

COUNCIL PROCEEDINGS FOR FEBRUARY 12, 2001

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

Pledge of Allegiance led by Councilmember Pat Jacobson.

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: Motion by CM Lukacs, supported by CM Carpenter, to approve the Minutes of January 22, 2001 as presented. Motion Carried.

PAY BILLS: Motion by CM Murray, supported by CM Carpenter, to pay the bills as presented in the following funds: General-\$38,192.53, Payroll-\$21,950.25, Sanitary Sewer-\$7,029.93, Major Street-\$732.84, Local Street-\$732.84, Water Recreation-\$43.17, Investment -\$26,078.80. Motion Carried.

OLD BUSINESS:

1. **City Ordinance** – Chapter 5 Work Session Scheduling.
2. **Rezoning Request** – Keith Muxlow.

PUBLIC QUESTIONS & COMMENTS: None.

PERSONAL APPEARANCES.

1. **Bob Armstrong of WMIC: Blue Water Activity Book.** City of Brown City has participated in this advertising program for 12 years. This advertising pamphlet is distributed to motels, restaurants, and Chambers of Commerce throughout the Thumb area. This program covers festivities and other summer activities through Labor Day Weekend. Total cost is \$625.00, an increase of \$26.00 over last year. This cost includes 60, thirty-second commercials on WMIC. Draft advertisement for the City of Brown City is due by April 15, 2001.

Motion by CM Lukacs, supported by CM Stain, to approve City participation in the Blue Water Activity Book and supporting commercials for \$625.00. Motion Carried.

RESOLUTIONS:

1. **01-02 = A Resolution allowing the Board of Review to act upon written requests from Taxpayers.**

Motion by CM Murray, supported by CM Carpenter, to adopt Resolution 01-02.

Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried.

PETITIONS & COMMUNICATIONS:

1. **Preapplication Building Permit: Mapleview Estates – Storage Building.** City Manager asked Council to review the information from the Planning Commission. The trailer park erected a 22’x24” pole barn in the southwest corner of Phase II. Mr. Treat, manager of the park, presented the Planning Commission with a more detailed site plan as had been requested at prior meetings. Discussion concerning location of building and whether it met setback requirements or impacted size of water detention pond. Based on available information, the building meets setback requirements.

Motion by CM Carpenter, supported by CM Lukacs, to approve Preapplication Building Permit for Mapleview Estates storage building. Motion Carried.

PUBLIC HEARING: None.

ORDINANCES: None.

COMMITTEE REPORTS:

1. **Buildings & Grounds (Carpenter)**–None.
2. **Streets & Sidewalks (Lukacs)**–None.
3. **Police (Miller)**–None.
4. **Water & Sewer (Stain)**–None.
5. **Tax & Finance (Murray)**–Need to schedule another Tax & Finance meeting for final review of 2001-2002 Budget and 2000-2001 Budget Amendment. Water Recreation projected budget is \$23,000 over revenues and fund balance. Park Board to hold a Public Hearing on March 8 at 7:15 PM to discuss funding options.

Motion by CM Murray, supported by CM Carpenter, to schedule a Tax & Finance meeting for Monday, February 19 at 7:00 PM and a Public Hearing on Monday March 12 at 7:30 PM to discuss 2001-2002 Budget, 2000-2001 Budget Amendment, and set the millage rate as required by “Truth In Taxation.” Motion Carried.

6. **Personnel (Jacobson)**–None.

ATTORNEY’S REPORT: None.

MANAGER’S REPORT:

1. **SNOBLIN HOUSE:** House is to be torn down by February 20, 2001. However, Don Richardson is currently negotiating to purchase the property. Ownership cannot be transferred without express permission of the City. A copy of the letter from Mr. Richardson is in your packet. City Attorney was contacted to create a release document that would be acceptable to the court. Draft release is now available. Does the Council desire to grant this release and ownership change?

Motion by CM Lukacs, supported by CM Murray, to deny permission to transfer property prior to demolition of house at 4115 Main Street. Per Court Order, house to be fully demolished by February 20, 2001. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried. City Manager directed to get bids for demolition.

2. MAPLEVIEW ESTATES LAWSUIT: Settlement hearing took place in Sandusky on February 9. Negotiations took place between Maplevue Estates lawyer, our insurance company's lawyer and the City Manager. Mayor was consulted twice by telephone during the negotiations. City offered to accept \$1,000 per lot for tap fees in a single lump sum payment of \$57,000. Maplevue made a counter offer of \$800 per lot in Phase II; PLUS rezoning of the twenty acres on south Lincoln Street to Special Use PLUS approval of Maplevue Estates Phase III, PLUS an \$800 tap fee for each of the lots in Phase III. City countered with \$1,000 per lot for Phase II, recommending that the Planning Commission schedule a Public Hearing concerning the zoning change for April 5th, simultaneously conduct an engineering review of the Phase III site plan to determine if current sewer system can accommodate projected peak flow, and to negotiate tap fees for Phase III but not allow prepayment of tap fees at Phase II rates prior to construction. Also, the City Manager agreed to survey City Council on February 12 to determine level of support for the above demands. If an agreement is reached, a letter agreement will be executed to insure payment. Also, discussion with Spicer Engineering of Saginaw revealed they could provide site plan review. Summery disposition is in abeyance until April 30, with trial set for May 15.

3. POLICE EQUIPMENT: Rather than purchase one large gun safe to store weapons, ammunition and VHS tapes, two containers would be better. This way, police officers would have ready access to weapons and ammunition while preserving the integrity of the chain of evidence on the tapes. Best price on safe is approximately \$800 and a fire-proof/lockable two-drawer filing cabinet approximately \$570. (\$1,350)

Motion by CM Miller, supported by CM Stain, to purchase gun safe and a fire-proof/lockable two-drawer filing cabinet approximately \$1,350. Motion Carried.

4. SNOW EMERGENCY GRANT: Sanilac County won their appeal and has been offered financial assistance related to the snowstorm in December. Total cost for snow removal in the City was \$17,012.55. Requirement to attend a meeting in Bad Axe on Monday, February 12. Federal government to reimburse the City for up to 75% of snow removal costs for a selected 48-hour period. Costs include overtime, salt and equipment costs. More details when available.

5. BULLETPROOF VESTS: The federal government has re-established the bulletproof vest grant program. Matching funds are 50%. I am looking into a state program that would help offset our portion of the match. A single vest, for a full time officer, is all that is required this year. Officers understand that if they leave City employment in less than three years, they are responsible for a portion of the City's match dollars.

6. 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 (\$1,400) to better meet state requirements.

Motion by CM Stain, supported by CM Lukacs, to purchase dissolved oxygen meter for approximately \$1,400. Motion Carried.

7. **SANILAC COUNTY ECONOMY BRIEFING:** Approximately 250 people, in addition to myself, attended this program last Wednesday at the Sanilac Career Center. Study detailed status of County economy relative to 318 other communities across the United States. Also listed various ways to improve the local economy, and types of industry the Economic Development Corporation should work to attract. Outlined a fairly ambitious program to follow.
8. **MASTER PLAN:** Request for bids sent to 14 municipal planning firms in the State. Bids are due next week. I will present the results at the next Council meeting.
9. **WATER SLIDE:** Expenses associated with the budget for Water Recreation is \$23,249 above anticipated revenues. Fund equity is about \$4,000. Park Board does not know how to make up this shortfall. They have scheduled a Public Hearing to take place during their next meeting (March 8th) to discuss options, to include closing the pool and water slide either temporarily or permanently.
10. **GREAT FLOOD OF 2001:** Due to the rain and rapid snowmelt on Friday, February 9th, the DPW was required to pump water from the sanitary sewer into the Lapeer-Sanilac County Drain. Pumping began at noon and continued until approximately midnight for a total of about 144,000 gallons. DEQ and Sanilac County Health Department was notified, and the situation discussed with the Port Huron Times-Herald, as required by State law. Average daily flow in the system is about 200,000 gallons but jumped to an estimated 900,000 gallons. Sump pumps emptying into the sanitary sewer is a contributing factor. Heavy fines are possible but unlikely.
11. **REPRESENTATIVE EHARDT:** Our State Representative called to say he had requested MDOT explain why they planned to proceed with the extensive railroad safety project at James and Main Streets in Brown City. He will provide us with their response when available.

City Attorney Garno recommend Council move into Executive Session to discuss pending lawsuit as is appropriate under the Michigan Open Meeting Act.

Motion by CM Miller, supported by CM Carpenter, to move into Executive Session to discuss pending lawsuit with the City because to discuss the matter in open session could have a detrimental financial impact on the City. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried. Council went into Executive Session at 7:57 PM.

Motion by CM Miller, supported by CM Carpenter, to move out of Executive Session. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried. Council came out of Executive Session at 8:47 PM.

No formal action taken during the Executive Session.

MAYOR'S REPORT.

1. Asked City Manager status on new library building and if a window display was being developed. City Manager stated that the Library Board was contracting an artist to paint a mural, depicting a library, on the inside of the front windows. He will revisit the issue at the next Library Board meeting on February 22.
2. Mayor formally thanked DPW Supervisor Dave Kinney for attending the meeting and answering the Council's technical questions.

Motion by CM Lukacs, supported by CM Murray, to adjourn the meeting at 8:52 PM.

Respectfully submitted,

Denise Hoff
City Clerk