

## **COUNCIL PROCEEDINGS FOR JUNE 9, 2003**

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

**Pledge of Allegiance** led by Chuck Zuhlke.

**PRESENT:** Mayor Laura Carpenter; Councilmembers – JoAnn Potts, Frank Lukacs, Charles Zuhlke, Jason Nielsen, Julie Miller, and Pat Jacobson; City Clerk Christine Lee, Interim City Manager Ken Brown.

**ABSENT:** City Attorney John Lengemann.

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

Move by CM Miller, second by CM Jacobson, to approve the Minutes of May 21, 2003 as corrected. Motion Carried.

Corrections:

1. Page 1 of 6 – Under Pay Bills – Change the m to an n on Jacobson name.
2. Page 3 of 6 – Under Treasurer's Report, 2<sup>nd</sup> paragraph – change 15 to 1% - should read 1% interest
3. Page 3 of 6 – Under City Manager's Report, item 1 – add the words - The City will reimburse CM Lukacs. - CM Lukacs will purchase flowers to be planted in the barrels along Main Street. The City will reimburse CM Lukacs.
4. Page 5 of 6 – Item 7, in the motion – change the word advertise to advertised)
5. Page 5 of 6 – Item 9, in the motion – change the word recognizes to recognized.
6. Page 5 of 6 – Under Mayor's Report – add the words – with some to be used – should read – the company will give us 50 more with some to be used for Mayor Exchange Days)

### **PAY BILLS:**

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$25,606.08, Payroll - \$12,049.63, Sanitary Sewer - \$933.00, Investment - \$16,884.14. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 – Being Reviewed by Committee.

2. Rezoning Request – Keith Muxlow: Pending.

**PUBLIC QUESTIONS AND COMMENTS:** None.

**PERSONAL APPEARANCES:**

1. Paul Picklo – Representative from Thumb Cellular. Absent

**PUBLIC HEARING:** None.

**ORDINANCES:** None.

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:**

**A. Liquor License Transfer – J & J Party Store, 4397 Main Street.**

Move by CM Miller, second by CM Jacobson, to o.k. the transfer of the liquor license from J & J Party Store, at 4397 Main Street to Michael Frantz. Motion Carried. (Corrected 6/23/03 – change the word o.k. to approve – should read to approved the transfer)

**B. Preapplication Building Permits -**

1. John & Lynn Surprenant, 7180 Lincoln Street – Replace existing 24’x30’ garage, replace porches, rear porch 6’ x 8’, side porch uncover 48’ x 96’ and cover porch 95’ x 35’ x 28’.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for John & Lynn Surprenant to replace existing 24’x30’ garage and replace rear porch 6’ x 8’, side porch uncover 48’ x 96’ and cover porch 95’ x 35’ x 28’ at 7180 Lincoln Street. Motion Carried.

2. Sean Hagey, 4432 Autumn Gold – Build a 12’x20’ Deck.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Sean Hagey to build a 12’x20’ deck at 4432 Autumn Gold. Motion Carried.

3. Craig Coulson, 6783 Cade Road – Replace shingles.

**COMMITTEE REPORTS:**

1. Police (Miller)- None

CM Miller informed the Council that she attended a MML meeting that dealt with mosquitos. She informed the Council of some of the systems of West Nile disease

and other diseases that the mosquito can carry, also some of the different ways to control the mosquito. She will bring the information in to Interim City Manager Ken Brown. (Corrected 6/23/03 – change the word systems to symptoms)

2. Tax and Finance (Jacobson)- None

CM Jacobson thanked Ken and Dave from City Hall, Dave and crew from the DPW and Ron and officers of the Police Force for all of their help during Brown City Days. CM Miller thanked Pat Jacobson and her committee for all of the work that they did to make Brown City Days a huge success.

3. Personnel (Zuhlke)- City Attorney Retainer and Contract.

CM Zuhlke went over the two meeting that his committee had for hiring a City Attorney. The committee recommended that we approve the contract award to Mr. Gerard J. Garno, form Rickard, Denney & Associates, to be City Attorney. The Contract would be a one-year contract at a cost of \$2,000.00 retainer fee and \$95.00 per hour of service to the City of Brown City.

