

## **COUNCIL PROCEEDINGS FOR APRIL 22, 2002**

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

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

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

**ABSENT:** None.

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Carpenter, to approve the Minutes of April 8, 2002 as corrected. Motion Carried. (Correction page 3 of 5 in the last Roll Call vote should read 6 - Yes not 5.)

### **PAY BILLS:**

Motion by CM Jacobson, second by CM Murray, to pay the bills as presented in the following funds: General -\$50,691.89, Payroll - \$13,236.60, Sanitary Sewer - \$10,673.52, Investment - \$41,758.01. 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. Bill Vandercook – Conservation District Representative-informed the City Council about the importance of preserving farmland and open spaces and what the City can do to help.
2. Mark Cunningham – Ben's/Ace & Kilpatrick Apts. The City has been given notice to appear before the Michigan Tax Tribunal on July 30<sup>th</sup> concerning these two cases. City Assessor recommended the City hire Mr. Hodge, M.A.I., of Lapeer, to review the existing appraisal of Ben's/Ace.

Motion by CM Murray, second by CM Carpenter, to hire Mr. Hodge to review the existing appraisal of Ben's/Ace and to provide an opinion as to whether another full assessment is needed, with the cost of \$500.00 for the review and \$5,000.00 for the full assessment if required. Motion Carried

**PUBLIC HEARING:** None.

**ORDINANCES:** None.

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:**

**Preapplication Building Permits –**

1. Glen Miller, 4074 Third St. – Privacy Fence.
2. Nellie Cook, 4038 Main St. – Demolition of (2) 16’x16’ Sheds.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application building permit for Glen Miller and for Nellie Cook as submitted. Motion Carried.

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– CM Nielsen asked about the potholes on Second and James Street. City Manager Holmes said that they would be fixing the potholes when the weather gets warmer. Also the DPW are working on fixing the street sweeper.
3. Police (Miller)- None
4. Water and Sewer (Nielsen)- reported the recommendation of Dixon Engineering on renovation of the City’s water tower and on the Sanilac County Drain Modification. More information in the City Manager’s Report.
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson)- None

**ATTORNEY’S REPORT:**

1. Attorney Garno is sending a letter requesting payment from the two businesses that owe personal property taxes for CY 2000, following a review of the letters by City Treasurer Carol Walters. The two parties have stated they are willing to pay the back taxes, and if so, this matter should be resolved quickly. (As corrected 5-13-2002: change “CY” to “calendar year”.)
2. Mapleview vs Brown City: No new update from the Appeals Court.
3. The Supreme Court Corigain 1965 Government Tort Liability Act: Sewage Back-up Litigation against the City can continue if event was prior to April 2, 2002. After April 2, 2002, the City will be generally immune from

litigation. (As corrected 5-13-2002 should read: The Supreme Court's most recent interpretation of the 1965 Government Tort Liability Act, Potutski vs City of Allen Park: Sewage. . .)

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

- 1. Community Center:** Dynamic Consultants, the firm hired by the City to create the design for the community center/council chambers, expects to formally present the proposed plans to the City Council at the May 13<sup>th</sup> meeting. Does the Council wish to schedule a Public Hearing for that day?

Motion by CM Carpenter, second by CM Lukacs, to hold a Public Hearing on May 13 at 7:15 to review the plans and recommendation for the community center/council chambers. Motion Carried.

- 2. COPS Grant:** The City has a COPS Grant to help pay a portion of the wages for our part-time police officers. That grant was due to expire soon and funds remain. A request was submitted, and the Department of Justice approved a one-year extension to April 30, 2003.

- 3. City Park:** The Park is now open for the summer. Both Little League and the high school will be using the ball fields until construction on new fields at the school is completed. The last remaining pit toilet in the Park (and the City) has been demolished. Additionally, the DPW will be grading the roads and additional gravel will be spread. The pool and water slide will remain closed until the status of the grant request is determined. On behalf of the Park, the City applied for an annual pool permit, even with the pool closed, to keep the price at \$50.00. Other wise the fee will rise to \$100.00. However, if the pool is to remain closed, DEQ will refund the \$50.00 paid.

- 4. County Drain:** The school has declined to share costs for expanding the culvert under the railroad tracks. Their position is that they paid for all of the water main upgrades on Second Street. The City is waiting on one more bid and than will go to the school board and see if they are willing to share the cost.

- 5. Hydrant Flushing and Clean Up Days:** Recommend the week of 13-17 May for hydrant flushing and May 20 & 21 for Clean Up Days.

Motion by CM Carpenter, second by CM Jacobson, to flush the fire hydrants the week of 13-17 of May and May 20 and 21 for Clean Up Days, with May 22 as an additional day if needed. Motion Carried.

- 6. May 27 Council Meeting:** The second City Council meeting in May falls on Memorial Day. The City offices will be closed that day. Does the City Council wish to reschedule that meeting?

Motion by CM Lukacs, second by CM Carpenter to reschedule the May 27 meeting, due to it being Memorial Day to Tuesday, May 28. Motion Carried.

**MAYOR'S REPORT:**

1. Certificate of Recognition: to be presented to Kristine Muxlow on receiving her Gold Award in Girl Scouts.
2. City needs to look at the railroad crossing on Maple Valley Road to see if the ties can be replaced when the City is redoing the road this summer.

CM Murray noticed that the apron and the street are separating more and more on Welles Streets between Vine and Maple Streets. City Manager will check on this.

Brush pick-up will begin on April 30<sup>th</sup>, and will be on the 15<sup>th</sup> and 30<sup>th</sup> of each month for the rest of the summer; also the yard waste disposal facility on Maple Valley Road will be open for the City residents to use.

Remind the residents to not put out their junk too early, to keep it out of sight until Clean Up Days.

Motion by CM Carpenter, second by CM Miller, to adjourn the meeting at 8:13 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk