

## **COUNCIL PROCEEDINGS FOR APRIL 23, 2001**

**Meeting called to order at 7:00 P.M.** by Mayor Kelly Pavel.

**Pledge of Allegiance led by CM Michael Stain.**

**PRESENT:** Mayor Kelly Pavel, Councilmembers Laura Carpenter, Frank Lukacs, Michael Stain, Julie Miller, Judy Murray, Patricia Jacobson. City Clerk Denise Hoff, City Manager Clint Holmes, City Attorney Gerard Garno, Attorney John Lengemann.

**ABSENT:** None.

**CORRECTION AND APPROVAL OF MINUTES:** Motion by CM Stain, support by CM Miller, to approve the Minutes of April 9, 2001, as submitted. Motion Carried.

**PAY BILLS:** Motion by CM Stain, support by CM Jacobson, to pay the bills as presented in the following funds: General-\$57,245.87, Payroll-\$11,184.44, Sanitary Sewer-\$10,828.31, Water Rec.-\$33.20, Investment-\$28,632.48. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Chapter 8 proceeding with the Planning Commission, to make a decision with a company for the Master Plan, next meeting on May 4, 2001.
2. Rezoning Request- Keith Muxlow: Pending.

**PUBLIC QUESTION AND COMMENTS:** None.

**PERSONAL APPEARANCES:** None.

**PUBLIC HEARING:** None.

**RESOLUTIONS:** None.

### **PETITIONS AND COMMUNICATIONS:**

1. Pre-application Building Permits:

a. Jack Nickens, Harrington Inn, 4164 Main St.-Repair Roof and Truss.  
Motion by CM Carpenter, support by CM Miller, to accept the pre-application building permit as presented. Motion carried.

b. Marvin & Sandra VanBrande, 4237 Second St.-Repair Foundation/Replace roof.  
Motion by CM Carpenter, support by CM Lukacs, to accept the pre-application building permit as presented. Motion carried.

c. Norman Morrison- 4223 Second Street, Replacement of shingles on roof.  
Motion by CM Carpenter, support by CM Lukacs, to accept the pre-application building permit as presented. Motion Carried.

- d. Wayne Smith- 7470 Reed Street, 42'x38' Storage Pole Barn building placed back 10' as requested.

Motion by CM Carpenter, support by CM Stain, to accept the revised pre-application building permit as presented. Motion Carried.

- e. Suburban Homes- Lot #65. New home and foundation.

Motion by CM Carpenter, support by CM Lukacs, to forward this request to Planning Commission for review. Motion Carried.

**ORDINANCES:** City Attorney stated that the City's Charter states an Ordinance is necessary to lease City property to Nextel for a cell phone tower. City Manager to discuss later in the meeting.

**COMMITTEE REPORTS:**

1. Building and Grounds(Carpenter)- None.
2. Streets and Sidewalks(Lukacs)- Street/Sidewalk/Tree Program. Streets and Sidewalks Committee held to discuss street, sidewalk and tree removals for this summer. Priority for street work is Maple Valley Road since the county is also doing repairs of this road and will help subsidize the cost of repairs for the City. Sidewalk program is still being assessed, once DPW has final list and measurements, bids will be let. Also removal of approximately 22 trees (bids to be let soon) with replacement left to the discretion of the property owner adjacent to the City right-of-way.

Motion by CM Lukacs, support by CM Miller, to proceed with proposals/bids for sidewalk repairs and replacement. Motion Carried.

Motion by CM Lukacs, support by CM Carpenter, to seek bids for tree removal/replacement. Motion Carried.

3. Police(Miller)-Carsonville Police Car. DPW Supervisor Dave Kinney looked the car over and evaluated the overall condition of the car as good.

Motion by CM Miller, support by CM Stain, to purchase the used Police car from Carsonville PD. Motion Carried.

4. Water and Sewer(Stain)- None.
5. Tax and Finance(Murray)-None.
6. Personnel(Jacobson)-
  - a. Working on Clint Holmes' Annual evaluation;
  - b. Status re: Part-time DPW Employee, had been offered an individual who needed to finish a 50-day Community Service sentence-No show. New advertisement is being prepared and to be posted in the Banner.
  - c. Homecoming Committee needs money for the Fireworks this year; we are requesting a donation from the City. City Attorney did not expect any violation of the law associated with this type of contribution. Tabled until next meeting, to evaluate amount of money that could be donated.

**ATTORNEY'S REPORT: Mapleview Estates:** Good news is they won't be suing the City at this time for denying the request to proceed with Phase III. Bad News is they are still pursuing the current lawsuit against the City of Brown City.

**CITY MANAGER'S REPORT:**

1. **MML Regional Meeting (Region V):** Scheduled for Wednesday, May 23<sup>rd</sup>, in Ubyly. Received registration forms and agenda, which were included in your packets.
2. **City Employee Pay Raises:** Pay raises for regular City employees were implemented on April 1<sup>st</sup> in accordance with the previously negotiated contracts. However, two City employees, custodian and crossing guard, were not included. Recommend increasing Lucy's wage by \$5.00 per pay period, and increase Heidi's pay to \$8.00 per day.  
REQUIRES MOTION.

Motion by CM Miller, support by CM Carpenter, to increase Lucy's wages by \$5.00 per pay period, and to increase Heidi's pay to \$8.00 per day. Motion Carried.

3. **SNOBLIN CLOSING:** Attended the property closing on April 10<sup>th</sup>. Don Richardson/Laydon Company now owns the property at 4115 Main Street. The City received a check for \$7,635.77 for costs associated with the demolition of the house. Mr. Snoblin has been billed for the \$2,556 in outstanding legal fees. If not paid within 30 days (May 10), I will file an "Affidavit and Claim, Small Claims" to attempt and recover this money.
4. **DDA Meeting:** I have scheduled a meeting of the DDA for Monday, April 30<sup>th</sup> at 7:00 PM. Group last met in May 2000. Agenda items include one loan re-negotiation, one loan request, and discussion on re-appointment of current members. Anticipate requirement to appoint and/or re-appoint DDA membership at the next Council meeting.
5. **CELL PHONE TOWER:** Nextel would like to lease a 100' by 100' site near well #4. Site would include a 185' monopole antenna and a 12' by 20' equipment trailer. Lease would be for 30 years with monthly rent starting at \$850. Enclosed in your packets is a copy of the letter. How does the Council wish to proceed?

Motion by CM Miller, support CM Murray, to schedule a Public Hearing on May 14, 2001 at 7:15 P.M. to discuss lease of land to Nextel to erect a cell phone tower. Motion Carried.

6. **TREE GRANT:** The City Park has received a grant providing 300 trees and containers. Trees and containers are due for delivery the week of May 7<sup>th</sup>. The Park Board is working with the Boy Scouts to transplant the trees to the containers after they arrive. Once completed, trees will be stored in the pool area until they are more mature and can survive transplantation to another area within the Park. Would any members of the Council wish to participate in this initial transplantation effort?
7. **FIRE DEPARTMENT MIOSHA INSPECTION:** A pre-inspection was conducted of the Fire Department on Monday April 16<sup>th</sup> by MIOSHA. This 5-hour inspection was designed to identify problem areas prior to the formal inspection next month. This inspection uncovered several significant problem areas relating to paperwork associated with training, safety, *et al.* If not resolved prior to the formal inspection, the Fire Authority could face some (breathtaking) fines. The Chief is working with the Marlette Fire Chief to help him create the needed documentation. The Chief and I have an appointment with him April 25 (PM) to review documentation.

**8. SEWER OVERFLOW TRAINING:** I will be in Lansing all day on Wednesday, April 25<sup>th</sup> for a sewer overflow workshop. This workshop is designed to cover recent changes in the law which could have a negative impact on us as well as new (and minimal insurance limits). I also have an appointment the next day with the City's insurance carrier to discuss this issue and what they plan to do.

**9. ARSENIC IN DRINKING WATER:** The EPA on April 18<sup>th</sup> announced they would implement a new arsenic limit within nine months (January 2002). However, the Congress has stated that the EPA was bound by law to establish a new arsenic standard by June 22. At this time, the Bush Administration has not identified what that new limit will be, or the range of numbers they are investigating.

**10. COUNTY SERVICE AGREEMENT:** Sanilac County has forwarded an Agreement for Data Processing/Printing Services for 2001. This agreement is necessary to insure the preparation of the assessment roll and tax bills. **REQUIRES MOTION.**

Motion by CM Murray, support by CM Miller, to approve Agreement for Data Processing/Printing Services for 2001 with Sanilac County. Motion Carried.

**11. RECYCLING PROGRAM:** There are now recycling bins located behind the Little Texas Party Store. Bins are for clear glass, plastic, paper and metal. This is an opportunity for City residents to support the County "Don't Throw It Away, RECYCLE It Today" Program and help maintain our nation's resources. Information on specific types of material that can be recycled, and other recycling locations, is available at City Hall.

**12. FEMA SNOW REMOVAL MONEY:** Received additional paperwork required to receive the \$6,505.20 reimbursement from the federal government for the December snow emergency. Once submitted, should receive payment within a few weeks.

#### **MAYOR'S REPORT:**

1. Status of condemnation of Residence on Lincoln Street. Discussion on procedures.
2. Status of installation of modular home on First Street, any day per City Manager.
3. Status on Library, Meeting scheduled for 7:00 P.M. Thursday, April 26, 2001, City Manager encouraging Council to attend if interested in status.

Motion by CM Lukacs, support by CM Miller, to adjourn the meeting at 8:10 P.M. Motion Carried.

Respectfully Submitted,

Denise Hoff, City Clerk