

COUNCIL PROCEEDINGS FOR SEPTEMBER 23, 2002

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

Pledge of Allegiance led by Councilmember Laura Carpenter.

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

ABSENT: Councilmember Judy Murray.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Carpenter, to approve the Minutes of September 23, 2002 as corrected. Motion Carried. (corrections – Page 3 of 7 under Committee Reports #2 item F. - should read “swept” not “sweep” - Page 2 of 7 under Public Hearing - should read “Schlabach in accordance with submitted plans and to find practical difficulty and unnecessary hardship” - Page 3 of 7 Committee Report # 2 item E – add the word “may” - should read “Marion Studio may need” Page 4 of 7, item G add question mark at the end of the sentence.

PAY BILLS:

Motion by Jacobson, second by Carpenter, to pay \$128,520, which is 90% of the water tower bill from L.C. United Painting as recommended by Dixon Engineering. Motion Carried.

Motion by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$10,908.15, Payroll - \$11,299.69, Sanitary Sewer - \$1,122.60, Major St. - \$543.18, Local St. - \$1,143.19, Investment - \$37,681.79. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
2. Rezoning Request – Keith Muxlow: Pending
3. Planning Commission Appointments – Vacant positions have been advertised in the Banner for two weeks with no response.

PUBLIC QUESTIONS AND COMMENTS: None

PERSONAL APPEARANCES: None

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS: None

PETITIONS AND COMMUNICATIONS: None.

Preapplication Building Permits – None.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter) - None
2. Streets and Sidewalks (Lukacs) –
 - a. MDOT – Asked status of MDOT’s removal of three trees on Main Street. No reply from MDOT at this time.
 - b. Maple Valley Road Paving Project– Davis Land Survey stated we are still waiting for the joint meeting with MDOT. Anticipate MDOT will not issue the necessary permit until Spring.
 - c. Second Street cross cuts in blacktop by the School – the School is supposed to fix this.
 - d. Shrubs on the corner St. Marys and Second Street need to be trimmed back. It is hard to see traffic at the corner.
 - e. Ron Marion is happy to have the tree removed in front of his business.
3. Water and Sewer (Nielsen)- None
4. Police (Miller)- None
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson)- None

City Clerk Lee wanted to know what the ordinance is for parking on the street? City Manager said that from October 15 to April 15 there is no parking the street between 2:00 A.M. and 6:00 A.M.

ATTORNEY’S REPORT: Tax Collection: B.P. Oil paid their back taxes.

CITY MANAGER’S REPORT:

1. **2002 Sidewalk Program:** The contract was accepted by Tom’s Ultimate Concrete. Work is expected to commence the week of September 23rd. Total construction time should be less than two weeks. Letters containing individual cost estimates were sent to property owners last week. Ramps

will be put in leading up to the railroad tracks on First and on St Marys Streets with the right slope requirements.

2. **Garbage Collection Contract:** Bids for an exclusive contract with the City for garbage collection were opened at 4:00 PM on Monday, September 23rd. The City has received two bids: Waste Management and Knox Disposal.

Motion by CM Carpenter, second by Jacobson to stay with Knox Disposal, awarding a 3-year contract beginning on October 1, 2002. Motion Carried.

3. **School Water Meter:** The City continues the coordination for the installation of the school's new meter. Installation is tentatively scheduled for Saturday, October 5th. The DPW Supervisor will coordinate with the school to minimize any inconvenience. The School wants to locate the meter 20 feet to the West of the original site.

4. **New DPW Employee:** The position has been advertised in the newspaper and on radio, TV and the City's web page. Expect to continue collecting applications and then schedule interviews for the week of September 30th.

5. **Arsenic Removal:** The EPA has notified the City that of 120 applications received for an arsenic removal demonstration system, they have narrowed the list to 18, including Brown City. The request for contractor proposals will be published in the Federal Register soon. Once bids have been received, the EPA will know how many of the 18 projects they will be able to fund. If Brown City is selected, our responsibility will be to construct a building for the equipment, and once operational, to perform testing, monitoring and maintenance. The duration of the project will be one year. This will be placed next to Well House #3. CM Nielsen wanted to know how many of the 18 are in this area, and when this is all done what will happen to the treatment plant. At this time the EPA doesn't know what will happen when this project is done.

6. **Bullock vs. City of Brown City:** A lawsuit was filed with the City on September 13th concerning storm water run-off in the vicinity of this individual's property. The insurance company assigned the case to Robert Seibert, who is also handling Welsh vs. Brown City. Initial paperwork has been filed; no court date has been assigned at this time.

7. **Welch vs. City of Brown City:** The DPW Supervisor and myself met with our legal representative for almost three hours on September 17th. Evidence

and exhibits are being prepared and the City will be fully prepared for our October 3rd day in court.

- 8. Pay Phone:** We received a letter from the phone company stating that the pay phone on the corner of Main and Lincoln Streets is not profitable. They plan to remove the phone unless the City is willing to pay \$75 per month to keep it. How does the Council wish to proceed? Consensus of the Council was to have the telephone removed.
- 9. Crossing Guard:** The school sent a letter to the City stating that many students were crossing Main Street at points other than the designated school crossing at John Street. They have sent letters to parents requesting them to tell their children to only cross at John Street. However, the school has also asked the City to put a second crossing guard at the corner of James and Main Streets. Does the Council wish to investigate adding a second crossing guard? Council asked that the issue be researched further, particularly to determine how much it will cost to move the flashing light and see if the letters home will help.
- 10. BC Community Center:** The City received a preliminary cost estimate for the construction of the City's Community center of \$105,455.

CM Lukacs wanted to know if the resident on Maple Street contacted City Hall about the financial hardship associated with putting in the new sidewalk. City Manager Holmes said he hasn't heard from anyone. Also he insured Christine Childers was provided with the estimated cost of her new sidewalk.

MAYOR'S REPORT:

Still looking for people to fill the openings on the Planning Commission. Planning Commission Chairman Dallas Berry has no recommendations at this time. Also he wanted to know if anyone had talked to Sandy Bissett.

Motion by CM Miller, second by CM Nielsen, to adjourn the meeting at 7:37 P.M.
Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk