

COUNCIL PROCEEDINGS FOR MARCH 28, 2005

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

Pledge of Allegiance led by CM Christine Lee.

PRESENT: Mayor Laura Carpenter; Councilmembers Frank Lukacs, Eugene Navock, Ross McIvor, Christine Lee, and Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: Councilmember Julie Miller.

CORRECTION & APPROVAL OF MINUTES:

Regular Meeting of March 14, 2005

Page 6 of 7 under General Concerns of the Council, to read litigation because “**a discussion in an open meeting could have a detrimental financial effect upon the litigation or settlement position of the public body.**”

Moved by CM Lukacs, second by CM Navock, to approve the March 14, 2005 minutes as corrected. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$19,385.33, Payroll - \$15,226.91, Sewer - \$659.15, Major Streets - \$195.00, Local Streets - \$195.00, Investment - \$25,590.61. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: Kenneth E. Welch – Mayor/City Council Proclamation.

City Manager Holmes read the proclamation. Mayor and City Councilmembers signed the proclamation. The proclamation will be placed on permanent display in City Hall. The Mayor thanked Mr. Welch for his efforts. Mr. Welch gave a brief background of City development.

DPW REPORT:

Report reviewed by the Council.

OLD BUSINESS:

1. Chapter 8 Zoning Map – pending. April 7, 2005 public hearing is scheduled.
2. COMCAST Agreement – Complete.

Moved by CM Lee, second by CM Navock, to remove item #2, COMCAST Agreement, from Old Business portion of the agenda. Motion carried.

3. Bullock Project – pending
4. Resolution 05-08 – tabled.

PUBLIC HEARING: None scheduled.

ORDINANCES: Introduction of 5307A.

Overview of proposed Ordinance 5307A by City Manager Holmes. Council briefly discussed elements of the proposed Ordinance.

CM McIvor introduced Ordinance 5307A.

A Public Hearing for Ordinance 5307A is scheduled for April 11, 2005 at 7:15 p.m.

RESOLUTIONS:

Discussion regarding Resolution 05-09 a Resolution Adjusting Water Rates To Better Reflect Anticipated Operating And Infrastructure Costs

Moved by CM Lee, second by CM Navock, to table Resolution 05-09 until the next regular scheduled Council meeting. Motion carried.

Discussion regarding Resolution 05-10 a *Resolution To Formally Apply For Assistance From The Michigan Department Of Natural Resources To Enhance The Brown City Community Park.*

Moved by CM Lee, second by CM McIvor, to accept Resolution 05-10, a *Resolution To Formally Apply For Assistance From The Michigan Department Of Natural Resources To Enhance The Brown City Community Park.* ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Lee-yes, Blatt-yes, Miller-absent. 5-yes. 0-no, 1-absent, 0-abstain. Motion carried.

Discussion regarding Resolution 05-11 a *Resolution Of The City Of Brown City To Amend The Employee Handbook To Require A Semi-Annual Evaluation Of The City Manager.*

City Attorney informed the Council that Section 2.14 of the City Charter states that any amendments to administrative codes need to be completed through an ordinance.

Moved by CM Lee, second by CM Lukacs, to change Resolution 05-11, A *Resolution Of The City Of Brown City To Amend The Employee Handbook To Require A Semi-Annual Evaluation Of The City Manager* to an Ordinance. Motion carried.

PETITIONS AND COMMUNICATIONS:

Moved by CM Blatt, second by CM Navock, to accept the pre-application building permit from Malcolm Phillips, 4154 4th Street to construct a 7' x 11' plastic shed. City Manager will inform owner that setbacks need to move from 7' and 9' to 12' and 12'. Motion carried.

Moved by CM Blatt, second by CM McIvor, to accept the pre-application building permit from Ray Dupie, 4101 Maple Street to install a 4' x 6' sign for his business. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit from Charles Zuhlke, 4074 Main, to erect a 27' round swimming pool. County permits are required for both the deck and pool. Motion carried.

COMMITTEE REPORTS:

1. Police – none
2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – none

CITY MANAGER'S REPORT:

1. **International Union of Operating Engineers Local 324:** The City has not yet received any contact from the Union concerning negotiations.
2. **DNR Grant Request:** The DNR Grant Request for enhancements to the City Park is being completed and will be forwarded to Lansing by Thursday, March 31st.
3. **MEDC Grant:** The grant requests for the arsenic abatement facility and for the community center were denied. I will continue to look into other grant opportunities.
4. **East Michigan Planning Commission:** Since 1969, Sanilac County has been a member of the EMPC allowing local units, such as Brown City, to use the services of this organization. The County decided to drop their membership as a means of cost cutting. The EMPC provides many services including grant and master plan review, economic development services and many other programs. They are the primary regional planning organization that supports this area. Recommend the City join the EMPC directly. The cost would be about \$156.50 (1.7% of the County total). What is the consensus of the Council?

Consensus of the City Council is to join the East Michigan Planning Commission for the fee of \$156.50.

5. **2006 Streetscape Program:** MDOT **informally** notified the City that our 2003 Streetscape Grant request is **tentatively** funded and could be done during the upgrade of M-90 planned for 2006. However, engineering plans are due to MDOT as soon as possible for their detailed review. Recommend we release a

Request For Proposals (RFP) to get this engineering done as quickly as possible. (REQUIRES MOTION)

Moved by CM Lee, second by CM Navock, to instruct the City Manager to release a RFP for engineering plans for the 2006 Streetscape Program. Motion carried.

6. **MML Legislative Affairs Conference:** I attended this Conference in Lansing on March 23rd. This was a good opportunity to learn the priorities of the Legislature (renewal of the Telecommunications Act, budget issues, economic growth, and tax alignment). I also had the opportunity to talk with several vendors concerning potential projects in the City.
7. **Street Sweeper Lease** – Marlette City officials have agreed to lease their street sweeper to us for a fee of \$100.00 per day. They feel the best time to use the sweeper is after a rain. I will be in contact with them for the use of their equipment.

ATTORNEY'S REPORT:

1. Recommendation that if the Council wishes to have the City join the East Michigan Planning Commission that it be done so in the form of a motion.

Moved by CM Lee, second by CM Lukacs, to join the East Michigan Planning Commission for a fee of \$156.50. ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Lee-yes, Blatt-yes, Miller-absent. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

2. Recommendation regarding regulating utility rates – An ordinance is needed according to the City Charter to regulate public utility rates. Adopting a resolution stating that rates can be periodically changed could be in conflict with the Charter. City Attorney's recommendation is to follow Charter procedure.
3. A message has been left for Attorney Seibert regarding the Bullock case. A report should be available for the next meeting.
4. Governmental immunity case update.

GENERAL CONCERNS OF THE COUNCIL: None

MAYOR'S REPORT:

Mayor Carpenter would like some type of fund established to purchase flowers and/or cards for funerals/hospital stays etc. for City employees/officials. City Attorney will review a procedure.

Moved by CM Lee, second by CM Navock, to adjourn at 7:59 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk