

## **COUNCIL PROCEEDINGS FOR JUNE 10, 2002**

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

**Pledge of Allegiance** led by City Manager Clint Holmes.

**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 Jacobson, to approve the Minutes of May 28, 2002 as corrected. Motion Carried. (Correction page 4 of 6 under Contract Renewal - should be “renew” and not “rewew.”)

### **PAY BILLS:**

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$13,480.70, Payroll - \$13,426.45, Sanitary Sewer - \$2,851.40, Major St. - \$2,395.90, Local St. - \$119.10, Water Recreation - \$33.91, Investment - \$35,510.27. Motion Carried.

### **OLD BUSINESS:**

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

### **PUBLIC QUESTIONS AND COMMENTS:**

Charles Zuhlke addressed the City Council and submitted a letter requesting that the 30 miles per hour speed limit on downtown Main Street (M-90) be extended both east and west by 2/10 of a mile to Maple Valley Road and Cade Road. Consensus of the City Council is to forward Mr. Zuhlke’s letter to MDOT with a letter of support from the City.

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:** None

**ORDINANCES:** None

**RESOLUTIONS:** None

**PETITIONS AND COMMUNICATIONS:**

**Preapplication Building Permits –**

1. Mark Traub, 4392 Main St. – Replace shingles and base.  
Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Mark Traub as submitted. Motion Carried.
2. Glenda Wheeler, 7158 Lincoln St. – Pool and deck.  
Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for Glenda Wheeler as submitted. Motion Carried.
3. Ben’s Supermarket, 4436 West Main Street – Addition  
Motion by CM Carpenter, second by CM Miller, to tentatively approve the pre-application permit for the requested two additions subject to approval and any restrictions or stipulations by the City Planning Commission. Motion Carried.

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– Reported that there are some trees on St Marys that need to be trimmed.
3. Water and Sewer (Nielsen) - Water Tower Color?  
Motion by CM Nielsen, second by CM Carpenter to paint the Water Tower green on the bottom and white on the top with green letters. Motion Carried.
4. Police (Miller)-  
Motion by CM Miller, second by CM Carpenter, to hire Adam Stracener as a part-time Police Officer subject ~~that he~~ to a successful completion of his physical exam and background check. Motion Carried.  
Motion by CM Miller, second by CM Jacobson to hire Albert Geoit to full time Police Officer. Motion Carried.  
CM Miller wanted to know if the City received a letter from the school detailing how they are going to deal with the asbestos problem. City Manager Holmes will remind the School that the City is still waiting to receive this letter from the contractor.
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson) - June 3<sup>rd</sup> Committee Meeting Report: Sue Martinez will alternate working Wednesdays with Wendy Lents; her Thursday and Friday schedules were not changed.

**ATTORNEY’S REPORT:**

1. **Back Taxes:** City Treasurer Carol Walters reported that she started to seize property of the people that owe back taxes; one person made a payment and

will pay the rest within 45 days. The other one is waiting for an updated tax bill.

2. **Mapleview vs Brown City:** Miller/Canfield will be filing an Amicus Curiae brief shortly. Case could go to the Court of Appeals sometime in the next eight to 24 months. City Attorney Garno recommended that the City prepare for the worst and set aside approximately \$100,000 in case the court decides the City is liable for Mapleview's attorney fees.

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

1. **EPA and Arsenic:** The EPA is funding 10-12 projects around the country to test arsenic removal technology. Communities must be nominated by their state environmental department in order to be considered. We were the first to contact the Michigan Department of Environmental Quality concerning this program and it is their recommendation we represent the State of Michigan, because the City has been very proactive in this area. Application is being completed and forwarded to EPA. If selected, the City of Brown City will have water purification equipment installed at no cost for this yearlong evaluation. More information as it becomes available.
2. **Personnel:** The City has received 18 applications for the one full-time DPW employee position, and six applications for the two part-time jobs. Anticipate narrowing the list and conducting interviews on Friday, June 14<sup>th</sup>. Do any members of the Council wish to participate in these interviews?
3. **Police Officer Interviews:** One candidate for part-time police officer was interviewed. Recommend hiring Adam Stracenrider of Port Huron as a part-time officer, subject to successful completion of a physical exam and final background check by Lansing. **REQUIRES MOTION.** See Police Committee Report above.
4. **Consumer Quality Report:** This draft annual water quality report has been approved by the DEQ and will be published in *The Banner* on June 10<sup>th</sup>. The report will not be mailed to residents. Individual copies of the report are available at City Hall.
5. **Tax Assessment:** IAW the Council's request, I spoke with the owner of Ben's Supermarket/Ace Hardware, Jim Zyrowski, concerning sharing the

cost of a full appraisal by a neutral consultant. He declined the offer with some enthusiasm.

**6. Ben's Supermarket Liquor Sales:** Apparently, over the objection of the City Council, the Michigan Liquor Control Commission has approved a license for Ben's to sell liquor. A copy of the letter is in your packet.

**7. Welch vs City of Brown City:** I received a copy the witness list associated with this lawsuit. All of the elected and appointed officials and employees of the City have been included on the list. No trial date has been set at this time.

**8. School Water Main:** I spoke with Superintendent Gaubatz about the letter from DEQ and the Council's concerns, and discussed various options. Tentative agreement, subject to Council approval, is for the City to supply the maintenance easement paperwork (to include the survey), and pay for the pipe used for the new water main (\$33,800). How does the Council wish to proceed?

Motion by CM Miller, second by CM Carpenter to deny a maintenance easement with the School and that DEQ be so informed. Motion Carried.

Motion by CM Miller, second by CM Nielsen to decline any cost sharing of the pipe or water main installation at the School. Motion Carried.

**9. Hydraulic Engineering:** Jones & Henry has provided an estimate for an engineering study of the Sutter Drain to determine if the culvert under the railroad tracks is adequate. Cost of the work is not to exceed \$6,500. How does the Council wish to proceed?

Tabled until the City coordinates the issue with the railroad.

**10. Main Street Grant Request:** The Department of Transportation did not select the City's grant request for funding this spring. The letter stated the application will be reevaluated this fall, and could be selected at that time. If selected then, project funds would be available for 2003. Does the Council wish to have a self-financed sidewalk project for this summer? Recommend the Streets and Sidewalk Committee meets to decide options. Streets and Sidewalks Committee Meeting set for Wednesday, June 19 at 7:00 P.M.

**11. Salvo Tool & Engineering Company:** Would like to store a trailer inside their fence for four to six weeks. Mobile home is not to be occupied during that time.

**12. Economic Development Corporation of Sanilac and St Clair Counties:**

Clint will be attending this meeting tomorrow, Tuesday, June 11, 2002 from 8:00 A.M. to 2:00 P.M. in Port Huron.

**MAYOR'S REPORT:**

- 1. George Kalbfleisch Memorial Dedication Monday, July 1<sup>st</sup> at 7 PM** – Fire Department Open House 6 – 9 PM. The Memorial is just west of the Fire Hall and no tax money was used in construction.
- 2. Thanks to Burnside 4H for work at City Hall:** Mayor Pavel will send a letter of appreciation.
- 3. Mowing of Lawns:** The home on Lincoln Street, City Manager Holmes will contact Building Inspector Strickler and start condemnation proceedings. Four other locations have until Friday to comply with the Ordinance.

CM Lukacs congratulated CM Jacobson and her committee on a job well done for Brown City Days.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:40 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk