

## **COUNCIL PROCEEDINGS FOR MAY 10, 2004**

**Meeting called to order** at 7:07 P.M. by Mayor Carpenter.

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

**PRESENT:** Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Frank Lukacs, Julie Miller, Eugene Navock; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

**ABSENT:** Councilmembers: Jason Nielsen and JoAnn Potts.

### **CORRECTION AND APPROVAL OF MINUTES:**

Move by CM Miller, second by CM Navock, to approve the Minutes of the Regular Meeting of April 26, 2004 as corrected. Motion Carried.

### **CORRECTIONS:**

1. Page 1 of 7 - Under Pay Bills: Change 2 to two and put a period after the word travel, capitalize W in was, and change claim to claimed.
2. Page 2 of 7 – top of page: Change approve to approved, and change to read when the City Council passed a motion that the City Manager, and change wouldn't to shouldn't
3. Page 5 of 7 – Under Attorney Report, Item # 4: change proposed to propose
4. Page 7 of 7 - Under CM Miller – add item # 4 Why City Manager Long wasn't at the Personal Committee Meeting.

### **PAY BILLS:**

Move by CM Jacobson, second by CM Lukacs, to pay the bills as presented in the following funds: General -\$36,307.51, Payroll - \$15,000.36, Sanitary Sewer - \$14,039.69, Investment - \$28,223.83. Motion Carried.

**OLD BUSINESS:** None.

**PUBLIC QUESTIONS AND COMMENTS:** None.

### **PERSONAL APPEARANCES:**

1. Clyde Messenger from Great Lakes Internet

Move by CM Miller, second by CM Jacobson, to approve the agreement for Antennae Site Lease and Broadband Wireless Service with Great Lakes Internet. Motion Carried.

2. Fire Chief James Groat Jr. Would like permission to move the fire siren from the present location (behind bus barn) to behind the Fire Station.

Move by CM Lukacs, second by CM Navock, to move the fire and tornado siren to the firehouse and the City will pay ½ of the cost.

ROLL CALL VOTE: Miller – Yes, Jacobson – Yes, Navock – Yes, Lukacs – Yes, Nielsen – absent, Potts - absent. 4 – Yeas, 0 – Nays, 0 – Abstain, 2 – Absent.

Motion Carried

**PUBLIC HEARING:** None.

**ORDINANCES:** None.

**RESOLUTIONS:**

1. No. 04-12 = Adoption of Civil Rights Policy.

Move by CM Miller, second by CM Navock, to adopt Resolution No. 04-12.

ROLL CALL VOTE: Jacobson - Yes, Lukacs - Yes, Miller - Yes, Navock - Yes, Nielsen - Absent, Potts - Absent. 4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent.

Motion Carried.

2. No. 04-13 = Update the City Employee Handbook.

Move by CM Lukacs, second by CM Miller, to adopt Resolution No. 04-13.

ROLL CALL VOTE: Jacobson - Yes, Lukacs - Yes, Miller - Yes, Navock - Yes, Nielsen - Absent, Potts - Absent. 4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent.

Motion Carried.

**PETITIONS AND COMMUNICATIONS:**

**A. Construction Permit -**

1. Brown City Missionary Church, 8935 Burnside Road - Sign.

Move by CM Lukacs, second by CM Miller, to approve the preapplication building permit for the Brown City Missionary Church for a sign at 8935 Burnside Road. Motion Carried.

2. Gary Abel, 4094 Third Street – Addition to House and Garage.

Move by CM Lukacs, second by CM Navock, to approve the preapplication building permit for Gary Abel for an addition to his house and garage and a concrete driveway at 4094 Third Street. Motion Carried.

3. Larry Bullock, 4084 Third Street - Addition to House.  
Move by CM Lukacs, second by CM Jacobson, to approve the preapplication building permit for Larry Bullock for a 10 X 10 addition to his house at 4084 Third Street. Motion Carried.

**B. Permit for Fireworks Display-**

1. Dennis Kunding Sr., Kundi's Fireworks Display Show L.L.C. - Brown City Festival, June 12, 2004 at the Brown City Community Park.

Move by CM Miller, second by CM Navock, to approve the Permit for Fireworks Display for Dennis Kunding Sr., Kundi's Fireworks Display Show L.L.C.  
Motion Carried.

**COMMITTEE REPORTS:**

1. Police (Miller)-

Move by CM Miller, second by CM Jacobson, to hire Frederic Parisek as the City second full time Police Officer, to start on May 10, 2004. Motion Carried.

(Corrected 5/24/04 – Motion should read – that City Manager Darcey Long was in agreement that Frederic Parisek be hired as the City second full time Police Officer, to start on May 10, 2004. Motion Carried.)

Dave VanCurra wanted to know how much to pay Police Officer Parisek.  
CM Miller stated what the handbook states.

2. Tax and Finance (Jacobson)-

- a. Credit Card: Discussed the City having a credit card with a cap of \$1,500.00. Also, a use policy needs to be put in place for the credit card.
- b. Car Allowance: need more information from other communities in the area.
- c. LDFA was discussed. Need to hold off on this at this time.
- d. Attorney fees: City Manager Long wanted to know who can talk to the City Attorney and should request to speak with the City Attorney be cleared with the City Manager. The Mayor and City Manager should have free exchange with the City Attorney. Also one-person form a committee can call the City Attorney after a discussion. (Corrected 5/24/04 – Should read – It was suggested that the Mayor and City Manager should have exchange with the City Attorney. It was also suggested that one one-person from a committee can call the City Attorney after a discussion.)

- e. BC Days – is it a committee or a board: City Attorney Garno will check with the City Insurance to decide which way to proceed.

Dave VanCura wanted to know if the funds from BC Days will be coming into the City and does the City write the checks.

City Attorney Garno stated yes, but this won't start until June 14, 2004.

- f. Sale of White Police Car: City Manager Long feels that the City could get a better price for the car if it was sold over Ebay. City Attorney Garno will check to see if there are any legal problems with selling the white police car on Ebay.
3. Personnel (Lukacs)- None
  4. Water and Sewer (Nielsen)- Need to set up a Committee Meeting. CM Navock will call City Manager with the date.
  5. Streets and Sidewalks (Navock)- None
  6. Building and Grounds (Potts)- None

**DPW SUPERVISOR'S REPORT:** None.

**POLICE CHIEF'S REPORT:** None.

**ATTORNEY'S REPORT:**

1. Mapleview Estates vs City of Brown City: Mapleview Estates motion for reconsideration was denied by the Supreme Court exhausting Mapleview Estates appellate remedies. The fee amount that Mapleview Estates owes the City of Brown City is \$12,750.00 plus interest up to 10%.

CM Lukacs thanked City Attorney Garno for all his hard work on this case.

City Attorney Garno stated that he had a lot of help from the MML,

2. Doug Muxlow Sewer Line Hook-up: City Attorney Garno needs to look into this further, also a policy will need to be set up.
3. Corn – Mr. VanDamme: City Attorney Garno stated that he needs to check into this more.

**CITY MANAGER'S REPORT:**

1. Railroad Crossing: the railroad company stated that they would look at the crossing in the next couple of weeks.
2. Arsenic Project: The arsenic removal units are up and running. Also Severn Trent explained to DPW Supervisor Kinney and to City Manager Long how the samples need to be taken.
3. Michigan Municipal League Regional Meeting in Lapeer: City Manager Long attended the MML Regional meeting in Lapper.
4. Clean Up Days: Clean up days will take place on May 17 and 18.

5. Zoning Map: A draft copy of the proposed zoning map was reviewed by the Planning Commission. Several items were addressed regarding the changes to the map. The Planning Commission will need to hold a special meeting this month to review the map further and make suggested revisions.

**MAYOR'S REPORT:**

1. Set a Public Hearing for May 24, 2004 "Regarding the Proposed USDA Loan Application for the purchase of industrial property".  
Move by CM Miller, second by CM Jacobson, to set a Public Hearing for May 24, 2004 at 7:15 P.M. "Regarding the Proposed USDA Loan Application for the purchase of industrial property". Motion Carried.
2. To have EDC Director Dale Benish to discuss the 2<sup>nd</sup> Company Offer and to discuss the purchase of land at the next City Council Meeting.
3. Mayor Exchange Day: City Manager Long will check into this.

**GENERAL CONCERNS OF THE COUNCIL:**

A meeting with the Library Board needs to be set up soon.

City Attorney Garno thanked City Treasurer Carol Walters for all her hard work and for bring her concerns to City Council. ( Corrected 5/24/04 – change the word bring to bringing.)

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:40 P.M. Motion Carried.

Respectfully Submitted,

Christine J. Lee  
City Clerk