

COUNCIL PROCEEDINGS FOR JUNE 25, 2001

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

Pledge of Allegiance led by CM Julie Miller.

PRESENT: Mayor Kelly Pavel; Councilmembers: Pat Jacobson, Judy Murray, Julie Miller, Mike Stain, Frank Lukacs, Laura Carpenter; Deputy City Clerk David R. Van Cura, City Manager Clint Holmes, City Attorney Gerard Garno.

ABSENT: City Clerk Denise Hoff.

CORRECTION AND APPROVAL OF MINUTES: Motion by CM Murray, support by CM Carpenter, to approve the Minutes of June 11, 2001, as presented. Motion Carried.

PAY BILLS: Motion by CM Murray, support by CM Miller, to pay the bills as presented in the following funds: General -\$5,885.27, Payroll - \$13,584.79, Sanitary Sewer - \$1,358.96, Major St. - \$315.40, Local St. - \$315.40, Investment - \$38,628.87. 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:

1. John Lehotan – 2000-2001 Audit: Mr. Lehotan presented an overview of the City's 2000-2001 Audit. The City is in "good" financial condition.

PETITIONS AND COMMUNICATIONS:

1. Preapplication Building Permits –
 - a. Carl Welch – 4298 Wood St. – Addition to house/new deck. Motion by CM Carpenter, support by CM Miller, to approve the pre-application building permit for Carl Welch, 4298 Wood St., for a 7'x7' addition to the house and a new 13'x26' deck. Motion Carried.
 - b. Tony Burton – 4094 Second St. – 20'x12' addition to house. Motion by CM Carpenter, support by CM Miller, to approve the pre-application

building permit for Tony Burton, 4094 Second St., for a 20' x12' addition to the house. Motion Carried.

RESOLUTIONS:

1. Resolution #01-06 = Tribute: Motion by CM Carpenter, support by CM Lukacs, to adopt Resolution #01-06: A special tribute to City Assessor Bruce D. Maxwell for his outstanding contribution to the City of Brown City. ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Stain - yes, Miller - yes, Murray - yes, Jacobson - yes. 6-yes, 0-no, 0-absent. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)– None.
2. Streets and Sidewalks (Lukacs)– Asked about replacement of sidewalk flags.
3. Police (Miller)- None.
4. Water and Sewer (Stain)- Asked about bids for water tower project. (See Manager’s Report below.)
5. Tax and Finance (Murray)– None.
6. Personnel (Jacobson)- None.

PUBLIC HEARING:

1. 7:15 PM = Ordinance 17.400: “leasing of City property for construction of a 185’ monopole cell telephone transmission tower”.

Mayor Pavel opened the Public Hearing at 7:15 PM.

The three citizens in attendance each asked questions and voiced their concerns regarding the tower and the tower site. Fred Lindholm, of SBA/Nextel, City Manager Holmes, and City Attorney Garno answered their questions.

Mayor Pavel closed the Public Hearing at 7:55 PM.

Discussion by Council of Ordinance 17.400. CM Stain and CM Lukacs have not heard of any negative comments regarding the tower. Current site is okay with CM Lukacs. CM Murray questioned terms and fees of the lease.

ORDINANCES:

1. Ordinance 17.400: Motion by CM Lukacs, support by CM Stain, to adopt Ordinance 17.400. ROLL CALL VOTE : Jacobson - yes, Murray - yes, Miller - yes, Stain - yes, Lukacs - yes, Carpenter - yes. 6-yes, 0-no, 0-absent. Motion Carried.

ATTORNEY'S REPORT:

1. **Mapleview Estates vs. City of Brown City:** The Council received a copy of the Judge's Opinion on the Mapleview Estates Lawsuit. Attorney Garno reviewed the material with the Council. Attorney Garno recommends letting our attorneys' discuss settlement of the Order of Judgement and attorney fees. He will keep the Council advised and will prepare a recommendation concerning appeal options at the next meeting.

CITY MANAGER'S REPORT:

1. **Public Works Bonds:** The Sanilac County bond lawyer stated that since Sanilac County Public Works is incorporated, that doing a bond would be no problem. To begin the process, the City must send him a letter detailing costs and requirements. He will then write an Initiating Resolution that the Council must pass to proceed. The City would enter into a lease agreement with the County promising to make the payments. A ten-year term on the bonds will not be a problem. Dixon Engineering is putting together an updated cost estimate. [Copy provided to Mayor and Council.] Further, the engineer recommended the job be done in the spring. This will help keep the costs down.

Motion by CM Stain, support by CM Carpenter, to have the City Manager draft a letter to Mr. Eckland (Sanilac County Bond Lawyer) and to proceed with the Sanilac County Public Works Bond. Motion Carried.

2. **DPW Test Results:** The City was notified that DPW employees Tim Verbeke and Bill Ryckman passed the written examination for certification as a drinking water system operator. Passing these exams are job requirements and result in automatic pay raises. City needs to set a policy concerning when these pay raises take effect. The day the test was taken, the day the notification letter was sent, or the day the City received the notification letter.

Motion by CM Lukacs, support by CM Jacobson, to authorize wage increase upon completion of passing exam(s) effective on the day when the City is officially notified. Motion Carried.

3. **County Emergency Services Conference:** The County has scheduled a Public Officials Conference in Sandusky on Monday, June 25, from 6-8:30 PM to discuss the role and responsibilities of the local emergency coordinator. A representative from the police department will attend.

- 4. MML Conference:** The Conference is scheduled for September 12-14 in Battle Creek. Unfortunately, the Michigan Chapter of the American Water Works Association is scheduled for the same week in Gaylord. Since I have agreed to speak at the AWWA Conference, I will not be able to attend the MML Conference. Are any of the elected officials of Brown City interested in attending? Elected officials declined to attend.
- 5. DEQ Water System Inspection:** The City was inspected on June 1 by the DEQ. No problems noted. They provided a letter supporting our efforts to 1) monitor the arsenic situation, 2) complete work on the water tower (see #1 above), 3) start and continue valve turning program, and 4) continue to implement the improvements recommended by Jones & Henry Engineers.
- 6. Welch vs. City of Brown City:** Arbitration hearing has been rescheduled (again) from June 27 to July 5th to July 16th.
- 7. Fire Department MIOSHA Inspection:** The Department is working to abate the serious hazards identified in their pre-inspection. Paperwork will be updated by the City and forwarded to MIOSHA with a request for an additional 30 days to complete the abatements before the next inspection is scheduled.

MAYOR'S REPORT:

1. Planning Commission Appointment: Replace Clark Justin and Renee Nason.

The Mayor and Council appreciate their participation over the past years. David Blovsky and Don Goshorn, Jr. maybe interested in filling the vacancies on the Planning Commission. Mayor to present candidates at the next Council meeting.

Motion by CM Lukacs, support by CM Murray, to adjourn the meeting at 8:56 P.M. Motion Carried.

Respectfully submitted,

David R. Van Cura
Deputy Clerk