

## **COUNCIL PROCEEDINGS FOR MAY 28, 2002**

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

**Pledge of Allegiance** led by CM Judy Murray.

**PRESENT:** Councilmembers – Laura Carpenter, Frank Lukacs, Jason Nielsen, Julie Miller, Judy Murray, Pat Jacobson; Mayor Kelly Pavel, City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

**ABSENT:** None.

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Jacobson, to approve the Minutes of May 13, 2002 as corrected. Motion Carried. Correction page 8 of 8 under Attorney Garno, change sentence to read – “that the Council may but does not have to fit them in later.”

### **PAY BILLS:**

Motion by CM Murray, second by CM Carpenter, to pay the bills as presented in the following funds: General -\$22,371.38, Payroll - \$11,778.82, Sanitary Sewer - \$1,944.39, Water Recreation - \$115.50, Investment - \$21,242.53. 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

**PUBLIC HEARING:** None

**ORDINANCES:** None

### **RESOLUTIONS:**

**#02-08 = Approving the Contract with the County of Sanilac for the Sanilac County Brown City Water Tower Rehabilitation Project.**

Motion by CM Carpenter, second by CM Miller, to adopt Resolution #02-08.

ROLL CALL: Jacobson - yes, Murray - yes, Miller - yes, Nielsen - yes, Lukacs - yes, Carpenter - yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

**PETITIONS AND COMMUNICATIONS:**

**Preapplication Building Permits –**

1. Gary Abel, 4094 Third St. – Above Ground Pool & Deck and  
Install Culvert in Ditch in Front of House.

Motion by CM Carpenter, second by CM Nielsen, to approve the pre-application permit for Gary Abel as submitted. Motion Carried.

2. Jeff Pavel, 6949 Cade Rd. – 24’ x 24’ Shed.

Motion by CM Carpenter, second by CM Jacobson, to approve the pre-application permit for Jeff Pavel with the stipulation that they move the shed 3 feet to the west. Motion Carried

3. Ed Pieters, 4188 Main St. (vacant lot) – 10’ Steel Wall.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Ed Pieters as submitted. Motion Carried

4. Doug Muxlow, 6756 St Marys St. – pool and deck.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Doug Muxlow as submitted. Motion Carried.

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– Tall grass on second street needs to be mowed.
2. Streets and Sidewalks (Lukacs)– Street lights installation-one still needs to be put up. (Cade Road by the Park)

CM Lukacs wanted to know if the new sign at Curves is OK, does it follow the Sign Ordinance? City Manager Holmes informed CM Lukacs that the sign does follow the Ordinance.

Also CM Lukacs wanted to know if the City and City Council could be held liable in the tearing down of the old school because of the asbestos in the building. Attorney Garno informed the Council that they should get something in writing from the school stating they will take proper steps in tearing down the old school.

Motion by Carpenter, second by Miller, to direct City Manager Holmes to contact the school and to get in writing that the school will follow all City, State and federal laws when removing asbestos and hazardous materials. Motion Carried

3. Police (Miller)- Light is out at the corner of Cade and Belview.
4. Tax and Finance (Murray)- None
5. Personnel (Jacobson)- Refrigerator on First Street still has the doors on and also there is a washer and dryer. City Manager will send the property owners a letter that they missed Clean-up Days and they must dispose of these items themselves.

6. Water and Sewer (Nielsen)-

a. Water Tower Repair/Painting Bid Review/Recommendation:

Motion by CM Nielsen, second by CM Carpenter, to award contract to L C United Painting Company of Sterling Heights to paint and repair the water tower and a recommendation for Dixon Engineering to oversee the project.

Motion Carried

b. Water Tower Maintenance Bond Resolution/Contract Review: the bids came in lower than expected so the City may not have to borrow as much money.

c. Water Tower Control Panel – scada system: get bids on this type of control panel; City Manager will make a recommendation to the Council when the information is available.

d. Review of Bids for Railroad Culvert:

Motion by CM Nielsen, second by CM Miller, to have Jones and Henry evaluate the county drain to determine if culvert expansion is needed. Motion Carried.

e. Recommendation Concerning Installation of a Water Meter at the Brown City Community Schools:

Motion by CM Nielsen, second by CM Jacobson, to have a private contractor install an 8-inch water meter on the school water line. Motion Carried.

f. Review of DEQ Recommendation Concerning the School's New Water Main Connection (survey/easement): City Manager Holmes will contact the school and will report back to the City Council. After going through the minutes of prior Council Meetings, the City found there was no written agreement with the school to pay for part of the water main connection.

g. Review of the Draft 2001 Consumer Confidence Report: Will publish the 2001 Consumer Confidence Report in the Banner.

h. Appointment of Sewage System Event Recorder: In the event of a sewer backup, residents must contact Deputy City Clerk Dave VanCura personally, and fill out and return a special form to the City within 45 days.

i. Color of the Water Tower: Have the school children vote on the colors of the water tower and have the people come into City Hall and vote.

j. Temporary Water Tower:

Motion by CM Nielsen, second by CM Carpenter to have Lane Northern set up the temporary water tank while the City water tower is being repaired and painted. Motion Carried.

**ATTORNEY'S REPORT.**

1. **Open Meetings Act:** The City can limit when and for how long a time that an individual can speak.
2. **Collection:** City Treasurer Walters reported that she hasn't received any of the back taxes. City Attorney Garno informed the City that they can start seizing property.
3. **Contract Renewal:**

Motion by CM Carpenter, second by CM Lukacs, to renew the contract with the Law Office of Morrice, Lengemann and Miller, P.C. for legal services for the City. Motion Carried.

#### **CITY MANAGER'S REPORT:**

1. **Sanilac EDC:** In conjunction with the St. Clair County Economic Development Corporation, the Sanilac County EDC is sponsoring a meeting on Tuesday, June 11 at SC4 in Port Huron to discuss economic development issues. The meeting will be from 8 AM to noon. Registration forms and agendas are provided in your packets. Please return the completed registration form if you wish to attend.
2. **Police Car:** The Ford police car is repaired and returned to duty.
3. **Burnside Beef Club:** This 4H Club plans to plant flowers in the boxes under the welcome to Brown City signs on M-90 east and west of town. Additionally, they will place flowers in the planters out side the entrance, and clean up the area immediately to the north, of City Hall. They plan to do the work on Sunday, June 2.
4. **MML Region V Meeting:** The annual Region V MML meeting was held on May 22 in Cass City. The meeting was very helpful and covered topics including Downtown Improvements and Funding and various bills before the legislature. Copies of the 40+ page handout concerning sewer backups were provided to the City Attorney and members of the Sewer & Water Committee. A copy of the "Downtown Health Assessment Checklist" was provided to the Council and a complete copy of the handout to the Buildings & Grounds Committee. Copies of these documents are available at City Hall for review.
5. **DEQ Inspection:** The Michigan Department of Environmental Quality completed their annual inspection of the City's water system on May 15. Aside from recommending some minor repairs (such as replacing the door on well house #3) the inspection went very well. However, they had some specific recommendations concerning the connections the school made to the City water main on Second Street. Specifically, (1)

that the school should receive written permission from the City before making any future connections, and (2) that “either the school district transfers ownership of the main and dedicates the necessary maintenance to the city or installs double check valves at both ends of the water main in question.”

**6. Personnel:** DPW employee Tim Verbeke has accepted a job as the DPW Supervisor for Ovid, Michigan. His last day is June 5. Recommend advertising for applicants to fill this position as soon as possible. See Motion in #7 below.

**7. Well Head Protection Grant:** This grant is due to expire in June; however, the City has requested an extension to December. In order to quickly identify the location of abandoned wells within two (2) miles of the center of the City, recommend hiring two part-time employees to contact property owners and conduct a search for these wells. The grant will pay up to 75% of the costs for these employees. How does the Personnel Committee/Council wish to proceed?

Motion by CM Lukacs, second by CM Carpenter, to direct the City Manager to advertise for a full-time DPW employee; and two part-time employees to contact property owners and conduct a search for abandoned wells. Motion Carried

**8. Police Officer Interviews:** Of the three individuals interviewed for part-time police officer, none are recommended. Another interview is scheduled for next week with a recent graduate of the police academy.

**9. Appraisal of Ben's/Ace Hardware:**

Motion by CM Miller, second by CM Lukacs, to proceed in getting a formal appraisal from Hodge Appraisal Group, LTD of the Ben's/ Ace Hardware Property and contact the owners of the property to see if they would like to share in the cost of the appraisal. Motion Carried.

**10. Spring:**

**a. Junk Cars:** Sent out 18 letters to individuals in violation of our junk car ordinance; all 18 owners have complied.

**b. Swimming pool inspection:** 7 owners were not in compliance, they have until June 14<sup>th</sup> to fix the problems.

**c. Mowing of Tall Grass:** Letters being sent to property owners to cut grass (10 acres at the end of Wells Street, Gemcraft homes and Hillside on Cade Road, and the Vanneste property on Maple Valley Road).

**MAYOR'S REPORT.**

Personnel Committee Meeting scheduled for Monday, June 3, 2002 at 7:00 P.M.

CM Lukacs wanted to know what is the school going to do for water and sewer for the new ball fields. Also the two drains that are out there need to be deeper, and wants the City to stay on top of this so there are no problems.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:55 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk