

COUNCIL PROCEEDINGS FOR MARCH 26, 2001

Meeting called to order at 7:00 PM by Mayor Kelly Pavel.

Pledge of Allegiance led by CM Frank Lukacs.

PRESENT: Mayor Kelly Pavel, Councilmembers Laura Carpenter, Frank Lukacs, Mike Stain, Julie Miller, Judy Murray, Patricia Jacobson; City Clerk Denise Hoff, City Attorney Gerard Garno, Attorney John Lengemann.

ABSENT: City Manager Clint Holmes.

CORRECTION AND APPROVAL OF MINUTES: Motion by CM Lukacs, support by CM Murray, to approve the Minutes of March 12, 2001, as submitted. Motion Carried.

PAY BILLS: Motion by CM Murray, support by CM Stain, to pay the bills as presented in the following funds: General-\$7,391.52, Payroll-\$10,537.26, Sanitary Sewer-\$343.43, Investment-\$33,129.83. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request-Keith Muxlow: Pending.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS: None.

PUBLIC HEARING: None.

ORDINANCES: None.

COMMITTEE REPORTS:

1. **Building and Grounds (Carpenter)** - None.
2. **Streets and Sidewalks (Lukacs)** – None.
3. **Police (Miller)** – None.
4. **Water and Sewer (Stain)** – The Bush Administration and the EPA withdrew the regulation lowering arsenic levels in drinking water from 50 ppb to 10 ppb. Scheduled a Water and Sewer Committee meeting to discuss water tower repairs, water meter installation, and other potential upgrades to the water system for Wednesday, April 4, 2001 at 7:00 PM.
5. **Tax and Finance (Murray)** - None.

- 6. Personnel (Jacobson)** – Scheduled a Personnel Committee meeting for Monday, April 2, 2001 at 7:00 PM for annual evaluation of the City Manager.

ATTORNEY’S REPORT:

- 1. SNOBLIN PROPERTY/4115 MAIN STREET:** Motion by CM Stain, support by CM Miller, to move into Executive Session to consult with the city attorney regarding trial or settlement strategy in connection with specific pending litigation, because an open meeting would have a detrimental financial effect on the litigating or settlement position of the City. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried. Council went into Executive Session at 7:09 PM.

Motion by CM Miller, support by CM Carpenter, to move out of Executive Session. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried. Council came out of Executive Session at 7:39 PM.

Action taken to create Resolution 01-05.

Motion by CM Murray, support by CM Lukacs, to approve Resolution 01-05 to waive the lien for Attorney Fees of \$2,556.00 associated with 4115 Main Street only if sold to Mr. Don Richardson of Laydon Company of Brown City. Roll Call Vote: Jacobson-yes, Murray-yes, Stain-yes, Miller-yes, Lukacs-yes, Carpenter-yes. 6-yeas, 0-nays, 0-abstain, 0-absent. Motion Carried.

- 2. TAX REBATE FIRM:** The City of Brown City received an advertisement and contract from a firm which offered to help the City receive a rebate of federal fuel excise taxes for a fee of one-third of the funds received. Contract was submitted to the City Attorney for review and research. Counselors stated that there is a simple IRS form that the City can file on its own and not pay any fees. The recommendation is to decline the contract. This issue will be turned over to the City Manger upon his return.

CITY MANAGERS REPORT:

- 1. ZONING ORDINANCE:** The Planning Commission had a special working meeting on March 19th to continue their review of Chapter 8. Good progress was made, and they expect to continue work at their next meeting on April 5th. A draft should be ready for their approval fairly soon. Once they have approved Chapter 8, it will be forwarded to the Council for review and action.
- 2. ARSENIC IN DRINKING WATER:** As you are probably aware, the Bush Administration and the EPA withdrew the regulation requiring arsenic levels be lowered from 50 ppb to 10 ppb. EPA plans to conduct additional research and low-dose studies. As a practical matter, this means the issue is effectively shelved for the foreseeable future. Therefore, we need to decide what to do about the water tower, water meters and other upgrades to the system now. Does the Council wish this to be an agenda item for the April 9th meeting?

3. **LEGISLATIVE CONFERENCE:** Good conference. A summary of legislation expected to impact municipalities in the State was provided in your packets. Other classes covered sewage overflow litigation and Bolt vs. City of Lansing. A panel discussion consisting of House and Senate leadership indicates that the new concealed weapon law is going to be very divisive. It looks like the southeast corner of the state and large cities vs. the rest.
4. **LAGOON PUMPING:** The DPW has developed a plan to use the air pumps salvaged from the abandoned sewage pumping station at Thelman and Main Streets (a complete new lift station was installed last summer). The old system pumped air to move contents through the sewer mains toward the lift station at Maple Valley Road. The air pumps have been repaired and mounted on a mobile platform. The DPW plans to set up and use the system to pump air directly into the sewage lagoons (much like the bubble stream in a fish tank). The reason for this is DEQ requires the dissolved oxygen content be at least 5.0. Current level is 3.0 or less. By pumping air into the water, the bacteria that break down the sewage can 'breathe' better and the lagoons will operate more efficiently. DPW hopes to begin pumping air by Monday (March 26th). If this experiment is a success, we will investigate a more permanent pump installation. This is potentially a very low cost solution to a complex and continuing problem.
5. **ECONOMIC DEVELOPMENT:** I met on Friday (March 23rd) with the Sanilac County Economic Development Director Dale Benish. He presented me with a copy of the Sanilac County's Renaissance Zone advertisement developed by Detroit Edison. The copy was included in the Mayor's packet so she can share it with you. They are planning to mail these out in April. He also provided me with a draft of the insert for Brown City, and a copy is in your packet. This insert will be high resolution/full color like the Detroit Edison product. On the first page, I recommended the graph be deleted since it is confusing, and possibly replaced with a picture of the school or other location in the City, and recommended some wordsmithing on the sidebar. On page two, I recommended the mileage paragraph be turned into a summary like on Crosswell's and inserted into the map. The photo will also be expanded. In the white space I recommend a picture of the City Hall (with railroad crossing included) and the City logo superimposed on the picture. Request the Council review this insert and make any changes you think are necessary. The draft with additional photos and changes is due back to Mr. Benish by the first week of April. When I return, I will make the changes and get the final product back to him. Council agreed to allow the City Manager to wordsmith appropriate changes.
6. **SANITARY SEWER OVERFLOW WORKSHOP:** This workshop is sponsored by the DEQ and is scheduled for April 25 in Lansing at the Holiday Inn South. I have made a reservation for myself. If any of the City Council is interested in attending, additional reservation(s) can be made, or I can give you mine. This is important since our insurance carrier is cutting our coverage for overflows on April 1, 2001.
7. **HOSPITALITY TENT:** Tony Zimmerman, Brown City VFW Secretary, has requested on behalf of the VFW that the Council write a letter to the liquor board allowing them to have a Hospitality (Beer) Tent for Brown City Days at the VFW Hall.

The Brown City Police Chief has approved the preliminary request. If approved, the letter will be similar to the one sent on behalf of the Harrington Inn two years ago. Moved by CM Lukacs, support by CM Carpenter, to approve Brown City VFW Post request to have a Hospitality Tent for Brown City Days at the VFW Hall and covered by their own insurance.

MAYOR'S REPORT: None.

Motion by CM Carpenter, support by CM Lukacs, to adjourn the meeting at 7:51 P.M. Motion Carried.

Respectfully submitted,

Denise Hoff
City Clerk