Move by CM Zuhlke, second by CM Jacobson, to approve the contract award to Mr. Gerard J. Garno, form Rickard, Denney & Associates, to be City Attorney. The Contract would be a one-year contract at a cost of \$2,000.00 retainer fee and \$95.00 per hour of service to the City of Brown City. With the following two terms: (1) Brown City would have to pass a motion by the City Council agreeing to obtain independent council for any particular situation where a true conflict of interest arises with Burnside Township. (2) Brown City would not object is Attorney Tim Denney continues to represent Burnside Township in the event that there is a conflict with Brown City. Motion Carried. (Corrected 6/23/03 – change the word form to from and in item 2 change the word is to if – should read – the contract award to Mr. Gerard J. Garno, form Rickard, Denney & Associates – and (2) Brown City would not object if Attorney Tim Denney continues to represent Burnside Township)

4. Water and Sewer (Nielsen)- Chapter 5 Update.

CM Nielsen reported that his committee reviewed proposed Chapter 5 water and sewer regulations. Parts of the new Chapter 5 were re-written to better reflect the needs of the City. Discussion was also held as to which of the arsenic treatment systems would be better suited to the City. The Severn Trent system seems to be easier to operate and requires the least amount of maintenance. Any byproduct of this system can also be disposed in a landfill without further treatment. The Committee recommended using Severn Trent Water Treatment system on our well.

Move by CM Nielsen, second by CM Lukacs, to use the Severn Trent system on the City well, for the removal of arsenic from the City water. Motion Carried.

5. Streets and Sidewalks (Lukacs) – None

CM Lukacs stated that he was upset with the newspaper article that was written about hiring the new City Manager.

6. Building and Grounds (Potts) - None

CM Potts informed the Council that the Council would need to replace three member of the Planning Commission. Dallas Berry, because he is moving; Joan Palmeri, because of illness; and Frank Durga, because he hasn't been to a meeting in over 15 months.

CM Zuhlke wanted to know about the Maple Valley road project. Interim City Manager Ken Brown informed the Council that he and Dave Kinney from the DPW, Albright Sand and Gravel, M-Dot and the City Engineer had a pre-construction meeting. The road will be closed from M-90 to the railroad tracks, June 25<sup>th</sup> to July 25<sup>th</sup>. A notice will be put in the paper to inform the community, because this will be during wheat harvesting. At this time Interim City Manager Ken Brown doesn't know who will pay for this notice. Dave Kinney DPW Supervisor stated that the traffic would be one way at all times.

**TREASURER'S REPORT:**

Treasurer Carol Walters informed the Council that the summer tax bill is now being printed and will be mailed. Treasurer Walters will enclose a note with the tax bill that will state: This is a TAX BILL!!! This is the State Education Tax I told you about in your 2002 winter taxes. This tax has to be paid by September 15, 2003. All unpaid taxes will have a 1% interest per month added on to the balance until February 28<sup>th</sup> of 2004.

**DPW SUPERVISOR'S REPORT:** None

**ATTORNEY'S REPORT:** None

**CITY MANAGER'S REPORT:**

1. Downtown Development Authority: The meeting at Gaylord was a very good program, it let one know how to set up a DDA, they also told us we should list the different way's you are going to use the money, our DDA needs to be amended, and redone. Commissioner Walters informed the Council that when he was City Treasurer that he had to fill out a form stating that the DDA will never capture money. In order to capture money

- the DDA will have to be reorganized. (Corrected 6/23/03 – change the word way’s to ways and change the word capturer to capture.)
2. New Police Car: The new Police car was ordered, a 2004 Ford Crown Vick, it is to be delivered in the month of August. We are getting a 2004 at the 2003 price, the price is right.
  3. Mosquito Control: Mosquito’s, “Dunks were ordered June 2, 2003, along with Shakes for the pond in the park, and in the lagoon’s” CM Zuhlke wanted to know wanted to know if the City could contact somebody to have a discounted day for old tires with the City could get a bulk rate. Interim City Manager Ken Brown will check with Marlette to find out how they handle this. (Corrected 6/23/03 – change the word lagoon’s to lagoons – take out the second - wanted to know – change the word there to their.)
  4. Building Permits: For the Buildings and Grounds Committee, upon calling the County Buildings and Grounds they advised, when the word “Approximate” appears, the inspector will look closer at the measurements then he would if it were a measurement per say. (Corrected 6/23/03 – change the word say to sse – should read - a measurement per sse.)
  5. City Manager’s Computer: There are two things which I would like to see the council do before The new City Manager goes on board, 1) Have the computer in his/her office fixed to be able to use a digital camera, 2) And be able to use the scanner. Wait until the new City Manager takes over, because he will know what he needs. (Corrected 6/23/03 – add the words - Council requested that we - Should read -Council requested that we wait until the new City Manager takes over.)
  6. Thumb Cellular: Paul Picklo, of Thumb Cellular, will be at council meeting to discuss putting an antenna on the water tower, my suggestion after talking to Dixon Engineers. Is to have there firm to oversee the work and planning. Also the amount that they want to pay seems low. (Corrected 6/23/03 – take out the period after Engineers and change the capital I on the word is to lower case. Change the word there to their)
  7. City Manager Terms of Employment: If the council has picked one of the candidates for City Manager we need to send a copy Terms of Employment and a Letter of Understanding we need a motion and a roll call vote. We have a copy of the letter we sent to Clint Holmes, Frank should look at this. (Corrected 6/23/03 – Add a period after the word Understanding and Capitalize the W in we – Add Gerstenecker after Frank.)
  8. Drug Testing Policy: We are in the process of updating the Drug Policy’s for the DOT and for the non-DOT employees; this can be tabled and put under Old Business for the next meeting, because we are waiting for a sample policy for non-DOT employees.

9. Water reserve and Sewer reserve: The City has paid up the Sewer reserve and are in the process of paying up the Water Reserve. (Corrected 6/23/03 – add the words - for money borrowed for equipment – should read – paying up the Water Reserve for money borrowed for equipment.)
10. Mental Health: Would like to hire two to paint curbs, wash trucks, painting at the park etc. The City would be paying minimum wage and this will be for only the summer. (Corrected 6/23/03 – add the words – No decision was made.)
11. New Factory: The land has been purchase and the City needs to find out where the building is going to sit. Tax and Finance Committee will meet after reviewing with John Lehotan CPA what incentives the City could offer. CM Zuhlke wants the Council to be careful what you give because this will set a president. (Corrected 6/23/03 – add a d to the word purchase - change the word president to precedent)
12. Pre-construction Meeting: For the Maple Valley Project.
13. Cable Survey: Does the Council still want to issue a Cable Survey, if so what questions do you want asked. CM Miller stated that the last time that the City sent out a survey the response was very low. No survey.
14. Police Chief and DPW Supervisor: Pay overtime for attending meetings. DPW Supervisor Dave Kinney informed that they get time off for attending meetings. If the are here for two hours than they get two hours off. (Corrected 6/23/03 – add a y to the word they and change the word than to then – should read – If they are here for two hours then they get two hours off.)

**EXECUTIVE SESSION:** To review the specific contents of an application for employment. (Corrected 6/23/03 – add the rest of the reason - should read - To review the specific contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

MOVE BY CM Miller, second by CM Nielsen, to move into Executive Session to review the specific contents of an application for employment.

ROLL CALL VOTE: Miller – Yes, Jacobson– Yes, Zuhlke– Yes, Nielsen – Yes, Lukacs – Yes, Potts – Yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

Council went into Executive Session at 8:05 P.M.

MOVE BY CM Miller, second by CM Potts, to move out of Executive Session.

ROLL CALL VOTE: Miller – Yes, Jacobson– Yes, Zuhlke– Yes, Nielsen – Yes, Lukacs – Yes, Potts – Yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

Council came out of Executive Session at 8:30 P.M.

No Decisions were made.

Move by CM Miller, second by CM Zuhlke to send a letter of employment to Darcy Long offering him a starting salary of \$43,5000.00 with the contingency that he passed his physical, drug test and background check. (Corrected 6/23/03 – take out a zero – should read - salary of \$43,000.00)

ROLL CALL: Jacobson - yes, Miller - yes, Zuhlke - yes, Neilsen - yes, Lukacs - yes, Potts - yes. 6 - Yes, 0 – No, 0 – Abstain, 0 - Absent. Motion Carried.

**MAYOR’S REPORT:** None

**PERSONAL APPERIANCE:** Robert Burgess in response to the formal letter he received. Mr. Burgess wanted to know what the Council wants done or has in mind for his building. CM Miller would like to see that it gets a new paint job and that it is made structural sound, and that this work be completed in 30 days.

Water and Sewer: Committee meeting for Chapter 5 will be Thursday, June 12, 2003 at 7:00 P.M.

CM Lukacs wanted to know if measurements for new sidewalks have been done? Interim City Manager Ken Brown stated that he started today.

CM Zuhlke wanted to know why the work for the new entrance to the building next door wasn’t done. Interim City Manager Ken Brown stated that there wasn’t an Architect Seal on the blue prints.

The Tax and Finance Committee will work on incentives for the new business. Dale Benish reminded the Council that to protect themselves in writing and what the Council and County could do to bring in this company. Mr. Benish informed the Council that the company has a lot of relationships with other companies.

Move by CM Miller, second by CM Potts, to adjourn the meeting at 8:46 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk