

COUNCIL PROCEEDINGS FOR JUNE 23, 2003

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

Pledge of Allegiance led by Councilmember Jason Nielsen.

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, City Attorney Gerard Garno.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Jacobson, to approve the Minutes of June 9, 2003 as corrected. Motion Carried.

Corrections:

1. Page 2 of 7 – change the word o.k. to approved – should read to approved the transfer.
2. Page 2 of 7 – under Committee Reports, item 1 - change the word systems to symptoms.
3. Page 3 of 7 – under Personnel Report in the motion – change form to from.
4. Page 3 of 7 – under Personnel Report, item 2 in the motion - change is to if.
5. Page 4 of 7 – under City Manager’s Report, item 1 – change way’s to ways
6. Page 4 of 7 - under City Manager’s Report, item 1 – change the word capturer to capture.
7. Page 5 of 7 - under City Manager’s Report, item 3 – change the word lagoon’s to lagoons.
8. Page 5 of 7 - under City Manager’s Report, item 3 – take out the second wanted to know.
9. Page 5 of 7 - under City Manager’s Report, item 3 – change the word there to their.
10. Page 5 of 7 - under City Manager’s Report, item 4 – change the word see to see.
11. Page 5 of 7 - under City Manager’s Report, item 5 – change the on Wait to lower case –should read - Council requested that we wait until.

PAY BILLS:

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$ 20,003.96, Payroll - \$13,162.55, Sanitary Sewer - \$424.51, Investment - \$29,744.95. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 – Being Reviewed by Committee.
2. Rezoning Request – Keith Muxlow: Pending.
3. Drug Testing Policy.

PUBLIC QUESTIONS AND COMMENTS:

Dale Banish – Sanilac County Economic Development Corporation, informed the Council that they need to put together an incentive package by the closed of business Monday night, June 30, 2003. The Council will have a special meeting Wednesday or Thursday night.

PERSONAL APPEARANCES:

1. Paul Picklo, Thumb Cellular – Cell Antenna.

Thumb Cellular would like to put a tower on the water tower and will need space to put construct a 10' X 12" X 8' building by the water tower to house their equipment. Would like to have the insulation done by the first week in September. The Council had some concerns about liability insurance and health effects on the people. CM Nielsen wanted to know if the water tower would be shut off for the insulation. Mr. Picklo stated no, and that his company would work with Dixon Engineering. City Attorney Garno stated that according to the City Charter that all contracts are to be review by the City Attorney and that he could make recommendations. Drop dead date by the July 14, 2003 Council meeting, and because there needs to be a Public hearing it will be 30 days before it becomes effective.

2. Ron Holbin, Mannik & Smith Group – Abandon Well Project Update.

Mr. Holbin presented information and a slide show about the abandon wells that are located in the 2-mile radius of the City of Brown City. Mr. Holbin visited 197 sites and found 185 well active and 43 abandoned wells. He has completed the first stage of the project and is currently starting the second stage.

3. John Lehotan, CPA – 2002/2003 Audit Review.

Mr. Lehotan went over the Audit Report with the Council and the overall ratings. The City is in good shape.

PUBLIC HEARING:

1. Schedule Public Hearing for 2003 Sidewalk Program.
Move by CM Lukacs, second by CM Zuhlke, to scheduled a Public Hearing for the 2003 Sidewalk Program for Monday, July 14, 2003 at 7:15 P.M. Motion Carried

ORDINANCES: None.

RESOLUTIONS:

1. #03-11 = Authorizing Signatures for Savings Account at Standard Federal Bank.

Move by CM Miller, second by CM Zuhlke, to authorize Laura Carpenter, Carol Walters, Christine Lee and David R. Van Cura to sign for the Savings Account at Standard Federal Bank.

ROLL CALL VOTE: Jacobson - Yes, Miller - Yes, Zuhlke - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 6 - YES, 0 - NO, 0 - ABSTAIN, 0 - ABSENT. Motion Carried.

2. #03-12 = Request from McIvor, Inc. to Transfer Ownership of 2003 Class C Licensed Business with Dance Permit, Located at 4147 Main, Brown City, MI 48416, Sanilac County, from Peter J. Kautz, Inc.

Move by CM Miller, second by CM Jacobson, to adopt Resolution #03-12.

ROLL CALL VOTE: Jacobson - Yes, Miller - Yes, Zuhlke - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 6 - YES, 0 - NO, 0 - ABSTAIN, 0 - ABSENT. Motion Carried.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits -

1. Joseph Shults, 6925 Walter Street – 24’x24’ Pole Type Garage.

There were question about the setbacks. Council tabled this until the questions that they have are answered.

CM Lukcas stated that there are a lot of sheds going up in town. Interim City Manager Ken Brown informed CM Lukcas that you didn’t need a building permit for sheds that are 200 square feet and under.

COMMITTEE REPORTS:

1. Police (Miller)- None
2. Tax and Finance (Jacobson)- Report on June 18th Meeting. CM Jacobson reported that the Committee didn’t come to any decision.
3. Personnel (Zuhlke)- None

CM Zuhlke thanked the Police department for a great job they did for Brown City Days. CM Zuhlke wanted to know how deep a pool has to be before a fence is required. CM Miller stated that any pool under 4 feet tall needs to be fence in. County Commissioner Walters stated that the County requirements are: any pool 18-inches deep needs a permit and any pool with a deck needs a permit.

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

Committee discussed the proposed Chapter 5 Water and Sewer Regulations for the last time and submitted the amended document for final draft. Chapter 5 is now ready for approval by the Council.

5. Streets and Sidewalks (Lukacs) – None

CM Lukacs wanted to know who is to put up road closed signs on Maple Valley and when. Interim City Manager Ken Brown informed the Council that M-Dot already has put up the signs. He also informed the Council that the City didn't receive any bids for the tree removal. CM Lukacs wanted to know about the Tree Replacement Program in the City and when will this be done. Also have DPW Supervisor Dave Kenny to check the star in front of Mr. Ed's because it is sways in the wind. CM Lukacs said that the City needs to remove the old road signs because the new ones are up. He wanted to know if the City heard anything about the building that the City gave 30-days to fix up. Interim City Manager Ken Brown said no. CM Jacobson stated that the tree stomp on Wells Street in front of Don Streeter needs to be removed.

6. Building and Grounds (Potts) - None

TREASURER'S REPORT:

1. Purchase of Laser Printer: Treasurer Carol Walters went over the two bids that the City received on a Hewlett-Packard Laser Jet 2300 Printer. The two bids were: Standard Office Supply \$549.00 and Dalton Computers \$699300. The money to purchase this printer will come out of the Channel 6 Fund, because the computer is hooked up to Channel 6.

Move by CM Miller, second by CM Potts to purchase the Hewlett-Packard Laser Jet 2300 Printer from Standard Office Supply for \$549.00. Motion Carried.

The City received our Delinquent taxes check from the County this week. It was for \$49,392.17, as the delinquent road millage check came in at \$39,326.69, this was deposited in our Investment Account on Friday.

Treasurer Walters picked up the Summer Taxes for 2003 this week and they will be put in the mail by the end of this month, and will start collecting the Taxes after July 1, 2003.

Treasurer Walters reported that the City of Brown City was represented by the Brown City Fire Department at the Peck Centennial Parade this past weekend.

POLICE CHIEF'S REPORT:

Chef Smith went over his report that he handed out to the Council.

ATTORNEY'S REPORT:

City Attorney Gerard Garno stated that it was good to be back working for the City.

Wells Street Project: City Attorney Garno informed the City about all the different property lines mix-ups because the road was never finished. Interim City Manager Ken Brown would like to extend Wells Street 100 feet, to help solve some of the problems.

Move by CM Miller, second by CM Lukacs, to direct the City Manager and the City Attorney to negotiated an easement on the South end of Wells Street, so the City can extend the street. Motion Carried.

Lawrence Belldock wanted to know why he pays taxes and he has no street in front of his house.

Interim City Manager Ken Brown will go to Sandusky to see what he can do to fix the problem.

Congratulate the City for being one of seventeen and the only one in the State to be selected for the EPA Contract.

Severn Trent System: The cost to the City will be extension of the current well house, heating and cooling of the building and running the system. EPA will be responsible for putting in the treatment system and after the 15-month contract the City will own the equipment. EPA is revising the contract, and City Attorney Garno will have the contract by the next meeting, July 14, 2003.

Move by CM Miller, second by CM Jacobson, to extend the Council Meeting pass the 9:00 hour. Motion Carried.

For the second well the City will have to absorb the cost and could put in different system if they don't like the Severn Trent System and the EPA will remove the first system at no cost to the City.

Received a letter from the City of Ferndale about putting Brown City name on a brief, this matter will not be decided at the City level. The Michigan Constitution allows for local control over local issues such as safety in public places.

Move by CM Lukacs, second by CM Zuhlke, to direct City Attorney Garno to put the City of Brown City on the Amices Curia friend of the court brief opposing the statewide restriction on local issues.

ROLL CALL VOTE: Jacobson - Yes, Miller – Yes, Zuhlke - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 6 - YES, 0 - NO, 0 - ABSTAIN, 0 - ABSENT. Motion Carried.

CITY MANAGER'S REPORT:

1. Mosquitos "Dunk were ordered June 2, 2003, along with Shakes for the pond in the park, and the lagoons". The order is two weeks behind.
2. Paul Picklo, of Thumb Cellular, will be at the Council Meeting to discuss putting an antenna on the water tower, my suggestion after talking to Dixon Engineering, is to have their firm oversee the work and planning.
3. The City Attorney will discuss the contract with EPA and the City.
4. The Water Quality Report has been sent out, and the report will be sent to the State. Thank-you to everyone who worked on getting the Report out.
5. Computer for Channel 6. Tabled
6. Bids for trees have been advertised, as of 6/20/03, no bids have been returned. I will re-advertise the bids. There is still a big branch on the line at Graham Marion's; no one wants to remove it.
7. City Hall entrance needs to be approved, because July 1, 2003 is almost here. Needs a Motion.

Move by CM Miller, second by CM Jacobson, to construct a dormer on the front of City Hall. Motion Carried.

8. Missionary Church: We need a motion to approve the pre-application building permit for the Missionary Church.

Move by CM Lukacs, second by CM Potts to approve the pre-application permit for the Missionary Church. Motion Carried.

9. Police car (Ford) was backed into the salt spreader, do damage to the salt spreader, however, the police car received \$429.82 in damages, and from the Muma incident \$679.42, with labor at \$499.60 for a grand total of \$1,608.84. The insurance company will cover this.
10. Burger building, Carl from Yale Glass has been up North this week, and Tom Z. Concrete, will touch base with them this week.
11. Sent letter to MACI for mowing lawn, The City will not cover the cost.

- 12.MML Annual Meeting will be in September 17-19, 2003, in Detroit. Each City is allowed a vote. Need to reply by August 27, 2003.
- 13.For Mayor Exchange Day we will have lunch at Buds.

CM Zuhlke wanted to know about Grandma' Gifts. This is not in the City.

EXECUTIVE SESSION: To discuss pending lawsuit with the City because to discuss the matter in open session could have detrimental financial impact on the City.

Move by CM Miller, second by CM Jacobson, to move into Executive Session to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body.

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 9:30 P.M.

Move by CM Miller, second by CM Jacobson, 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 9:52 P.M.

No Decision was made.

Move by CM Miller, second by CM Jacobson, to direct City Attorney Garno to work with a specialist to revise Ordinance #5304.2A to make it more harmonious with current standards. Motion Carried.

NEW CITY MANAGER:

A firm is doing a background check and for \$250.00 you can get the standard report consisting of credit report, driving report, criminal check bankruptcy report or for \$500.00 to \$600.00 can have a more detail report.

Move by CM Jacobson, second by CM Miller, to do a full background check. Motion Carried.

Move by CM Zuhlke, second by CM Nielsen, to have the City Manager start on Tuesday, July 1, 2003 and to keep Interim City Manager Ken Brown on the job with July 14, 2003 as his last day. Motion Carried.

Move by CM Miller, second by CM Jacobson, to pay the new City Manager, Darcy Long, \$45,000.00 plus \$500.00 for moving fees. Motion Carried.

DRUG TESTING:

Interim City Manager Ken Brown informed the council that a steroid test cost \$50.00 or more M-DOT, DPW have to have it done, the police don't. Non-DOT – Sanilac, Huron, St Clair, and Lapeer Counties do not do drug testing on their Police Department. The only time police officers are tested is when they come out of the Academy.

MAPLE VALLEY PROJECT:

Does the Council want to pay Davis Land Surveying \$3,800.00 for staking the driveways, right of ways, and etc. Requires a Motion. CM Zuhlke doesn't think we need to have this done twice if this is already being done. DPW Supervisor Dave Kinney will be at the Maple Valley Road Project 3 to 4 hours a day when they are laying asphalt. The City is paving for Industrial Drive.

MAYOR'S REPORT:

1. Appointment to Planning Commission – Mike Frey.

Move by CM Miller, second by CM Jacobson, to appoint Mike Frey to the Planning Commission. Motion Carried.

2. Appointment to Park Board – Tony Calabro.

Move by CM Miller, second by CM Zuhlke, to appoint Tony Calabro to the Park Board. Motion Carried.

3. Morrice, Lengemann & Miller – Letter. Thanked the City for all the years that their firm served the City.

City Attorney Garno stated that Morrice, Lengemann & Miller law firm was very helpful and stated that he could receive any papers that he need from them.

4. Mayor Exchange. Tuesday 9:30 A.M – Port Sanilac will be coming to Brown City and on Wednesday Brown City will be going to Port Sanilac.
5. EPA/Arsenic Removal – Letter. Re: Cooperative Research and Development Agreement with Brown City, to Mr. Robert C. Thurnau of the U.S. Environmental Protection Agency, National Risk Management Research Laboratory from City Attorney Gerard J. Garno, about entering a contract with the City.
6. Harbor Beach Chamber of Commerce – Harbor Beach is hosting the Thumb Area Chamber Challenge Croquet Tournament, the fee is \$20.00 per team. The tournament will begin on July 18, 2003.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 10:30 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk