

COUNCIL PROCEEDINGS FOR SEPTEMBER 22, 2003

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

Pledge of Allegiance led by CM Jason Nielsen.

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

ABSENT: Charles Zuhlke.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Nielsen, to approve the Minutes of the Regular Meeting of September 8, 2003 as corrected. Motion Carried.

CORRECTIONS OF SEPTEMBER 8, 2003 MINUTES

1. Correct page numbers
2. Page 2 of 6 – Under Ordinances - Put a coma after the word permits change capital B to lower case b on the word by and change capital T to lower case t on the word the.
3. Page 3 of 6 – Motion at top of page - change the motion to read - to accept the recommendation by the City Attorney. Also add that CM Miller objected
4. Page 4 of 6 – under Treasurer's Report - take the word given out and change capital T on the to lower case t. should read checks were made out and the City.
5. Page 4 of 6 – under Treasurer's Report - change the word moneys to monies
6. Page 4 of 6 under Attorney's Report item #1 – add the words – is received by the city, - should read a letter of occupancy is received by the city, change thanks to thanked
7. Page 5 of 6 – under Attorney's Report item #2 – change the word appeal to appealed
8. Page 5 of 6 under City Manager's Report item #2 - change the word him to City Manager Darcy Long

Move by CM Jacobson, second by CM Miller, to approve the Minutes of the Special Meeting of September 15, 2003 as corrected. Motion Carried.

CORRECTIONS OF SEPTEMBER 15, 2003 MINUTES

1. Page 1 of 2 – change time from 7:00 PM to 6:30 PM
2. Page 1 of 2 – under Present take out Jason Nielsen
3. Page 1 of 2 – item #1 – put in a discussion was held prior to the motion.
4. Page 1 of 2 – under motion – change the word agree to agreeing, at s to cost, change the word finally to final, put () around the words do not exceed
5. Page 1 of 2 – after roll call vote change adjourn to temporality break for City Attorney to draw up papers.
6. Page 1 of 2 – under Petitions and Communication in the motion take out the letter R

PAY BILLS:

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$20039.41, (hold off on the bill from Midwest Claim Service) Payroll - \$12,825.93, Sanitary Sewer - \$143.86, Major St. - \$1,715.00, Local St. - \$750.00, Investment - \$27,553.81. Motion Carried.

OLD BUSINESS:

1. Drug Testing Policy.
2. LDFA.
3. Tree Replacement Policy. – Will present a Tree Replacement Policy at the next Council meeting.
4. Sanilac EDC, Cunningham-Limp, Brown City Contracts.
Tom Wilkinson went over the cost figures with Corey Mabery in the City Manager's office and Mr. Mabery will give the City his recommendations.

PUBLIC QUESTIONS AND COMMENTS:

Mike Otulakowski and his mother Adveda Otulakowski, of 6944 George Street, wanted to know if the City heard anything back from Susan Parrent, of 6954 George Street.

City Attorney Garno told Mr. Otulakowski that a judge would have to rule as to where the property line is and advised the City Council get a formal survey from Ms. Parrent.

Yellies Edward Smith Jr., Doris Smith and Brom Daniel Tremonti wanted to have the blessings of the City Council to open a Motorcycle Shop at 7047 Maple Valley Road, and that the new Shop will be called Freedom Cycle. Because the area where the Motorcycle Shop is located is Zone Light Industrial.

Move by CM Miller, second by CM Nielsen, to allowed Yellies Edward Smith Jr. and Brom Daniel Tremonti to open a Motorcycle Shop at 7047 Maple Valley Road. Motion Carried.

PERSONAL APPEARANCES: None

PUBLIC HEARING: None

ORDINANCES: None

RESOLUTIONS:

#03-14 – Resolution formally causing to be levied a Special Tax or Assessment to recover monies owed the City of Brown City.

Move by CM Miller, second by CM Jacobson, to adopt Resolution # 03-14.

ROLL CALL VOTE: Miller-yes, Jacobson-yes, Lukacs-yes, Potts-yes, Nielsen-yes. 5 – Yes, 0 – No 0 – Abstain, 1 – Absent. Motion Carried.

PETITIONS AND COMMUNICATIONS: None

COMMITTEE REPORTS:

1. Police (Miller)- None
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

TREASURER’S REPORT:

City Treasurer Carol Walters gave a report on the collection of Summer Tax. Also the Treasurer asked for a new computer to do taxes with and to store tax information on.

Move by CM Miller, second by CM Jacobson, to purchase the City Treasurer a new computer. Motion Carried.

POLICE CHIEF’S REPORT:

Police Chief Smith is still looking into Drug testing. The people that lived in the apartment on John Street were evicted.

Police Chief Smith introduce to the City Council Jeff Owens. (Correct 10/13/03 – change Owens to Hillman in both sentences) Mr. Owens explained to the City Council about how he is training K-9 (Corrected 10/13/03 – change K-9 to a dog)

to find dope and drugs. Mr. Owens would like to work with the Police Department to train his dog three times a week and in exchange he is willing to let the Police Department use his dog at no charge. The City will check on cost of liability insurance to be added on as a rider. If the City Council would like to see a demonstration, Mr. Owens would be happy to do one.

DPW REPORT:

A report was hand out to the City Council members.

CM Miller had some questions about equipment, the street sweeper why does it need to be fixed again, and about the old police car overheating. City Manager Long explained that the street sweeper needs some modifications and will contact the manufacturer about the problems that the City is having with the sweeper. City Manager informed the City Council that the old police car was overheating when the City Police was using the car.

ATTORNEY'S REPORT:

1. Mapleview Estates vs. City of Brown City.

The Municipal League (Corrected 10/13/03 – add the words said the Michigan Supreme Court) is looking for a case of this type. The City should plan for the worse, (Corrected 10/13/03 – change to word worse to worst) whether (Corrected 10/13/03 – change the word whether to if) the Supreme Court accepts the appeal, and the appeal could be overturn. (Corrected 10/13/03 – add an ed to the word overturn) It is important for the City to check on the coverage. The Case may take four to eight months before the City will know the outcome.

2. SEDC Contract.

Dale Benish, Tom Wilkinson, Corey Mabery, and City Attorney answered any questions the council had about the contract, cost and the number of employees. Also why the contract between Cunningham-Limp and the City of Brown City wasn't signed on Friday, September 19, 2003.

Move by CM Miller, second by CM Jacobson, to go past the 9:00 hour. Motion Carried.

EDC:

Move by CM Miller, second by CM Jacobson, to make a recommendation to the EDC to appointed Jason Nielsen and Ken Brown, with Julie Miller as the alternant. Motion Carried.

Move by CM Miller, second by CM Jacobson, to have the Mayor and the City Clerk sign a contract with MEDC, Cunningham-Limp, contingent upon secured contingency upon that (Corrected 10/13/03 – omit the words secured contingency upon that) City Attorney Garno negotiate (Corrected 10/13/03 – change the word negotiate to negotiating an) indemnification agreement with Llink Technologies LLC and final approval of contract, and contingent upon signed grant agreement with MEDC and an official letter issue (Corrected 10/13/03 – add a d to the word issued) by MEDC to occur cost. (Corrected 10/13/03 – change the word occur to incur – and add a s to the word cost)

ROLL CALL VOTE: Miller-yes, Jacobson-yes, Lukacs-yes, Potts-yes, Nielsen-yes. 5 – Yes, 0 – No 0 – Abstain, 1 – Absent. Motion Carried.

Move by CM Miller, second by CM Potts, to approve a contract with SEDC and sign a document verification contingency with Cunningham – Limp have been satisfied. (Corrected 10/13/03 – change the word verification to verifying and change the word have to has)

ROLL CALL VOTE: Miller-yes, Jacobson-yes, Lukacs-yes, Potts-yes, Nielsen-yes. 5 – Yes, 0 – No 0 – Abstain, 1 – Absent. Motion Carried.

CITY MANAGER'S REPORT:

1. Fall Clean Up Days – Monday, October 20th and Tuesday, October 21st.
Move by CM Miller, second by CM Nielsen, to schedule Fall Clean Up Days for Monday, October 20th and Tuesday, October 21st. Motion Carried.

2. Hydrant Flushing – Third Week of October.

Move by CM Miller, second by CM Jacobson, to schedule hydrant flushing for the week of October 13, 2003. Motion Carried.

MAYOR'S REPORT: None

Move by CM Potts, second by CM Jacobson, to adjourn the meeting at 11:07 P.M.
Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk