

COUNCIL PROCEEDINGS FOR MARCH 22, 2004

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

Pledge of Allegiance led by CM Julie Miller.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Frank Lukacs, Julie Miller, Eugene Navock, Jason Nielsen, JoAnn Potts; 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 Potts, to approve the Minutes of the Regular Meeting of March 8, 2004 as corrected. Motion Carried.

CORRECTIONS:

1. Page 2 of 4 – Under questions from CM Lukacs - add an ed to the word repair.
2. Page 2 of 4 – Under questions from CM Lukacs - put a comma after the word problem and put a question mark at the end of the sentence.
3. Page 2 of 4 – Under City Managers Longs response - put a comma after the word up and put a question mark at the end of the sentence.
4. Page 3 of 4 – Under City Attorney's Report – item #2 - change ia to is.
5. Page 3 of 4 – Under City Attorney's Report – item #3 - add an ed to the word check.
6. Page 3 of 4 – Under City Attorney's Report – item #3 – change the last sentence to read – The Building Authority may want to go to the Wendt family and see if they have any objections to the City using the current Library for City use.

PAY BILLS:

Move by CM Jacobson, second by CM Lukacs, to pay the bills as presented in the following funds: General -\$8,356.37, Payroll - \$13,457.14, Sanitary Sewer - \$9.20, Investment - \$20,530.53. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: None

PERSONAL APPEARANCES: None.

PETITIONS AND COMMUNICATIONS:

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

1. Carlos Kirk, 4345 Second Street – Replace and Expand Existing Deck. Move by CM Potts, second by CM Lukacs, to approve the preapplication building permit for Carlos Kirk to replace and expand existing deck at 4345 Second Street. Motion Carried.

2. Robert Cilk, 4193 Second St. – 18’x24’ Garage. ****ON HOLD****

ATTORNEY’S REPORT:

1. Mapleview vs Brown City: Reconsideration, no decision at this time.
2. FOIA Request: Dave Yourdan dispute at the school office. No problem. (Corrected 4/12/04 – change to read – Dave Yourdan “was given the information he requested that the City had available”.)
3. Budget: The City Charter states that the budget should be proposed by March 15 and adoptive by the end of March. (Corrected 4/12/04 – change “adoptive” to “adopted”.)
4. Water Rates: Ordinance 531.50 states that the rate increase is to cover cost. (Corrected 4/12/04 – change to read – Ordinance 531.50 states that the rate increase is “legitimate to cover increased cost”.)
5. Adopt a Street: Naming a new street will require a Resolution.
6. Otulakowski vs Parrent: The City Manager will forward the letter that the City Attorney drafted on this matter.

COMMITTEE REPORTS:

1. Police (Miller)- None
2. Tax and Finance (Jacobson)- March 15, 2004. The Budget didn’t go through the committee.
3. Water and Sewer – (Nielsen) – The Committee had a tour of the Arsenic treatment facilities. Discuss cost of Arsenic Project. Rebuild Wells: Wells should be rebuilt every 5 – 7 years. Well #3 is 7 years on rebuild, well #4 has 5 years on its rebuild, \$25,000.00 each. Water bill rates: Residential proposed rate increase of \$1.25 per month per person in household. After decision the increase was recommended \$2.50 per month per person in household. Businesses base rate of \$23.00 for the first 5,000 gallons and \$1.25 per additional 1,000 gallons. (Corrected 4/12/04 – delete last two sentences.
4. Streets and Sidewalks (Navock) – None.
5. Building and Grounds (Potts) – None.

PUBLIC HEARING:

1. 7:15 PM = Tax Rate (Millage).

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

Mayor Carpenter closed the Public Hearing at 7:16 P.M.

POLICE CHIEF'S REPORT: None.

TREASURER'S REPORT: None.

RESOLUTIONS:

1. No. 04-03 = Approving Tax Rate (Millage).

Move by CM Lukacs, second by CM Miller, to adopt Resolution No. 04-03.

ROLL CALL VOTE: Jacobson - Yes, Lukacs - Yes, Miller - Yes, Navock - Yes, Nielsen - Yes, Potts - Yes. 6 - Yeas, 0 - Nays, 0 - Abstain, 0 - Absent. Motion Carried.

2. No. 04-04 = Adopting 2004/2005 Budget. No action was taken.

3. No. 04-05 = Increasing Water Rate. No action was taken.

4. No. 04-06 = Accepting New Street as a City Street. No action was taken.

CITY MANAGER'S REPORT:

1. Brown City is getting closer to having high speed Internet.
2. Fire Authority will approve their budget on Tuesday March 23,2004.
3. Arsenic equipment should be ready for startup by the end of the month.
4. Ben's Driveway: M-Dot has taken over the problem with Ben's third driveway. Ben's/Ace will have to remove one of the driveways because the state has new standards.

MAYOR'S REPORT:

1. EDC Recognition Plaque: The City of Brown City was presented with an EDC Recognition Plaque, Brown City accomplishments were given praise, and how the workers at the Link Technologies LLC have good work ethics.

OLD BUSINESS:

1. LDFA. April Meeting will update.

LIBRARY:

Carla LeGere expressed her concerns about the proposed rate increase for the Library. She also explained how the Library Board hired a consultant (2 Women and an Idea) on are working on the recommendations that was given to them.

Linda Campbell – former Library Board Member said that she was not totally aware the Library was not on the deed.

Ms. LeGere stated how the Library is starting a newsletter and adding programs and services.

Kay Cutcher stated that the Library doesn't want to become a District Library because of Lapeer County has one and Burnside Township has their own Library and that if Brown City went to a district Library that it would be a finical burden. (Corrected 4/12/04 - second sentence - change to read – “because Lapeer County has a district library that includes Burnside Township”, change “finical” to “financial”.)

PUBLIC HEARING:

2. 7:30 PM = Water Rate Increase.

Mayor Carpenter opened the Public Hearing at 7:30 PM.

Mike Frey wanted to know how much money was going to raised by the rate increase? City Manager Long didn't know exactly how much fund would be raised. But explained that the City doesn't know how much money it will take to run the Arsenic equipment. (Corrected 4/12/04 - second sentence – change to read “to be raised”.)

William Walter wanted to know what happened to the 1 mill tax that was designated to the Arsenic Removal Project? (Corrected 4/12/04 - change “Walter” to “Walters”.)

City Manager Long stated that you couldn't raise money for that; it would be like raising money for a pick-up truck. It has to be clearly stated why we are raising the rate and what the rate will be used for.

Ed Nolet wanted to know how free the Arsenic Project was and if this was just a test program? (Corrected 4/12/04 - change to read - “Ed Nolet wanted to know the cost of the Arsenic Project and if we were aware of any grants.”)

City Manager Long stated that in New Mexico the project was very successful. The Federal government covered the cost of the equipment, operations and

maintenance the first year, but the City had to pay for housing the equipment and for the person who is going to operate it.

Mayor Carpenter closed the Public Hearing at 7:42 P.M.

ORDINANCES: None.

PUBLIC HEARING:

3. 7:45 PM = 2004-2005 Budget.

Mayor Carpenter opened the Public Hearing at 7:45 PM.

City Manager Long stated that the Audit will take place in May. How the only debt the City has is from painting the water Tower, and how the funds from the Nextel Tower are repaying this.

William Walter expressed that the City shouldn't charge the Library a 300 % increase because the Library provides the City with a tremendous service. Mr. Walters wanted to know if this line item was going to be change or remain the same; also if the Budget was a balance budget? (Corrected 4/12/04 - change "Walter" to "Walters", "change" to "changed", "balance" to "balanced".)

City Manager stated that this was a balance budget. (Corrected 4/12/04 - change "balance" to "balanced".)

Kathleen Loutzenhiser wanted to know when the budget would be approved?

City Manager Long stated that the City Charter states that the budget is approve by March 31, 2004.

The City Council instructed City Manager Long to make the correction to the budget. The City Council will have a Special Council Meeting on Monday, March 29, 204 at 7:00 P.M. to approve the budget. (Corrected 4/12/04 - last sentence – change "204" to "2004".)

City Manager Long and a couple of City Council Members will meet with the Library Board on Tuesday, March 23, 2004 at 6:15 P.M.

Mayor Carpenter closed the Public Hearing at 8:01 P.M.

NEW STREET:

Move by CM Lukacs, to name the street Commerce Drive motion die for lack of support. (Corrected 4/12/04 - change to read "The motion died".)

Move by CM Navock, second by CM Nielsen, to name the new street Opportunity Drive. Motion Carried,

Councilmember Lukacs had some questions.

1. Had a question about the Police, but will wait until Chief of Police Ron Smith is around to get both sides of the problem.
2. Blight Ordinance: A letter should be sent to the owners of the buildings that have the graffiti on it that this needs to be taken care of.
3. Couch on Lincoln Street and mattress on Maple Street; that the City hasn't set up Clean Up Days and these items need to be removed from the curb.
4. Veteran's Memorial Park: The railroad ties need to be fixed. City Manager Long will check into this; the City owns the land but the Mason mow the land and does the upkeep.

COMMITTEE REPORTS:

6. Personnel (Lukacs)- March 21, 2004. Need to set up another meeting. Friday, April 2, 2004 at 6:30 P.M. The Committee recommended adding Veterans Day to the Holiday Schedule. City Attorney Garno will work on this. (Corrected 4/12/04 - change last sentence to read "City Attorney Garno should take the necessary steps to add this to the Employee Handbook.")

Move by CM Lukacs, second by CM Miller, to hire Henry Owens as a part time DPW employee responsible for ground and maintenance in the Park. He will work no more than 32 hours a week (four days per week) without benefits and at the same wages as last year. Motion Carried.

Move by CM Lukacs, second by CM Potts, that the DPW Supervisor will continue providing City Council with by-weekly worksheets. Motion Carried.

CM Lukacs wanted to know if all employees in attendance of the Personal Committee meeting should they receive compensation for attending this meeting? CM Lukacs didn't know that the employees would be at the meeting. (Corrected 4/12/04 - change "Personal" to "Personnel".)

Dave Kinney stated that it was strongly recommended that the employees attend this meeting.

City Manager Long stated that he told the employees that they should attend the Personal Meeting. He also stated that he didn't like to be micro-managed. (Corrected 4/12/04 - change "Personal" to "Personnel".)

Move by CM Jacobson, second by CM Lukacs, that the Employees that attended Sunday's Personal Committee Meeting on March 21, 2004 be paid for one hour of overtime. Employees that were at the meeting were Ron Smith, Dave Kinney, Dave VanCura, Sue Martinez, Phil Bartle and Gary Gorsline. Motion Carried. (Corrected 4/12/04 - change "Personal" to "Personnel".)

City Manager Long told the City Council that he received a \$1,000.00 scholarship to attend the Public Entity Risk Institute in Fort Lauderdale, Florida on June 13 – 16, 2004 and he would like to attend this conference.

Move by CM Nielsen, second by CM Jacobson, to have City Manager Long attend the Public Rick Management Association 2004 Annual conference at Fort Lauderdale, Florida on June 13 – 16, 2004 and \$300.00 to be use for expenses. Motion Carried.

CM Jacobson wanted to know if anything was found out about insurance for the fireworks and what the City Council need to do. City Attorney Garno will review what the Insurance and find out what needs to be done. (Corrected 4/12/04 – last sentence – change to read “ City Attorney Garno will review what insurance is needed and what the City Council needs to do to insure the Brown City Days Committee under the City's insurance policy”.)

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

CM Jacobson wanted to know what kind of shelter that Ben's building and did they get a building permit?

City Manager Long will check into this and no they didn't get a permit.

City Attorney Garno would like to receive copies of all Resolutions, and Ordinances before the meeting so he can review them.

CM Miller question on how the Dollar General can open before the driveway at Ben's was fixed?

City Manager Long stated that the State is taking over the driveway and Ben's has 30 days to correct the problem.

Move by CM Potts, second by CM Navock, to adjourn the meeting at 9:07 P.M.
Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk