

COUNCIL PROCEEDINGS FOR AUGUST 13, 2001

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

Pledge of Allegiance led by Councilmember Patricia Jacobson.

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

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Lukacs, support by CM Murray, to approve the Minutes of July 23, 2001, as amended. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Miller, to pay the bills as presented in the following funds: General -\$19,419.72, Payroll - \$23,813.62, Sanitary Sewer - \$3,815.50, Major St. - \$3,000.00, Water Recreation - \$36.17, Investment - \$33,646.04. Motion Carried.

OLD BUSINESS:

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

PUBLIC QUESTIONS AND COMMENTS.

Clyde Green wanted to know what the City is doing about the Arsenic in the drinking water and when we can expect a tax cut because of the budget “surplus”. City Manager stated that the EPA is scheduled to issue new Arsenic standards in February, 2002. He further listed the number of projects currently scheduled or under review by the City and stated that the “surplus” will probably be small.

Larry Steigerwald wanted to know if the City could sweep the parking lot behind the bowling alley. Also, he wanted to know when the City is going to clean out the ditches on Kohler and Buby Streets. He was informed that Gene Burgess cleaned out the ditch on Kohler Street this spring and Buby Street ditch was sprayed with herbicide. CM Lukacs will inspect the area.

PERSONAL APPEARANCES: None.

RESOLUTIONS:

1. Resolution Number 01-08 = Formally Accepting the Lease Agreement Between The City of Brown City and Nextel West Corporation. The Council discussed the lease agreement and other concerns. Fred Lindhome represented Nextel during the discussion.

Motion by CM Stain, support by CM Lukacs, to adopt Resolution #01-08: Formally Accepting the Lease Agreement Between the City of Brown City and Nextel West Corporation. ROLL CALL VOTE:

Jacobson-yes, Murray-yes, Miller-yes, Stain-yes, Lukacs-yes, Carpenter-yes. 6-Yes, 0-No, 0-Absent, 0 Abstain. Motion Carried.

Council took a short break at 7:30 PM. to sign the agreement. Reconvened at 7:39 PM.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits:

1. Dan Rowley, 7118 Welles Street – Privacy Fence.
2. Morris McDonald, 4191 Maple Street – Replace Shingles.
3. Lynn Manogue, 7120 Maple Valley Road – Enclosed Deck Roof Addition.
4. Elton & Virginia Burgess, 6914 Walter Street – Replace Shingles.

Motion by CM Carpenter, support by CM Jacobson, to approve the pre-application building permits for Dan Rowley, Morris McDonald, Lynn Manogue, and Elton & Virginia Burgess as submitted. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)–None
2. Streets and Sidewalks (Lukacs)–
 - a. Street Lights:
 - i) West end of Grant Street.
 - ii) East end of 1st Street.
 - iii) East end of Autumn Gold.
 - iv) Cade Road near Park entrance.
 - v) Maple Valley Road near Slaughterhouse Road.

Motion by CM Lukacs, support by CM Carpenter, to install 5 new streetlights with the money drawn from the General Fund. Motion Carried.

- b. Tree Bids:

Motion by CM Murray, support by CM Jacobson, to go with the bid from Parker Brothers to remove 8 trees and 3 stumps for approx \$4,175.00. Motion Carried.

Policy is that trees will be inspected and trimmed or removed as required on the south side of Main Street odd numbered years, and on the north side even numbered years.

Shell Gas Station trees need to be trimmed.

CM Lukacs questioned if the City can be held liable if trees and or branches fall on electric lines, etc., in the City Right of Way if they are not maintained. Storms, strong winds no – gravity yes.

3. Police (Miller)-None
4. Water and Sewer (Stain)-None
5. Tax and Finance (Murray)– None
6. Personnel (Jacobson)- None

CITY MANAGER’S REPORT:

- 1. Zoning Ordinance (Chapter 8):** The Planning Commission voted unanimously to recommend the Council expand the contract with McKenna and Associates to conduct a professional review of Chapter 8. Per the contract, the cost would be \$4,000. Considering the problems caused by Chapter 5 (tap-in fees) I recommend this review take place. **REQUIRES MOTION.**

Motion by CM Carpenter, support by CM Miller, to contract with McKenna and Associates to conduct a professional review of Chapter 8. Per the contract, the cost will be \$4,000.00. Motion Carried.

- 2. Sidewalk Project:** Completed. Project included one half block on east side of Lincoln Street south of Vine Street, and five individual flags (2 on 1st Street, 2 on 2nd Street and one on St. Mary’s Street). Final bill not yet received.

- 3. Election Worker Pay Modification:** The pay rate for election workers has remained the same for a long period of time. Dave has recommended that the pay be increased from \$6.50 per hour to \$7.50 for workers and \$8.00 for the Chairperson. **REQUIRES MOTION.**

Motion by CM Miller, support by CM Stain, to increase the pay rate for election workers by \$1.00 per hour from \$6.50 to \$7.50 and to \$8.00 for the Chairperson. Motion Carried.

Election Commission: Appointment of Joan Palmeri.

Motion by CM Carpenter, support by CM Jacobson, to appoint Joan Palmeri to a (2) year term on the Election Commission. Motion Carried.

4. **Water Mains:** The primary water main feeding the school runs **under** the 3-6 Building. Also, the line feeding George Street dead ends at 2nd Street. Additionally, the fire department has requested the installation of four additional fire hydrants in the area. I have briefly discussed these issues with the School Superintendent along with the possibility of cost sharing on parts of this project. Coordination with the school's engineer is still pending.
5. **BC Fire Authority:** Efforts to complete MIOSHA requirements continue. Most recent extension request was granted and they now have until September 7 to finish correcting the "serious hazards" identified in their pre-inspection. Also, at the request of Brown City's representative to the Fire Authority, Councilmember Judy Murray, the Authority agreed to pay the City an additional \$400 administration fee for work done in excess of the current agreement (grant application, creation and publishing of policies, assistance with MIOSHA compliance).
6. **James Street:** Harold Higgins of 4194 Fourth Street wishes to file a formal statement with the City concerning his understanding of the status of that portion of James Street located north of 4th Street. Coordination with the City Attorney revealed the best course of action is for Mr. Higgins to submit a signed and notarized statement to the Council and have it included in the minutes. What is the Council's recommended course of action? Council agreed that once received, statement will be included in the Council Minutes.
7. **Mapleview Estates vs. City of Brown City:** Next court hearing is scheduled for Monday, August 13 at 10:00 AM. I will update the Council, as information becomes available. See Attorney's Report below.
8. **4190 Maple Street:** The City filed a complaint with the Sanilac County Building Inspector under the City's dangerous building ordinance. An inspection took place and a list of deficiencies was sent to the owner, Mr. Allan Huchinson. The owner responded by letter and will have repairs completed by August 30th.
9. **Maple Valley Road Lift Station:** The gauge responsible for measuring the quantity of material flowing to the lagoons through this lift station failed last winter. These amounts must be reported to DEQ monthly. Hydrodynamics was contracted to replace the gauge and connecting valves. Work is scheduled for next week with an estimated cost of \$9,380.
10. **MDOT Street Enhancement Grant:** Received notice that grant application is now available and is due October 2, 2001. The City previously applied for this grant to replace sidewalks, streetlights, trees, *et alia*, between Veteran's Park and James Street, and was denied.

Recommend the City reapply for this grant. Since MDOT is anticipating a decline in revenues, anticipate grant competition will be even more intense this year. (Coordination with Spicer Group revealed the cost would be \$2-3K. Due to this and the anticipated size of the grant, does the City Council wish to hire an engineering firm to complete the application?

Motion by Lukacs, support by Stain, to go with Spicer Group to complete the application for a grant to replace sidewalks, streetlights, trees, *et alia* between Veteran's Park and James Street. Motion Carried.

11. Maplevue Estates: I received a call from the owner, Mr. Jack Billiet, on August 10th. He wishes to pay all of the tap-in fees for Phase II as soon as possible. Since the court declared the current ordinance invalid, he expects to pay \$125 each for the tap-ins. How does the Council wish me to proceed? See motion below.

12. Sidewalk Admin Fees: Discussed admin fees associated with placing bills for new sidewalks on a resident's tax bill if not paid on time. Council discussed issue with the consensus no admin fee should be charged.

13. Maple Valley Road: Sanilac County let the contract to upgrade Maple Valley Road on August 3rd. The City's portion was not included since additional engineering work was required. \$47,000 grant will be held pending completion of engineering and MDOT approval.

MAYOR'S REPORT:

1. Planning Commission:

a. Appointment to replace Keith Kohler: No recommendation at this time.

b. Reappointment of Frank Durga. Motion by CM Carpenter, support by CM Miller, to reappoint Frank Durga to a (3) year term on the Planning Commission. Motion Carried.

2. Cemetery Board: Reappointment of Ray Carman. Motion by CM Miller, supported by CM Jacobson, to reappoint Ray Carman to a (2) year term on the Cemetery Board. Motion Carried.

ATTORNEY'S REPORT:

Maplevue Estates vs. City of Brown City.

1. Motion by CM Stain, support by Miller, to move into Executive Session to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

ROLL CALL VOTE: Jacobson yes, Murray yes, Miller yes, Stain yes, Lukacs yes, Carpenter yes. 6 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council went into Executive Session at 8:43 PM.

Motion by CM Lukacs, support by Carpenter, to move out of Executive Session.

ROLL CALL VOTE: Jacobson yes, Murray yes, Miller yes, Stain yes, Lukacs yes, Carpenter yes. 6 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council came out of Executive Session at 9:26 PM.

No action was taken in Executive Session.

Motion by CM Miller, support by Carpenter to extend the meeting past the 9:00 PM deadline. Motion Carried.

Motion by Carpenter, support by Miller, to file an appeal in accordance with the recommendation by Counselor Dloski in the matter of Maplevue Estates. Motion Carried

Motion by Stain, support by Miller, payment of water and sewer taps-in and connection fees shall be made within 30 days of occupancy, unless otherwise negotiated. Motion Carried.

Motion by CM Lukacs, support by CM Murray, to adjourn the meeting at 9:37 PM. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk