

COUNCIL PROCEEDINGS FOR JANUARY 22, 2001

Meeting called to order at 7:00 PM by Mayor Kelly Pavel.

Pledge of Allegiance led by Denise Hoff.

PRESENT: Mayor Kelly Pavel, Councilmembers, Laura Carpenter, Patricia Jacobson, Frank Lukacs, Julie Miller, Judy Murray, Michael Stain; City Manager Clint Holmes, City Clerk Denise Hoff, City Attorneys Marilyn Zimmerman and Gerard Garno.

ABSENT: None.

CORRECTION/APPROVAL OF MINUTES: Amended to correct name spelling of Attorney Garno. Motion by CM Lukacs, supported by CM Miller to approve the Minutes of January 8, 2001 as amended. Motion Carried.

PAY BILLS:

Motion by CM Murray, supported by CM Carpenter, to pay the bills as presented in the following funds: General-\$17,587.92, Payroll-\$13,206.90, Sanitary Sewer-\$2,775.42, Water Recreation-\$50.00, Investment -\$63,642.66. Motion Carried.

PETITIONS AND COMMUNICATIONS: None.

PUBLIC HEARING:

1. 7:15 PM-Intersection of Main and James Streets. Mayor Kelly Pavel opened the Public Hearing at 7:15 PM. City Manager gave an overview of Safety issues and MDOT issues concerning the railroad crossing at the intersection of Main and James Streets.
 - A. Citizen with a business on James Street strongly opposed to the one-way street issue, which would also entail a construction mess for the second year in a row in front of his business. He feels this will affect his business and would want compensation from the city for the loss of time and business. This business is a source of livelihood and future retirement.
 - B. Citizen strongly opposed to a one-way street.
 - C. Citizen concerned about not only the disrepair of Main Street railroad, but all the railroad crossings in town.
 - D. Citizen concerned about who mandates the safety issues of the repair. Why can't the railway pay for the maintenance of the railway, and repair the rotten ties. Keep the street a two-way street, and install the extra apparatus.
 - E. Is a flashing traffic light an option? City Manager's response was this issue has been addressed with MDOT who's answer was no.
 - F. Concern about the wording of MDOT options. Citizen states he understands from Council that if we don't pick one of three options MDOT will pick an option for the City. Citizen doesn't read it this way, would like options clarified in writing from MDOT. Respectfully.

- G. Railroad must have an easement to the area of concern and they should be responsible for the repair, it seems to be this is being pushed off to MDOT and then pushed off to the City. This is a Safety issue.

Mayor Kelly Pavel closed the Public Hearing at 7:47 PM.

Amended Motion by CM Lukacs, supported by CM Stain, leave streets alone, and fix the railroad ties only. City Manager directed to respond to MDOT letter expressing the above views as the primary alternative, reemphasize the need for the railroad to fix the ties, and approve Option #3 only if mandated by federal and state requirements. Roll Call Vote: Jacobson=yes, Murray=yes, Miller=yes, Stain=yes, Lukacs=yes, Carpenter=yes. 6 yeas, 0 nays, 0 abstain, 0 absent. Motion Carried.

2. 7:30 PM-Brown City Museum. Mayor Pavel opened Public Hearing at 7:58 PM.

- A. Paul Muxlow spoke about the Museum and the proposal for its use.
- B. Citizen concerned about museum money on account with the City, and wanted to be sure money would be used for Museum and restoration.
- C. City Attorney Gerard Garno spoke regarding funds and the lease. Present lease does not state where funds must go. *Addendum to be added to the lease stating the allocation of funds to be used for restoration of building.

Mayor Kelly Pavel closed the Public Hearing at 8:07 PM.

Motion by CM Carpenter, supported by CM Lukacs, to sign lease with Brown City Schools turning responsibility for the museum building over to the school district, with *Addendum detailing how transferred funds should be used. Motion Carried.

OLD BUSINESS:

- 1. City Ordinance Chapter 5 Work Session Scheduling: Pending. Chapter 8 discussion during Planning Commission Meeting on February 1, 2001.
- 2. Preapplication Building Permit-Mapleview Estates 7179 Silver Maple Lane: Pending.
- 3. Rezoning Request-Keith Muxlow: Pending

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None.

RESOLUTIONS: 00-01=New Permanent Performance and Indemnification Resolution. City Manager stated resolution was required to receive payments for work done on M-90. Motion by CM Murray, supported by CM Jacobson, to adopt Resolution 00-01. Motion carried.

ORDINANCES: None.

ATTORNEYS REPORT:

1. Park Authority - Provision in Charter Section 705, Council can appoint a Park Council. Townships are not required to have park, and adjacent townships can participate, but do not have to. May enter into governmental contracts. Is legal to have surrounding townships if they are interested in participating in interests of park and funding of it. City Manager to take recommendation to Park Board Meeting.
2. Marilyn Zimmerman reported to Council that she could continue representation for the Mapleview Estates lawsuit, but she felt the insurance company was providing adequate representation. She felt stepping down would save the City money. Motion by CM Lukacs, supported by CM Carpenter, to retain only the Insurance Company representation in Mapleview Estates lawsuit. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter) - None.
2. Streets and Sidewalks (Lukacs) -
 - a. Discussion on sidewalk areas in need of repair. First section to be done is the Frank Lung property. Short/Long term program to be set up.
 - b. Advertisement request from Mr. Ed Pieters for contributions from downtown businesses (approx. \$20.00 each) to circulate ad in area newspapers to better promote Brown City Shopping. Lukacs to coordinate program since he is a Main Street merchant.
3. Police(Miller) - Received letter from Chief of Police Smith asking the City to purchase a .40 caliber pistol, with repayment in the form of a payroll deduction of \$20.00 per paycheck until paid-in-full. Motion by CM Miller, supported by CM Lukacs, to purchase Sig Sauer pistol for use by, and registered in the name of, Chief Smith. Contract to be drawn up by City Manager Holmes, and signed by City Manager and Chief Smith. Motion Carried.
4. Water & Sewer (Stain) - None.
5. Tax & Finance (Murray) - Scheduled meeting for February 5, 2001 at 7:00 PM. Discussion regarding City employee health benefits and associated major increase in premiums.
6. Personnel (Jacobson) - Meeting on January 15, 2001, concerning replacement of a DPW employee. Committee recommended waiting until March to hire a part-time employee whose primary job will be mowing in town and city park. Hourly wage with no benefits.

MANAGER'S REPORT:

1. **\$4,000 ROCK:** Following a citizen complaint, the DPW investigated a plugged sewer line behind the houses on Cade Road north of Belview Drive. The crew was able to temporarily clear the blockage, but discovered a 7" rock lodged in this 8" sewer line. Due to various complications, removal required several days, various equipment, and the services of two different contractors from various parts of the state. No clue as to how the rock entered the system, but for those interested, it is on display at the DPW garage and so it shall remain.

2. **POLICE EQUIPMENT:** The Chief is still gathering estimates for a gun/VHS tape safe.
3. **POLICE GRANT TRAINING:** The Chief and I attended this training session in Lansing January 11. There is a small possibility that some money may be available for officer taught anti-drug classes at the high school. Otherwise, the program is designed for communities and police forces much larger than Brown City (a point not made at all in their notice letter).
4. **CITY MANAGER CONFERENCE:** The Michigan City Manager's Association is holding their winter conference in Ypsilanti from January 30 through February 2. I will be out of the office, but available by cell phone.
5. **AMERICAN WATER WORKS ASSOCIATION:** As discussed at the last Council Meeting, I have been asked by the AWWA to serve as host to Senator DeGrow and Representative Ehardt during this February 6th luncheon in Lansing, and plan to attend.
6. **COUNTY ECONOMIC STATUS:** The Sanilac County Economic Development Corporation (EDC) is sponsoring a morning class on the status of the county economy titled "Where The Money Is In Our Economy." A copy of the announcement circular is in your packet. If interested in attending, please let me know by this Friday (January 26).
7. **MICHIGAN ECONOMIC DEVELOPERS ASSOCIATION:** Received a 2001 membership renewal bill for \$175. While they offer various discounts for members for their services (classes and conferences) we have not used any in the past few years. With the reactivation of the Sanilac County EDC, and the \$1,300 we paid them this year, do we want to continue membership? Council declined to continue membership.
8. **DEQ INSPECTION:** DEQ inspectors evaluated the City wastewater system, lagoon and associated procedures and paperwork. Some shortcomings concerning daily dissolved oxygen sampling. Dave has requested the purchase of a sampling meter (\$500-\$800) to better meet state requirements. City will proceed with purchase of a dissolved oxygen meter to meet state testing requirements.
9. **EPA AND ARSENIC:** EPA has announced its intention to lower the permissible level of arsenic in drinking water to 10 ppb. Unclear as to when this rule will be published in the Federal Register. Once the compliance clock begins to tick, we will analyze best course of action. Also, City Manager to determine degree of state support for this program during meeting with legislators next week.
10. **FAITH BAPTIST CHURCH:** Mayor and Council invited to church dedication on Sunday, January 28 at 10:30 AM.

11. POLICE TAPE: Council members are invited to review a tape made by the police in-car camera system after the Council meeting. Tape will not be shown during the open meeting due to strong language and privacy concerns of the suspect.

MAYOR'S REPORT: None.

Moved by CM Carpenter, supported by CM Lukacs, to adjourn the meeting at 8:59 PM.
Motion Carried.

Respectfully Submitted,

Denise Hoff
City Clerk