

COUNCIL PROCEEDINGS FOR APRIL 9, 2001

Meeting called to order at 7:03 PM by Mayor Kelly Pavel.

Pledge of Allegiance led by CM Patricia Jacobson.

PRESENT: Mayor Kelly Pavel; Councilmembers: Laura Carpenter, Patricia Jacobson, Julie Miller, Judy Murray, and Mike Stain; City Clerk Denise Hoff, City Manager Clint Holmes, City Attorney Gerard Garno.

ABSENT: Councilmember Frank Lukacs.

CORRECTION AND APPROVAL OF MINUTES: Correction of Minutes under Attorney's Report #1. Change to read, "to consult with the city attorney regarding trial or settlement strategy in connection with specific pending litigation, because an open meeting would have a detrimental financial effect on the litigating or settlement position of the City." Also, in Manager's Report paragraph 3. Change "Boldt" to "Bolt."

Motion by CM Carpenter, support by CM Miller, to approve the Minutes of March 26, 2001, as amended. Motion Carried.

PAY BILLS: Motion by CM Murray, support by CM Jacobson, to pay the bills as presented in the following funds: General-\$46,242.70, Payroll-\$12,909.11, Sanitary Sewer-\$5054.87, Wastewater Debt Retirement-\$937.50, Investment-\$17,893.42. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request-Keith Muxlow: Pending

PUBLIC QUESTIONS AND COMMENTS. None.

PERSONAL APPEARANCES. None.

PUBLIC HEARING. None.

RESOLUTIONS:

1. **MDOT request for identification and designation of City Street Administrator.**

Motion by CM Miller, support by CM Murray, for DPW Supervisor Dave Kinney to serve as Street Administrator. **Roll Call Vote:** Carpenter- Y, Stain- Y, Miller- Y, Murray- Y, Jacobson- Y. 5-Yeas, 0-Nays, 1-Absent, 0-Abstain. Motion Carried.

PETITIONS AND COMMUNICATIONS:

1. Preapplication Building Permits-

- a. Audrey Stanton-6774 St. Mary's Street-Replace Roof. Motion by CM Carpenter, support by CM Miller, to approve request for roof replacement as presented. Motion Carried.
- b. Anthony Zimmerman-6866 Walter Street-Shed (30'x40' 2-story garage). Motion by CM Carpenter, support by CM Murray, to approve request for 30'x40' garage as presented. Motion Carried.
- c. Suburban Homes/Maple Valley Manufactured Home Park-Lot #64-New Foundation and Home. Motion by CM Carpenter, support by CM Miller, to approve request to build a foundation and erect a new home on Lot #64 as presented. Motion Carried.
- d. TNR Tire-7062 Maple Valley Rd-Erect 20'x80' Storage Building. Approved by the Planning Commission. Motion by CM Carpenter, support by CM Stain, to approve request for a 20'x80' Storage Building as presented. Motion Carried.
- e. Steve Wheeler-7158 Lincoln Street-Addition of Partial Second Story. Motion by CM Carpenter, support by CM Miller, to approve request to build a partial second story on 7158 Lincoln Street as presented. Owner informed that additional information and detailed drawing will be required by the Sanilac County Building Department before a permit can be issued. Motion Carried.
- f. Sandra Doherty-4063 Main St- Demolish current garage and replace with 24'x48' garage. Motion by CM Carpenter, support by CM Murray, to approve request to demolish the old garage and erect a new 24'x48' garage at 4063 Main Street as presented. Motion Carried.
- g. Greg Thomas-4340 Main Street. Remove old roof at back of home and replace with a new pitched roof. Motion by CM Carpenter, support by CM Stain, to approve request to remove old roof and replace with a new pitched roof at 4340 Main Street as presented. Motion Carried.
- h. Wayne Smith-7470 Reed Street-32'x48' Pole Barn. Submitted site plan shows proposed building adjacent to the property line and abuts Vine Street. City Ordinance 8408.1.5 states, "In no instance shall an

accessory building be located nearer than ten (10) feet to a street right-of-way line.” Request tabled until a new drawing presented to the Council with the building set back an appropriate distance from the property line and street right-of-way. Motion by CM Carpenter, support by CM Miller, to table request until a new site plan, that meets City Ordinance requirements, is presented. Motion Carried.

- i. Suburban Homes -Lot #46 5101 Winter Park-“model home”-convert garage into sales office, remove sales trailer. Original permit was for model home with conventional garage. Approved by the Planning Commission. Motion by CM Carpenter, support by CM Stain, to approve request for Suburban Homes to convert garage on Model home into a sales office, subject to the following conditions:
 - 1) That this will be a temporary office that will close when sale of units in the manufactured home park is complete.
 - 2) Sales from this office will be limited to housing and land units within Maple Valley Estates Manufactured Home Park.
 - 3) Prior to sale of the home on Lot 46 as a private residence, the sales office will be converted back into a garage.Motion Carried.

ATTORNEY’S REPORT:

1. Snoblin Property Waiver: Closing is set for Tuesday, April 10, 2001. Provided paperwork to remove property lien if the City is reimbursed in the amount of \$7,635.77 for expenses incurred. This amount does not include certain attorney fees detailed in Resolution 01-05.
2. Excise Tax Info: Provided to City Manager as requested.
3. Maplevue Estates Lawsuit: Late in the afternoon on Friday April 6th, the legal firm representing Maplevue Estates requested that at their next meeting, the City Council, acting as the Zoning Board of Appeals, overturn the Planning Commission’s refusal to change the zoning of a portion of parcel 300-018-100-480-00 from Residential to Special Use to allow for the construction of Phase III of Maplevue Estates. Maplevue’s attorney stated in separate correspondence “the preferred course of action is for the City Council to deny the rezoning request, at which time I can file a lawsuit.” City Attorney noted litigation is probable if rezoning request is not granted. Following proper notice and a public hearing, the City of Brown City Planning Commission had denied this request on April 1, 1999 and March 1, 2001. Audience participated in lengthy Council discussion

concerning pros and cons of rezoning Maplevue Estates Phase III. Motion by CM Stain, support by CM Murray, to accept the Planning Commission recommendation and deny rezoning of Maplevue Estates Phase III. **Roll Call Vote:** Carpenter-Y, Stain-Y, Miller- Y, Murray-Y, Jacobson-Y. 5- Yeas, 0-Nays, 0-Abstain, 1 Absent. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)-None.
2. Streets and Sidewalks(Lukacs)-City Manager directed DPW to provide a list of sidewalks and streets needing repair, and trees requiring pruning or removal. Committee meeting scheduled for Wednesday, April 18, 2001 at 7:00 PM to discuss specifics.
3. Police(Miller)-Police Car Purchase. A 1995 Chevy Caprice owned by the Carsonville Police Dept is available for sale, and Chief Smith has requested the City purchase it to replace our 1989 Chevy police car. They are asking \$5,000.00, and resale value is estimated to be much higher. Council requested that Dave Kinney carefully inspect the vehicle and review the maintenance log. Condition report will be presented at the next Council meeting and the issue revisited.
4. Tax and Finance(Murray)-None.
5. Personnel(Jacobson)-Requested status on DPW part-time employee job opening advertisement. Dave Kinney to write ad and place in *The Banner*.
6. Water and Sewer(Stain)-Looked at various options associated with the City water and sewer system. Recommended repairing the water tower as soon as possible. City Manager tasked to investigate funding options. City Manager reported that Tri-County Bank can provide a loan for \$210K at 4.75%; possible Economic Development Corporation loan is being researched as is a Public Works Bond through Sanilac County. Committee to review the issue of water meters and other potential system enhancements in one year. City Manager reported that the federal government is looking into expanding infrastructure grants over the next few months. Also discussed Maple Valley Road Lift Station and its inconsistent flow line diameters. This will be reviewed by Jones and Henry Engineers to determine if a modification will enhance efficiency. Citizen asked about a tree that was cut down over 2 years ago at 7158 Lincoln Street. The stump has not been removed, and new sidewalk is hollow underneath. City Manager stated that this will be added to the list of tree removals recommended to the Street and Sidewalk Committee.

CITY MANAGER'S REPORT:

- 1. Welch v. City of Brown City:** Received notice that the arbitration hearing concerning the alleged sewer overflow and resulting lawsuit that took place three years ago is scheduled for June 27, 2001. The time and place have not yet been determined.
- 2. MML Regional Meeting (Region V):** Scheduled for Wednesday, May 23rd, in Ubyly. This annual meeting is designed to allow Thumb elected and appointed officials to meet together to discuss common problems. Time and exact location will be provided when available. I plan to attend, and would urge the Council to attend.
- 3. Police Car/Deer Interface:** On Saturday, March 24th, yet another deer failed to yield and struck the "new" police car resulting in significant damage. Estimated cost of repairs is slightly over \$2K. The car is currently being repaired at Great Reflections. Insurance should cover 100%.
- 4. Street Repairs:** As you have probably noticed, the uneven temperatures and snow plowing have been unusually hard on some of the streets in the City. Recommend the Streets and Sidewalk Committee schedule a meeting to decide if the City should seek bids for chip and seal repairs to at least some of the damaged streets. Also, need to identify which sidewalks need repair and trees need pruning or removal.
- 5. Clean-Up Days/Hydrant Flushing:** DPW has recommended May 14-16 (Monday-Wednesday) for Brown City Clean-Up days. Metal will be picked up Monday, large items on Tuesday with Wednesday available if collections are not complete. The DPW also recommends hydrant flushing take place the following week (May 21-26). **REQUIRES MOTION.** Motion by CM Carpenter, support by CM Jacobson, to schedule Clean up days for May 14-16, and Hydrant Flushing from May 21-26. Motion Carried.
- 6. PROBLEM WITH WATER TOWER:** Motion by CM Stain, support by CM Carpenter, to purchase three pressure relief valves ASAP. Motion Carried.

MAYOR'S REPORT: FYI: A feature story is scheduled on 20/20 regarding a family who had to move their house 5", to comply with building ordinances in their community, and it cost them \$60,000.00. Otherwise, nothing to report.

Motion by CM Murray, support by CM Jacobson, to adjourn the meeting at 8:38 PM. Motion Carried.

Respectfully Submitted,

Denise Hoff, City Clerk