

COUNCIL PROCEEDINGS FOR DECEMBER 13, 2004

SWEARING IN OF OFFICIALS:

Deputy Clerk David R. VanCura swore in newly elected Kelly Pavel as City Clerk.

City Clerk, Kelly Pavel, individually swore in the newly elected Mayor, Laura Carpenter, newly elected council members Ross McIvor, Christine Lee and Leon Blatt. City Clerk Pavel also individually swore in newly elected Library Board Members Ruth Render and Sandy Bissett.

Colors were presented by Brown City Boy Scout Troop #

Pledge of Allegiance was led also by Brown City Boy Scout Troop #

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

PRESENT: Mayor Laura Carpenter; Councilmembers – Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno and City Clerk Kelly Pavel.

ABSENT: None

CORRECTION AND APPROVAL OF MINUTES:

Page 1 of 6 paragraph 1 under Correction and Approval of Minutes – no included to read “not” included. Add sentence at end of paragraph to read “However, following a short discussion, it was the consent of the council for Mr. Holmes to review various files with City Attorney Garno.”

Page 2 of 6 paragraph 1 under Clerk’s report to read past election inspectors “who inquired about” “strike regarding” overtime payment....

Page 3 of 6 paragraph 1 under Attorney’s report to read: The following is a “list that includes”, but “is” not limited to

Page 3 of 6 paragraph 2 under Attorney’s report – Abandon to read Abandon”ed”

Page 3 of 6 paragraph 1 under Public Hearing to read “*An Ordinance authorizing arsenic abatement related charges to be added to water bills -*” (Title case type)

Page 4 of 6 paragraph 5 – 5701, and to read 5701, “an”

Page 4 of 6 paragraph 6 – “*An Ordinance mandating that all business premises in the City of Brown City shall have water meters –*” (Title case type)

Page 5 of 6 paragraph 4 – “*An Ordinance to amend the Brown City Code by adding a new section, which new section shall be known as section 5801 of Chapter 5, Article 8 of said code*” (Title case type)

Page 6 of 6 General Concern of the Council to read General Concern”s”...

Moved by CM Miller, second by CM Lee to accept the November 22, 2004 Minutes as corrected. Motion carried.

PAY THE BILLS:

Moved by CM Lee, second by CM Miller to pay the bills in the following funds: General - \$21,343.42, Payroll - \$28,750.96, Sanitary Sewer - \$1,622.00, Investment - \$65,649.50. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None

Citizen Bill Pepper, representing the Brown City VFW Post discussed the VFW’s concern with the Brown City Police stopping people who are leaving the VFW Hall after parties/receptions that are held there. Mr. Pepper indicated that the main source of income for the VFW Hall is rentals. He is concerned that if visitors are being harassed by the police they may see a decrease in their rental business. He also requested that the police no longer utilize the VFW parking lot to man the stop sign at the railroad tracks.

City Manager Holmes addressed Mr. Pepper’s concerns, stating that he is currently investigating a variety of complaints regarding these particular types of situations with the Police Chief.

PERSONAL APPEARANCES: None

PUBLIC HEARING: None

OLD BUSINESS:

1. Library Lease Agreement – to be discussed under Manager’s report
2. Ordinance Section 5700 – no updates
3. 1995 Police Car Bids – the car is currently listed on E-Bay. Bidding will close on 12/18/04. Current bids are topping at approximately \$700.00.
4. Building Permit Policy- discussion and review of rewording. Discussion also included the Utility Billing Policy.
5. Chapter 8 Zoning Map – no updates
6. Comcast Agreement – no new updates

Moved by CM Miller, second by CM Lee to approve the Instructions For Completing Application For Building Permit And Plan Examination Sheet as well as the Brown City Utility Billing Policy as presented. Copies of these policies will be included with the January, 2005 water bills to citizens. Motion carried.

RESOLUTIONS:

Discussion regarding Resolution #04-27

Moved by CM Lee, second by CM Miller to adopt Resolution #04-27, A *Resolution Suspending Property Tax Contribution to the Street Reserve Account for the 2004-2005 Fiscal Year*. ROLL CALL VOTE: Lukacs-no, Navock=yes, McIvor=yes, Miller=yes, Lee=yes, Blatt=no. 4=yes, 2=no, 0-absent, 0-abstain. Motion carried.

Discussion regarding Resolution #04-28

Moved by CM Lee, second by CM Miller to adopt Resolution #04-28, A *Resolution of the City of Brown City to Amend the City’s 2004-2005 Budget to Better Reflect Revenues and Expenditures*. ROLL CALL VOTE: Lukacs=yes, Navock=yes, McIvor=yes, Miller=yes, Lee=yes, Blatt=yes. 6=yes, 0=no, 0-absent, 0-abstain. Motion carried.

Moved by CM Miller, second by CM Lee to adopt Resolution #04-29, A *Resolution Authorizing Representatives of the City of Brown City be Included On Signature Cards for Banking Purposes*. ROLL CALL VOTE: Lukacs=yes, Navock=yes, McIvor=yes, Miller=yes, Lee=yes, Blatt=yes. 6=yes, 0=no, 0-absent, 0-abstain. Motion carried.

PETITIONS AND COMMUNICATIONS: None

MAYOR'S REPORT:

Discussion regarding 2004-2005 Committee assignments as well as Board and Commission appointments.

Moved by CM Miller, second by CM Lee to appoint Gary Abel and Leon Blatt to the Planning Commission, with terms expiring 12-31-2007. Motion carried.

Moved by CM Miller, second by CM Lee to appoint Kenneth Brown, Richard Fledderjohann and Imogene Sealey to the Board of Review, with terms expiring 12-31-06. Motion carried.

Moved by CM Miller, second by CM Navock to appoint Paul Muxlow, Jack Nickens, Todd Vandewarker, Jim Zyrowski, Don Richardson, Frank Lukacs, Ed Pieters, and Christine Lee to the Downtown Development Authority. Terms expiring 12-31-05 also Christine Lee and Frank Lukacs serving as City Council Representatives. Motion carried.

Moved by CM Miller, second by CM Lee to appoint John Liebler to the Brown City Evergreen Cemetery Board, with term expiring 12-31-09. Motion carried.

Moved by CM Miller, second by CM Lee to appoint David R. VanCura to the Election Commission, term expiring 12-31-06. Motion carried.

Moved by CM Miller, second by CM Lee to appoint Laura Carpenter to the Brown City Area Fire Authority. Motion carried.

COMMITTEE REPORTS:

1. Police - City Manager Holmes gave report in the absence of Chief Smith. Discussion regarding the tremendous success with the "Shop With A Cop" program hosted during this Christmas season. Over \$3,000.00 was raised to assist needy families in the area. Chief Smith would like to acknowledge all those who participated as well as donated to this effort in the local newspaper.

Moved by CM Miller, second by CM Blatt to spend \$115.00 for advertisements thanking participants in the “Shop With A Cop” program from the Public Safety/Community Promotion account. Motion carried.

2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – none
7. Brown City Days – none

Moved by CM Miller, second by CM Lee to correct the motion regarding term expiration for DDA appointments, stating that the term expires 12-31-06. Motion carried.

ATTORNEY’S REPORT:

1. Discussion regarding Library Lease.
2. Paperwork deadlines discussed regarding a pending lawsuit against the City of Brown City.
3. Discussion regarding Employee Manual updates and revisions.
4. The next scheduled council meeting on 12/27/04, Attorney Garno will be out of town. Mr. Rickert will attend the meeting in his absence.
5. City Attorney wished a Merry Christmas to everyone.

CITY MANAGER’S REPORT:

1. **Broadband Internet:** The owner of Great Lakes Internet has received the equipment and antennas for installation on the water tower. As of Friday, he was still attempting to confirm an installation date. Some work, to include installation of an antenna, was completed on City Hall. Once the installation on the water tower is complete, broadband internet access should be available after a testing process.
2. **Library Administrative Agreement:** The Library Board at their last meeting agreed to allow the library employees to become contract employees of the

City. This will allow them to be included on our workmen's compensation insurance (as they have been until recently) and streamline the procedures for the City to do their payroll and income tax withholding. The tax withholding is something the City has always done in the past and will result in no cost increases. A copy of the revised contract is being reviewed by the City Attorney.

Also, the Library Board requested permission from the City to do some painting and wallpaper replacement. They have been told they can proceed with permission of the City Council. Is there any objection to allowing the library to proceed using their own funds? **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee to authorize the Mayor to sign the Library Administration Agreement. Motion carried.

- 3. Grants:** The City received an application for a Michigan Economic Development Corporation grant. Application is due before January 14, 2005. There is a list of requirements associated with the grant, including benefit to the whole community, must be public infrastructure, ability to begin the project immediately, and a minimum of 50% matching funds. I recommend that we submit two applications, one for the community center and one for the Well #3 arsenic abatement facility. Estimated total costs for the community center are about \$50,000 plus furniture and appliances. Cost of the existing arsenic abatement facility is about \$326,000. What is the recommendation of the City Council?

Discussion by the council regarding grants. It was the consensus of the council that the City Manager proceed with grant writing process.

- 4. Risk Management:** I attended training in Cass City on December 7th. The training session was most helpful. Participants were provided with a series of checklists to determine weak and strong areas concerning employee safety and rights, training and many other areas. The Department Heads and I are working to complete these checklists so that a problem correction and training program can be planned and implemented.
- 5. Sanilac County Rural Task Force:** The Task Force is meeting on December 15th to set priorities for county road work for the next five years. With the permission of the City Council, I plan to recommend that Cade Road be placed on the project list. Is there any support for also recommending the paving of Brooks Road and north end of St Mary's Street?

6. **MDA Fund Raiser:** The Chief of Police and I participated in the Brown City Lutheran Church sponsored “jail and bail” fundraiser in support of the Muscular Dystrophy Association. The MDA raised over \$5,200 in the City. This is a tribute to our citizens.
7. **Renaissance Zone:** Discussions with the former owners revealed that they want to be paid for the difference between sale price and the price required by the loan agreement. Each of the two owners plans to donate approximately half of the money back to the City. One owner has also asked for the large pile of dirt on the property left over from construction of the Link Building. The City needs enough of the dirt to fill in the lot on 3rd Street, otherwise they would be responsible for moving the dirt (to the west side of south Cade Road). **REQUIRES MOTION.**

Moved by CM Miller, second by CM McIvor to pay \$800.00 **“to read \$8,000.00 per 12-27-04 meeting”** to Kohler/Muxlow-previous owners of Renaissance property. Motion carried.

8. **Michigan Local Government Manager’s Conference:** The Conference is scheduled for the last week in January in Grand Rapids. Would there be any objection by the City Council to me attending this Conference? **“Council is in agreement that the City Manager can attend the Michigan Local Government Manager’s Conference. Per 12-27-04 meeting”**
9. **Burger Building:** There are floor-to-ceiling cracks in the SE and SW areas of the block walls of the building. A community service worker, who is a professional mason, will be making repairs during his 60-hour obligation. Cost to the City is materials only and is less than \$500.
10. **Shoen Property:** Aztec Paving did the milling and replacement in front of the Shoen property on East Main Street. Cost was \$2,600. Project seems to have made the problem worse rather than better. I am working with MDOT in Cass City to try and resolve this issue.
11. **New City Hall Doors:** The new doors arrived and were installed on Saturday, December 4th. Following the installation, a locksmith re-keyed existing doors and produced the necessary number of keys. The process began at 7:50 AM and was completed by 3:20 PM. Doors were primed but not painted. Painting

of the outside door will take place in the Spring (when the temperature is above 50°).

- 12. Arsenic Plant:** The City is required to conduct weekly water testing at the arsenic removal facility for up to a year. Currently, the DPW Supervisor is pulling these water samples, doing the basic chemistry, and forwarding the sample and results to the EPA. In an effort to realize cost savings and to free up the Supervisor for other duties, I recommend the City hire a part-time employee to conduct this sampling. No special licensing is required. I have already located an individual interested in the job. Savings to the City could be up to \$75/week.
- 13. Holiday Season:** The City Hall will be closed all day on December 24 and December 31. Does the City Council wish to do something for the employees as has been done in the past?
- 14. City Council Priorities:** Enclosed in your packet is a bright yellow form titled “Mayor and City Council Priorities.” I will take these priorities and issues and turn them into a spreadsheet ranking these issues. The City Staff and I will use these to identify what the Mayor and Council want done and to design a plan, and budget the money, to accomplish these goals. A copy of the completed spreadsheet will be included in the City Council packet for the December 27th meeting. As the Mayor and City Council modify or change these priorities, the spreadsheet will be updated. The list will be reviewed at Council meetings periodically to keep the Council updated on progress (and costs).
- 15. Welch Property:** Dave Kinney has pulled recent water samples from this site and no sewage leak has been found.

16. SCADA System:

Council recommends that City Manager proceed with the purchase of the SCADA System.

GENERAL CONCERNS OF THE COUNCIL:

CM Lukacs thanked Mayor, council, office staff and DPW workers for the flowers, cards and well wishes after his recent surgery.

Moved by CM Miller, second by CM Lee to adjourn at 8:37 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk