

## COUNCIL PROCEEDINGS FOR AUGUST 9, 2004

Meeting called to order at 7:00 pm by Mayor Laura Carpenter

Pledge of Allegiance led by Councilwoman Pat Jacobson.

**PRESENT:** Mayor Laura Carpenter, Council members – Pat Jacobson, Jo Ann Potts, Julie Miller, Christine Lee, Interim City Manager Frank Lukacs, City Clerk Kelly Pavel and City Attorney Garno.

**ABSENT:** Councilman Eugene Navock

### CORRECTION AND APPROVAL OF MINUTES:

- Page 2 of 9, #1 to read change advise to “advice”
- Page 5 of 9, last paragraph, to read second by Navock, “to support City Managers decision” to hire Trisha Vogel.....
- Page 6 of 9, paragraph 6, delete “until the position is filled permanently.”
- Page 7 of 9, paragraph 4, to read City Attorney will submit a “written” legal response
- Page 7 of 9, paragraph 8, to read Tree “trim” instead of removal
- Page 7 of 9, paragraph 9, to read workers consider “donating” hours
- Page 8 of 9, paragraph 6, to read latter was received from a “former city resident” instead of a Wells Street resident

Moved by Miller, second by Potts to accept the July 26, 2004 minutes as corrected.  
Motion carried.

Councilwoman Jacobson questions hours that DPW worker Henry Owens is working. March 22, 2004 minutes reflect that Owens is to work no more that 32 hours per week and he has currently been working 40 hours per week.

Moved by Jacobson, second by Miller to pay the bills as presented in the following funds: General - \$14,259.31, Payroll - \$13,149.70, Sanitary Sewer - \$637.65, Major Street – 0, Local Street - \$25.80, Investment - \$28,134.23. Motion carried.

Mayor Laura Carpenter presented a plaque to Bob Lints in memory of Wendy Lints for her years of dedication and service to the City of Brown City.

### OLD BUSINESS:

Paul Czap’s survey is being worked on per City Engineer Mabery (**Correct Mabery to read “Maberry” per 8/23/04 minutes**).

Library lease is still on hold.

Awaiting word from Attorney Seabert on the Bullock case. (**Correct Seabert to read “Seibert”, per 8/23/04 minutes).**)

Interim City Manager Lukacs has contacted Aztec regarding paving project and stressed that it needs to be completed before school starts. Aztec plans to start next week.

**PUBLIC QUESTIONS AND COMMENTS:**

County Commissioner Bill Walters discussed last week’s election results and issues for the county due to the fact that the Head lee did not pass. (**Correct Head lee to read “Headlee”, per 8/23/04 minutes).**)

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:**

Mayor Laura Carpenter opened the Public Hearing at 7:15 for a variance request for Mr. And Mrs. Gary Abel, 4094 Third Street regarding a set back dispute in reference to an addition to their home.

Third Street resident Larry Bullock questioned what classifies a hardship in granting a variance. City Attorney Garno provided explanation regarding hardship, use and non-use variances.

Gary Abel explained his situation as well as building dimensions and property descriptions.

Third Street residents Will Stags and Vern Hillman explained their opinions of the variance request, as they are neighbors to Mr. & Mrs. Abel.

Mayor Laura Carpenter closed the Public Hearing at 7:37 pm.

Councilwoman Miller questions why this situation was not sent to committee.

Moved by Miller, second by Potts to deny the variance request for Mr. & Mrs. Gary Abel, 4094 Third Street due to lack of hardship. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Potts-yes, Lukacs-abstain, Navock-absent. 4-yes, 1-abstain, 1-absent, 0-no. Motion carried. (**Correct by deleting “hardship” and replacing with “practical difficulty”, per 8/23/04 minutes.**)

**ORDINANCES:** None

**RESOLUTIONS:** None

**PETITIONS AND COMMUNICATIONS:**

Moved by Potts, second by Lee to accept pre-application building permit for Gerald Kosal, 4235 Vine Street to build a 6' x 34' addition to front porch. Motion carried.

Scheduled a Variance Request for Logan Mitchell, 6777 Cade Road on August 23, 2004 at 7:15 pm to build a 22' x 24' garage.

Buildings and grounds meeting scheduled for August 12, 2004 at 7:30 am to review the Mitchell situation.

Moved by Potts, second by Lee to accept the pre-application building permit for Christine Quandt, East Fourth Street to build a 1283 sq. foot home. Motion carried.

### **COMMITTEE REPORTS:**

#### **Police:**

Police committee meeting scheduled for August 12, 2004 at 4:30 pm.

#### **Water and Sewer:**

Discussion of August 4, 2004 Water and Sewer Committee meeting minutes

Moved by Lee, second by Miller to schedule a Public Hearing for August 23, 2004 at 7:30 pm regarding proposed water rate increases. Motion carried.

Interim City Manager stated that the DPW does have portable yellow flashing lights and they need to begin using them while on the job.

#### **Buildings and Grounds:**

Discussion regarding Burger building repairs that are needed.

**Streets and Sidewalks:** None

#### **Personnel:**

Seven resumes have been received for the vacant City Manager's position. Meeting scheduled for August 12, 2004 at 5:00 pm for the opening and review of these resumes. ( **Correct by adding "Personnel" Meeting scheduled for August 12, 2004, per 8/23/04 minutes.**)

Interim City Manager spoke with DPW Supervisor Kinney regarding DPW reports provided to City council. Kinney reports to City Manager daily and was not aware that he needed to report information to City Council. Request that City Manager pass this information on to the council.

**Tax and Finance:**

Interim City Manager has completed EDC grant paper work

**Brown City Day's Committee:**

Meeting has been scheduled for August 10, 2004.

**Attorney's Report:**

Risk management policies are currently being reviewed.

Title work has been received for Renaissance Zone property. Meeting on August 11, 2004 at 9:00 am with Mayor Carpenter, Interim City Manager Frank Lukacs and Christine Maxwell to sign paper work. It will take approximately 4-6 weeks for monies to be received to close on the property.

Attorney Garno received a package from the MML regarding proposal to perform the executive search for the position of City Manager. Packages were distributed to council members for their review.

Discussion regarding incompatible public offices act as well as compensation of Interim City Manager which attorney was asked to research.

**Police Chief Report:**

\$800 has been received from Tri-County Bank as well as Llink Technologies, LLC toward the purchase of taser guns for Brown City Police Department. Sanilac County has received a DTF grant, which will contribute monies of 25% or approximately \$600.00 towards the purchase of the guns. Michigan Taser Distributing needs to be paid the remaining \$891.00 at this time. Grant monies from the county will not be available until after the Board of Commissioners meeting.

Vacant trailer next to VFW Hall appears to be a potential health hazard and needs further investigation.

Mayor Carpenter requests that Interim City Manager Lukacs send thank you notes to Tri-County Bank as Llink Technologies for their assistance in the purchase of taser guns.

Moved by Miller, second by Lee to pay the remaining balance of \$891.00 to Michigan Taser Distributing. Motion carried.

**Mayor's report:** None

**City Manager's report:**

Review and discussion of Manager's Report for 7-26-04 to 8-6-04.

Letters regarding obnoxious weeds were sent today.

Approximate repair costs to Burger building include \$18,000 for roof and \$1300.0 for awning removal. Would like to consider selling the property. Mr. Ed has expressed some interest in the property. Appraisals of \$25,000.00 - \$35,000 and an appraisal of \$85,000.00 have been received.

Attorney Garno will draft a proposed ordinance for the sale of real property.

Moved by Miller, second by Lee to hire Jim's Carpentry for 1,343.27 for the removal of the awning on the Burger building. Motion carried.

### **General council concerns:**

Discussion regarding the possible complications and/or conflicts with councilman Lukacs filling in as Interim City Manager. Council would like to see if Ken Brown is still interested in holding the position of Interim City Manager.

Mayor Carpenter calls a recess to contact Ken Brown via telephone to discuss his interest. **(Correct by deleting "calls" and replacing with "called", per 8/23/04 minutes.**

Moved by Miller, second by Lee to recess at 8:35 pm. Motion carried.

Moved by Miller, second by Lee to return from recess at 8:42 pm. Motion carried.

Moved by Miller, second by Potts to appoint Ken Brown to the Interim City Manager's position beginning August 10, 2004 until the position is filled permanently. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Potts-yes, Lukacs-abstain, Navock-absent. 4-yes, 1-abstain, 1-absent, 0-no. Motion carried.

City Attorney will research other companies besides the MML that are available to assist in the search of a City Manager.

Discussion regarding compensation incoming Interim City Manager Ken Brown as well as Frank Lukacs.

Moved by Miller, second by Lee to pay Ken Brown \$12.00 per hour for the position of Interim City Manager. Motion carried.

Moved by Jacobson, second by Lee to compensate Frank Lukacs \$12.00 per hour for his duties as Interim City Manager from July 12, 2004 to August 9, 2004. Motion carried.

Discussion regarding changes to proposed ordinance 5700 regarding non-resident sewer tap ins.

Interim City Manager to verify MDOT requirements for DPW employee physicals.

Deputy Clerk David VanCura questions whether time frame and percentages of Llink tax abatement need to be reflected in the minutes. City Attorney suggests that they should.

Moved by Miller, second by Jacobson that council minutes regarding Resolutions 04-15 and 04-16 state that tax abatements for Llink Technologies will not exceed 5% of an amount equal to the sum of the SEV of the unit and that the abatements expire in 2012. Motion carried.

Deputy Clerk David VanCura states that Frank Lukacs has done a good job as Interim City Manager, especially with the difficulty of the situation.

Moved by Miller, second by Potts to adjourn at 8:55 pm. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk