

COUNCIL PROCEEDINGS FOR JUNE 11, 2001

Meeting called to order at 7:02 P.M. by Mayor Kelly Pavel.

Pledge of Allegiance led by Frank Lukacs.

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 arrived at 7:08 P.M.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES: Motion by CM Murray, support by CM Miller, to approve the Minutes of May 29, 2001. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Carpenter, to pay the bills as presented in the following funds: General-\$28,123.55, Payroll-\$14,531.28, Sanitary Sewer-\$524.50, Major St.-\$208.04, Local St.-\$208.04, Water Recreation-\$149.31, Investment-\$20,263.78. Motion Carried.

OLD BUSINESS:

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

PUBLIC QUESTIONS & COMMENTS:

- 1 Carol Walters reported to the Council that the City received a Delinquent Tax Check in the amount of \$36,637.88, and a road millage check in the amount of \$35,462.58, from Sanilac County.
- 2 Bill Walters commented on the great weekend during Brown City Homecoming, nice job done by everyone involved.

PETITIONS & COMMUNICATIONS:

1. Pre-application building permits:
 - a. Nextel Cell Telephone Tower: City Attorney Gerard Garno asked if a ladder would be required to climb the tower. City Manager stated the plans call for rungs to start 20 feet from the ground so a ladder would be required to climb the tower. Attorney Garno also asked about fence height and if it would be topped with barbed wire. CM Lukacs

questioned whether barbed wire is against the City ordinance. City Manager stated barbed wire fences were illegal but that the Ordinance did not preclude a barbed wire topped fence. Also a No-Fall letter, signed by the manufacturer and endorsed by the engineer will be provided to the City before a lease is signed. Mayor Pavel questioned when do we approach Nextel regarding fees on lease? City Manager recommended negotiating fees if the lease Ordinance was approved.

Further discussion postponed to Attorney Report.

- b. Shell Gas Station Sign- Picture and drawings circulated to the Council. Motion by CM Carpenter, support by CM Lukacs, to approve the pre-application building permit for removal and replacement of two signs; with the provision that the lower panels of street sign remain empty to ensure clear vision of the street and sidewalk. If new panels are to be added they will need pre-approval from the City Council. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)- None.
2. Streets and Sidewalks (Lukacs)- None. CM Stain noted a citizen informed him of a tilted manhole cover on the south side of Lincoln and Maple.
3. Police (Miller)-None.
4. Water and Sewer (Stain)- Questioned whether anything new regarding Sanilac County Public Works Bond for the water tower. Manager stated no new information at this time.
5. Tax and Finance (Murray)- None.
6. Personnel (Jacobson)- Nothing new to report, just want to say thank-you to all those who participated in the Brown City Homecoming.

ATTORNEY'S REPORT:

1. Nextel Lease: Introduction of Ordinance 17.400 by CM Stain. There will be an attachment to the lease drawn up. Acceptance of lease will require a Resolution. Monthly rent will be subject to negotiation. Approval only accepts the site and tower. Other amendments to include, but not limited to:
 - a. Termination Clause-if tower found to be dangerous, or health endangerment.
 - b. Sub-leasing- Brown City to give permission prior to each lease contract with individual set fees;
 - c. Administrative Costs-(*i.e.*: Legal fees);
 - d. Dismantle- Nextel to pay for and to have done in amount of time set;
 - e. Guarantee no interference with radio and/or television broadcasts;

- f. Safety- to be included in the lease regarding ladder at 20 ft. from ground level and fencing around entire tower.

CM Murray questioned regarding the dump site proposed in previous council meeting for the placement of the tower. City Manager checked and there are concerns regarding the stability of the ground, how deep they would have to dig to get proper ground, and this area is much further away from the exact area of need. CM Murray- were the concerns expressed at the Public Hearing, expressed at the Planning Commission? City Manager stated they were and that Planning Commission Chairperson Dallas Berry was at the Public Hearing and conveyed the concerns from citizens to the Planning Commission. City Manager also spoke with the Village of Almont regarding their tower and the potential decrease in real estate value. SBA/Nextel said this was not a problem. Also spoke with WMIC regarding the wattage emitted from their radio towers: AM emits 1000 watts and FM emitted 2000 watts. The other proposed areas in question regarding site are: 1. Park, 2. Cemetery, 3. Lagoons. CM Murray re-stated how concerned the citizens are regarding health and safety and location. These things need to be carefully considered.

Motion by CM Carpenter, support by CM Lukacs, to schedule a Public Hearing on June 25 at 7:15 P.M., regarding approval of Ordinance 17.400. Motion Carried. City Attorney expressed that he would like this announcement of the Public Hearing put in the Banner and Sanilac County news along with notice sent to area residents near proposed site, and posted on Channel 6. Also have copies on file of the Ordinance for people to come in and review.

PUBLIC QUESTIONS AND COMMENTS:

1. John Lohotan-2000-2001 City Financial Audit- Mr. Lohotan was unable to appear at the meeting, his report will be presented at the next meeting.

CITY MANAGER'S REPORT:

1. **Public Works Bonds:** The Sanilac County bond lawyer, Peter Ecklund, is suppose to contact the City Manager to discuss a bond for the water tower. Details when available.
2. **DPW Employee:** The DPW Supervisor has recommended that the City hire Henry Owens to serve as a part-time DPW employee. Mr. Owens passed a physical exam. Employment will be limited to 32 hours a week or less. Primary duties are grounds maintenance. **REQUIRES MOTION.**

Motion by CM Carpenter, support by CM Jacobson (contingent upon contract review) to hire Henry Owens as a part time City employee. Motion Carried.

3. **Tree Bids:** Following advertisement in two newspapers, tree removal bids were opened last Friday. Only one bid was received. Recommend City

- reopen bid process and reduce the number of trees listed for removal. Consensus of Council to rebid the project with a smaller number of trees.
4. **General Motors Job Bank:** An individual enrolled in the GM Job Bank has requested the opportunity to do some work for the City. GM would be responsible for wages and insurance. Only cost to the City would be materials. Recommend this individual be used to remove the overhang in front of the proposed library, and reseal the building. Consensus of the Council to proceed.
 5. **RR Crossing:** The railroad crossing on Main Street was “repaired” on June 6th. They replaced ten ties. DPW participation turned out to be more extensive than expected. Crossing is now smoother than it was.

MAYOR’S REPORT:

1. I would like to publicly comment on the success of the Homecoming and what a nice job everyone did.
2. Planning Commission Appointment: Jim Carson resigned from the Planning Commission last Monday. I would like to thank Mr. Carson for his time and efforts. Todd Vandewarker has expressed his interest in being appointed. CM Carpenter stated she had heard some concerns regarding the appointment of Mr. Vandewarker. Mayor Pavel expressed that in her opinion he would be a good candidate, didn’t feel his appointment would be a problem, and that he would be an asset to the Planning Commission. Motion by CM Lukacs, support by CM Murray, to appoint Todd Vandewarker to the Planning Commission to complete the term of Mr. Carson. 5 yeas, 1 nay. Motion Carried.
3. Ditch on North Cade road is full of water per a concerned citizen. Can the City please check on this?
4. Library- citizen called regarding why construction of the new Library is not being done locally? Clint stated we need an Architect to determine placement and design before any construction can begin (*i.e.*: heating/cooling and specific Library layout).

Motion by CM Lukacs, support by CM Carpenter, to adjourn the meeting at 8:27 P.M. Motion Carried.

Respectfully Submitted,

Denise Hoff
City Clerk