

## COUNCIL PROCEEDINGS FOR SEPTEMBER 25, 2000

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

Pledge of Allegiance led by City Clerk Barb Seidel.

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

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

Issue regarding wording of Public Hearing portion of the minutes. (Clarification of non use variance requests). Motion by CM Lukacs, support by CM Pavel, to table correction and approval of minutes of last meeting, 09/11/00, until next regular meeting on 10/09/00.

### **PAY BILLS:**

Councilmember Murray questioned a bill for AIS Construction that included labor for \$786.00 for welding and Mileage \$281.00 and asked that we try to get local companies when repairs become necessary.

Motion by CM Murray, support by CM Carpenter, to pay the bills as presented in the following funds: General fund \$11,985.75; Payroll fund \$12,859.75; Sanitary Sewer Fund \$1,488.38, Investment fund \$40,431.92. Motion Carried.

### **OLD BUSINESS:**

1. Preapplication Bldg. Permit-Matt Firmingham, 6813 Cade Road-Fence/Move Hydrant. One hydrant still needs to be moved.
2. Christmas Decorations. Will be ordered as soon as catalog is located.
3. City Ordinance Chapter 5 Work Session Scheduling. City Manager has not gotten responses yet from engineering firms.

**PUBLIC QUESTIONS AND COMMENTS:** Larry Steigerwald. Mr. Steigerwald had questions regarding where a new street light would go on his property. Edison put a stake in his yard and where it is laid out would be unacceptable because it would cut through trees in his yard. Also had some concerns with weeds along the fence on Buby and Kohler Streets that were sprayed but also need to be pulled down and weeds behind the Fire Hall. City Manager to research concerns.

**PERSONAL APPEARANCES: VFW-Bill Pepper and Bud Welch.** Mr. Pepper asked that Council waive the bill for the VFW Memorial Park sidewalk as in the past the City has used the VFW Hall without being charged. The City and the Veterans jointly own the Memorial Park. Mr. Pepper also has concerns with repairs to the south lawn of the VFW Hall, when the sewer was put in the lawn was destroyed and it has yet to be repaired. Mr. Pepper asked if the city could not repair the lawn and bill the contractor that put in the sewer. City Attorney will review this. Motion by CM Murray, support by CM Carpenter, to waive the sidewalk bill to VFW Motion Carried.

**RESOLUTIONS: RESOLUTION #00-14: A resolution to formally apply for assistance from the Michigan Department of Natural Resources to enhance the Brown City Community Park.** Motion by CM Pavel, support by CM Miller, to adopt Resolution #00-14. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Murray-yes, Pavel-yes; 5-yes, 0-no, 0-abstain, 1-absent. Motion Carried.

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

1. Michael Jones, 6805 Cade Road-Attached Garage.
2. Keith Kennedy, 7095 Wells-Replace Wood and Shingles.

Motion by CM Pavel, support by CM Miller, to table Jones Permit until further clarification of non use variance issue addressed in correction and approval of minutes. Motion Carried.

Motion by CM Carpenter, support by CM Pavel, to approve Kennedy Permit. Motion Carried.

**PUBLIC HEARING: None.**

**ORDINANCES: None.**

**COMMITTEE REPORTS:**

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None. Question regarding Charter Section 2.13; addressed in addendum to City Charter.

Police: Miller: None.

Sewer and Water: Lents: Absent.

Tax and Finance: Motion by CM Murray, support by CM Carpenter, to authorize Deputy City Clerk VanCura and City Manager Holmes to sign checks during the interim between 11/13/00 and 12/11/00 when new Mayor, City Clerk and Treasurer take office. Motion Carried. It is also the decision of the Tax and Finance Committee that Deputy Clerk VanCura be responsible for mailing Tax Bills in November and be compensated for any extra time spent doing so. A formal motion will be made at a later date for any compensation if needed.

Streets and Sidewalks: Pavel: Mayor commented on the good job done on the street project.

**ATTORNEY'S REPORT:**

1. Maple Estates Lawsuit. Nothing new to report.
2. Conflict of Interest. Reviewed recommendations of Attorney Zimmerman.
3. 4115 Main Street. (Ordinance 4106.4A/Dangerous Building Ordinance) Citation Order to be posted and mailed on 09/26/00. Neighbors of property were asked to write letters addressing their concerns and return to Mayor or City Manager within 7 to 10 days (three neighbors were in attendance at meeting, three others to be contacted by City Clerk and asked to write letters).

**MANAGER'S REPORT:**

1. **KOHLER CONVENIENCE STORES:** The City received a "Denial Of A Request For A License" from the State Liquor Control Commission for the BP Station. Denial was based on the fact that "the Brown City City Council does not recommend the granting of this request." The letter is available for review at City Hall.

2. **MAPLE VALLEY LIFT STATION:** Repairs to the lift station were finally completed. The control panel had been out since hit by lightning on June 1<sup>st</sup>. Cost was in excess of \$7K of which insurance paid just under \$6K. Lotus Electric of Waterford can install transient voltage surge suppressor for \$6.5K. Recommend we have this device installed to prevent future extended outages and high costs. **REQUIRES MOTION.**  
CM Murray requested more estimates be obtained.
3. **SANILAC COUNTY ECONOMIC DEVELOPMENT CORPORATION:** There was a meeting of the EDC last Wednesday. Topics of discussion included committee membership since they have lost three members and are looking for volunteers. Additional discussion included annual contributions from communities. The City donated \$1 for each resident of the City last year. The EDC is looking for that amount plus 10% this year (\$1,368.40). Also, apparently the search for a location for the ethanol plant has narrowed to Saginaw and Marlette (in that order), however no formal announcements to that effect have been made.
4. **MICHIGAN MUNICIPAL LEAGUE CONFERENCE:** The conference is on Mackinaw Island 27-30 September. I will be out of the office from Wednesday morning through Saturday afternoon.
5. **MAPLE VIEW ESTATES LAWSUIT:** Water connection inspections were completed last Wednesday with no discrepancies noted. Hearing in Sandusky on Monday, October 2 at 10:00 AM concerning the current injunction. Anticipate that I will need to attend.
6. **SANILAC COUNTY VETERAN'S OFFICE:** There will be a deposition hearing in Sandusky on October 3 at 10:00 AM relative to an arbitration hearing and my presence has been requested.
7. **GEORGE EMMIE LETTER:** Since the City can not bear the expense of extending the municipal sewer system out to Emmie Tool, he desires to expand his existing septic field. To do that, he requires permission in the form of a letter sent to the Sanilac County Health Department. A copy is in your packets. If there are no objections or recommended changes, I propose to sent the letter and approve expansion of septic field subject to the requirements detailed in City Ordinance Section 5314.
8. **EES INTERNET:** The local internet provider company called to state that because of conflicts with Ameritech and GTE, combined with rapidly rising costs, that they are abandoning Brown City. Therefore, Greatlakes.net is the only available local provider for the foreseeable future.
9. **HYDRANT FLUSHING:** Fall hydrant flushing usually takes place in October. DPW has recommended the week beginning October 9<sup>th</sup>. **REQUIRES MOTION.**  
**Motion by CM Pavel, support by CM Miller, to flush hydrants beginning 10/09/00.**  
**Motion Carried.**

- 10. BROWN CITY CLEAN UP DAYS:** DPW has requested that clean up days be scheduled for Monday and Tuesday October 16<sup>th</sup> and 17<sup>th</sup>. Previously, cleanup days have been on Thursday and Friday. However, if two days proves inadequate, as has been the case on occasions in the past, Wednesday would be available rather using Saturday.  
REQUIRES MOTION.

**Motion by CM Carpenter, support by CM Lukacs, to hold clean up days 10/16/00 and 10/17/00. Motion Carried.**

- 11. ARSENIC PROPOSALS:** Wade-Trim provided a proposal to do the engineering work on the water system for arsenic removal. Cost of the report is \$13,400. Council decided to wait until the EPA publishes the final arsenic contaminant level in January, 2001, prior to proceeding with engineering. City Manager to write Wade-Trim concerning this decision.

- 12. DEQ LETTER LEAD AND COPPER TESTING:** The City received notice from DEW that water testing for pb and cu is due. We are required to use samples from ten specific locations in the City. Letters were sent to business and homeowners that the DPW will be delivering test bottles.

- 13. ROOF REPAIR OF BURGER BUILDING:** Roof was repaired. Insurance adjuster will be here next Friday to look at the damage and assess the claim.

**MAYOR'S REPORT:**

Wellhead Protection Grant Meeting-Lansing, September 26, 2000. Mayor will attend.

Motion by CM Lukacs, support by CM Carpenter, to adjourn at 08:55 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel  
City Clerk