

COUNCIL PROCEEDINGS FOR MAY 24, 2004

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

Pledge of Allegiance led by Councilmember Frank Lukacs.

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

ABSENT: Councilmember JoAnn Potts

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Jacobson, to approve the Minutes of the Regular Meeting of May 10, 2004 as corrected. Motion Carried.

CORRECTIONS:

1. Page 3 of 5 – Under Committee Reports #1 Police - (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.)
2. Page 3 of 5 – Under Committee Reports #2 Tax and Finance Item d – (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.)
3. Page 5 of 5 – Under Concerns of the Council – City Attorney – change the word bring to bringing.

PAY BILLS:

CM Jacobson wanted to know why Henry Owens was working over the allotted time and CM Miller wanted to know if Mr. Owens is working 40 hours should he be getting benefits. (Corrected 6/7/04 - add the word “and” between hours and should.)

City Manager Darcy Long explained that his time is split between the City and Park. When Henry Owens works in the Park, his salary comes out of the Park budget.

CM Jacobson wanted to know if he is working more hours than Sue Martinez than why doesn't Mr. Owens received any sick leave & vacation time.

City Council wants City Manager Long check into this and see if there is a job description for Henry Owens. (Corrected 6/7/04 – change he to Mr. Owens and change the word than to then.)

Move by CM Jacobson, second by CM Navock, to pay the bills as presented in the following funds: General -\$12,898.26, Payroll - \$13,869.64, Sanitary Sewer - \$685.88, Investment - \$38,325.07. Motion Carried.

PUBLIC HEARING:

1. 7:15 PM = Regarding the Proposed USDA Loan Application for the purchase of industrial property.

Mayor Carpenter opened the Public Hearing at 7:15 PM.

City Manager Long explained that this is one of the steps that the City needs to do for the USDA Loan.

Mayor Carpenter closed the Public Hearing at 7:16 PM.

City Attorney Gerard Garno stated that Keith Muxlow wanted to know how things are progressing. (Corrected 6/7/04 – change thing to things.)

OLD BUSINESS: None.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None.

ORDINANCES: None.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS:

A. Sidewalk Bids.

1. Ventimiglia Construction, Inc. - \$6,175.00
2. Hinojosa Construction - \$7,410.00
3. Pure Contracting - \$6,650.00
4. Capac Construction - \$8,600.00

5. Lerma Concrete - \$6,650.00
6. Tom's Ultimate Concrete Finishing - \$7,885.00

Move by CM Lukacs, to award the bid for the Sidewalk Project to Tom's Ultimate Concrete at a cost of \$7,885.00. Motion failed for lack of support.

Move by CM Jacobson, second by CM Navock, to award the bid for the Sidewalk Project to Ventimiglia Construction, Inc. at the cost of \$6,175.00.

ROLL CALL VOTE: Miller – Yes, Jacobson -Yes, Navock– Yes, Nielsen – No, Lukacs – No, Potts – Absent. 3 - Yes, 2 - No, 0 - Abstain, 1 - Absent. Motion Carried.

B. Paving Bids.

1. Tri-County Sealing & Paving - \$9,919.80
2. McIntyre Asphalt Paving Company, Inc. - \$9,672.80
3. Jelsch Paving Company - \$8,880.00
4. Saginaw Valley Asphalt Paving Company - \$9,700.00
5. Thumb Asphalt - \$7,750.00
6. Creative Asphalt Design/Aremo Repair System - \$8,554.00
7. Astec Asphalt, Inc. - \$7,300.00

Move by CM Jacobson, second by CM Navock, to award the bid to Astec Asphalt for \$7,300.00 to Paving Project. Motion Carried.

C. Construction Permit -

1. Edward Apley, 7062 Lincoln Street - Pool & Deck.

Move by CM Nielsen, second by CM Jacobson, to deny the preapplication building permit for Edward Apley for a Pool & Deck at 7062 Lincoln Street because of infringement of set backs. Motion Carried.

COMMITTEE REPORTS:

1. Police (Miller)- None.
2. Tax and Finance (Jacobson)- None. – Committee Meeting for Wednesday, June 2, 2004 at 7:00 P.M.
3. Personnel (Lukacs)- Evaluations – next month.
Will hand out the evaluations forms to Councilmembers to fill out and than the Personnel Committee will go over the different evolutions. (Corrected 6/7/04 – change evolutions to evaluations.)
4. Water and Sewer (Nielsen)- Water Rates – Committee Meeting Wednesday, June 9, 2004 at 7:00 P.M.
5. Streets and Sidewalks (Navock)- None.
6. Building and Grounds (Potts)- None.

7. Brown City Day's Committee (Jacobson)- Handed out the flyers on BC Days. Talked about purchasing additional Insurance for fireworks. Move by CM Miller, second by CM Navock, to purchase additional Insurance for Brown City Day's at a cost of \$650.00 to \$700.00 Motion Carried.

Move by CM Miller, second by CM Navock, to move the City Council Meeting from Monday, June 14, 2004 to Monday, June 7, 2004 Motion Carried. (Corrected 6/7/04 – add - because City Manager Long will be out of town.)

ATTORNEY'S REPORT:

1. Attorney's Contract:

Move by CM Lukacs, second by CM Jacobson, to renew the contract with Gerard Garno as the City Attorney from the law firm of Rickard, Denney and Associates for another year at the same rate as last year. Motion Carried.

2. Sewer Policy: Need to set up some type of Sewer Policy for Residents that live out side of the City Limits that want to hook up to the City's Sewer System, that treats everyone the same. Also stated in this Sewer Policy that the Resident will need to annex into the City. Need to check out why Kelly Mason was denied sewer hookup and look at what was done in the past. City Attorney Garno will wait to hear from the Water and Sewer Committee. (Corrected 6/7/04 – take out this and change to “previous Sewer Policy”.)

3. VanDamme's Corn: Keith Muxlow agreed to pay for only the corn on the land that the City purchased. City Attorney approved the paying of the corn. (Corrected 6/7/04 – Change to read - the City paying of the corn on the east side.)

4. Maplevue Estates vs City of Brown City, Executive Session:

To consult with the attorney about trial or settlement strategy in pending litigation, since an open meeting would have detrimental financial effect on the City's position.

EXECUTIVE SESSION: To discuss pending lawsuit with the City because to discuss the matter in open session could have detrimental financial impact on the City. (Corrected 6/7/04 – change to read - to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body.)

Move by CM Miller, second by CM Lukacs, to move into Executive Session to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body.

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 8:13 P.M.

Move by CM Nielsen, second by CM Miller, 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 8:25 P.M.

No action was taken in Executive Session.

Move by CM Lukacs, second by CM Nielsen, to direct City Attorney Garno to collect back connection and tap in fees from Mapleview Estates. Motion Carried.

5. Ebay: City Attorney Garno suggested that the City wait on selling the police car on Ebay until the next meeting, so he can check the legality and to gather more information.

CITY MANAGER'S REPORT:

1. Arsenic Project: The Arsenic Removal Plant Officially went online Tuesday, May 11, 2004. On June 22 and 24 there will be an open house at the Arsenic Removal Plant. The open house will be sponsored by Severn Trent, Hamlet Environmental and Boss Engineering. They have contacted Ray Dupie to roast a couple of hogs and supply all the fixings. It is our plan to invite the Governor, US Senators, US Congressmen and other local politicians. A program will be planed and invitations will be sent out.
2. Blight: The City will start to crack down on blight. A notice will be on channel six and in the paper.
3. John Lehotan, C.P.A.: With GASB 34 lurking in the near future and my desire not to acquaint myself with GASB 34, I have enlisted the services of Lehn King, C.P.A. and his son Ryan for the March 31, 2004 audit. In an effort to ensure a smooth transition into GASB 34, Lehn will assume responsibility for

the March 31, 2004 Audit and coordinate the items needed for the March 31, 2005 GASB 34 Audit. My contract provides for the transfer of my audit responsibilities to Lehn King. City Attorney Garno wanted to look at John Lehotan contract that he has with the City.

CM Lukacs stated that the manhole cover at the corner of Buby and Kohler Road needs to be looked at.

TREASURER'S REPORT:

The City Council read the Treasurer Report.

Move by CM Lukacs, second by CM Navock, to direct City Treasurer Carol Walter to publish the Deferment Notice for the Summer Taxes for 2004, with the other Treasurers in the County to be put in the Sanilac County News at a cost of \$11.50. Motion Carried. (Corrected 6/7/04 – Remove comma between 2004 and with – change Walter to Walters – add comma after “Treasurers” and before “in”.)

MAYOR'S REPORT:

Set date for hydrant flushing for the first week of June.

Move by CM Miller, second by CM Nielsen, to set the flushing of the fire hydrants the first week of June, during the day. Motion Carried.

GENERAL CONCERNS OF THE COUNCIL:

CM Jacobson

1. Wanted to know if the barrels will be put out and the flowers planted.
2. If the flags and stars will be put up in time for Memorial Day.
3. Suggested that the sweeping the streets should be done at 4:00 A.M. before people start to park on the streets.
4. Parking lot where the carnival will be going needs to be graded by the D.P.W.
5. Fire Department will need two dump truck to hold the line for the water ball fight.
6. The asphalt will be put on the side of the Fire Department and the ditch in back of the Fire Hall needs to be filled in. The prep work for this project needs to be done this month for the July insulation of the asphalt.
7. A meeting needs to be set up with the Police, DPW and the Festival Committee so everyone is on the same page for Brown City Days.

CM Miller

1. Extra help for Brown City Days for the whole weekend. (Corrected 6/7/04 – Change to read - Does Police have extra help.)
2. Judy Murray should receive something in writing and an application to fill out for the part time job.

CM Lukacs

1. Weeds on sidewalks.
2. Lawns that are tall letters need to be sent out. (Corrected 6/7/04 - change tall to “not mowed” and add a coma after mowed.)
3. Roy Welch place is junked out. (Corrected 6/7/04 – remove this sentence.)

Mayor Carpenter

1. Litter in front of City Hall and in the bushes needs to be taken care of.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:53 P.M.
Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk