

COUNCIL PROCEEDINGS FOR JANUARY 11, 1999

Meeting called to order at 7:00PM by Mayor Ken Brown.

Pledge of Allegiance led by CM Marvin Ford.

PRESENT: Council Members: Laura Carpenter, Marvin Ford, Mike Lents, Kelly Pavel, Mayor Ken Brown, City Clerk Julie Miller, City Manager Clint Holmes, City Attorney Marilyn Zimmerman. ABSENT: CM Johnson and CM Murray.

Moved by CM Ford, supported by CM Pavel to approve the Minutes of the December 28, 1998 as presented. MC.

PUBLIC QUESTIONS AND COMMENTS:

Marilyn Treve, Vice President and Treasurer, from Treve's Pizza Inc. requested approval from the Council for re-location of Treve's Pizzeria from 6995 James Street to the old D & R Building on Main Street. Treve questioned the zoning of this location, Council said it is already zoned Commercial which is what is needed. Council wished her Good Luck in the re-location.

RECESS AT 7:10 PM Due to CM Carpenter having to leave. Meeting called to order at 7:15 PM.

Bob Armstrong from SANILAC BROADCASTING, WMIC AND WTGV-FM presented a 1998 Activity guide for Brown City Days to the Council with question of renewal for 1999. Council requested that the Art Class at school get involved with the artwork for these advertisements. Cost of this advertisement would be 78, 30 second commercials at \$7.30 each, \$569.40, with the donation of the schedule page. Approximately 30% is used for Brown City Days, and 70% is used for the Park and Pool.

Moved by CM Lents, supported by CM Carpenter to continue to advertise in the Sanilac Broadcasting 1999 Activity Guide for the Thumb and Blue Water Area. MC.

Manager to get with the Art Class.

Larry Steigerwald questioned the Council again about ordinance 8407.1, Manager answered that this ordinance is not applicable for this situation, and that there is no ordinance that specifically requires the City to force the Apt., put up a fence. City Attorney Marilyn Zimmerman commented the site plans should have been approved by the reviewing body and this ordinance is discretionary not absolute, and this Council does not have the authority to make site plan changes to make the Apts., to put up a fence. Steigerwald commented that the site plans were not approved years ago by the Council and/or the Planning Commission., and questioned the Nuisance ordinance. Attorney commented that this ordinance not applicable, that the city cannot resolve all issues between neighbors. Manager to look into the minutes of 1980-1981 to find information on this Apt. dwelling. Steigerwald contested that the site plans were not brought before the Council. Mayor Brown questioned if this council is responsible for other Councils'

decisions?, Attorney said that the City may or may not be responsible depending on individual circumstances. Attorney to look into this further. Steigewald questioned if the City is obligated to protect his property, she answered “as a general rule, NO”. The City has certain obligations to the owner, but can not resolve all issues between neighbors. Steigewald questioned the Attorney on how she made her recommendations. Attorney answered her education and experience and she also conversed with another Attorney.

ORDINANCES:

City Attorney scheduled a work session on February 3, 1999 at 7:00PM to continue to work on the ordinances.

PAY BILLS:

CM Pavel questioned the bill for a new bed liner for the 88 Ford. Manager explained that they needed it to prevent the box from rusting due to the truck being used to spread salt. Discussion on the gas bill, Manager responded that the thermostat is set at 40 degrees for storage of the sewer machine in the old fire, to keep it from freezing and ruining it. The bill came in at \$180.00. DPW is looking into this to make sure the thermostat is set correctly. Manager is looking into tarps to separate the building to keep the heat cost down. DPW recommends tearing the building down.

Moved by CM Pavel, supported by CM Ford to pay the bills as presented in the following funds: General fund, \$15,101.10, Payroll fund, \$10,959.17, Sanitary Sewer fund, \$8436.26, Major Street fund \$249.75, Local Street Fund, \$249.75, Water Recreation Fund, \$39.13. MC.

ATTORNEY’S REPORT: None.

COMMITTEE REPORTS:

Buildings and Grounds: None

Police: None

Water and Sewer: None

Streets and Sidewalks: None

CM Pavel set a meeting for Streets and Sidewalks for Monday Jan 18, 1999 at 7:00PM to start on bid proposals for 1999 Sidewalk Project.

MANAGERS REPORT:

1. Planning Commission passed a resolution and recommended that the council approve Phase II for Maplevue Estates, water meters, fencing and an emergency access road. Discussion by Council on this issue extensive.

Moved by CM Carpenter, supported by CM Lents to approve Maplevue Estates Phase II for construction of an emergency access road and good faith discussion to build the fence around it, and installation of water meters. Roll Call Vote: Pavel-yes, Lent-yes, Ford-yes, Carpenter-yes. 4-yes, 0-no, 2 absent. MC.

Jack Treat, Manager of Maplevue Estates commented that all of Phase II would be fenced.

Manager discussed Phase III with the Council. Grand total of homes within the 3 phases would be 221. Phase III needs to be re-zoned, with a public hearing. Questions on Lagoon Capacity for this addition.

Moved by CM Lents, supported by CM Ford to hold a public hearing at the Planning Commission Meeting on Feb 4, 1999 at 6:45PM. MC.

CM Lents questioned if Council was allowed to attend with out any controversy, okay to attend as a spectator.

Manager discussed with the Council the water and sewer tap fees for the Maplevue Estates. He recommended they need to be reviewed and increased.

2. Manager reported on Investment Policy Update, will complete paperwork to establish account with Michigan National Bank. John Lehotan said he recommends the City Attorney review the letter from Tri-County Bank.
3. Manager reported that he found a computer of choice with the cost to be approximately \$2,500.00. CM Ford requested Manager get an extra surge protector.
4. Internet is up and running into City Hall.
5. Police Procedures Manual, Chief Smith obtained a generic police procedures manual on disk, Manager recommends some changes to customize for Brown City. Once changes are complete, manual will be made available to the Police Committee for review and adoption.
6. Manager reported that the Personnel Manual is being fine tuned and barring disaster should be available prior to the next Council Meeting.
7. City Long Range Plan: Received outline from DPW, information from Police pending. Manager requests the City Council Committee Chairpersons provide him with any recommendations or suggestions for Capital Improvements in the near-and long-term.
8. Manager reported on budget for Wastewater Debt paid April and October 1998 (\$26,305), and Highway Loan paid May and November 1998 (\$11,393).
9. Manager reported on DPW/Police Physicals/Vaccinations: 2 of 3 DPW complete. Last one scheduled for next week. Chief Smith is scheduling himself and Officer Sabada, and he is reviewing status of other officers. Will be completed this month.

10. Ted Wasinski requested that the City erect snow fencing in the park to reduce drifting in his yard. Council recommended that he ask the Park Board if he is allowed and to do it himself at his own cost.

11. Manager reported that Larry Steigerwald is conferring with his lawyer concerning the ditch. Also that in coordination with City Attorney ordinance 8407.1 not applicable.

12. Rod Hughes once again sent a letter requesting the City Council vote to move the sidewalk at St Marys St and 2nd Street. City is not responsible the Railroad is, therefore a replay of a letter sent in August will be sent again.

13. Manager reported that Charlie Wilcox desires a raise for equipment use, at \$7.00 an hour labor and \$13.00 an hour for equipment. He supplies his own equipment and supplies his own gas and service to them. CM Pavel requested that the garbage on the corner of Main and Cade be picked up and not shredded by the mower in the summer. Council recommended getting ahold of Student Council to erect a program for this.

Moved by CM Ford, supported by CM Carpenter to increase equipment cost for Charlie Wilcox from \$8.50 to \$13.00, labor to stay at \$7.00 an hour for total from \$15.50 to \$20.00. MC.

14. Manager reported on appointment with Insurance adjuster for flooded basement at 7180 Lincoln Street over New Year's Weekend due to water valve being labled incorrectly and the water being on instead of turned off (due to non-payment of bill) Homeowner, Dave Kinney, City Manager all to meet.

15. Dan Tobey paid for mowing costs of \$525.00, for the Cade Rd property.

16. Manager requested that the Water and Sewer Committee increase tap fees. Current fee is about half of what it should be.

17. Manager reported on the complaints from DPW about cars being parked on the Streets after the 2:00 AM deadline, due to the snow removal process. Chief Smith to issue tickets for noncompliance.

MAYORS REPORT:

Mayor Brown reported that when the water survey was done 2 people applied to be on the Planning Commission, Renee Nason and Joan Palmerri. Mary Lou Schoenhals and Ron Wood are the members being replaced.

Moved by CM Pavel, supported by CM Carpenter to appoint Renee Nason and Joan Palmerri to the Planning Commission for a 2 year term. MC.

Mayor recommended re-appointing Jim Carson and Lee Elston to the Planning Commission.

Moved by CM Carpenter, supported by CM Pavel to re-appoint Jim Carson and Lee Elston to the Planning Commission for 2 year terms. MC.

OLD BUSINESS:

CM Lents requested information on leased vs owned dwellings in the city. Manager to do this.

Moved by CM Ford, supported by CM Pavel to adjourn at 8:48PM. MC.

Respectfully submitted,

Julie P. Miller
City Clerk