

**COUNCIL PROCEEDING FOR
JULY 25, 2005**

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

Pledge of Allegiance led by Councilmember Miller.

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, City Clerk Kelly Pavel.

ABSENT: None.

Moved by CM Miller, second by CM Blatt, to accept the July 11, 2005 Regular Meeting minutes as presented. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Miller, to pay the bills in the following accounts: General - \$18,426.81, Payroll - \$14,940.46, Major Street - \$7,987.50, Local Street - \$900.00, Sewer - \$13,715.42, Water - \$24,047.03, Investment - \$14,585.43, and to include a payment to Carl's Septic Service for \$50.00. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Steigerwald questioned the necessity of including a ballot proposal regarding police coverage in the upcoming election. Mr. Steigerwald suggested that if a millage increase is placed on the ballot that a third option to voters stating no change at all in police coverage be included. Mr. Steigerwald also questioned various police activities on specific dates.

PERSONAL APPEARANCES: None scheduled.

DPW REPORT:

Written report reviewed by council. CM Lukacs questioned water leak near Railroad tracks and its continuous problems. City Manager Holmes states that repairs have been made to the cast iron main and the problem should be solved. City Manager Holmes commented that constant truck vibration and traffic can cause problems to the seal, but was not aware of any damage.

OLD BUSINESS:

1. Chapter 8 Zoning Map – Pending approval by a super-majority of the Planning Comm.
2. Bullock Project – trial 9/22/05, City depositions earlier
3. International Union of Operating Engineers Local 324 – see Manager's Report
4. Status of Llink Technologies Contract – under review for finalization
5. Cemetery Water – see Manager's Report

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to accept a pre-application building permit for Patrick Nason - 4116 Fourth St., and Kristy Bitel - 4212 Vine, for installations of above-ground swimming pools. Motion carried.

Moved by CM Miller, second by CM Lee, to accept the pre-application building permit for Len Solon, 4220 Third St., to replace his roof with a metal roof. Motion carried.

Moved by CM Miller, second by CM Lee, to accept a pre-application building permit for Clint Holmes, 6808 James St., demolish swimming pool, add second layer of shingles and repair roof framing on storage shed if necessary. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for Lynn Manogue, 4163 Maple St., to build an addition, pending City Manager receiving prints and plans. Motion carried.

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS: None.

CITY MANAGER'S REPORT:

- 1. International Union of Operating Engineers Local 324:** The Personnel Committee reviewed the proposed Agreement and DPW job descriptions. Changes were incorporated and the draft documents were mailed to the Union July 19th.
- 2. 2005 Sidewalk Project:** James Street is completed except for some clean-up and landscaping. The same is true for the post office sidewalks. Some changes were made to the original contract because of terrain and suggestions by the postmaster and contractor.

Mayor Carpenter requested that some type of paint be applied to area that meets the curb to possibly prevent someone tripping. City Manager will look into this.

- 3. 2005 Street Program:** The draft request for proposals (RFP) has been prepared. Once the specifications have been received from Davis Land Surveying and Engineering, the RFP will be released.
- 4. 2006 Streetscape Project:** The 2006 MDOT Streetscape project for our downtown area is currently scheduled for a bid opening on October 7, 2005. The design plan completion date is currently set at August 8, 2005. A combined plan review and errors and omissions check meeting is scheduled for July 26, 2005 in Cass City. Both the City Manager and (acting) City Engineer will attend. The precise construction schedule has not been determined. However, construction is planned for the 2006 construction season. In preparation for these meetings, the City Manager, (acting) City Engineer and two representatives from DTE Energy Outdoor Lighting Group met to review plans and requirements for the replacement of seven streetlights in the downtown area as an adjunct to the MDOT contract. The City's match costs for this project should remain below \$200,000. At some point, the Streets and

Sidewalks Committee should discuss whether downtown merchants will be required to share costs for the sidewalk replacement portion of the project.

5. **Cemetery Water:** A request for proposals (RFP) has been sent to local well drillers and will be advertised in the Sanilac County News. Bids are due to City Hall by 11:00 AM on August 19 so they can be reviewed and acted on by the City Council on August 22nd.
6. **Police Ride-Along Program:** A review of the minutes from the past two meetings revealed that no formal motion was passed to adopt the Police Ride-Along Program Policy. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee, to adopt the Police Ride-Along Program Policy. Motion carried.

7. **Building Permits:** The Sanilac County Building Department, at the request of the City, is investigating properties in the City that have begun construction or renovation projects but failed to apply for or receive building permits. 4000 Main Street, 4046 Main Street and 4455 Main Street are included in the investigation by the County. Violators may be subject to a \$250 fine and receive a stop work order.
8. **Izworski Lawsuit:** Depositions from City employees and the plaintiff on July 18th in Brown City. This lawsuit dates from November 2003. The case evaluation hearing is scheduled for July 28 and will be heard by a panel of three attorneys selected by the Court. Attorney Seibert will discuss the award with the City subsequent to the hearing to include the "ramifications of accepting or rejecting the same." The 20+-page case evaluation summary is available for Council review.
9. **Police Millage:** The Police Committee recommended at their May 16 meeting that the City Council approve the proposed police millage proposal (attached) for inclusion on the November ballot. Action is required prior to the August 8 cut-off date. **REQUIRES MOTION.**

Discussion regarding Police Millage options for ballot proposal. The addition of a third option, stating that police protection would not change was also discussed. Suggestion that wording could be placed at the top of the ballot to explain if options 1 and 2 did not pass.

Moved by CM McIvor, second by CM Navock, to eliminate any and all Police Millage proposals for upcoming election. **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.

10. **Park Board Water Slide:** The Park Board has tentatively accepted an offer of \$2K plus the filling in of the swimming pool in return for the Park's water slide. The buyer will be responsible for dismantling and removing the water slide from the site.
11. **MML Convention:** One member of the City Council and I have signed up to attend the 107th Michigan Municipal League Convention in Grand Rapids on September 20-23. Are any other Councilmembers interested in attending?

Moved by CM Blatt, second by CM McIvor, to pay for CM Lee's attendance at the 107th MML Convention September 20-23, 2005. Motion carried.

- 12. State Police Investigation:** No report has been received from the Michigan State Police as of July 22nd.
- 13. Park Lease:** Mr. Shamblin has reviewed the Park Lease documentation and provided a five-page opinion. A copy has been provided to the Chairman of the Park Board and the City Attorney. I will invite Mr. Shamblin to attend the next Park Board meeting to discuss the options.
- 14. Drop Box:** The armored box for dropping off City utility payments has been installed on the front of the building. A permanent sign stating utility payments for City utility bills only will be posted on the box as soon as it is manufactured. No cash will be accepted, checks only.

ATTORNEY'S REPORT:

City Attorney Garno stated that he had various issues to be discussed in closed session later in the meeting.

COMMITTEE REPORTS:

1. Police- CM Miller responded and clarified various issues which were previously presented by public.
2. Water & Sewer – discussion regarding the City charging Fire Authority for water used out of town. City Manager Holmes indicated that minutes from both bodies have been researched and no indication was found that the City agreed to not charge a fee for these waters in exchange for the fire hall being built in the City of Brown City. Gene Burgess, Roger Wood, Bill Mahaffey and Leon Blatt all recall this issue being discussed when the Fire Authority was being formed.

Moved by CM Blatt, second by CM Miller, to rescind the motion made on February 14, 2005 to charge the Fire Authority an annual fee of \$500.00 for water used out of town. ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-no, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 1-no, 0-absent, 0-abstain. Motion carried.

3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – minutes reviewed by CM Lukacs
7. Summer Festival – Commission adjourned until September, 2005.

GENERAL CONCERNS OF THE COUNCIL:

CM Blatt asked that minutes be reviewed to research if the City is under any obligation to maintain United Methodist Church parking lot, other than snow removal.

CM Miller asked if monthly or quarterly option of water bill payments for residences has been implemented.

Moved by CM Miller, second by CM Blatt, that payment policy to pay water bills monthly or quarterly be accepted. Motion carried.

MAYOR'S REPORT:

Mayor Carpenter reported on MML President, Margene Scott's visit to Brown City.

Sample "Key to the City" was shown to members of the City Council.

Moved by CM Miller, second by CM McIvor, to move into Executive Session at 8:04 p.m. to consult with the City Attorney regarding trial and settlement strategies because discussing in open session would have a detrimental financial effect on the litigating or settlement position of the public body. 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 Navock, to return into regular session at 8:17 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 in Executive Session.

Moved by CM Miller, second by CM Navock, to adjourn at 8:18 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk