

COUNCIL PROCEEDINGS FOR AUGUST 23, 2004

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

Pledge of Allegiance led by council member Christine Lee.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Julie Miller, Eugene Navock, Jo Ann Potts, Christine Lee, Frank Lukacs; City Clerk Kelly Pavel, Interim City Manager Ken Brown, City Attorney Gerard Garno.

ABSENT: None

CORRECTION AND APPROVAL OF MINUTES:

- Page 1 of 1, #1 under Old Business, change Mabery to “Mayberry”
- Page 2, of 2, paragraph 1, change Seabert to “Seibert”
- Page 2 of 2, paragraph 3, change Head lee to “Headlee”
- Page 2 of 2, paragraph 10, delete hardship and add lack of “practical difficulty”
- Page 3 of 3, paragraph 9, to read “Personnel” meeting scheduled for August 12, 200”4”
- Page 5 of 5, paragraph 5, change calls to “called”

Moved by CM Miller, second by CM Lee, to approve the Minutes of the Regular Meeting of August 9, 2004 as corrected. Motion Carried.

PAY BILLS:

CM Jacobson noted that the amount due on the bill for attorney fees is \$399.00 less than the actual costs incurred. City Attorney will provide a receipt for this amount for audit purposes to the City.

Discussion regarding DPW employee Henry Owens weekly hours exceeding 32. Interim City Manager Brown will discuss the weekly hour amounts with Dave Kinney, DPW Supervisor.

CM Jacobson notes that City Attorney fees are high this month and need to be curtailed. Higher fees were expected due to the current situation of the vacant City Manager’s position.

Moved by CM Jacobson, second by CM Navock, to pay the bills as presented in the following funds: General -\$ \$29,417.36, Payroll - \$14,808.83, Sanitary Sewer - \$926.71, Major St. - \$163.75, Local St. - \$163.75, Investment - \$29,851.43. Motion Carried.

Moved by CM Jacobson, second by CM Miller to authorize Sanilac County to pay the following Brown City Water Tower Rehabilitation Project Bonds, Series 2002, bills to L.C. United Painting in the amount of \$13,730.00 and to Dixon Engineering in the amount of \$550.00. Motion carried.

OLD BUSINESS:

1. Burger Building: Interim City Manager Brown reported that Jim's Carpentry submitted a revised bid to have the building's awning removed and repairs made to the building's front. Jim's Carpentry spoke with Mr. Ed regarding tying the roof lines together and Mr. Ed agreed to pay his portion of the bill.

Moved by CM Potts, second by CM Miller to hire Jim's Carpentry to make repairs to the Burger Building's awning and make repairs to the front as well as tying the roof line in with Mr. Ed's in the amount of \$6569.62 and to hire Marlette Roofing to repair the damaged portion of the roof in the amount of \$3400.00 for a total cost of \$9,969.62. Motion carried.

2. Paul Czap – prints are back from Maberry for council review. Prints were passed out and Interim City Manager Brown discussed.
3. Ordinance #5700 is still being worked on
4. Bullock project – grades have been shot at the property, this information has been faxed to Attorney Seibert. Seibert will contact Attorney Patterson. Interim City Manager Brown will contact Seibert for an update.

PUBLIC HEARING 7:15 PM

Mayor Carpenter open Public Hearing at 7:15 p.m. for a Variance Request for Logan Mitchell, 6777 Cade Road to construct a garage outside setback requirements.

CM Jacobson has spoke with one of the Mitchell's neighbors, Lucy Coulson who stated that she has no objections to the granting of the variance.

No public questions or comments.

Public Hearing closed by Mayor Carpenter at 7:15 p.m.

Moved by CM Potts, second by CM Miller to grant the Variance Request for Logan Mitchell, 6777 Cade Road, to build a 22' x 24' garage due to practical difficulties caused by the placement of the house on the lot. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

OLD BUSINESS CONTINUED:

5. Paving project is not complete. The Schoen property on East Main needs to be completed. This should be complete when work at the Fire Hall is completed.
6. The Risk Control Assessment information is being worked on by City Attorney

PERSONAL APPEARANCES:

Mike Lents, representing the Catholic Church discussed proposed site plans for the purposed Catholic Church building project on South Cade Road. Mr. Lents has gathered necessary site plans, permits and minutes discussing future annexation of the property. Mr. Lents is asking that the site plan be submitted to the Planning Commission for a preliminary ok.

Interim City Manager Brown reminds council that an outside engineer, other than Maberry needs to review the Catholic Church site plan. Maberry drew the plans for the church.

Moved by CM Miller, second by CM Lee that all the proposed Catholic Church site plans to be submitted to the Planning Commission for review. Motion carried.

PUBLIC HEARING 7:30 PM

Mayor Carpenter opened the Public Hearing at 7:30 p.m. regarding proposed water rate increases.

Larry Bullock questioned whether grants have been sought to help fund the arsenic plants. A grant has been applied for through the EDC. Interim City Manager Brown will explore other grant possibilities.

County Commissioner Bill Walters reminded the council that about \$10 million has been requested from the EDC from various municipalities.

Mayor Carpenter closed the Public Hearing at 7:35 p.m.

Moved by CM Lee, second by CM Lukacs to increase water rates \$15.00 per quarter for residential and \$30.00 per quarter for commercial properties. This increase of generated funds are to be earmarked for financing arsenic plant #2. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no,0-abstain, 0-absent. Motion carried.

David VanCura questions the financing for maintenance for arsenic plant #1.

Moved by CM Lee, second by CM Jacobson to rescind the above motion to allow an opportunity to check legalities and maintenance fees. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-abstain, 0-absent. Motion carried.

City Attorney clarified that the council does want him to look at the laws regarding collecting additional water rates that would be earmarked for the arsenic plants and procedure for these monies if grant monies are received. Council does want him to research.

Moved by CM Miller, second by CM Jacobson to adopt Resolution #04-19 a resolution requiring management reports be sent to the United State Department of Agriculture, Rural Development annually. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Moved by CM Miller, second by CM Navock to adopt Resolution #04-18 a resolution designating public depository and authorizing withdrawal of municipal

public monies in the following accounts: A. Investment account, B. General account, C. Payroll account, D. Sanitary Sewer System receiving, E. Major Street fund, F. Local Street fund. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

PETITIONS & COMMUNICATIONS:

Moved by CM Potts, second by CM Miller to accept the pre-application building permit for Logan Mitchell, 6777 Cade Road to construct a 22' x 24' garage. Motion carried.

TREE BIDS:

The City received 2 bids: Raymond's Tree Service for \$600.00 and Hayward & Son's Tree Service for \$345.00.

Moved by CM Miller, second by CM Navock to hire Hayward & Son's Tree Service at the price of \$345.00 for tree removal, **“contingent upon this price including” (Per the 9/13/04 council meeting)** chipping and clean up. Motion carried.

COMMITTEE REPORTS:

1. Police – Discussions are still taking place regarding the purchase of or leasing of a new police cruiser.
2. Water & Sewer- A water and sewer meeting was scheduled for August 25, 2004 at 7:30 p.m. Interim City Manager Brown would like to discuss letter received from the DEQ. Committee requests that DPW Supervisor Dave Kinney attend this meeting.
3. Tax & Finance – None
4. Streets & Sidewalks – none
5. Building & Grounds – A Buildings & Grounds Committee meeting was scheduled for August 26, 2004 at 5:00 p.m.
6. Personnel – One more resume has been recently received for the City Manager's position.
7. Brown City Days – Ended year out with \$1,273.61 profit. Planning for the 2005 BC Days has began.

Discussion regarding establishing a closing date for accepting applications for the vacant City Manager's position.

Moved by CM Lukacs, second by CM Navock to send a press release stating that the closing date for accepting applications for the vacant City Manager's position will be September 7, 2004 at 5:00 p.m. Motion carried.

TREASURE'S REPORT:

Carol Walters updated council on current tax collections as well as future procedures in collecting personal property taxes from residents within the trailer park.

ATTORNEY'S REPORT:

1. Possible contaminated water being pumped in town was brought to City's attention; this water has been tested and returned fine. Dangerous building in town is being investigated. Interim City Manager Brown is communicating with the owner's of the building.
2. FOIA request from Mr. Darcy Long was received and has been filled.
3. USDA Loan for east part of the Renaissance Zone papers was signed. We need to allow approximately 30 days for the papers to be processed.
4. A name of prospective owner and a dollar amount is needed to draft an ordinance for the sale of the Burger Building. Attorney suggests listing property if council so chooses and draft an ordinance as needed.

MANGER'S REPORT:

When Sue gets the budget done, Tax & Finance Committee need to review and discuss and needed amendments.

MDOT physicals are being reviewed

Update on soil erosion information

Moved by CM Lukacs, second by CM Potts to turn DEQ soil erosion records over to Sanilac County. Motion carried.

Mileage rates need to be sent to the county by 9-30-04.

Special assessments are due to the county by 10-8-04, letters have been sent.

Discussion regarding the DPW's confined space meter and repairs that are needed.

Moved by CM Jacobson, second by CM Navock to purchase a confined space meter, 2 masks and 2 hoses for approximately \$1,200.00. Motion carried.

MAYOR'S REPORT: None

CLERK'S REPORT: None

GENERAL CONCERNS OF THE COUNCIL:

1. Ditch behind the Fire Hall needs to be filled in before paving is done.
2. Cade Road property owners have been sent a letter regarding mowing.

Moved by CM Miller, second by CM Navock to have the City Manager hire an engineer to review the proposed Catholic Church site plans. Also to contact the church to remind them they are responsible for the payments to this engineer. Motion carried.

Dave VanCura has had inquiries in City Hall as to whether the City is going to sell the old police car that the DPW was using. Police Committee will review this issue.

Mayor Carpenter called a short recess at 8:34 p.m.

Moved by CM Miller, second by CM Jacobson to go into Executive Session at 8:37 p.m. to consider a specific written opinion of the City Attorney under attorney client privilege. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Moved by CM Lee, second by CM Miller to return to Regular Session at 9:07 p.m. ROLL CALL VOTE: Miller-yes, Lee-yes, Jacobson-yes, Navock-yes, Potts-yes, Lukacs-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

No decisions were made in Executive Session.

Moved by CM Miller, second by CM Lee to continue to Regular Session beyond the 9:00 p.m. hour. Motion carried.

GENERAL CONCERNS OF THE COUNCIL CONT:

3. Properties requiring pre-application building permits need to be visited by the City Manager once paperwork is back from the county. Set backs need to be checked.
4. Pre-application permits need to state that staking is required before the committee will review the site. A prior call to the resident needs to be made to make sure staking is complete and to let them know when the committee is coming to the site.
5. Interim City Manager Brown advises council that Old Business topics remain on the agenda until the council removes them.
6. Council requests that City Manager devise a way for a list of what requires a building permit be distributed to city residents, possibly included in tax bills.
7. Risk Control Assessment, which was started by Darcy, has a due date of August 29, 2004. The insurance company granted a 60-day extension.

Moved by CM Lukacs, second by CM Potts to hold a Special Council Meeting on September 10, 2004 at 5:30 p.m. to review City Manager applications and to select finalist to be interviewed. Motion carried.

Moved by CM Miller, second by CM Navock to adjourn at 9:25 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk

