

COUNCIL PROCEEDINGS FOR OCTOBER 9, 2000

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

Pledge of Allegiance led by City Attorney Marilyn Zimmerman.

PRESENT: Councilmembers: Laura Carpenter, Frank Lukacs, Julie Miller, Judy Murray, Kelly Pavel; Mayor Ken Brown, City Manager Clint Holmes, City Clerk Barbara Seidel, City Attorney Marilyn Zimmerman. Absent: Councilmembers Mike Lents.

CORRECTION/APPROVAL OF MINUTES:

CORRECTION TO MINUTES OF 09/11/00:

1. Public Hearing Correction: Moved by CM Lukacs, supported by CM Lents, to grant the variance request to Mr. & Mrs. Jones, 6805 Cade Road, to allow the construction of an attached garage within four feet of their property line in violation of the setback requirements for attached garages due to special circumstances in that (1) The closest neighbor to the north has no buildings within the ten foot setback area on their property, (2) No neighbors have objected to the requested variance, and (3) Enforcement of the setback requirement would create an unnecessary hardship to Mr. & Mrs. Jones and there is no substantial detriment to the public good if the variance is granted.
2. Public Questions and Comments: Mr. Klupp was told that if he did not pay the fine, the citation would be addressed in District Court.

Motion by CM Lukacs, support by CM Carpenter, to approve the minutes of 09/11/00 as corrected. Motion Carried.

CORRECTION TO MINUTES OF 09/25/00: #3 of Attorney's Report: Change Attorney Lengemann to Attorney Zimmerman.

Motion by CM Murray, support by CM Miller, to approve the minutes of 09/25/00 as corrected. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Carpenter, to pay the bills as presented in the following funds: General fund \$22,882.55; Payroll fund \$14,682.75; Major Street Fund \$58,388.24; Investment fund \$25,744.19; Sanitary Sewer \$5,272.68; Water Recreation Fund \$2,502.45; Wastewater Debt Fund \$21,687.50. Motion Carried.

OLD BUSINESS:

1. Preapplication Bldg. Permit-Matt Firmingham, 6813 Cade Road-Fence/Move Hydrant. One hydrant still needs to be moved.
2. Christmas Decorations. Ordered, replacing six at a cost of \$2,550.00
3. City Ordinance Chapter 5 Work Session Scheduling. Samples received compared with Imlay City. Jones & Henry to review.

PUBLIC QUESTIONS AND COMMENTS: Residents and non-residents of the City have some issues with the Police Department. Special Police Committee Meeting scheduled for

October 11, at 1:00 PM. The following week a meeting will be set up with concerned residents who were present, the committee, and Police Chief.

PERSONAL APPEARANCES: None.

RESOLUTIONS:

RESOLUTION #00-16: A resolution for action on the Sanilac County solid waste management plan update by local units of government. Motion by CM Pavel, support by CM Carpenter, to adopt Resolution #00-16. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Murray-yes, Pavel-yes; 5-yes, 0-no, 0-abstain, 1-absent. Motion Carried.

PETITIONS AND COMMUNICATIONS:

- A. Petition-Request for Fence Ordinance. Tabled and could be included in Chapter 8 revisions.
- B. Preapplication Building Permits: Four permits:
 - 1. Michael Jones, 6805 Cade Road-Attached Garage, 24'x32'.
 - 2. Alexander Teryek, 4466 Chelsea Lane-10'x12' Shed.
 - 3. City DPW Complex-Garage and Two Building Additions.
 - 4. Eric & Shelly Moots, 7189 Lincoln Street-24'x32' Garage.

Motion by CM Carpenter, support by CM Lukacs, to approve four preapplication building permits. Motion Carried.

PUBLIC HEARING: None.

ORDINANCES: None.

COMMITTEE REPORTS:

Building and Grounds: Carpenter: Zoning Change Request-6974 Maple Valley Rd.- Commercial to Residential. Motion by Carpenter, support by Lukacs, to accept zoning change request from commercial to residential. Discussion regarding repeal, change, amendment and effects to Master Plan. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-No, Murray-No, Pavel-No, Lents-Absent; 2-yes, 3-no, 1-absent, 0-abstain. Motion Denied. Council to review Master Plan.

Streets and Sidewalks: Pavel: Question regarding ditch on Maple Valley Rd. progress. Per City Manager, Municipal Infraction to be issued.

Election Commission: Seidel: Requests approval for appointment of Election Workers and Election Chairperson for General Election to be held 11/07/00. Motion by CM Pavel, support by CM Miller to approve K. Loutzenheiser, E. Gottler, P. Hahnefeld, E. Walker, B. Spencer and P. Abel as workers and P. Abel as Election Chairperson. Motion Carried.

ATTORNEY'S REPORT:

- 1. **Maple Estates Lawsuit:** Court hearing on October 2, 2000 resulted in the current restraining order remaining in effect. However, Maple View Estates must place tap fees in an escrow account set up by the County Clerk.
- 2. **4115 Main Street:** (Ordinance 4106.4A/Dangerous Building Ordinance). Court copies mailed, requested hearing, letters to judge received from neighbors. Any additional

letters from concerned citizens must be returned soon as possible since a court date will be set soon.

3. **Act 425, Burnside Annexation:** Received proposed agreement. Need to contact Mr. Denney for Burnside and Brown City public hearing scheduling.
4. **Chapter 5 Ordinances:** City Manager to contact Jones & Henry and report at next Council meeting.

MANAGER'S REPORT:

1. **HALLOWEEN HOURS:** Last year hours were 5:30 PM to 7:30 PM. Since Halloween is on a Tuesday this year, a citizen requested the hours be set from 5:00 PM to 7:00 PM. Motion by CM Miller, support CM Pavel, to set Halloween Hours from 5:00 PM to 7:00 PM on Tuesday, October 31, 2000. Motion Carried.

2. **HYDRANT FLUSHING:** Fall hydrant flushing will take place beginning October 9. Generally the flushing will take place in the evening. Residents may notice some discoloration in the water during this process.
3. **CADE ROAD EMERGENCY WATER SHUTOFF:** While removing the fire hydrant behind 6813 Cade Road, a connection failed requiring water be shut off from Belview Drive north. Water was only off for a couple of hours while repairs were completed.
4. **CLEAN UP DAYS:** Knox Disposal may not be able to pick up on dates set, calls have been made to Midway Disposal to cover.

MAYOR'S REPORT:

Wellhead Protection Grant Meeting-Lansing, September 26, 2000. Mayor presented overview of meeting and information regarding Administration and Equipment Grant. Committee should be comprised of three people; City Manager, DPW and one other person to be appointed. Application for Grant to be turned in by 11/01/00.

Motion by CM Lukacs, support by CM Pavel, to adjourn at 08:25 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel
City Clerk