

## **COUNCIL PROCEEDINGS FOR DECEMBER 10, 2001**

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

**Pledge of Allegiance** led by CM Laura Carpenter.

**City Clerk Christine Lee received the oath of office from newly elected officials:** Renee Nason and Ruth Render of the Library Board, and Laura Carpenter, Frank Lukacs and Julie Miller of the City Council.

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

**ABSENT:** None.

**CORRECTION AND APPROVAL OF MINUTES:** Motion by CM Carpenter, second by CM Miller, to approve the Minutes of November 26, 2001, as corrected. The correction changed the word ‘meet’ to ‘meeting’ in paragraph number eight of the Manager’s Report on Page 4 of 5. Motion Carried.

**PAY BILLS:** Motion by CM Murray, second by CM Miller, to pay the bills as presented in the following funds: General -\$9,147.25, Payroll - \$11,665.48, Sanitary Sewer - \$583.19, Major Street - \$2,162.50, Local Street - \$2,337.50, Water Recreation - \$33.78, Investment - \$20,580.26. Motion Carried.

### **OLD BUSINESS:**

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

### **PUBLIC QUESTIONS AND COMMENTS.**

City Treasurer Carol Walters came before the City Council to ask for a motion to remove Sidewalk Assessments from three tax bills, that had been added by mistake.

Motion by CM Miller, second by CM Carpenter, to remove incorrect Sidewalk Assessments from the following three tax bills:

- # 76-300-007-300-020-00 for \$285.82
- # 76-300-140-006-001-00 for \$220.64
- # 76-300-140-005-003-00 for \$522.50

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.

Gary Abel had a question about the current and proposed zoning status of the property north of his house on Third Street. City Manager told Mr. Abel that the owners of the property had requested that the area from the tree line west to St Marys Street change from light industrial to residential, and that the remainder of the property either stay heavy industrial or be changed to combination of heavy and light industrial. No decisions concerning zoning changes will be addressed until the City's new Master Plan is complete. Mayor Pavel invited Mr. Abel to attend the Planning Commission Meeting concerning creation of the new Master Plan on Thursday.

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:** None

**RESOLUTIONS:** None

**PETITIONS AND COMMUNICATIONS:** None

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)–
  - a. Questioned the drainage behind Bill Welch's house on Lincoln Street  
The City is aware of the problem and will be looking into this in the spring.
  - b. A letter was sent to Bill Grace requesting he move the political signs located on the state highway right-of-way in front of his property. He responded to CM Lukacs saying he cannot move the signs because he didn't put them up and the signs are not his. City Manager to coordinate removal with MDOT.
3. Police (Miller)- None
4. Water and Sewer (Stain)- See Manager's Report
5. Tax and Finance (Murray)- Meeting 12/5: Recommendation to retain current BC/BS Health coverage, but require employees to share some costs.
6. Personnel (Jacobson)- None

**ATTORNEY'S REPORT:**

1. **Mapleview Estates vs City of Brown City.** The Hearing scheduled for December 10<sup>th</sup> was cancelled because both parties agreed on a single version of the Court's November 5<sup>th</sup> decision. Mr. Dloski, the City's representative in this case plans to have a rough draft of the appeal brief done this week and will fax it to City Manager Holmes and City Attorney Garno for review. He plans to file the brief within a week.
2. **Ordinance 8101A.6 and 8408.1(4).** There is an apparent conflict between these two Ordinances. There are several options that the City can take:
  - a) Amend Ordinance # 8101A.6 to remove the phrase 'accessory building.'
  - b) Amend Ordinance # 8408.1
  - c) Wait until Chapter 8 is completed
  - d) Modify the proposed Chapter 8 to include 3ft setbacks.
  - e) Turn this over to the Building and Grounds Committee, following input from the Planning Commission, and bring a recommended course of action to the Council.

The Council will continue to review the options and coordinate with the Planning Commission.

#### **CITY MANAGER'S REPORT:**

1. **City Master Plan:** McKenna Associates will meet with the Planning Commission on December 13<sup>th</sup> at 7 PM in the High School Cafeteria. Invitations were sent to about 75 City business owners and residents, and a press release was faxed to *The Banner*, *Sanilac County News*, and the *Times-Herald*. The meeting is open to the public.
2. **Water Mains:** On August 13<sup>th</sup>, I reported to the Council that the primary water main feeding the school runs under the 3-6 Building. Also, the line feeding George Street dead ends at 2<sup>nd</sup> Street. Additionally, the fire department has requested the installation of additional fire hydrants in the area. I received a fax from the school's engineer on November 29<sup>th</sup>, and the material cost to replace and extend the 2<sup>nd</sup> Street main and add hydrants is approximately \$40K. Labor costs would bring the total cost up to about \$120K. I have a meeting scheduled with Superintendent Gaubatz and the school's engineers on December 11<sup>th</sup>. How does the Council wish to proceed? City Manager to report results of this meeting at the next Council meeting.
3. **Roy Welch vs City of Brown City:** The City of Marlette requires sewer line "clean out fittings" be installed at the property line for all new construction or where problems exist. I have directed the DPW to have the

2<sup>nd</sup> Street sewer main video taped to reconfirm that the main is fully functional. Also, a “clean out fitting” will be installed on the property line to better monitor this connection in the future. The house lead will be video taped to insure it meets code requirements and identify any defects.

4. **Elected Officials Training Costs:** Dave Van Cura conducted a survey of local communities to determine if elected officials were paid to attend training classes. The results of the survey are in your packet. Please note that while the clerks in Almont, Croswell, Sandusky and Yale are paid straight time, it is because they are full time positions. Otherwise, elected officials are paid for mileage, meals and the cost of training only.
5. **Mayor Exchange:** The MML sent a letter asking if the City wishes to participate in mayor exchange this year. I have contacted Marlette to see if they want to exchange with us. They will address the request at their next meeting. How does the Mayor and Council wish to proceed? Council tabled the question until their next meeting.

**MAYOR’S REPORT:**

1. Planning Commission Vacancy: Plan to make a recommendation at the next meeting.
2. Planning Commission Meeting: Asked Councilmembers to make every effort to attend this important meeting on Thursday, December 13, 2001, at 7:00 PM in Brown City High School Cafeteria.

County Commissioner Bill Walters congratulated the newly reelected Councilmembers Laura Carpenter, Frank Lukacs and Julie Miller on winning another two years in office.

Motion by CM Carpenter, second by CM Jacobson, to adjourn the meeting at 8:15 PM. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk