

COUNCIL PROCEEDINGS FOR MAY 29, 2001.

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

Pledge of Allegiance led by Laura Carpenter.

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

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES: Correction on page 1 of the May 14, 2001 minutes, change to read Pledge of Allegiance led by Mike Stain, instead of Gerard Garno. Also on page 6 of the May 14, 2001 minutes, to read "Morrice, Lengemann and Miller", instead of "Maurice, Lengemann and Miller." Motion by CM Carpenter, support by CM Miller, to approve the minutes of May 14, 2001, as corrected. Motion Carried.

PAY BILLS: Motion by CM Murray, support by CM Jacobson, to pay the bills as presented in the following funds: General-\$8,690.30, Payroll, \$10,764.60, Sanitary Sewer-\$697.72, Major Street-\$47.51, Local Street-47.51, Investment-\$18,995.19. Motion Carried.

OLD BUSINESS:

1. City Ordinance-Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request- Keith Muxlow: Pending.
3. Nextel Cell Telephone Tower: City Manager recommended the Council make a decision to either deny or forward this request to the Planning Commission. Discussion on pros and cons.
 - a. Negative-Possibility of health hazards, very mixed views on this, none conclusive.
 - b. Positive- Minimum of \$466,000.00, to be generated from lease over next 30 year. Question from CM Jacobson regarding possibility of tower going to dump site? City Manager stated, "yes".

Motion by CM Lukacs, support by CM Stain, to forward the tower plans to the Planning Commission for their review. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: Question from Sanilac County Commissioner Bill Walters asking if anyone had trouble reaching the Courthouse since the new phone system was installed. No comments. He also stated that the Courthouse will have an Open House on June 22, 2001, from 1-4 P.M., light refreshments will be served. All welcome to those interested in the operations at the Courthouse.

PERSONAL APPEARANCES: None.

PETITIONS AND COMMUNICATIONS:

1. Pre-application Building Permits-
 - a. Town & Country Video-4126 Main Street, Roof Replacement.
 - b. Theodore Blackmer- 6873 James St., build a new 30' x 34' Garage with a base of 12" of sand and 4" of concrete.

Motion by CM Carpenter, support by CM Murray, to approve the pre-application building permits as presented. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds(Carpenter)- Thank you from CM Miller regarding the mowing of the NE corner of Cade and M-90, also the City Hall. Looks very nice.
2. Streets and Sidewalks-(Lukacs)-Mrs. Lung would like to have her son do the cement work on their portion of the sidewalk that needs repair.
3. Police(Miller)- Request that P/T Patrol Officer Keith Baylor be hired for the City. Motion by CM Miller, support by CM Carpenter, to hire Keith Baylor as a part-time police officer, subject to passing of Physical Exam. Motion Carried.
4. Water and Sewer(Stain)-Question to City Manager regarding the Sanilac County Public Works Bond for water tower. Manager stated no new information at this time.
5. Tax and Finance(Murray)-None.
6. Personnel(Jacobson)-None.

ATTORNEY'S REPORT:

1. Nextel Lease Contract- Attorney will begin preparing a contract with several clauses, to include:
 - a. Severability Clause (i.e.,: if tower becomes obsolete or dangerous, City can terminate the Contract.)
 - b. Sub-leasing Clause: subject to City approval and negotiate for additional compensation.

- c. Franchise Fees: Reimbursement of costs incurred by City prior signing of lease for legal fees, public hearing fee, administrative costs, etc.
2. Maplevue Estates v. Brown City- Judge still has not issued an opinion. Will let the Council know as soon as this happens.

Mayor Pavel thanked the City Attorney for the information on the Variances procedures. We appreciate your time and effort.

MANAGER'S REPORT:

1. **SNOBLIN LEGAL FEES:** Filed suit in small claims court to recoup the \$2,556 in legal expenses owed to the City. Court date set for Monday, July 2, 2001, at 2:30 PM.
2. **RAILROAD CROSSING REPAIR:** The railroad notified the City that they would replace the ties across Main Street on Wednesday, June 6. The work should only take one day. They have requested that the DPW and police provide traffic control, which they will do.
3. **MML REGION V MEETING:** Met in Ubyly on May 23. Primary topics covered were arsenic in drinking water and a legislative update. No new information on arsenic; however, City Manager was invited to provide information on how the City of Brown City has educated our residents concerning this problem and potential solutions. Copies of the legislative update information were provided in Council packets.
4. **PUBLIC WORKS BONDS:** City Manager met with the Sanilac County Public Works Committee to investigate their issuing a bond to repair the water tower. While state law allows this type of action, apparently no one has ever requested this of the county before. Jim Bowerman, Drain Commissioner, and chair of this committee will research this question. The county also provided the name and telephone number of their bond lawyer (who is on vacation until June 4th). When he is available, I will contact him.
5. **L-4029 TRAINING:** The L-4029 is the form the City submits to the county to collect property taxes. Training was held May 24th. Due to the Headlee Amendment, the total amount of taxes the City can collect decreased from 18.4895 to 18.3582 mills. However, since the City only collects at 16.8733 mills, we are still under the cap. Of note, the total

millage that can be collected for the Park dropped from 1.1556 to 1.1473 which will result in a decrease in taxes collected for the Park of \$157.35 for 2001.

6. **BULLETPROOF VEST GRANT:** The City has received a grant from the Department of Justice for 50% of the cost of a vest. The vest has been ordered. If the officer leaves City employment in less than two years, he would need to refund to the City the pro-rated City's share of the cost.
7. **TRAINING FOR 2nd GRADE:** The Brown City Elementary School second grade will be touring City Hall on Monday, June 4th, as a part of their career training curriculum. They will receive short presentations from the City Manager and Chief of Police. The process will begin at approximately 12:50 if any of the Council would like to participate.
8. **BROWN CITY DAYS/HOMECOMING:** The City (Dave) has submitted the requests to the state for parade permits and street closings, and for fireworks. All have been approved with some modifications. The DPW is putting up the flags. The City is unilaterally planning to have extra police protection scheduled. No request has been made for DPW or traffic control/road closing signs or support.

MAYOR'S REPORT:

1. DDA Re-appointments (11-30-2004) - Mayor Pavel recommended the reappointment of the following individuals to the DDA: Paul Muxlow, Jim Zyrowski, Clem Grassele, Jack Nickens, and Todd Vanderwalker. Also recommended Don Richardson be appointed as a new member of the DDA. Councilmembers Lukacs and Murray have DDA terms that coincide with their Council terms.

Motion by CM Lukacs, support by CM Carpenter, to reappoint Paul Muxlow, Jim Zyrowski, Clem Grassele, Jack Nickens, and Todd Vanderwalker to the DDA. Motion Carried.

Motion by CM Murray, support by CM Jacobson, to appoint Don Richardson as a new member of the DDA. Motion Carried.

2. We would like to publicly thank Heidi Berry, Anna and Leah Blatt for their artwork on the Library window. This turned out very nicely and the Council would like to make a donation of \$150.00 to the Oasis Teen Center as a thank-you.

Motion by CM Stain, support by CM Murray, to donate \$150.00 to the Oasis Teen Center. Motion Carried.

Motion by CM Miller, support by CM Jacobson, to adjourn the meeting at 7:47 P.M. Motion Carried.

Respectfully submitted,

Denise Hoff
City Clerk