

## **COUNCIL PROCEEDINGS FOR DECEMBER 22 2003**

City Clerk Christine Lee administered the Oath Of Office to newly elected Council Member, Frank Lukacs.

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

**Pledge of Allegiance** led by City Attorney Gerard Garno.

**PRESENT:** Mayor Laura Carpenter; Councilmembers – Julie Miller, Eugene Navock, 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 December 8, 2003 as corrected. Motion Carried.

### **CORRECTIONS:**

1. Page 2 of 5 – under Ordiances - add the word out – should read- pointed out the difference. (Corrected 1/12/04 – change Ordiances to Ordinances.)
2. Page 2 of 5 – under Prtitions and Communications, Item #1 – Move by CM Potts, second by CM Miller, to tabled (Corrected 1/12/04 – change Prtitions to petitions.)
3. Page 3 of 5 – under Committee Reports, Item #4 – Recommendation that of Gary Gorsline to DPW:
4. Page 3 of 5 – under Attorney's Report, Item#2 – the contract with Capac Construction to build the Arsenic Building was approved by the City Attorney.
5. Page 3 of 5 under Attorney's Report, Item #3 in the Motion change inspected to inspect
6. Page 3 of 5 – under Attorney' Report, Item #4 - Working on setting up a policy on cleaning out the City Sewer and Drains.
7. Page 5 of 5 – second Motion – change to read property related to Economical Development

### **PAY BILLS:**

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the

following funds: General -\$16,266.04, Payroll - \$13,387.41, Sanitary Sewer – \$1,362.30, Major St. - \$270.00, Investment - \$15,091.80. Motion Carried.

**OLD BUSINESS:**

1. LDFA.
2. License Agreement – Lapeer-Sanilac Inter-County Drain. – Received a letter on September 19<sup>th</sup> from Drain Commissioner saying this was approved.

**PUBLIC QUESTIONS AND COMMENTS:** None

**PERSONAL APPEARANCES:** None

**RESOLUTIONS:** None

**PETITIONS AND COMMUNICATIONS:**

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

1. Robert Cilk, 4193 Second St. – 18’x24’ Garage. Mr Cilk hasn’t staked the garage out so the City can not take measurements.

**COMMITTEE REPORTS:**

1. Police (Miller)- None
2. Streets and Sidewalks (Navock)- None
3. Tax and Finance (Jacobson)- None
4. Personnel (Lukacs)- None
5. Building and Grounds (Potts)- None
6. Water and Sewer (Nielsen)- None

**TREASURER’S REPORT:**

City Treasurer Carol Walters wished everyone a Merry Christmas and thanked City Attorney for the poinsettia plant.

Treasurer Walters collected 31.3% of the Winter Taxes and \$717.13 of the delinquent Summer Taxes. There is a Bill to switch all the taxes to the summer. Treasurer Walter explained to the City Council about the check from the state grant how it has to be deposited in a non-bearing interest account and a check has to be written within 24-48 hours.

**PUBLIC HEARING:**

1. 7:15 PM = An Ordinance to Amend the City of Brown City Code by Amending Chapter 8: ARTICLE XXII: Enforcement, Penalties, and Other Remedies.

Mayor Carpenter opened the Public Hearing at 7:15 P.M.

City Attorney Garno explained the Enforcement, penalties, and Other Remedies.

Mayor Carpenter closed the Public Hearing at 7:19 P.M.

**ORDINANCES:**

1. CHAPTER 8: ARTICLE XXII: Enforcement, Penalties, and Other Remedies. Move by CM Lukacs, second by CM Navock, to adopt Amended Chapter 8, Article XXII of the Brown City Code.

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

**ATTORNEY'S REPORT:**

City Attorney Garno wished everyone a Merry Christmas.

1. Grant Money: Explained how the City could write a check without City Council approval that the City is not spending it's own funds and that the Grant money is a pass-thru item. (Corrected 1/12/04 – change the word that to if and take out the apostrophe out of the word its.)
2. Maple View vs. City of Brown City: No word yet from the Supreme Court, may not know for another 6 months.
3. Parkside Drive: City Manager is waiting for the Site Condo by-laws. Who has liability and is responsible for maintaining the road.
4. Sewer Lines: City Attorney Garno is reviewing the laws and is researching what other Municipalities are doing. City could be liable if the City is careless. City Attorney Garno will make a recommendation at the next meeting.

**CITY MANAGER'S REPORT:**

1. Renaissance Zone: Need to work on finding more jobs and acquiring more land for Industrial Park.

**REPOINTMENT TO DDA**

Move by CM Miller, second by CM Nielsen, to reappoint CM Frank Lukacs to the DDA. Motion Carried.

**MAYOR'S REPORT:**

Mayor Carpenter wished everyone a Merry Christmas.

**EXECUTIVE SESSION:** To consider purchase or lease of real property up to the time an option to purchase or lease of that property is obtained.

Move by CM Miller, second by CM Potts, to move into Executive Session to consider purchase or lease of real property up to the time an option to purchase or lease of that property is obtained. (Corrected 1/12/04 - take out the word of in both places.)

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

Council went into Executive Session at 7:35 P.M.

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

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

Council came out of Executive Session at 7:40 P.M.

No decisions were made.

**RENAISSANCE ZONE:** An appraisal of the 7.24 acres in the Renaissance Zone has been completed. The appraisal of the property was \$78,000.00. The City has an agreement with Keith Muxlow to purchase the property for \$9,500.00 an acre, which comes to \$68,875.00. One requirement of the Loan Program is that the property must be purchased at appraised value or market value. The City Council needs to decide what the next step in the process will be if the loan option with Sanilac County EDC does not work out for us. The City could look for other loans options or economic development programs to purchase the property. If no other options exist the City may have to purchase the property out right.

**POLICE CHIEF'S REPORT:** Absent

1. Report.

2. CPR Manikin.

**ARSENIC BUILDING:** The equipment will be here the middle of January; it only takes one week to get here from California.

Move by CM Miller, second by CM Potts, to adjourn the meeting at 7:58 P.M.  
Motion Carried.

Respectfully Submitted,

Christine J. Lee  
City Clerk