

## **COUNCIL PROCEEDINGS FOR OCTOBER 14, 2002**

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

**Pledge of Allegiance** led by City Manager Clint Holmes

**PRESENT:** Councilmembers – Laura Carpenter, Frank Lukacs, Jason Nielsen, Julie Miller, Judy Murray, and 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 Carpenter, to approve the Minutes of September 23, 2002 as corrected. Motion Carried. (correction page 1 of 4 – under pay bills insert the words “to authorize Sanilac County” – should read “to authorize Sanilac County to pay \$128,520” – page 2 of 4 in Attorneys Report – insert the words “year 2000 personal property” – should read “B.P. Oil paid their year 2000 personal property taxes”. – page 3 of 4 under Bullock vs. City of Brown City replace word “with” with “against”– should read – “A lawsuit was filed against the City of Brown City” – also in the same paragraph change “Welsh” to “Welch” – page 4 of 4 – Paragraph above Mayor’s Report correction of the spelling of the word financial).

### **PAY BILLS:**

Motion by CM Murray, second by CM Carpenter, to authorize Sanilac County to pay the following Water Tower Project bills of \$7,045.00 on behalf of the City. Motion Carried

Motion by CM Murray, second by CM Miller, to submit for reimbursement by Sanilac County expenses for the Water Tower Project totaling \$32,283.15. Motion Carried.

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$69,219.29, Payroll - \$12,168.35, Sanitary Sewer - \$14,224.57, Major St. - \$450.00, Water Recreation - \$134.16, Investment - \$27,831.57. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.

2. Rezoning Request – Keith Muxlow: Pending
3. Planning Commission Appointments – Recommended by Mayor Pavel to appoint Ken Schmidt.

Motion by CM Carpenter, second by CM Murray, to appoint Ken Schmidt to fill the term of Sandy Shadley on the Planning Commission. Motion Carried

**PUBLIC QUESTIONS AND COMMENTS:** None

**PERSONAL APPEARANCES:**

1. City Treasurer Carol Walters reported that the City needs to adopt a resolution authorizing the use of a computerized data base as the tax roll. Motion by CM Miller, second by CM Murray, to adopt Resolution #02-11: A Resolution Authorizing The Use Of A Computerized Data Base As The Tax Roll. There followed a Roll Call vote: Jacobson-yes, Murray-yes, Miller-yes, Nielson-yes, Lukacs-yes, Carpenter-yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

2. City Treasurer Carol Walters also reported that all individuals and firms owing back personal property taxes are now paid in full or have signed a letter of intent.

**PUBLIC HEARING:** None.

**ORDINANCES:** None.

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:**

**Preapplication Building Permits –**

1. Tim Welch, 7134 Lincoln St. – 8’x10’ deck, 6’x 6’ landing and access door. Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Tim Welch as submitted. Motion Carried.

2. Stanley VanReken, Maple Valley Est., 5106 Hawthorn Dr. Lot 4 – 1632 sq. ft. house and garage.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for Stanley VanReken as submitted, subject to the installation of a water meter. Motion Carried.

3. Brown City Veterinary Clinic, 4455 Main St. – 1976 sq. ft. addition and four new parking spaces as approved by the Planning Commission.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for Brown City Veterinary Clinic as submitted, subject to the installation of a water meter. Motion Carried.

#### **COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter) – Can the items left over from the Rotary Auction be removed from behind Fire Hall? City Manager will insure items are picked up during Clean-Up Days.
2. Streets and Sidewalks (Lukacs) -
  - A. Park streetlight is installed.
  - B. Streetlight on the corner of James and Second is out. City Manager will insure Detroit Edison is notified.
  - C. Who is going to fill the sides of the sidewalk with dirt? City Manager stated that fill dirt and landscaping is included in the contract with Tom's Ultimate Concrete Finish, and they will take care of it.
  - D. House behind City Hall has trouble with water flowing down the alley and into the basement. City Manager stated this problem has been reviewed in the past and that there is no simple or cost-effective solution at this time.
  - E. Ditch down Lincoln Street needs to be cleaned out.
3. Water and Sewer (Nielsen)- The Sanilac County Recycling Center Director said that insulin needles are being deposited in the Recycling Bin in Brown City and something needs to be done to insure this doesn't happen anymore. Issue to be researched further.
4. Police (Miller)- None.
5. Tax and Finance (Murray)- Schedule Committee Meeting for Budget Amendment Review. Meeting scheduled for October 22<sup>nd</sup> at 7:00 P.M.
6. Personnel (Jacobson)- None.

Motion by CM Miller, second by CM Carpenter, to appoint the following people to work at the polls on November 5, 2002: Chairperson Judy Stone, Kate Loutzenhiser, Betty Spencer, Pat Hahnefeld, Elva Walker, and Jeanne Morrison. Motion Carried.

City Clerk Lee also reported there is trash in the parking lot behind the Uptown Café.

### **ATTORNEY'S REPORT:**

1. **Bullock vs. Brown City:** Attorney Garno detailed concerns and remarks provided in a letter from the City's insurance company.
2. Attorney Garno discussed a case, *Weaver vs. the City of Detroit*, concerning streetlights and associated liability for the City.

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

1. **2002 Sidewalk Program:** The project continues, with sidewalks installed around Pepper Park and Lincoln Street. The new sidewalks on Maple Street are almost completed. Two other minor projects are still scheduled, but should be completed by October 18<sup>th</sup>.
2. **School Water Meter:** The school's new water meter was installed by a contractor on September 28<sup>th</sup>. Readings were taken on October 1<sup>st</sup> since that day begins the new billing cycle. Two sidewalk squares were damaged during the installation, and the City has contracted to have them replaced. The asphalt paving over the meter vault is also scheduled to be installed. Since this project actually required the installation of two meters (low- and high-flow), they represent the 52<sup>nd</sup> and 53<sup>rd</sup> meters installed in the City. Based on the water usage recorded for the first week of operations, anticipate the school's water bill will approximately double. The Superintendent stated that they are still planning to install a well for irrigation. I checked with Marlette School and they are paying \$1705.00 per month for water.
3. **New DPW Employee:** Five individuals were interviewed and tested for the DPW position. The DPW Supervisor recommends that the City hire Phillip Bartle of Brown City, subject to successful completion of a physical examination. **REQUIRES MOTION.**

Motion by CM Jacobson, second by CM Lukacs, to hire Phillip Bartle of Brown City, to fill the DPW position, subject to successful completion of a physical examination. Motion Carried.

4. **Arsenic Removal:** The Spicer Group is holding a seminar on Wednesday October 30<sup>th</sup> concerning arsenic removal technologies. The meeting will take place in Cass City. I have been asked to speak at the meeting concerning citizen education and the EPA pilot program.

**5. Bullock vs. City of Brown City:** The City's insurance company has assigned a lawyer for this case and the discovery process has begun. No trial or arbitration date has been set at this time.

**6. Welch vs. City of Brown City:** Following a plea by opposing counsel, the trial has been adjourned until February 7<sup>th</sup>.

**7. Brown City Clean-Up Days:** The pick-up of metal bulk items and appliances began Monday October 14<sup>th</sup>, and the rest of the bulk pickup will be collected on Tuesday and Wednesday.

**8. Hydrant Flushing:** Recommend Council approve October 28-30 for hydrant flushing. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Jacobson, to do the Hydrant Flushing the week of November 4, 2002. Motion Carried.

**9. Halloween Hours:** Recommend the Council approve Trick-or-Treat hours of 5:30-7:30 PM on Thursday October 31<sup>st</sup>, 2002. The police department will have four officers on duty in the evening of both October 30<sup>th</sup> and 31<sup>st</sup>. Does the Council wish to contract with the Fire Authority for stand-by service? **REQUIRES MOTION.**

Motion by CM Miller, second, by CM Jacobson, to set Trick-or-Treat hours of 5:30-7:30 PM on October 31, 2002. Motion Carried.

City Manager will talk with acting Fire Chief Jim Groat about stand-by service and will have a recommendation at the next Council Meeting.

**10.MDOT:** A representative from the Department of Transportation was scheduled to be in town last week to monitor traffic speeds on Main Street at six different locations. This is in support of the City's request to lower speed limits. No report has been received from MDOT at this time.

CM Murray wanted to know if the clock could be installed this Fall. City Manager Holmes will get with the DPW Supervisor about cutting the sidewalk and getting the clock installed.

CM Jacobson wanted to know if stripes could be painted in the parking lot behind the Pharmacy. City Manager Holmes said that he would try and get all the parking lots re-stripped.

CM Murray wanted to know about putting a new roof on City Hall. CM Murray said that there is \$13,700.00 in the fund for building maintenance. City Manager Holmes will advertise for bids.

School Crossing: Mayor Pavel talked with Principal Muxlow and he said that he hasn't had any complaints about children crossing Main Street at places other than the designated crosswalk at Main and John Streets.

CM Lukacs congratulated the City Manager on doing a great job of getting Brown City on the EPA's list of 18 for an Arsenic removal demonstration project.

**MAYOR'S REPORT:** Flint Kersey High School English class members were in town today getting a profile on Brown City. City Manager gave them some history and Mayor Pavel showed them the school.

Motion by CM Carpenter, second by CM Miller, to adjourn the meeting at 8:00 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk