

COUNCIL PROCEEDINGS FOR DECEMBER 9, 2002

Deputy City Clerk David R. Van Cura received the oath of office from newly reelected City Clerk Christine Lee.

City Clerk Christine Lee received the oath of office from newly elected officials: Mayor Laura Carpenter; Jason Nielsen, Pat Jacobson and JoAnn Potts of the City Council, and Treasurer Carol Walters.

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

Cub Scout Pack 327 presented the colors.

Pledge of Allegiance led by CM Julie Miller.

PRESENT: Mayor Laura Carpenter; Councilmembers – JoAnn Potts, Frank Lukacs, Jason Nielsen, Julie Miller, 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 November 25, 2002 as corrected. Motion Carried. (Corrections page 2 of 4 under Attorneys' Report item #1 - add City of Brown in front of City - should read – "represents the City of Brown City on several other lawsuits". Also page 2 of 4 under Committee Reports item #2 first motion about Street Enhancement– After the word grant add a comma and the following words to read – "Enhancement Grant, and authorize the Tax and Finance Committee to determined the amount of increase from the City for matching funds.")

PAY BILLS:

Motion by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$11,978.30, Payroll - \$9,760.83, Sanitary Sewer - \$2,513.75, Local St. - \$78.07 Investment - \$11,811.25. Motion Carried.

Mayor Laura Carpenter nominated Mr. Charles Zuhlke to fill the remainder of her term of office on the City Council expiring December 8, 2003.

Motion by CM Miller, second by CM Jacobson, to appoint Mr. Charles Zuhlke to the City Council to complete the term expiring on December 8, 2003 of Laura Carpenter. Mayor Carpenter called for a roll call vote.

ROLL CALL VOTE: Miller - yes, Jacobson - yes, Nielsen - yes, Lukacs - yes, Potts - yes, 5 - Yes, 0 - No 0 - Abstain, 0 - Absent. Motion Carried.

City Clerk Christine Lee received the oath of office from newly appointed Councilmember Charles Zuhlke.

OLD BUSINESS:

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

PUBLIC QUESTIONS AND COMMENTS:

County Commissioner William Walters congratulated Laura Carpenter on being elected Mayor, JoAnn Potts for her election to the City Council, Christine Lee, Carol Walters, Patricia Jacobson and Jason Nielsen on their reelection, and Charles Zuhlke for his appointment to the City Council. He also reported that the County would receive a 3% reduction in State Revenue-Sharing funds.

City Treasurer Carol Walter reported that to date she has collected \$40,113.17 in 2002 property taxes which brings that fund balance to \$40,420.66.

PERSONAL APPEARANCES: None.

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits – None.

COMMITTEE REPORTS:

1. Police (Miller)- None - Police Chief Ron Smith reported on Brown City Police activity. City Police handled 843 complaints in 2001, 929 complaints to date.
2. Tax and Finance (Jacobson)- None

3. Personnel (Zuhlke)-.None
4. Water and Sewer (Nielsen)- None
5. Streets and Sidewalks (Lukacs) - None
6. Building and Grounds (Potts) - None

ATTORNEY'S REPORT:

1. **Mapleview Estates vs City of Brown City** – nothing new to report.
2. **Kitchen vs City of Ferndale Nos. 224374 and 226378** – The City of Ferndale was sued for taping a Closed Session. Court determined that the Open Meeting Act was not violated by taping the Closed Session and sending the tape to the city' labor attorney. However, a councilperson did violate the OMA by taping the Closed Session and taking the tapes home with him since the tapes were part of the minutes and must be deposited with the City Clerk. The court of appeals found the audiotapes at issue are a part of the minutes of the Closed Session and must be filed with the Clerk. The court further indicated that nothing in the opinion should be interpreted to require a public body to retain audiotapes of an open public meeting after written minutes are prepared. City Clerk Lee informed the Council that the audiotapes from the Council Meeting are kept until the minutes are approved and that Closed Session minutes are put in an envelope and dated and are kept for 1 year and 1 day, after that they are destroyed.

CITY MANAGER'S REPORT:

1. **City Hall Roof:** I met with Andy Salo and he provided the necessary insurance paperwork and a detailed materials list. Shingles and related materials were purchased and delivered (they are being stored in the community center). Work began on December 8th and continued through the 9th. Roof should be completed next weekend. Since no shingles are being removed, and the roof currently only has a single layer of shingles, no permit is required.
2. **Railroad Meeting:** The DPW Supervisor and I met with a representative from the Huron & Eastern Railroad concerning a problem with a broken culvert associated with storm water drainage and the crossing on Maple Valley Road. Agreement was reached on the culvert with the Railroad providing materials and labor, and the City providing a backhoe and operator. Work is scheduled to be completed the week of December 9th. Also, the Railroad tentatively agreed to remove the timbers on the road

crossing if the City will pave that section as part of the Maple Valley Road Project in the spring. This agreement will allow for an upgrade of the crossing at no significant cost to the City.

- 3. New Missionary Church:** Pastor Fledderjohann has requested permission from the City to begin leveling the site on M-90 for their new church. Earthmoving will be in the area of the proposed building and parking lots only. Liaison with Mayor Carpenter and Planning Commission Chairman Berry revealed no objection, and permission was granted. The Pastor also submitted a site plan for the church that will be reviewed by the Planning Commission on January 7th.

Motion by CM Jacobson, second by CM Miller, to approve the pre-application permit for the Missionary Church to begin leveling the site on M-90. Motion Carried.

- 4. IFEC Requests:** Mr. Kevin Brehmer, owner of Brown City Machine Products requests that his company be allowed to assume the Industrial Facilities Exemption Certificate (IFEC) that the City and State granted to Almont Screw Products in 1998. Allowing this would have no impact on the City and would enhance the business. Also, Mr. George Emmie is submitting the paperwork formally requesting a new IFEC for Emmie Die & Engineering. Both requests require formal City Council Action following a Public Hearing. Recommend scheduling a Public Hearing for December 23rd at 7:15 PM for purposes of discussing these two **tax abatement** requests. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Nielsen to schedule a public hearing for December 23rd at 7:15 P.M. for purposes of discussing these two tax abatement requests. Motion Carried.

- 5. Leaf Vacuum:** The DPW Supervisor attended the Sanilac County auction on December 7th and purchased this piece of equipment for the City at a cost of \$1,200.
- 6. M-53 Corridor Committee Meeting:** I have been invited to represent Brown City at this meeting in Imlay City on December 9th at 1:00 PM. Purpose of the meeting is to “establish and present the M-53 Corridor Committee’s priorities for the maintenance and further development of the corridor to our US Senators, Congressmen and State Senators and

Representatives.” A copy of the proposed agenda is included in your packets.

- 7. Citizen Planner Program:** The Michigan State University Extension is offering a class in city planning. The eight-week course is being taught in Cass City beginning on January 23, 2003 from 6-9 PM. Cost is \$280 per person. Planning Commission Chairman Berry has requested this class. If any of the Councilmembers are interested, please let me know by the end of the December 23rd meeting.
- 8. County Master Plan:** The last of the three public hearings scheduled to review the Sanilac County Master Plan is Tuesday, December 10 at 7 PM in Sandusky. I plan to attend. If anyone else is interested, please let me know.
- 9. Christmas Holiday:** Last year City Hall was closed on December 24th, 25th, 31st, and January 1st. This was because Christmas and New Year’s Eves were on a Monday. Previous years City Hall closed at noon. Recommend closing City Hall at noon on December 24th and 31st.
REQUIRES MOTION.

Motion by CM Nielsen, second by CM Miller to closed City Hall at noon on December 24th and 31st. Motion Carried

- 10. Council Pictures:** If the City Council agrees, I can set up an appointment to get the group’s picture taken immediately prior to the next Council meeting here. This new picture would be taken by Marion’s Studios and be posted on the City’s web page.
- 11. Bullock vs City of Brown City:** I received a call from the City’s defense attorney in this case. He stated that he has still not received the discovery documents and expert witness list that was due last month to him from Mr. Bullock’s attorney.
- 12. 1st Grade Tour:** Mrs. Fuhrman’s 1st grade class toured City Hall and were given an overview of what we do here. She later provided a thank-you note which included a class picture. Determination was made that the most appropriate place to display this work of art was on the refrigerator.

MAYOR'S REPORT:

1. Welcome to new and returning Members.
2. Committee and Commission appointments are being finalized and will be announced at the next meeting.

CM Jacobson reported that:

1. A survey was taken of Main Street business owners who requested that the trees in the business district be removed. City Manager will task the DPW to do same.
2. Building materials and a stove are stacked on the south side of Wood Street. City Manager will investigate.
3. Appliances have been placed next to the street in front of the Bacon house on First Street. DPW will be tasked to remove them. City Hall will bill the new owner.
4. A basketball hoop is in the street right-of-way Third Street, making it hard to plow snow. City Manager will notify the owner to move it.
5. Someone is cutting across city property to get to garage back by Well House #4. City Manager will speak with the DPW Supervisor.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 7:30 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk