

## **COUNCIL PROCEEDINGS FOR MARCH 14, 2005**

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

Pledge of Allegiance led by Councilmember Miller.

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

**ABSENT:** None.

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

Regular Meeting of February 28, 2005.

Page 3 of 7, paragraph 3, to read Mrs. Sutton asked that the record reflect her concern with a “**certain**” Biker Club...

Moved by CM Miller, second by CM Lee, to accept the February 28, 2005 minutes as corrected. Motion carried.

Moved by CM Blatt, second by CM Lee, to pay the bills in the following funds: General- \$8,999.44, Payroll- \$15,116.21, Sewer- \$298.44, Major Street- \$1,257.42, Local Street- \$1,662.41, Investment- \$14,770.44. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:** None.

### **PERSONAL APPEARANCES:**

Mr. Bob Armstrong from WMIC-WTGV Radio presented information to the Council regarding this year's radio spots and ads for the Thumb Area Blue Water Guide. Mr. Armstrong reviewed last year's information and inquired if the Council wish to participate again this year.

Moved by CM Miller, second by CM Lee, to participate in the 2005 Thumb and Blue Water Guide. Motion carried.

City Manager will provide Mr. Armstrong with any advertisement or radio spot changes necessary.

**OLD BUSINESS:**

1. Chapter 8 Zoning Map – public hearing is scheduled for 4/7/05.
2. COMCAST Agreement – see City Attorney’s report.
3. Bullock Project – see City Manager’s report.

**POLICE REPORT:**

City Manager reviewed Police Department Activity Report.

New Police car will be ready on 3/21/05

City Manager requested the hiring of a new part time police officer to replace a part time officer who is no longer with the our department.

Moved by CM Miller, second by CM Navock, to hire Andrew Young as a part time police officer to replace another part time officer who is no longer with our department. Motion carried.

**PETITIONS AND COMMUNICATIONS:**

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit from the European Deli, 4254 Main Street to construct an outside stairway and door for outside access to the second level of their business. Motion carried.

Councilman Lukacs stated that after a recent review of the employee handbook he discovered that the City Manager evaluation procedures are not a part of the handbook. Also, the current procedure followed for evaluation does not allow adequate time for new council members to formulate an evaluation of the City Manager. CM Lukacs suggests that council review and possibly revise this situation.

**PUBLIC HEARING**

Public Hearing regarding 2004/2005 Budget Final; Amendment, Taxation Levels and 2005/2006 Budget opened at 7:15 P.M. by Mayor Laura Carpenter.

Review and background of budget amendments provided by City Manager Clint Holmes.

Review and background information for the 2005/2006 Budget by City Manager Clint Holmes.

No public questions from the audience.

Public Hearing closed at 7:28 p.m. by Mayor Laura Carpenter.

Moved by CM Lee, second by CM Navock, to accept Resolution 05-06, *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 Lee, second by CM McIvor, to accept Resolution 05-07, *A Resolution Formally Approving The City of Brown City Millage Rate of 16.8733 and Brown City Park Millage Rate of 1.09 and The Fiscal Year 2005-2006 Budget*. 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.

#### **COMMITTEE REPORTS:**

1. Police – none
2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – Continued discussion regarding when the evaluation of the City Manager should take place. Additional section regarding City Manger could be added when changes to Employee Handbook take place. Resolution and policy will be developed for review.

#### **ATTORNEY'S REPORT:**

Review of COMCAST negotiations update from Attorney. COMCAST would only agree to a letter stating a good faith effort to update services for Brown City by 6/1/06. Contract contains no recourse if work is not completed by this date. Discussion that there is no other cable service currently available to area.

Moved by CM Miller, second by CM Lukacs, to accept the COMCAST contract along with the letter of assurance from COMCAST regarding updated services. Motion carried.

Attorney opinion that any financing proposals pertaining to the arsenic abatement need to be reviewed by an attorney specializing in this area due to the large sum of money involved.

Moved by CM Lukacs, second by CM Blatt, that proposals from banks received regarding the Arsenic Abatement, be reviewed by a legal specialist not to exceed \$1,200.00. ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-no, Lee-no, Blatt-yes. 4-yes, 2-no, 0-absent, 0-abstain. Motion carried.

Attorney opinion regarding Planning Commission Members is that it would not be legal to have an alternate member on the Planning Commission. The statute remains silent on this issue.

Council discussed that Commissioner Joann Potts volunteered to step down from her position on the Planning Commission if need be. Consensus to ask Mrs. Potts to step down from her position as well as to thank her for her time served.

#### **CITY MANAGER'S REPORT:**

- 1. International Union of Operating Engineers Local 324:** The DPW employees returned their ballots and unanimously voted to join the Union. The City has not yet received any information from the Union concerning negotiations.
- 2. Planning Commission Members:** A review of state law (primarily PA 285 of 1931 § 125.33 *et al.*) revealed that the Planning Commission is limited to a maximum of nine (9) members. A discussion with the Planning Commission revealed that their preference is to have Joann Potts serve as an alternate, thus reducing the number of full members to nine. Recommend a motion to change Joann's status from full member to alternate.
- 3. Park Millage:** The park millage WILL expire on January 1, 2006. A response letter was received from the County Clerk concerning the park millage. The County's opinion is that the millage will expire in January 1, 2006. I spoke with the Park Board and they are aware of the need to form a committee to

educate voters concerning the need to renew the millage. Consensus of the Park Board is to place this on the November ballot.

- 4. DNR Grant Request:** The Park Board decided to request a grant for the purpose of dredging and expanding the pond, replacing landscaping at the pond and enhancing the adjacent trail. Surplus dirt will be used to expand the sledding hill. The grant request requires a motion of support from the City Council. (REQUIRES MOTION)

Moved by CM Lukacs, second by CM Blatt, to support the Park Board applying for a DNR Grant. Motion carried.

- 5. MEDC Grant:** The grant associated with Llink Industries was reviewed and staff discovered that certain payments the City had made (legal, supplemental land costs and administrative work, were not reimbursed. The City received two checks from MEDC (\$5,200 and \$12,092.75) on March 11<sup>th</sup>.
- 6. Arsenic Abatement:** I met with representatives from National City Bank as well as Ric Bucklew from Tri-County Bank. All are concerned that interest rates will begin going up fairly rapidly and recommend locking in a rate now rather than waiting for summer. The City will need approximately \$400,000 with a 10-year payback. Cost per household will be about \$7.00 per month. (see Resolution 05-08). The Sewer and Water Committee should plan to meet to discuss this “loan” and the best way to repay it.

The meeting sponsored by DEQ in Cass City on March 7<sup>th</sup> revealed that while a mechanism is in place to receive extensions on the January 23, 2006 deadline for arsenic abatement (an Administrative Consent Order the must be signed by December 1, 2005), fines will still start and continue if the deadline is missed (the ACO will just reduce them). Signature ready copies of the ACO are being mailed to us and other affected communities.

- 7. Meth Lab Awareness Training:** The Brown City Fire Department is sponsoring a Meth Lab Awareness and Safety Precautions training session at 7:00 PM on Monday March 28<sup>th</sup> at the Fire Station. A specific invitation to attend was extended to the Mayor, City Council, City Manager and Police Department. Unfortunately, this date conflicts with a City Council Meeting; however, the police will attend this training.

- 8. Larry Bullock Lawsuit:** The City was served a Summons and Complaint concerning the flooding in the back yard of 4074 Third Street. Copies were forwarded to Midwest Claims, the law firm of Seibert & Dloski, and the City Attorney. This is in addition to the previous lawsuit.
- 9. Regional City Manager's Meeting:** I will be attending the quarterly City Manager's Meeting in Frankenmuth on Friday, March 18 from 12-2 PM.
- 10. MML Legislative Affairs Conference:** I will be in Lansing for this conference all day on Wednesday, March 23<sup>rd</sup>. This will be an opportunity to talk with our legislators and learn what issues are before the Michigan Legislature that relate to the City of Brown City.
- 11. Sanilac EDC Invitation:** I received an invitation and tickets for the Sanilac County EDC annual Partner's Meeting on April 7, 2005. Tickets are available to anyone who is interested in attending.

Water and Sewer Committee meeting is scheduled for 3/21/05 at 7:00 P.M.

**GENERAL CONCERNS OF THE COUNCIL:** None.

Moved by CM Miller, second by CM Lee, to move into Closed Session at 8:18 P.M. to consult with City Attorney regarding pending litigation because discussing in Open Session could prove to be detrimental to the City. 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 Millers, second by CM Lee to return to Regular Session at 8:48 P.M. 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.

Noted that no action was taken during Executive Session.

Moved by CM Miller, second by CM Lee, to authorize the City Manager to resolve the Bullock lawsuit as quickly and economically as possible. Motion carried.

Moved by CM Miller, second by CM Lee, that any questions from the press or any other individuals regarding the Bullock lawsuit be directed to the City Manager. Motion carried.

Moved by CM McIvor, second by CM Navock, to adjourn at 8:50 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk