

COUNCIL PROCEEDINGS FOR OCTOBER 28, 2002

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

Pledge of Allegiance led by Councilmember Jason Nielsen

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 Lukacs, second by CM Carpenter, to approve the Minutes of October 14, 2002 as corrected. Motion Carried. (correction page 4 of 6 under Attorneys Report item #2 – add a comma after the word “case” and insert “Weaver vs. the City of Detroit”.)

PAY BILLS:

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$16,284.96, Payroll - \$13,309.77, Sanitary Sewer - \$374.88, Investment - \$47,355.54. 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:

1. Clyde Messinger & Tammy Scott, Great Lakes Internet - Support for grant request.

Clyde Messinger and Tammy Scott answered questions from the City Council and the Public, about a grant to bring Broadband Internet to the City of Brown City and what his company can do for the City.

Motion by CM Miller, second by CM Murray, to authorize the Mayor and City Manager to sign a letter of support to Mr. Clyde Messinger, by adding a paragraph with additional information with the approval of the wording by Attorney Garno, so he can proceed with the grant. Motion Carried. (letter attached)

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS:

1. Number 02-12 = To amend the City's 2001-2002 Budget to better reflect revenues and expenditures.

Motion by CM Miller, second by CM Carpenter, to amend the budget to better reflect revenues and expenditures.

ROLL CALL VOTE: 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 – None

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter) - None
2. Streets and Sidewalks (Lukacs) - None
3. Water and Sewer (Nielsen)- None
4. Police (Miller)- None
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson)- None

CM Jacobson expressed concern about the refrigerator and air conditioning units on Maple St. These should be taken care of before Halloween.

City Clerk Lee, reminded the Council that they need to close the Public Library on Tuesday, November 5, 2002 for the General Election.

Motion by CM Miller, second by CM Jacobson, to close the Public Library on Tuesday, November 5, 2002 for the General election. Motion Carried.

ATTORNEY'S REPORT:

1. **Mapleview vs. City of Brown City:** No report.
2. **Governmental Immunities –** Attorney Garno discussed a case about highways, public buildings, and motor vehicles, a City forklift injured someone and the City does have immunity because the forklift doesn't come under the definition of motor vehicles.

CITY MANAGER'S REPORT:

- 1. 2002 Sidewalk Program:** The project is complete. Total cost, including additions to the contract, was \$13,394.28 (\$692.32 under estimate). Bills to the five households who received new sidewalks are being prepared and will be mailed soon. Tom Zyrowski of Tom's Ultimate Concrete Finish did an excellent job on this year's project. I would recommend completing the south side of west Maple Street next year.
- 2. Monitoring Violation:** The City was notified today by DEQ that water samples mailed in September "exceeded the holding time of 30 hours prior to being received by the laboratory." The City mailed the samples on time but they were apparently delayed in the mail. As a result, the City must send notices to each of our water customers, and note the violation in the annual Water Quality Report. A copy of the DEQ-provided notice is in your packets. Send report out within the year in case there is another incidence.
- 3. Arsenic Removal:** A reminder that the Spicer Group is holding a seminar on Wednesday October 30th concerning arsenic removal technologies in Cass City. I will be speaking at the meeting concerning citizen education and the EPA pilot program and so will be out of the office most of that day.
- 4. Arsenic Removal:** I spoke with a representative from an engineering firm in Ohio concerning the EPA Demonstration Project. He required some additional information and a specific water test concerning Well #4. We were able to get the test done, and the results forwarded, within 48-hours. Anticipate further contacts with engineering companies on this project.
- 5. Hydrant Flushing:** The hydrant flushing is scheduled to begin the week of November 4th. Ads have been placed in the banner and a notice put on Channel 6. Residents may notice some discoloration in the water in the evening when flushing is being done.
- 6. Anytown.info:** The local internet web page design and hosting company, Anytown.info, that provided and updates the City of Brown City web page, has asked the City Council to designate this as the "official web page of the City of Brown City". Recommend approval. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Lukacs, that Anytown.info be the designated provider of the official web page for the City of Brown City. Motion Carried.

7. Disney Institute: Dale Kerbyson, the City Manager of Marlette, had the privilege of attending the Disney Institute for executive training. A copy of his report is provided for your information.

8. Emmie Die & Engineering: Mr. Emmie has petitioned the City to grant him an IFT tax abatement, such as the one provided to other manufacturing firms in the City. A copy of his request letter is provided. How does the Council wish to proceed?

Motion by CM Lukacs, second by CM Miller, to forward to Mr. Emmie the paper work for an IFT tax abatement for 10 years. Motion Carried.

MAYOR'S REPORT:

1. Domestic Violence Awareness Month.

Motion by CM Miller, second by CM Carpenter, to designate October as Domestic Violence Awareness Month.

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

CM Murray:

1. Wanted to know about the shingles that are in the parking lot behind Uptown Café. City Manager Holmes informed the Council that the shingles came off of Steven (Bud) Welch's house. City Manager Holmes talked to Mr. Welch about getting rid of them.
2. About the clock. City Manager Holmes said as soon as he finds a brick layer that the clock will be installed.
3. Shingles on the roof of City Hall. No bids came in.

CM Jacobson said that there is a U-turn sign that is held up by duck tape on Main Street. This should be put up correctly.

CM Lukacs recommended that the sign in front of the Barber Shop at the corner of Main and Lincoln Street need be moved back about 4 feet so drivers can see at the intersection.

Mayor Pavel expressed concern about a Stop sign in front of the Elementary School that needs to be lowered. It is way too high. City Manager Holmes will check into this and also expressed the fact that the north side of Second Street in front of the Elementary School should be a No Parking Zone.

Motion by CM Jacobson, second by CM Carpenter, to adjourn the meeting at 9:00 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk