

COUNCIL PROCEEDINGS FOR JANUARY 24, 2005

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

Pledge of Allegiance led by CM Eugene Navock.

PRESENT: Mayor Laura Carpenter; Council members: 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:

1. Regular Council Meeting of January 10, 2005

Page 2 of 7, last sentence to read by CM Miller, “**contingent on including the above**” discussed amendments as well as Attorney review “**and approval**”.

Page 3 of 7, paragraph 1, to read Ordinance Section 5700 “**as amended**”.

Moved by CM Miller, second by CM Lee, to approve the January 10, 2005 minutes as corrected. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$29,229.82, Payroll - \$14,218.87, Sanitary Sewer - \$14,801.45, Major Streets - \$860.14, Local Streets - \$860.14, Investment - \$14,874.38. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Steigerwald questioned the necessity of a pre-application building permit for City residents who are residing, replacing windows or replacing shingles when the county does not require a permit. City Manager explained that it has been the policy of the Council to obtain pre-application building permits for all alterations being done to homes. This allows the City to stay abreast of construction and hopefully deters weekend projects without City knowledge. Any permits that need to be forwarded to the county are sent; otherwise permits are kept on file with the City.

Mr. Steigerwald also questioned why the Fire Authority is not properly charged for water, which is taken out of town for fire calls. City Manager stated that this question could be addressed at the next Fire Authority Meeting.

OLD BUSINESS:

1. Library Lease Agreement – pending, Library Board Meeting is scheduled for 1-25-05 and a signature should be acquired at this time.

2. Ordinance Section 5700: Sewer and Water Policy for Non-Resident Utility Service – see below
3. Chapter 8 Zoning Map – pending
4. COMCAST Agreement – see Manager’s Report
5. Bullock Project – review/pending

DPW REPORT:

Report submitted for Council review by DPW Supervisor Dave Kinney, Council had no questions.

PETITIONS & COMMUNICATIONS: None.

PUBLIC HEARING regarding Section 2300: An Ordinance establishing the Brown City Festival Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the annual summer festival.

Mayor Carpenter opened the Public Hearing at 7:15 PM

City Manager Holmes presented a brief overview of Ordinance Section 2300.

No public questions or comments

Mayor Carpenter closed the public Hearing at 7:16 PM.

Moved by CM Miller, second by CM Lee, to adopt Ordinance, Section 2300: *An Ordinance establishing the Brown City Festival Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the annual summer festival.* 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.

Resolution 05-03 outlined by City Manager Holmes.

Moved by CM Miller, second by CM Lee, to approve Resolution 05-03: *A Resolution allowing the Board of review to act upon Written Requests from Taxpayers.* 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.

Resolution 05-04 outlined by City Manager Holmes.

Moved by CM Miller, second by CM Lee, to approve Resolution 05-04, *A Resolution of the City of Brown City to extend the term of the Cable Franchise.* 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.

PUBLIC HEARING regarding section 2350: An Ordinance establishing the Brown City Homecoming Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the quinquennial Homecoming Festival.

Mayor Carpenter opened the Public Hearing at 7:20 PM.

City Manger Holmes presented a brief overview of Ordinance Section 2350.

No public questions or comments.

Mayor Carpenter closed public Hearing at 7:22 PM.

City Attorney questioned whether the City's insurance company made this request for proper insurance coverage. City Manager Holmes responded that this was the primary reason for the change from Committee to Commission.

Moved by CM Miller, second by CM Lee, to adopt Ordinance Section 2350: *An Ordinance establishing the Brown City Homecoming Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the quinquennial Homecoming Festival.* 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

Discussion regarding Resolution 05-02 by City Manager Holmes. City Attorney Garno also discussed his recommended changes to Resolution 05-02, which were included in Council packets.

Moved by CM Miller, second by CM Lee, to adopt Resolution 05-02: *A Resolution describing City Council Policy for Family Continuation Health Care Coverage.* ROLL CAL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

TREASURER'S REPORT:

The City Treasurer and City Assessor are responding to requests by Maple Valley Estates for tax and assessment information.

GENERAL CONCERNS OF THE COUNCIL:

CM McIvor questioned gas usage by the police department being charged to DPW. City Manager Holmes indicated that a formula is now being used to compute charges when the bill is received. Past records indicate approximately 52% is used by the police department and 48% is used by the DPW. This varies slightly when the park is in operation for summer months due to gas used for park mowing. There has been some discussion regarding the installation of a second storage tank.

PUBLIC HEARING regarding Ordinance Section 5700: An Ordinance Establishing Requirements for Water and Sewer System Connection.

Mayor Carpenter opened the Public Hearing at 7:30 PM.

City Manager Holmes presented a brief overview of Ordinance Section 5700.

Ken Brown suggested that this Ordinance be tabled until infiltration issues with the City sewer and water system are resolved.

Mayor Carpenter closed the Public Hearing at 7:35 PM.

City Attorney Garno reminded the Council that this Ordinance allows the ultimate decision to be left in the hands of the Council. A case-by-case review could be conducted upon requests based on lagoon capacities. City Manager Holmes also addressed the fact that connection/tap-in locations in relation to the current system and its abilities could also factor into the decision process. A report addressing these issues would need to be reviewed at the time a connection is requested.

Moved by CM Lukacs, second by CM Navock, to adopt Ordinance Section 5700: *An Ordinance Establishing Requirements for Water and Sewer System Connection*. 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.

ATTORNEY'S REPORT:

1. Review of Union Recognition Agreement has been completed per Council's 1-10-05 request. The City Attorney recommended that the Council not sign this agreement at this time based on supervisor definition requirements included in the Recognition Agreement. If the City chooses not to sign at this time, operations will continue as usual with the Employee Handbook governing. An administrative hearing would then be requested.

City Manger informed the Council that the previously discussed conference call took place and a continuance was requested and granted. The next conference call is scheduled to take place on 1-26-05.

Council discussion regarding Recognition Agreement.

Moved by CM Miller, second by CM Lee, to not sign the Union Recognition Agreement at this time based on the City Attorney's recommendation. Motion carried.

CITY MANAGER'S REPORT:

- 1. Grants:** The letters of intent for two MEDC Grants were mailed prior to the deadline. The cost of refurbishing the Community center is \$163,000, of which the MEDC was asked for \$79,607. The City has already invested \$61,895 in the building which should count toward our match. The second request was for an arsenic removal facility. Total estimated cost is \$413,300 with the request the City and MEDC split this cost (\$206,650 each). MEDC requires the City Council formally agree to pay the 50% match. **REQUIRES MOTION** to obligate the 50% matching funds for grant requests approved by MEDC.

Grant requests were also sent to the Ford Foundation for \$20,000 toward the Community Center, and to Sam's Club for \$1,500 to fund a radar system for the new police car.

Moved by CM Lukacs, second by CM Miller, to obligate matching funds for approved grants. Motion carried.

- 2. New Police Car:** Chief Smith checked with the dealer and the new car is expected to arrive at the dealership on January 31, 2005. The car will require some modification and will be ready for pick-up by the City in mid-February.
- 3. COMCAST Cable Franchise:** (Please see Resolution 05-04) I am scheduled to meet with the director, Mr. Tom Lerash, at the Comcast offices in Bad Axe on Tuesday, January 25th. Plan is to review and negotiate the franchise agreement at that time. Anticipate a draft agreement will be ready for review by the City Council at the February 7th meeting.
- 4. International Union of Operating Engineers Local 324:** The conference call took place on Tuesday, January 18th. The City requested the discussion be postponed since a response concerning the initial agreement had not yet been received from the City's labor attorney. The conference call was rescheduled for Monday, January 24th.
- 5. Risk Management:** The MML Risk Management Team will be visiting us on Tuesday, February 8th to discuss strategies to improve worker safety and reduce the City's exposure to hazards and potential lawsuits. The MML has provided us with various checklists that will be reviewed at the meeting.

6. **Broadband Internet:** Great Lakes Internet needs to install some computers inside the base of the water tower. Equipment is necessary to operate the broadband system. The owner of Great Lakes wants to know how the City will charge for the electricity used by these machines. Anticipated cost is about \$20 per month. We can either charge a flat fee of \$20, or develop a formula. What is the consensus of the Council?

Moved by CM Miller, second by CM Lee, to charge a flat fee of \$20.00 for electrical use to Great Lakes Internet, with the stipulation that fee is negotiable based on future inflation or other unforeseen factors. Motion carried.

7. **Excavation & Trenching Safety:** The City's DPW will be hosting this MIOSHA-taught training on May 18th at the local Fire Station. This training is mandatory for all public employees that do excavating and/or trenching. The DPW employees of local communities are being invited to attend this training. There is no charge if we have at least 10 students.
8. **Downtown Development Authority (DDA):** Research revealed that the terms of DDA members are required to be staggered. Attached are the individuals and terms recommended for the DDA. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Navock, to rescind the January 10, 2005 DDA appointments and reappoint the same members on staggered terms. Members and term expiration dates are as follows: Frank Lukacs 12-31-05, Paul Muxlow 12-31-05, Jim Zyrowski 12-31-06, Jack Nickens 12-31-06, Todd Vandewarker 12-31-07, Don Richardson 12-31-07, Ed Pieters 12-31-08, Christine Lee 12-31-08. Motion carried.

MAYOR'S REPORT: None.

Moved by CM Miller, second by CM Blatt, to adjourn at 7:59 PM. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk