

COUNCIL PROCEEDINGS FOR OCTOBER 13, 2003

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

Pledge of Allegiance led by Councilman Pat Jacobson.

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, Attorney Ronald Rickard.

ABSENT: City Attorney Gerard Garno.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Jacobson, to approve the Minutes of the Regular Meeting of September 22, 2003 as corrected. Motion Carried.

CORRECTIONS OF SEPTEMBER 22, 2003 MINUTES:

1. Page 3 of 5 – under Police Chief's Report - change Owens to Hillman - change K-9 to a dog.
2. Page 4 of 5 – under Attorney's Report - add the words – said the Michigan Supreme Court - change to word worse to worst - change the word whether to if - add an ed to the word overturn -
3. Page 4 of 5 – Motion at the top of the page - omit the words secured contingency upon that - change the word negotiate to negotiating an - add a d to the word issued - change the word occur to incur – and add a s to the word cost
4. Page 4 of 5 second Motion - change the word verification to verifying and change the word have to has

Move by CM Miller, second by CM Jacobson, to approve the Minutes of the Special Meeting of September 24, 2003 as corrected. Motion Carried.

CORRECTIONS OF SEPTEMBER 24, 2003 MINUTES:

1. Page 1 of 3 – under New Business item #1 - Goulett should be Goulet
2. Page 2 of 3 – first paragraph at the top of the page - the word made should be met - the word reasonability should be responsible - Goalett should be Goulet
3. Page 2 of 3 – fourth paragraph - omit this part - City Attorney Garno stated that the City of Brown City would not hold the SEDC labile, because they are

only acting as an agent for the City. (Corrected 10/27/03 – change the word labile to libel.

4. Page 2 of 3 – second Motion - the word pay should be sign
5. Page 2 of 3 – third Motion - the word reoccurrence should be reconveyance – add the word upon – change take the words - suit the desecration of - to- is desired by – omit the words in an event – take the s of and add a d to the word agrees
6. Page 3 of 3 – first paragraph - change the words recorded with to sent to

Move by CM Miller, second by CM Potts, to approve the Minutes of the Special Meeting of October 6, 2003 as corrected. Motion Carried.

CORRECTIONS OF OCTOBER 6, 2003 MINUTES:

1. Page 1 of 1 – under RESOLUTIONS: #03-14 – should be resolution #03-15.

PAY BILLS:

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$43,996.37, Payroll - \$13,427.01, Sanitary Sewer - \$8,235.48, Major St. - \$10,189.00, Local St. - \$930.48, Investment - \$57,355.92. Motion Carried.

OLD BUSINESS:

1. Drug Testing Policy.
2. LDFA.
3. Tree Replacement Policy. City Manager Darcy Long will be bringing the Tree Replacement Policy to the City Council soon.

PUBLIC QUESTIONS AND COMMENTS:

Dale Benish stated that he would be bringing a Resolution before the next City Council meeting.

PERSONAL APPEARANCES: None

PUBLIC HEARING: None

ORDINANCES: None

RESOLUTIONS:

1. #03-16 = Local Governing Body Resolution for Charitable Gaming License (Brown City Area Fireman's Equipment Fund Committee). Tabled

PETITIONS AND COMMUNICATIONS:

A. Preapplication Building Permits – Requires City & County Permit -

1. Russell Halbert, 4222 First St. – Replace 2 porches with an 8'x26' Deck. Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Russell Halbert for an 8'x26' Deck with a lattice roof, at 4222 First Street. Motion Carried.
2. Brown City Area Fire Authority, 4090 Main St. – Install a 4'x8' Sign. Move by CM Potts, second by CM Miller, to approve the preapplication building permit for the Brown City Area Fire Authority to install a 4'x8' Sign at 4090 Main Street. Motion Carried.
3. Ben's Supermarket – 4448 Main St. – (2) Additions to Ace Hardware Building and replace Façade. Sent this to the Planning Commission.

B. Preapplication Building Permits – Requires City Permit - None

CM Potts wanted to know if there was anything more on the Adveda Otulakowski and Susan Parrent property dispute. City Manager Long stated that he received a letter back from Ms. Parrent and that is trying to find her survey. The City has the authority to make Ms. Parrent move her garage if it is not located in the right place.

CM Lukacs wanted to know when Mr. Ed's is going to cut the weeds and put up a fence on the property that he owns on Main Street that is located by the Rail Road tracks. CM Lukacs stated the Mr. Ed's has received a number of letters addressing this. City Manager Long will check into this.

COMMITTEE REPORTS:

1. Police (Miller)- None
2. Tax and Finance (Jacobson)- None
3. Personnel (Zuhlke)- CM Zuhlke wanted to know if any ads were place for DPW person. City Manager Long said an ad was place in the following papers: Banner, Sanilac County News, Buyers Guide and also on the window at City Hall. CM Zuhlke stated that it is time for a 90-day evaluation of City Manager Long. Committee meeting on Thursday, October 16, 2003 at 6:30 P.M.
4. Water and Sewer (Nielsen)- October 6, 2003. CM Nielsen went over his report with the City Council.

5. Streets and Sidewalks (Lukacs) – October 7, 2003. CM Lukacs went over his report with the City Council. Potholes on George Street and St Marys Street and Mr. Beldock driveway. Tabled until spring because of no bids. CM Lukacs wanted to know about the corner of Main Street and Lincoln Street, when will this be done. City Manager Long will check into this.

CM Lukacs wanted to know when is the City going to honor Delbert Hayward for being Fireman of the Year. The City Council will honor him with a Resolution at the next City Council Meeting.

CM Lukacs would like to see the new City Council chambers be put on hold or the building sold.

CM Jacobson wanted to know if City Manager Long has heard anything on the new Michigan Sewer Systems Capacity. City Manager stated that he hasn't received anything.

6. Building and Grounds (Potts) - None

TREASURER'S REPORT:

City Treasurer Carol Walters stated that a 2002 personal property tax was finally paid up and that there was only one that is still left.

City Treasurer Walters handed out the information on the new computer that she would like the City to purchase.

Move by CM Miller, second by CM Potts, to approved the purchase order for the City Treasurer' Computer. Motion Carried.

ATTORNEY'S REPORT:

1. Maplevew Estates vs. City of Brown City. Pending

2. Dog Contract:

Move by CM Miller, second by CM Jacobson, to approve the Dog Contract between the City of Brown City and Jeff Hillman. With the following changes, the word disguising to distinguishing and change jacket to vest, with the cost of the vest not to exceed over \$50.00 for the City share.

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.

3. Mannik & Smith Group, Inc. (Abandon Well Project)

Move by CM Miller, second by CM Jacobson, to approve the contract with Mannik & Smith Group, Inc as presented.

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.

4. Llink Technologies LLC

Move by CM Miller, second by CM Potts, to approve the Deed and the Escrow Agreement with Llink Technologies LLC. (Corrected 10/27/03 – add a s to the word deed)

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.

CITY MANAGER’S REPORT:

1. Halloween Trick Or Treat Hours: 5:30 p.m. until 7:30 p.m. on Friday, October 31st.

Move by CM Miller, second by CM Jacobson, to schedule Halloween Trick Or Treat Hours for 5:30 p.m. until 7:30 p.m. on Friday, October 31st. Motion Carried.

Item #3 on City Manager’s Report

Move by CM Lukacs, second by CM Potts, to set a fee of \$400.00 for Special Planning Commission Meetings. The fee must be paid up front and the check must clear the bank unless paying by money order or certified check. The fee will be refunded if a quorum is not present to hold a meeting. If person or company requesting a Special Planning commission Meeting does not show, no refund will be issued, requiring another fee to be paid if another Special Meeting is requested.

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.

Move by CM Lukacs, second by CM Nielsen, to Amend policy set on November 10, 1997. The fees set for site plan review shall be reviewed to determine if changes in fees are needed due to increases from the engineering firm doing the site plan review.

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.

Move by CM Lukacs, second by CM Jacobson, fees set on November 10, 1997 shall be paid in full before site plan review can be started. Fees must be paid in full by individual or company prior to site plan review, and check must clear before work will begin, unless paying by money order or certified check. Any

hourly work to be done will be paid in full by individual or company prior to any work being done.

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.

Item #4: City Manager Long will look into the policy limits.

Larry Bullock case will start tomorrow.

ELECTION ON NOVEMBER 4, 2003

Move by CM Lukacs, second by CM Miller, to closed the City Library on Tuesday, November 4, 2003, as to hold the City Election in the Library. Motion Carried.

Move by CM Miller, second by CM Potts to appoint the following as election inspectors for the November 4, 2003 City Election: Jeanne Morrison, Pat Hahnefeld, Kathleen Loutzenhiser, Betty Spencer, Christine Lee and David R. Van Cura, with Kathleen Loutzenhiser as election chairperson. Motion Carried.

CM Miller wanted to know if the DPW car is still overheating and if the street sweeper is fixed. City Manager Long stated that the DPW car is running fine and he is checking into the street sweeper.

CM Jacobson wanted to know when the Garbage Contract it up, and about cleaning up around the DPW Garage. City Manager Long will check into this.

CM Lukacs wanted to know the difference between Planning Commission and Zoning Commission and if they are the same. City Manager Long explained that they are different.

CM Potts wanted to know what map is the correct Zoning Map. City Manager Long stated that the Master Plan was never completed.

City Manager Long informed the City Council that he would like to hold training on site for City Planning Commission.

MAYOR'S REPORT:

Mayor Carpenter informed the City Council that she will not be present at the next City Council Meeting and CM Miller will be doing the next meeting.

Move by CM Miller, second by CM Lukacs, to adjourn the meeting at 8:45 P.M.
Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk