

COUNCIL PROCEEDINGS FOR APRIL 14, 2003

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

Pledge of Allegiance led by Mayor Carpenter

PRESENT: Mayor Laura Carpenter; Councilmembers – JoAnn Potts, Frank Lukacs, Charles Zuhlke, Jason Nielsen, Julie Miller, and Pat Jacobson; City Clerk Christine Lee, Interim City Manager Ken Brown, City Attorney Sally Miller.

ABSENT: None

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Potts, to approve the Minutes of March 24, 2003 as presented. Motion Carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Potts, to pay the bills as presented in the following funds: General -\$110,580.74, Payroll - \$13,993.72, Sanitary Sewer - \$10,554.28, Major St. - \$1,216.00, Local St. - \$600.00, Investment - \$26,248.07. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
2. Rezoning Request – Keith Muxlow: Pending
3. City Clerk – Wages for Planning Commission Meetings.

Motion by CM Jacobson, second by CM Miller, to pay the City Clerk \$60.00 a Planning Commission meeting to take minutes. Motion Carried.

PUBLIC QUESTIONS AND COMMENTS: None

PERSONAL APPEARANCES:

1. Jerry Jensen – Sanilac County Mental Health.

Mr. Jensen told the Council about his program of placing clients to work in the local Municipality and different business. This is a cost effective program because the clients will receive minimum wage. A job coach will oversee the client and stay with the client as long as necessary and won't leave until the client and employer are happy. If the Council has any question, Interim City Manager Ken Brown has Mr. Jensen card.

2. Frank Gerstenecker – MML Consultant and Facilitator

Mr. Gerstenecker volunteered to talk to the Council after Petitions and Communications.

PUBLIC HEARING: None

ORDINANCES: None

RESOLUTIONS:

1. No. 03-09 = Resolution Authorizing the Interim City Manager and the Street Administrator to sign the contract between the Michigan Department of Transportation and the City of Brown City regarding the Maple Valley Road Project (Contract No: 03-5177).

Motion by CM Miller, second by CM Jacobson, to adopt Resolution No. 03-09.

ROLL CALL VOTE: Miller - Yes, Jacobson – Yes, Zuhlke - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 5 – Yeas, 0 – Nays, 0 – Abstain, 0 - Absent.

Motion Carried.

2. No. 03-10 = Resolution designating public depository and authorizing withdrawal of municipal public moneys.

Motion by CM Miller, second by CM Zuhlke, to adopt Resolution No. 03-10.

ROLL CALL VOTE: Miller - Yes, Jacobson – Yes, Zuhlke - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 5 – Yeas, 0 – Nays, 0 – Abstain, 0 - Absent.

Motion Carried.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits – None

COMMITTEE REPORTS:

1. Building and Grounds (Potts) – Missionary Church: Council to approve the Planning Commission’s recommendation of approval.

Corwin P. Mabery, P.E. from Davis Land Surveying and engineering, recommend the Brown City Missionary Church address the 7 mentioned items to the satisfaction of the City of Brown City prior to approval. Wally Humphrey-Phillips address the 7 items on Mr. Mabery list.

Item 1: A 2” diameter PVC water lead is proposed to service the building. Mr. Mabery recommends a 6” diameter water main be constructed from Cade Road to the east edge of the proposed parking lot with a hydrant at the end. Fire Chief James Groat expressed his concerns about having a hydrant (Correction 4/28/03, “Install” to “Installed”) Fire Chief stated he would donate the Fire Hydrant.

Item 2: Additional grading information for the detention pond and culverts should be added to the plans to aid in the construction and inspection of the proposed improvements. Mr. Phillips said that more information is being added to the plans.

Item 3: The applicant is proposing to drain approximately 405ft. off the site to the north and onto adjacent properties. While the proposed grass areas should prevent any future soil erosion concerns, the applicant cannot discharge more storm water to adjacent properties. Mr. Phillips responded that the Church will contact the property owner(s) to the north and northeast to get letters saying that they are satisfied with the proposed site plan and will accept the potential increase in storm water runoff.

Item 4: Is a dumpster going to be used. Mr. Phillips stated no, but if they want to use one in the future there is a proposed concrete pad.

Item 5: Recommend the City DPW Supervisor review the proposed sanitary sewer lead configuration. While the proposed sanitary lead and the clean-outs follows general engineering practices, the DPW should determine if the clean-out spacing is adequate for their equipment. DPW Supervisor Dave Kinney hasn't been contacted at this time.

Item 6: Recommend the applicant provide the City with copies of the MDOT (approach and drainage), MDEQ (sanitary), soil erosion and NPDES permits prior to final approval.

Item 7: The applicant has provided a proposed pavement cross-section, but the plans indicate that the parking area is to be gravel. The City Ordinances require the parking area to be paved. The plans should be revised to include a paved parking area. If the applicant proposed a phased plan for the paving of the parking lot, then the plan should reflect the proposed phasing. Mr. Phillips stated the plans call for all gravel at this time until the ground settles. The parking lot will be paved in the future, (Correction 4/28/03 "The parking lot will be paved within five years").

All 7 items and issues were discussed in great detail.

The City would like a set of prints of the building plan. Pastor Fledderjohann said that he deliver (Correction 4/28/03 "Deliver" to "Delivered") one to former City Manager Clint Holmes. Interim City Manager Ken Brown said that he doesn't

know where they are and if another set could be deliver. Interim City Manager Ken Brown will contact former City Manager Clint Holmes about the first set of plans.

Motion by CM Potts, second by CM Zuhlke, to recommend the site plan for Brown City Missionary Church with the contingency that all permits are acquired and the building plans are submitted to Corwin Maberry (City Engineer) and Items 1, 3, and 7 are to the City satisfaction with paving to be done on a five year plan, to be approved. Motion Carried.

PERSONAL APPEARANCES:

Frank Gerstenecker – MML Consultant and Facilitator

The Council worked on a Profile Worksheet with Mr. Gerstenecker that focus on characteristics, experience, skill, and attributes which are believed necessary for the ideal City Manager for Brown City. The Council went over a tentative work schedule with Mr. Gerstenecker that consist of task, time required and completion dates. Interviews for the new City Manager will be Saturday, June 14, 2003 at 9:00 A.M.

The Council meeting for Monday, May 26, 2003 will be changed because of Memorial Day.

Motion by CM Miller, second by CM Nielsen, to change the Council meeting from Monday, May 26, 2003 to Wednesday, May 21, 2003 at 7:00 P.M. Motion Carried.

Motion by CM Miller, second by CM Jacobson to extend the meeting passed the 9:00 P.M. time limit. Motion Carried.

COMMITTEE REPORTS:

2. Police (Miller)- Jeremy Howe from North Branch has accepted a job with the State Police, (Correction 4/28/03 “State Police” to “County Sheriff”).
3. Tax and Finance (Jacobson)- None
4. Personnel (Zuhlke)- Report on March 31st. Committee Meeting.

Motion by CM Lukacs, second by CM Jacobson, to approve the propose pay raises that were recommended by the Personal Committee. Motion Carried. Copy attached.

5. Water and Sewer (Nielsen)- Report on March 31st. Committee Meeting. Interim City Manager Ken Brown stated that the City should fix the drainage first and than the streets. Schedule Committee Meeting for Monday, April 21, 2003 at 7:00 P.M.

6. Streets and Sidewalks (Lukacs) - None

TREASURER'S REPORT: None

DPW SUPERVISOR'S REPORT:

The DPW is busy picking up brush and branches from the ice storm.

CM Miller wanted to know what the policy is for receiving minutes before they are approved. She also wanted to know why the Council wasn't better informed about the Brown City Missionary Church Project.

ATTORNEY'S REPORT:

City Attorney Miller will find the answers to CM Miller's questions concerning minutes.

CITY MANAGER'S REPORT:

1. (MEDC), Michigan Economic Development Corp. Community Development grant, which the City applied for, there were 26 communities applying, out of the 26 communities, 15 were chosen they were, Bangor, Cassopolis, Charlotte, Fennville, Gladwin, Hastings, Howell, Imlay City, Millian, Onaway, Pinconning, Port Hope and Tittabasse Township. These 15 will create 280 new jobs for the project, another block grant will happen; my suggestion would be try for sewer and or water grant.
2. Well Head Protection: The brochure has been completed, the week of March 25, 2003; it was to be mailed to the Townships within two-mile area. The sample was put in the library, for all to look at. Work will begin the week of April the 21st. Asking the different churches to put this information in their church bulletins.
3. I was asked by Julie Miller to check the Police Department around the area and see if they have a Drug program, none have a program in place, Capac is working on one at the present, the only requirement is if the Officer is a new graduate of the Academy then they will be tested, nothing after that. In the employee handbook. For Police Department, article 4.16 (Use of Alcohol on Duty or in Uniform) A. Personnel shall not consume intoxication beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a supervisor officer. B. Personnel shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an order of intoxicants on their breath. My

suggestion would be to, set up a drug-testing program, have employees tested yearly.

4. From Chapter 5, 5602 On site drainage ordinance passed in September 30, 1996, it makes the home owner responsible for the maintenance of the covered ditch, "Once any drainage ditch located upon any easement or right of way under the jurisdiction of the City of Brown City is covered by any person, any maintenance costs for said ditch shall be paid by the property owners whose property benefits from such drainage ditch."
5. City Clerk; page 5 section 2.08, of City Charter states, "The City Clerk shall be a two-year term. The city clerk shall give notice of council meetings, to its members and the public keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law. All records of the City shall be made available to the general public in compliance with the Freedom of Information Act. If she was to hold another job, other than Clerk, it would take a special ordinance, like it did when we were looking a City Manager in 1996, to have the Mayor Acting City Manager.
6. Clean up days, May 19th and 20th, Hydrant flushing the week of May 5th thru the 9th.
Motion by CM Miller, second by CM Jacobson, to schedule Clean up dates for the City of Brown City on May 19th and 20th, and hydrant flushing the week of May 5th thru 9th. Motion Carried.
7. You will find a copy of John Lengemann's confidential communication- Attorney/client letter regarding the unpaid water bills for the trailer park. I also called the MML, they sent 24 pages of what they had, which is about the same as we have. A letter was sent on April 10, 2003 to the owner of the trailer park, Jim Billet, explaining the one person owing a water and sewer bill more than three months old, from the trailer park.
8. In your packet you found a memorandum from George Goodman, explaining the Summer Tax Collections.
9. A computer was purchased from Dalton computers in Sandusky, for the Police Dept., with monies coming from the police budget capital outlay. The price was \$750.00, half of which came from the drug forfeiture money.

10. The old channel six computer, Sue Martinez, the bookkeeper would like to purchases the computer, she would like the Council to set a price.

Motion by CM Jacobson, second by CM Miller, to ask \$50.00 from Sue Martinez to purchases the old channel six computer. Motion Carried.

11. The brush from the ice storm should either be chopped upped or hauled to the dump, I would like to thank the DPW for their efforts. I would like to have the DPW to work four hours of overtime on Tuesday, April 15, 2003 to patch pot holes and pick-up brush and branches.

Motion by CM Lukcas, second by CM Zuhlke, to extend the hours of the DPW to 4 hours of overtime on Tuesday, April 15, 2003. Motion Carried.

12. Bids opened at 4:00 PM Monday April 14, 2003. Received 5 bids and I recommend that the Council to go with Michigan Skid Loader.

Motion by CM Nielsen, second by CM Jacobson, to accept the bid from Michigan Skid Loader for \$40,490.00. Motion Carried. Copy attached.

MAYOR'S REPORT:

Mayor Carpenter would like to have the City put a front entrance in the building next door and ramp before Brown City Days. Interim City Manager Ken Brown will bring back more information.

Interim City Manager Ken Brown would like the City to purchase 4 new Christmas decorations, (Correction 4/28/03 "Christmas" to "Patriotic decorations).

Motion by CM Miller, second by CM Jacobson, to purchase 4 Christmas decorations, (Correction 4/28/03 "Christmas" to "Patriotic decoration"). for the price of \$288.00 each. Motion Carried.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 10:30 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk