

BROWN CITY COUNCIL PROCEEDINGS
JUNE 27, 2005

PRESENT: Mayor Laura Carpenter, Councilmembers: Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, City Manager Clint Holmes, City Clerk Kelly Pavel.

ABSENT: None.

Meeting called to order at 7:00 p.m. by Mayor Laura Carpenter.

Pledge of Allegiance led by Councilman McIvor.

CORRECTION & APPROVAL OF MINUTES: June 13, 2005 and June 20, 2005.

Moved by CM Miller, second by CM Blatt, to accept the June 13, 2005 City Council meeting minutes as presented. Motion carried.

Moved by CM Miller, second by CM Navock, to accept the June 20, 2005 Special City Council meeting minutes as presented. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$28,215.64, Payroll - \$17,527.41, Major Street - \$350.00, Local Street - \$350.00, Sewer - \$812.71, Water - \$2,482.24, Equipment - \$941.90, Police Forfeiture - \$166.25, Investment - \$40,807.98. Motion carried.

DPW REPORT:

Written report reviewed by the City Council.

OLD BUSINESS:

1. Chapter 8 Zoning Map – approved 4/11/05 – Master Plan Forwarded, Public Hearing scheduled for 7/7/05
2. Bullock Project – Engineering pending – see Manager’s Report.
3. International Union of Operating Engineers Local 324 – see Manager’s Report
4. Status of Llink Technologies Contract – Review ongoing.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Lee, to approve a pre-application building permit for Vernon Hillman, 4113 Third Street to install a handicap ramp. Motion carried.

PUBLIC HEARING: None scheduled.

ORDINANCES: None.

RESOLUTIONS:

1. Resolution 05-13: A Resolution Providing *PROOF OF AUTHORITY* For Entering Into Upcoming Grant Agreements With The State Of Michigan Concerning Voting Systems.

Moved by CM Miller, second by CM Navock, to adopt Resolution 05-13 - *A Resolution Providing Proof Of Authority For Entering Into Upcoming Grant Agreements With The State Of Michigan Concerning Voting Systems*. 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 – none
7. Summer Festival – will begin meeting again in September, 2005

PUBLIC QUESTIONS & COMMENTS:

Sean Hagey, 4432 Autumn Gold Street, raised a concern he has regarding a semi truck and trailer which parks at the east end of Autumn Gold Street on the week-ends. Besides being an eyesore, there are concerns about the safety of the many neighborhood children playing and riding bicycles in the area when this truck is moved. Mr. Hagey requested a no parking sign be placed at the east end of his street.

Moved by CM Navock, second by CM Lukacs, that a “No Parking” sign be placed at the east end of Autumn Gold. Motion carried.

George Hahnefeld, 4456 Belview Drive, raised his concerns about rising costs of local government. He also questions whether the City Council has put any plans into effect to reduce City taxes and cut costs. Mr. Hahnefeld also expressed his concerns about the rising legal fees paid by the City.

CITY ATTORNEY INTERVIEWS:

Council conducted two (2), individual interviews with the following law firms:

1. 7:15 – 7:35 p.m.: Gary Fletcher and Emory Clark of Fletcher, Clark, Tomlinson, Fealko & Monaghan, Port Huron.
2. 7:40 – 8:10 p.m. Ronald Rickard and Gerard Garno of Rickard, Denny and Associates, Imlay City.

PERSONAL APPEARANCES:

Mr. Jack Dempsey, 4877 Van Dyke Road, discussed possible arsenic removal options with the City Council. Council requested that Mr. Dempsey provide accurate costs for their review. Mr. Dempsey will meet and discuss these options and estimated costs with City Manager Holmes.

MANAGER'S REPORT:

- 1. International Union of Operating Engineers Local 324:** The City, represented by the City Manager, and Councilmembers Lee and Miller, met with a Union representative and one from the City's DPW on Monday, June 20th. This second meeting included the continuation of the review of the Union's Proposal, as well as a review of the City's Employee Handbook concerning areas not covered adequately by the Proposal. The Union provided some information. Another draft copy of the Proposal is being forwarded to the City for review and mark-up. The Union's economic demands were also provided; however, no discussion has yet taken place on this issue. Next meeting will be scheduled once consensus is reached on the Proposal and Employee Handbook.
- 2. Brown City Days:** During a routine traffic stop by the Brown City Police Department around midnight on June 11th, a member of City government was recorded by the in-car camera system failing to comply with a "lawful order by a peace officer." Since no search of the driver, passenger or vehicle had taken place, distracting a police officer in this way could result in injury to the officer or bystanders. Also, this type of behavior can result in arrest and a 2-year felony conviction (MCL 750.479 and 750.81a). Residents of the City are reminded that police policy since at least 1998 has been the uniform enforcement of laws and ordinances, which includes no immunity for individuals associated with local government.
- 3. Tax and Finance Committee:** I met with the Sanilac County Economic Development Corporation Director, Dale Benish, on June 22 to discuss business expansion in the City. He needs to know what inducements the City will consider in order to attract additional business into the community. Recommend a meeting of the Tax and Finance Committee to review this issue and make recommendations. Does the committee wish to meet or does the Council wish to discuss this as a whole?

Tax & Finance committee meeting scheduled for July 5, 2005 at 2:45 p.m.

- 4. 2005 Sidewalk Project:** Notification of the City accepting the bid of Tom's Ultimate Concrete Finish was sent out June 21st. I will be meeting with the owner, Tom Zyrowski, to discuss the specifics of the 2005 Sidewalk Project. Once this is complete, and the proper paperwork has been filed with the City, i.e., insurance forms, construction may begin.
- 5. Cemetery Water:** During a special meeting of the City's Evergreen Cemetery Board, they approved two requests to the City Council. First, is NOT to annex the cemetery into the City since this could cause significant problems when in the future the cemetery has to expand; and second, to request a variance to City Ordinance Section 5700 and run a water line to the cemetery's boundary as soon as possible. How does the City Council wish to proceed?

Council consensus that City Manager will present cost figures for well digging versus running a water line to the cemetery property.

6. **City Web Site:** The approval of the City's domain name <www.ci.browncity.mi.us> has not yet been received. Does the Council have any specific requests or recommendations concerning the design or content of a City web page?
7. **Park Lease and Incorporation Papers:** The meeting with the law firm in Lapeer took place on June 16th. A report with a recommended course of action is expected soon.
8. **Police Vehicle:** The 1999 Crown Victoria police car was sold on E-bay on June 22nd. The winning bid was \$1,625. Officer Cubitt invested a total of approximately six hours in the sale of this and the previous police car. Unless there is objection from the City Council, I plan to pay him for these six hours at his current pay rate.

No City Council objections to paying Officer Cubitt for his time.

9. **MDOT Streetscape:** The engineering firm retained by the City to develop plans for the proposed MDOT Streetscape has submitted the most recent set of plans to MDOT, where the review process continues. The final review meeting is scheduled for July 26 in Cass City. Final approval, if funding becomes available, should take place this fall, with construction to begin sometime in 2006. The process continues to become increasingly complex.
10. **State Police Investigation:** No report has been received from the Michigan State Police as of June 24th.
11. **Bullock Lawsuit:** The City's attorney in this case notified the City that trial has been set for September 22nd at 9:30 AM in Sandusky. I am working with the office of the (acting) City Engineer to develop public utility easement documents and request signatures from the owners of the property to the north before doing any additional work. Working without an easement may have contributed to the current situation. I am also talking to a local contractor about the costs and timing associated with construction of a storm water diversion ditch/drain.

Mr. Bullock discussed with the Council the ongoing water problem on his property and his desire to have the problem corrected in the very near future.

Moved by CM Miller, second by CM Lee, to extend the meeting beyond the 9:00 p.m. hour. Motion carried.

12. **City Ordinance Codification:** The company the City hired to begin the codification process has provided a questionnaire concerning format and editing. Does the City Council have any objection to switching from our current numbering system to that of American Legal? Does the City Council have any objection to allowing this company to edit the document for grammar, spelling and punctuation, etc.? Does the City Council want code supplements more than once per year? A copy of the three page questionnaire is available for review.

Council consensus to allow the company to edit for grammar, spelling and punctuation as well as using the American legal system of numbering. Consensus to receive once a year code supplements.

13. **Grass & Blight:** The City DPW has been directed to begin cutting the grass on that property which has not complied with the City requirements. Additionally, the City has begun enforcement procedures on two properties, on Maple and Main Streets. Coordination with the contractor hired to demolish the trailer on Maple Valley Road revealed that demolition should be complete by June 27th.
14. **Human Resources Training:** I will be attending an all-day class in East Lansing titled "Employee Discharge and Documentation in Michigan" On Wednesday, June 29th. I am also taking one vacation day on Thursday, June 30th since remaining vacation days are lost after this date. So I will be out of the office these two days (but available by cell phone).
15. **Police Ride-Along Program:** A copy of the proposed policy, rules, and application and waiver forms were provided to Councilmembers was provided at the last meeting. Request a motion to approve the policy.

Moved by CM Miller, second by CM Lee, to accept the Police Ride Along document as policy. Motion carried.

16. **Water Bill Monthly Policy:** A few individuals have requested to pay their Brown City utility bill in monthly installments rather than as a lump sum quarterly. A copy of the proposed form for requesting installment payment is provided. Does the City Council support approving this policy and the associated form?
17. **Eminent Domain:** The US Supreme Court agreed that units of government may use *eminent domain* for acquiring land (at fair market value) for economic development reasons. This is an expansion of the current use.

GENERAL CONCERNS OF THE COUNCIL:

CM Lee reminded the City Council about the importance of supporting our Police Department and the fine work that they are doing.

CM McIvor presented information pertaining to 6905 Cade Road home owners who wishes to fill in their ditch. City ordinance has been reviewed by City Manager regarding this issue, requires City Council approval.

Moved by CM McIvor, second by CM Blatt, to allow Ron Zarko to fill in his ditch at 6905 Cade Road with a proper clean out installed. Motion carried.

MAYOR'S REPORT:

Mayor Carpenter read a thank you card from City employee Sue Martinez, and a thank you letter from City Attorney interviewee Steve Jarvis.

Discussion regarding attorney interviews amongst City Council members.

Moved by CM Lukacs, second by CM McIvor, to enter into a new contract provided by Rickard, Denny and Associates of Imlay City. 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.

Moved by CM Miller, second by CM Lee, to adjourn at 9:36 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk