

COUNCIL PROCEEDINGS FOR APRIL 12, 2004

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

Pledge of Allegiance led by Deputy Clerk Van Cura.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Frank Lukacs, Julie Miller, Eugene Navock, Jason Nielsen; Deputy City Clerk David R. Van Cura, City Manager Darcy Long, City Attorney Gerard Garno.

ABSENT: Councilmember JoAnn Potts, City Clerk Christine Lee.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Nielsen, second by CM Miller, to approve the Minutes of the Regular Meeting of March 22, 2004 as corrected. Motion Carried.

CORRECTIONS:

Page 2 of 7 – Under Attorney’s Report –
item #2 – change to read – Dave Yourdan “was given the information he requested that the City had available”.

item #3 – change “adoptive” to “adopted”.

item #4 – change to read – Ordinance 531.50 states that the rate increase is “legitimate to cover increased cost”.

Page 2 of 7 – Under Committee Reports –

item #3 – delete last two sentences.

Page 4 of 7 – third paragraph – second sentence - change to read – “because Lapeer County has a district library that includes Burnside Township”, change “finical” to “financial”.

Page 4 of 7 – Under Public Hearing – first paragraph - second sentence – change to read “to be raised”.

second paragraph – change “Walter” to “Walters”.

fourth paragraph – change to read - “Ed Nolet wanted to know the cost of the Arsenic Project and if we were aware of any grants.”

Page 5 of 7 – second paragraph – change “Walter” to “Walters”, “change” to “changed”, “balance” to “balanced”.

third paragraph – change “balance” to “balanced”.

fifth paragraph – last sentence – change “204” to “2004”.

Page 5 of 7 – Under New Street – change to read “The motion died”.

Page 6 of 7 – Under Committee Reports – item #6 change last sentence to read “City Attorney Garno should take the necessary steps to add this to the Employee Handbook.”

third paragraph – change “Personal” to “Personnel”.

fifth paragraph – change “Personal” to “Personnel”.

sixth paragraph – change “Personal” to “Personnel”.

Page 7 of 7 – first paragraph - 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 Navock, to approve the Minutes of the Special Meeting of March 29, 2004 as corrected. Motion Carried.

CORRECTIONS:

Page 2 of 7 – item #7 – change to read “to extend the deadline to approve the 2004/2005 Budget to April 12, 2004.”

first paragraph - change “Walter” to “Walters”.

third paragraph – change “Walter” to “Walters”.

fourth paragraph – change “earmark” to “earmarked”.

fifth paragraph – add a comma between “curbs” and “and”.

Page 3 of 7 – sixth paragraph – change “express” to “expressed”.

Page 4 of 7 – third paragraph – second sentence – change to read “to extend the approval of the 2004/2005 Budget”.

ninth paragraph – change “crunch” to “crunched” and “change” to “changed”.

Page 5 of 7 – second paragraph - change “though” to “thought” and “fills” to “feels”.

fifth paragraph – third sentence – change to read “Arsenic Treatment Plant should be funded by the water fund”.

sixth paragraph – change – “crunch” to “crunched”.

seventh paragraph – change – “used” to “use”.

eight paragraph – change – “hand” to “ the meeting”.

Page 6 of 7 – first paragraph – change “express” to “expressed”, “encourage” to “encouraged” and “Tax and Finance” to “Personnel”.

third paragraph – change “Tax and Finance” to “Personnel”.

fourth paragraph – change “pay” to “paid”.

ninth paragraph – change “this was” to “several issues were”.

eleventh paragraph – last sentence – change to read “working with Darcy”.

PAY BILLS:

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

General - \$96,049.97, Payroll - \$16,345.41, Sanitary Sewer - \$943,92, Major St. - \$429.60, Local St. - \$429.59, Investment - \$28,316.16. Motion Carried.

OLD BUSINESS: None.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES:

1. LDFA – Dale Benish (Sanilac County EDC).

Mr. Benish explained what an LDFA (Local Development Financial Authority) is and the process to create one. He handed out information to the Council that explains the step-by-step process. There are several throughout Sanilac County. The LDFA could include the property on the east side of the Renaissance Zone.

Mr. Benish reported that Company #2 is still interested in locating in Brown City.

2. Great Lakes Internet – Water Tower Lease Wireless Internet and demo (Clyde Messinger, President).

The presentation was postponed due to Mr. Messinger being ill.

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS:

1. No. 04-04 = Formally Approving the City of Brown City Millage Rate of 16.8733 and Brown City Park Millage Rate of ~1.10.

Move by CM Lukacs, second by CM Jacobson, to adopt Resolution No. 04-04.
ROLL CALL VOTE: Jacobson - yes, Lukacs - yes, Miller - yes, Navock - yes, Nielsen - yes, Potts - absent.

5- Yeas, 0 - Nays, 0 - Abstain, 1- Absent. Motion Carried.

2. No. 04-06 = To Amend the City's 2003-2004 Budget to Better Reflect Revenues and Expenditures.

Move by CM Jacobson, second by CM Navock, to adopt Resolution No. 04-06.
ROLL CALL VOTE: Jacobson - yes, Lukacs - yes, Miller - yes, Navock - yes, Nielsen - yes, Potts - absent.

5 - Yeas, 0 - Nays, 0 - Abstain, 1 - Absent. Motion Carried.

3. No. 04-10 = Formally Approving the City of Brown City Fiscal Year 2004/2005 Budget.

Move by CM Jacobson, second by CM Lukacs, to adopt Resolution No. 04-10.
ROLL CALL VOTE: Jacobson - yes, Lukacs - yes, Miller - yes, Navock - yes, Nielsen - yes, Potts - absent.

5 - Yeas, 0 - Nays, 0 - Abstain, 1 - Absent. Motion Carried.

PETITIONS AND COMMUNICATIONS:

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

1. Faith Baptist Church, 6910 Cade Road – Replace Old Sign.

CM Lukacs had a concern regarding the obstruction of view at the corner. **
(Corrected 4-26-04: add **“He was assured that there was no direct obstruction.”)

Move by CM Lukacs, second by CM Miller, to approve the preapplication building permit for Faith Baptist Church to replace the sign at 6910 Cade Road.
Motion Carried.

2. Clinton Morris, 4322 First Street – 24'x24'x8' Garage.

CM Lukacs had some questions regarding this permit. He talked to Mr. Morris. Mr. Morris is putting up a “pole barn” type garage. CM Lukacs suggested reviewing Chapter 8 regarding “pole barn” type garages.

Move by CM Lukacs, second by CM Miller, to table the preapplication building permit for Clinton Morris until the next meeting until Chapter 8 can be reviewed and further information obtained. Motion Carried.

DPW SUPERVISOR'S REPORT:

Supervisor Dave Kinney provided a written report to the Council. The report informed the Council of the MIOSHA inspection on March 3rd 2004. The City had two (2) serious and two (2) minor violations. The fines for the two (2) serious violations were \$3,500.00. Because of the City's size and other negotiations, Supervisor Kinney was able to get it reduced to \$87.50. The report also informed the Council of inspections by the DEQ, and the status of the Arsenic Treatment Project.

POLICE CHIEF'S REPORT:

1. The Department is working on the problem of graffiti on stores. Chief Smith asked about temporarily installing security lights.
2. The cost of a new printer was included in the Budget. Chief Smith was told to order the printer.
3. Chief Smith would like to proceed with the purchasing of laptop computers.
4. Chief Smith drafted a policy and procedure manual on exposure control plan for airborne pathogens, on blood borne pathogens, and on stop sticks (aka road spikes).

Move by CM Miller, second by CM Jacobson, to approve the exposure control plan for airborne pathogens, on blood borne pathogens, and on stop sticks (aka road spikes) as polices of the Brown City Police Department subject to final **approval of the City Attorney. Motion Carried. (Corrected 4-26-04: change to read **"approval by the City Attorney.")

TREASURER'S REPORT:

Treasurer Walters reported that the Sanilac County Circuit Court has removed from the Delinquent Tax Roll, Personal Property Taxes due for 1989 through 1995 in the amount of \$9,558.31. The City would have received one-third of this money.

She has also received information regarding the 2004 Summer Education Tax. Treasurer Walters sent out over due notices on outstanding Personal Property Taxes.

ATTORNEY'S REPORT:

1. Brown City Days Committee - Insurance Coverage

****The Brown City Days Committee needs to be approved and recognized by the City Council. They need to be made an official committee of the City. ***A budget needs to be approved and overseen by the City Council. The City must contribute some funds to the Committee. The Brown City Days Committee must be named as additional insured by vendors. (Corrected 4/26/04 change to read: ***“In order to be covered by the City’s insurance policy, the .” ***“Other requirements are a budget needs to be approved and overseen by the City Council; the City must contribute some funds to the Committee; the”)**
Move by CM Miller, second by CM Lukacs, to officially recognize the Brown City Days Committee as a committee of the City. Motion Carried.

The Brown City Days Committee members are: Pat Jacobson, JoAnn Potts, Laura Carpenter, Kathleen Loutzenhiser, Cheryl Faulconer, Linda Faulconer, Susan White, Rob and Charity Jacobson, Ginger Younge, Jim Richardson, and Richard Williams.

2. Mr**. Garno has not heard any further information on the Maplevue Estates request to the Michigan Supreme Court. He should be getting an update anytime. *(Corrected 4-26-04: change “Mr.” to “City Attorney”)
3. City Attorney Garno requested the Council go into Executive Session for the purpose to consider written opinion of the City Attorney under the attorney client privilege.

EXECUTIVE SESSION:

Move by CM Lukacs, second by CM Miller, to move into Executive Session for the purpose to consider written opinion of the City Attorney under the attorney client privilege.

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

Motion Carried.

Council went into Executive Session at 8:30 P.M.

Move by CM Lukacs, second by CM Navock, to move out of Executive Session.

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

Motion Carried.

Council came out of Executive Session at 8:52 P.M.

No action taken during the Executive Session.

Move by CM Lukacs, second by CM Jacobson, to add “General Concerns of the City Council” to the agenda. Motion Carried.

COMMITTEE REPORTS:

1. Police (Miller)- None.

2. Tax and Finance (Jacobson)- Chairman Jacobson reported on the April 7, 2004 Committee meeting. The Committee recommends holding City cleanup only once a year.

Move by CM Jacobson, second by CM Navock, to hold only one City wide clean up per year, which will be held in the spring. Motion Carried.

Move by CM Miller, second by CM Jacobson, to hold the City wide clean up on May 17 and 18, 2004. Motion Carried.

Move by CM Miller, second by CM Jacobson, to extend the meeting beyond the 9:00 hour. Motion Carried.

3. Personnel (Lukacs)- Chairman Lukacs reported on the Committee’s April 2, 2004 meeting. Council received a purposed** wage increase schedule for the employees. CM Jacobson suggested that Dave Kinney and Ron Smith both receive a 50-cent per hour raise. **(Corrected 4-26-04: change “purposed” to “proposed”)

Move by CM Miller, second by CM Navock, to approve the wage increase for Dave Kinney 50-cents per hour, Ron Smith 50-cents per hour, and David Van Cura 50-cents per hour. Motion Carried.

Move by CM Miller, second by CM Jacobson, to approve the remaining wage increases recommend by the Personnel Committee. (Phil Bartle 30-cents per hour plus 50 -cents per hour upon completion of certification, Henry Owens 20-cents per hour and to remain part-time help at 32 hours per week, Gary Gorsline no increase and return of seniority, Sue Martinez 25-cents per hour and same schedule as present, Lucy Coulson 25-cents per hour). Motion Carried.

Judy Murray is interested in the open office position. She would like to meet with the Personnel Committee.

Chairman Lukacs scheduled a Personnel Committee meeting for Monday, April 19th at 6:30 P.M.

Chairman Lukacs would like a job description on all office employees. He also would like a balance sheet at the end of every month to be put in the Council packets.

4. Water and Sewer (Nielsen)- Chairman Nielsen scheduled a Water and Sewer Committee meeting for Tuesday, April 20th at 6:30 P.M. to discuss the water rates increase, Marshall Willer's request for water and sewer line extension, and the Lynn Manogue Project.
5. Streets and Sidewalks (Navock)- Chairman Navock scheduled a Streets and Sidewalks Committee meeting for Friday, April 16th at 11 A.M.
6. Building and Grounds (Potts)- Chairman Potts was absent.

CITY MANAGER'S REPORT:

1. City Manager Long gave a report on the following items:
the Great Lakes Internet Project, the Arsenic Project, the Abandon Well Project, a Land Use Seminar he attended, the up coming MML Region 5 Meeting.

MAYOR'S REPORT:

1. Set a date for annual City wide clean up. This item was addressed during the Committee Meeting reports.
2. The Brown City Days Committee will hold a garage sale on Saturday, April 24th from 9 A.M. to 3 P.M. They would like to use the Burger Building.
Move by CM Miller, second by CM Lukacs, to allow the Brown City Days Committee to hold a garage sale in the Burger Building. Motion Carried.
3. Mayor Carpenter would like to appoint Jason Nielsen, JoAnn Potts, and Pat Jacobson as a committee to meet with the Library Board.
Move by CM Miller, second by CM Nielsen, to appoint Jason Nielsen, JoAnn Potts, and Pat Jacobson as a committee to meet with the Library Board. Motion Carried.

DPW Supervisor Dave Kinney requested permission to purchase a used pickup truck at a cost not to exceed \$12, 000.00.

Move by CM Jacobson, second by CM Navock, to allow DPW Supervisor Kinney to purchase a used pickup truck at a cost not to exceed \$12,000.00. Motion Carried.

Move by CM Miller, second by CM Navock, to adjourn the meeting at 9:30 P.M. Motion Carried.

Respectfully Submitted,

David R. Van Cura
Deputy City Clerk