

## COUNCIL PROCEEDINGS FOR JULY 28, 2003

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

**Pledge of Allegiance** led by Councilmember JoAnn Potts.

**PRESENT:** Mayor Laura Carpenter; Councilmembers – Julie Miller, Charles Zuhlke, Pat Jacobson, Frank Lukacs, JoAnn Potts, and Jason Nielsen; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

**ABSENT:** None.

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

Move by CM Miller, second by CM Jacobson, to approve the Minutes of the Regular Meeting of July 14, 2003 as presented. Motion Carried.

(Corrected 8/11/03 – change the word presented to corrected.)

Corrections:

1. Page 3 of 7: Under Petitions and Communications - change the word permits to persons and the word and to that – should read: The persons listed above were issued City permits that do not require Council action.

(Corrected 8/11/03 – add quotation marks to read – “permits” to “persons” and “and” to “that”.)

2. Page 5 of 7: Under Attorney’s Report item #1 in the motion- change the word as to in – should read: Wells Street for use in an easement.

(Corrected 8/11/03 – add quotation marks to read – “as” to “in”.)

3. Page 7 of 7: Item #8 - change the last word libel to liable – should read: Council would not be liable.)

Move by CM Miller, second by CM Lukacs, to approve the Minutes of the Special Meeting of July 21, 2003 as presented. Motion Carried.

(Corrected 8/11/03 – change presented to corrected.)

Corrections:

1. Page 1 of 3: Under New Business – Add after Tom Wilkinson - a representative from Cunningham – Limp Company; Builders. Change the last sentence to Mr. Wilkinson informed the Council that the building for Company #1 could be done by December 2003.

2. Page 1 of 3: Under Public Questions and Comments – change commits to comments.

3. Page 1 of 3: Before Executive Session – After Executive Session with the Council change the sentence to – so that the Council may direct him, as their agent as to their limits in negotiating for the purchase of real property.
4. Page 2 of 3: remove this sentence: No decisions were made.
5. Page 2 of 3: In Executive Session the Council voted upon an owner's offer to sell real property at a designated price.
6. Page 2 of 3: In Motion – add the word Amended in front of Incentive; change Company A to Company #1; drop the s off of the word expires and change the year 2010 to 2012; add the word for after \$25,000; change job count of 75 the first year to 75 jobs created the first year; change the word do to continue to offer; and change Study to Assessment. – Should read – to go with the Amended Incentive Proposal Package for Company #1 of 3 less years on abatement that will expire in 2012, \$25,000 for water and sewer hookups, with 75 jobs created the first year and 250 by 2011, and continue to offer Phase I of Environmental Assessment.

#### **PAY BILLS:**

Move by CM Jacobson, second by CM Lukacs, to pay the bills as presented in the following funds:

General -\$18,510.67, Payroll - \$12,697.31, Sanitary Sewer - \$15,914.39, Major St. - \$372.00, Investment - \$13,143.76. Motion Carried.

#### **OLD BUSINESS:**

1. City Ordinance Chapter 5 – Being Reviewed by Committee.
2. Rezoning Request – Keith Muxlow: Pending.
3. Drug Testing Policy.
4. LDFA. – Dale Banish passed out handouts and explained how they help capture taxes. (Corrected 8/11/03 – change Banish to Benish).

#### **PUBLIC HEARING:**

1. 7:15 PM = Ordinance 17.600 – Lease of Land to Thumb Cellular Limited Partnership.

Mayor Carpenter opened the Public Hearing at 7:15 PM.

Representative from Thumb Cellular informed the Council and the Public that the building would be 10' by 12' to house the equipment and how they would install an antenna on top of the Water Tower, they will pay the City \$625.00 a month for 5 terms and their will be a 3% annual increase. (Corrected 8/11/03 – change an to two, to read: install two antenna.)

Imogene Sealey wanted to know if this would affect her TV. Thumb Cellular will put a filter in for any customer to fix their TV.

Mayor Carpenter closed the Public Hearing at 7:23 PM  
City Attorney Garno informed the Council that the contract with Thumb Cellular will state that Dixon Engineering will over see the project and that Thumb Cellular will have their own insurance to cover their equipment.

**OLD BUSINESS:**

5. Tree Replacement Policy. Establish an Ordinance on Tree Replacement.

**PUBLIC QUESTIONS AND COMMENTS:**

Dale Benish stated that his office receive a verbal commitment from Llink Technologies today that they will be coming to Brown City. And that they would like to start construction ASAP because they want to be finished building by December 2003.

Mr. Benish also explain how the LDFA could help the City with attaining a block grant and how the City needs to watch the wording on purchase agreement, with the option to buy not an agreement. (Corrected 8/11/03 – change to read: the City needs to have an option agreement not a purchase agreement.)

Dale Benish informed the Council that Company #2 is putting a team together and won't be ready for about 60 days.

City Attorney stated that the Council would work with the landowner, and try to acquire a loan to purchase the land.

CM Zuhlke thanked Dale Benish for all his hard work.

Al Wanamaker wanted the Council to help him get a tax ID number for a parcel that he is splitting. City Attorney Garno informed Mr. Wanamaker to hire an Attorney to help him with the sale of his property and that he couldn't advise him because he was hire to represent the City. (Corrected 8-11-03 – change to read: he was representing the City.)

**PERSONAL APPEARANCES: None**

**ORDINANCES:**

1. Ordinance 17.600 – Lease of Land to Thumb Cellular Limited Partnership. Move by CM Miller, second by CM Nielsen, to adopt Ordinance 17.600 – Lease of Land to Thumb Cellular Limited Partnership.

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

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:**

**A. Preapplication Building Permits – Requires County Permit -**

1. Thumb Cellular – Construct a 10’x12’ Equipment Building at 4070 Third Street.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Thumb Cellular to construct a 10’x12’ equipment building at 4070 Third Street. Motion Carried.

2. Willie Faye Blevins, 4026 Main St. – Repair Roof on House.

Move by CM Potts, second by CM Lukacs, to approve the preapplication building permit for Willie Faye Blevins to repair the roof at 4026 Main Street. Motion Carried.

3. Al Teryek, 4466 Parkside Dr. – Construct Sunporch and Deck.

Move by CM Potts, second by CM Miller, to approve the Preapplication building permit for Al Teryek to construct a sun porch and deck at 4466 Parkside Drive. Motion Carried.

4. Myrt Kohn, 4231 Second St.- Move her garage from 4231 Second St. to 4237 Second St.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Myrt Kohn to move her garage from 4231 Second St to 4237 Second St. Motion Carried.

5. Ruth Hayward, 6978 James St.- Replace Porch.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Ruth Hayward, contingent upon exact measurements on this new porch is with in the 3’ setback. Motion Carried.

**B. Preapplication Building Permits – Requires City Permit -**

1. Jackie Bush, 6847 Cade Rd. – Replace Shingles.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Jackie Bush to replace the shingles at 6847 Cade Road. Motion Carried.

**COMMITTEE REPORTS:**

1. Police (Miller)- None.

2. Tax and Finance (Jacobson)- None – Committee Meeting on Tuesday, August 5, 2003, 6:30 P.M. at City Hall

3. Personnel (Zuhlke)- None

CM Zuhlke had a question on the Election. Wanted to know what happens if no takes out a Nominating Petition? Candidates can run as a write-in or if the seat is left empty than the Council can appoint someone to fill the vacancy. (Corrected 8/11/03 – to read: if no one.)

4. Water and Sewer (Nielsen)- None – Committee Meeting on Monday, August 4, 2003, 6:30 P.M. at City Hall.

5. Streets and Sidewalks (Lukacs) – Report on July 22<sup>nd</sup>. Committee Meeting. (see City Manager Report)

CM Lukacs would like to see the City remove the old street signs. Parkside Drive doesn't have a street sign because it is private. Also CM Lukacs pointed out that they installed large windows in the new Council Chambers and that the front was to be change so that it didn't look like a storefront.

6. Building and Grounds (Potts) –None – Committee Meeting on Wednesday, July 30, 2003, at 7:30 A.M. at Uptown Café.

#### **TREASURER'S REPORT:**

1. Tax Collection Update.

City Treasurer Carol Walters informed the Council that she would be sending out the checks for payment to Lapeer County Treasurer and Sanilac County Treasurer: Lapeer County will receive \$67.50 and Brown City will receive \$0.67, also Sanilac County will receive \$24,404.72 and Brown City will receive \$244.03. Brown City will receive \$244.70 in Administration fee. Also City Treasurer Walters received a payment for a 2002 Personal Property Tax and more payments will be made each Friday, till the tax is paid. We are still working on one of the taxes we hope to collect; City Treasurer Walters will give more information when we are sure all the facts are correct.

The deposit books for the Tax Account came in but the account number was wrong, and they had to be reordered. City Treasurer Walters will keep an eye on the bank statement to make sure that we are not charge double.

City Treasurer Walter install a password on the Main Computer incase some goes wrong with Chancel 6 Computer so that she doesn't lose all of the tax information. (Corrected 8/11/03 – to read: in case something.)

#### **POLICE CHIEF'S REPORT:**

Chief Ron Smith gave his report and went over the handout.

## **ATTORNEY'S REPORT:**

### 1. Renaissance Zone Project.

City Attorney Garno explained that the City doesn't need to purchase all the acres right now, and just purchase the 8 acres with an option to purchase the last 6 acres, so the City could try to get a loan for the remaining acres. Mr. Keith Muxlow is ok with this.

Move by CM Miller, second by CM Nielsen, to direct City Attorney to split the land transaction into 2 parts, and draft a purchase agreement for the land, the City will by the first 8 acres with an option on the last 6 acres after the City receive a loan. (Corrected 8/11/03 – change by to buy and receive to receives.)

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

The City will need to pass an Ordinance to sell the 8 acres to Company #1

### 2. Update Maplevue Lawsuit.

They had 21 days to appeal but they never did, but writing a Brief asking for reconsideration. This will give them an additional 21 days to file to the Supreme Court of Michigan.

The Water and Sewer Committee need to look at Chapter 5 and do a better draft of the Ordinance and revise it.

Move by CM Nielsen, second by CM Miller, to send Chapter 5 to the Water and Sewer Committee to review and bring it back to the Council with their recommendations. Motion Carried.

### 3. Collection of Personal Property Taxes. Tabled

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

### 1. Tree Bids.

Move by CM Lukacs, second by CM Jacobson to have Raymond Tree Service removed the trees and stumps, the complete removal will cost \$4992.00, contingent upon they have proper liability insurance and a time line of when they will start and finish, and complete clean up of the area with no damage to the sidewalks. Motion Carried.

2. The Maple Valley Road Project is finely done. The road looks great and is a tremendous improvement over the old road. (Corrected 8/11/03 – change finely to finally.)

3. The Street and Sidewalk Committee met on Tuesday to discuss the Wells Street Extension and the sidewalk project on First Street. Since my appointment as City Manager I have been working with Lynn Manogue on

how the road will go through her planned subdivision. The problem with the road being extended will be in the City getting an easement from the Property Owners to the West of the future Wells Street extension. The properties we need an easement from are the property owners on Lincoln Street. There are four different property owners. As of today they can have limited access to their property because they can access it from Lynn's property. If the road does not go through four property owners will not have access to their land making it useless to them and impossible for them to sell. The other problem is that Lynn's property could lose four lots if the road is constructed a certain way. I would like to construct the road so that Lynn Manoque does not lose four lots and that the other four property owners will have access to their lots.

The sidewalk on First Street was discussed in regard to drainage problems. I told the committee that we needed to make sure the drainage problem could be alleviated prior to any construction. I also stated that myself, Dave Kinney and an engineer needed to look at the project prior to any work being done. The next day we discussed, looked at it with Cory Mabery and it was determined that we can go ahead with the sidewalk project on First Street, because the drainage problems can be alleviated.

4. The City has published bids for a new DPW truck and the bids will be accepted until August 11, 2003. The Council asked the City Manager if there were enough funds for this purchase. He assured the Council that there was.
5. The City also has let bids for the 2003 Sidewalk Project; these also will be opened August 11, 2003.
6. I met with the Environmental Protection Agency (EPA) on Thursday; I will give the further details on the meeting at the Council Meeting.

Move by CM Miller, second by CM Jacobson, to go pass the 9:00 hour. Motion Carried. (Corrected 8/11/03 – change pass to past.)

7. Would like to meet with each Councilmember.
  8. Had a meeting with Larry Bullock about the drainage problem in his yard.
  9. Going with the Chief of Police looking for junk cars.
  10. Well Head Project cover up to 2 miles but was only to cover 1 mile.
- (Corrected 8/11/03 – change cover to covers.)

**MAYOR'S REPORT:**

1. Worth Township Office will be holding an open house on August 17, 2003 from 2:00 – 5:00 P.M.
2. John Guerra, Postmaster Installation Ceremony will be Friday, August 1, 2003 at 12:00 P.M. at the VFW Hall. The Korean War Memorial Stamp will be unveiled.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 9:10 P.M.  
Motion Carried.

Respectfully Submitted,

Christine J. Lee  
City Clerk