

COUNCIL PROCEEDINGS FOR JANUARY 25, 1999

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

Pledge of Allegiance led by CM Mike Lents.

PRESENT: Councilmembers: Laura Carpenter, Jerry Johnson, Marvin Ford, Mike Lents, Judy Murray, Kelly Pavel, Mayor Ken Brown, City Clerk Julie Miller, City Manager Clint Holmes, City Attorney Marilyn Zimmerman.

CORRECTIONS to January 11, 1999 Minutes:

\*\*\*REMOVE FROM STATEMENT BETWEEN PARAGRAPHS 1 AND 2: Meeting called to order at 7:15 PM.\*\*\*

\*\*\*ADD TO STATEMENT BETWEEN PARAGRAPHS 1 AND 2: CM Carpenter returned and the meeting was called to order at 7:15 PM.\*\*\*

Moved and supported to accept the minutes for January 11, 1999 as corrected. MC.

PUBLIC QUESTIONS AND COMMENTS:

1. Todd Vandewalker questioned the council about snow removal near his home. Vandewalker said that snow is being pushed into the ditch near his home, which is causing flooding onto his property. He requested that the City not push the snow so far into the ditch to avoid blocking the flow causing the flooding. City Manager to review this situation.

PERSONAL APPEARANCES: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

ORDINANCES: NONE.

City Attorney requested that the council meet on Wednesday, February 4, 1999, at 7 PM for a work session on City ordinance changes and that she would provide a copy of these by this Thursday. Council agreed and scheduled the meeting.

RESOLUTIONS: Please see Manager's Report.

REPORTS AND RECOMMENDATIONS: NONE.

PAY BILLS:

Moved by CM Murray supported by CM Carpenter to pay the bills as presented in the following funds: General Fund: \$19,761.04; Payroll Fund: \$21,091.03; Sanitary Sewer Fund: \$6,169.01; Investment Fund: \$21,744.42. MC.

ATTORNEYS REPORT:

City Attorney reported that she tried to contact Mr. Marsh, the new owner of the Snoblin property. Mayor Brown commented after the last meeting that possibly a letter should be sent to the new owner regarding his intentions of this property. Nothing has been done to this property to date, which is a concern for the City. Council suggested sending a

registered letter to the new owner questioning his intentions. Mr. Marsh commented to Marilyn after the hearing in December, that he did not want to put any extra money into the property until the liens were released and he knew he was clear to proceed. Attorney commented that all liens were released. City Manager to send a letter to Mr. Marsh and regarding his intentions, and request a time table on when he plans to commence and conclude construction, what construction he plans to do. If no response to the letter within 30 days, the City will look into condemnation proceedings. This letter will be sent Registered and Certified. Mayor commented that Mr. Marsh seemed very interested and attended the Court proceedings. Manager to send the letter.

Attorney was requested to advise Council of her opinion regarding the possibility of towing vehicles to allow snow removal. Attorney researched and found 3 alternatives.

1. Uniform Traffic Code, which Brown City has adopted, allows the Police to impound vehicles when necessary in the interest of public safety because of fire, snow or other emergency reasons. Opinion from Attorney, this is putting a lot of responsibility on the Police to determine if an actual emergency exists. Supplement with an ordinance to allow either the Mayor, the Council or the City Manager to declare a snow emergency and require the removal of cars. Once published (on TV), the police could impound under the uniform traffic code.

2. Some municipalities have ordinances and post signs at the entrances of town that no vehicle can be parked on public streets during certain months between certain hours.

3. The City Charter Section 2.16 allows the council to pass an emergency ordinance, which the council can adopt and then publish and would be repealed the 61<sup>st</sup> day after adoption.

Council questioned our current signs that are posted. Attorney recommended looking into old minutes to find this ordinance and to check into related resolutions. DPW workers are concerned with damaging vehicles by either hitting with blade or flying snow. Police are currently writing tickets for those not keeping vehicles off the streets to allow for snow removal.

**COMMITTEE REPORTS:**

**BUILDINGS AND GROUNDS: NONE.**

**PERSONELL: NONE.**

**POLICE: NONE.**

**WATER AND SEWER: NONE.**

**TAX AND FINANCE: NONE.**

**STREETS AND SIDEWALKS:**

City Manager reported that letters were sent to the homeowners that will be involved this year, with no questions or comments returned to him. CM Pavel reported on their meeting, including a payback policy and a proposed bid for council approval. City Manager reported on the City of Brown City Policy Statement: payment policy for sidewalk construction as a part of the sidewalk reconstruction and refurbishment plan.

Commercial or Business property owners are required to pay in single lump sum due on August 1<sup>st</sup> or other date set by Council. This date is set for any in noncompliance for the sum to be put on the Tax Bill. Residents can pay a single payment or 3 equal payments. Discussion on this policy.

Moved by CM Pavel supported by CM Carpenter to adopt the sidewalk repayment policy subject to change in paragraph 6 \*\*\* three EQUAL payments\*\*\*. MC.

Manager discussed with the Council the Advertisement for Bids.

Moved by CM Lents supported by CM Pavel to approve the Advertisement for Bids for the 1999 sidewalk program, on west Main Street. MC.

Contractors need to be told that the DPW will be responsible for shaping the slope after construction.

Mark Tobey added that the Council should add in the contract being finalized by the Manager that the dump site for the old concrete must be an approved dump site due or the City could be liable.

#### MANAGERS REPORT:

1. 1999 WMIC Activity Guide, Manager spoke with Mr. Jerry Steigerwald, Principal of Brown City High School who said no the school would NOT get involved. CM Ford suggested Adam Morschan to design something for the city. CM Ford said Adam once offered to donate his time and talent. CM Ford to get more information.

2. Manager reported that Jones and Henry Engineers are completing preliminary water system drawings and plan to do pressure tests next week. Fire hydrants to be flushed. Notice advertised on Channel 6.

3. City Parcel Division Application: Mark Cunningham provided a copy of the form needed to divide land for lot sales. Copy customized for the City and is now available to Ed Tobey for Hillside. Addition to Application: (I) Describe or attach a legal description remainder of parent parcel.

Moved by CM Pavel supported by CM Carpenter to accept the Municipal Parcel Division Application for the City of Brown City with the addition of: (I) Describe or attach a legal description remainder of parent parcel.

Roll Call Vote: Pavel-yes, Murray-yes, Lents-yes, Ford-yes, Johnson-yes, Carpenter-yes. 6-yes 0-no. MC.

4. Maplevue Estates Phase III Expansion: Necessary advertisements and letters to property owners sent. Public Hearing set for next Planning Commission Meeting on February 4<sup>th</sup> 1999 at 6:30 PM, hearing at 6:45 PM.

5. Manager reported he would attend the Michigan City Managers Association Meeting from January 26-29 in Mt. Pleasant, and he would provide Dave with his contact numbers.

6. Brown City Days Planning Committee, Manager unable to attend, CM Lents and CM Pavel plan on attending. Manager requested representation from Council in his absence.

7. Child Identification Kits: Council discussed getting involved or promoting this in school or maybe at the Park when the Bank has their picnic. Manager to contact the

school and the Sheriffs office and continue researching this, he will get back with the Council.

8. Manager reported on Setter Drain Railroad culvert, the Sanilac County Drain Commissioner set up introduction for Manager to talk with the railroad. Manager recommends agreement stating the city to pay for the pipe needed and the railroad to install it. Cost to City is about \$2,200.00 for the pipe (available at cost from the County), Once weather clears, will inspect area with RR Representative and try to finalize an agreement. Council supported.

9. Michigan National Bank T-Bill Backed Account: A. G. Edwards account is closed, check for \$130K deposited at Tri-County Bank; completing setup of account and will transfer the funds.

10. Police Policy final draft should be complete by next week; Manager will make available to Police Committee for introduction at next Council Meeting.

11. Personnel Manual: Request Personnel Committee review and schedule a meeting to evaluate changes.

12. City Park Survey should be completed this week, results sent to Wade-Trim to develop Planning Document required for Recreation Grant Request.

13. Old Equipment: Offer to buy pick-up truck cover for \$200.00. Need to put the 1986 salt spreader up for sale (est \$1K OBO). Have old IBM XT computer that school will take for parts. Council supported.

14. Article in Detroit Free Press about Y2K computer bug. Our water system is not currently run by a computer, City is Y2K (year 2000) ready.

15. MML Conference packet, Mayor and Manager to attend.

16. Lawsuit: Roy Welch (sewer back-up) Insurance claim not filed until recently. Insurance adjuster sent and negotiated \$15K, but owner wants \$25K, City being sued for \$25K.

#### OLD BUSINESS:

CM Ford questioned status of Lincoln Street house—insurance adjuster, DPW and Manager met and agreed City liable. Cost of damage to furnace and water heater will be negotiated.

Mark Tobey requested form to hold parade during BC Days.

Discussion on Layne Northern control panels: if when we do receive them, are they Y2K ready.

CM Pavel questioned if Attorney looked into letter from Tri-County Bank. Manager said she did and is researching further.

MAYOR's REPORT: NONE.

Moved by CM Pavel supported by CM Johnson to adjourn at 8:15 PM. MC.

RESPECTFULLY SUBMITTED,

JULIE P. MILLER  
CITY CLERK