to hire Pro Masonry Construction to complete work for wall separating the two portions of the building. Motion Carried.

4. **NEW POLICE GARAGE/DPW COMPLEX:** The new garage is complete except for electric service. We have received one bid for \$1,395 from Old Electric. Do not anticipate additional bids. Concrete to be poured in new section of Building B on Thursday at a cost of approximately \$2,240. No substantial additional work is planned for this year. Estimated cost to date is approximately \$35,911.09.
5. **COMPUTER FOR CHANNEL 6:** A new computer (Pentium 667) was received for the Payroll and Human Resources Clerk and City Bookkeeper. All records were successfully transferred to the new machine. The old machine was transferred to the Police Department, which was a substantial upgrade for them. The old police computer was to be used to operate the machine supplied by Adelphia but was not powerful enough. Used machine acquired for \$150 and is operational with the Adelphia computer. Once the information on the old system has been transferred, plan to swap out the equipment.
6. **EES INTERNET:** GTE finally completed installing phone lines and connections last Tuesday. EES to install servers soon.
7. **WINDSOR DRAIN:** Maplevue Estates has still not opened the drain, but have contracted to have it done. The drain will be opened as soon as possible.
8. **DNR GRANT FOR PARK:** Department of Natural Resources Grant application is due on September 1. One of the requirements is a public hearing. Park Board scheduled a hearing for Wednesday, August 23 at 7:00 PM. Specific improvements under discussion include: 1) Adding two baseball diamonds in the southwestern portion of the Park with necessary grading for two more; 2) Widen the Cade Street entrance and road and add a traffic island between lanes; 3) Add a parking lot next to the proposed baseball fields; 4) Add a new soccer field. Estimated cost for this project is \$120,000. Of this, \$90,000 is being requested from the DNR, and the Park Board, Little League and private donors will provide \$30,000.
9. **DRAINAGE REQUESTS:** A resident at 4440 Vine Street needs to improve the drainage behind his home. Problem with water flowing south from the bank and gas stations parking lots. Cost estimated at \$875. Resident is requested that the City pay a portion of the cost. Consensus of the Council is that this is a private property issue and that the City should not participate financially.
10. **FIRE DEPARTMENT FLASHING LIGHTS:** Coordinated with Cass City MDOT to determine status on the flashing lights for Main Street. Orange tubes were finally buried, and MDOT stated that Lansing Traffic Signals should install the lights the week of August 10.

11. STRAY ANIMALS: There have been some complaints from residents about cats and dogs running around loose. City Police have been instructed to issue citations for animals not on a leash or on the owner's property as is required by City Ordinance. First municipal citation is \$50, and each subsequent one is \$50 more.

12. VFW PARK:

Consensus of Council is that City pay half and VFW to pay half of costs for installation of new sidewalk, as is the current City policy.

MAYOR'S REPORT: Mayor presented overview of Petoskey Mayor's Conference.

Motion by CM Lukacs, support by CM Carpenter, to adjourn at 09:27 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel
City Clerk