

**BROWN CITY COUNCIL PROCEEDINGS  
SEPTEMBER 26, 2005**

Meeting called to order at 7:00 pm by Mayor Laura Carpenter.

Pledge of Allegiance led by City Attorney Gerard Garno.

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

**ABSENT:** Council member Eugene Navock.

Moved by CM Miller, second by CM Lee, to accept the September 12, 2005 minutes as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills as in the following funds: General - \$19,731.47, Payroll - \$13,037.02, Major Street - \$147.50, Local Street - \$147.50, Sewer - \$1,658.19, Water - \$1,718.58, Equipment - \$1,708.22, Investment - \$27,972.78. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:**

Larry Steigerwald is having a problem with garbage from the apartment building behind his home, blowing into his yard. Unightly garbage piled up is also a problem. City Manager Holmes has located and contacted the owner regarding the garbage problem.

Larry Steigerwald also questions the Planning Commission's approval of the home built at 4221 Second Street when it hasn't been approved by the City Council. He also raised concerns about the proposed addition on Bud's Corner Restaurant and proper handicap parking.

CM McIvor expressed concerns over the inconsistency and miscommunication between the City Council and the Planning Commission.

**PERSONAL APPEARANCES:**

DPW Supervisor Dave Kinney and (Acting) City Engineer Cory Mabery presented a proposed plan to rectify storm water problems on Larry Bullock's property on Third Street. This concept was also the subject of a hearing in Sanilac County Circuit Court last week. Mr. Mabery stated that he will provide cost estimates soon.

Mr. Bullock was present and notified the City Council that he expects that this fix will guarantee that his water problem is solved permanently.

City Attorney Garno recommended that the City Council move into Executive Session to discuss trial or settlement strategy associated with the Bullock Project.

Moved by CM Miller, second by CM Lee, to move into Executive Session at 7:28 pm to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes, Navock-absent. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

Moved by CM Miller, second by CM Lee, to return to Regular Session at 7:45 pm. ROLL CALL VOTE: Lukacs-yes, Navock-absent, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

NOTE: No action was taken in Executive Session.

Moved by CM Miller, second by CM Lee, that without admitting liability the City agrees to accept the engineering proposal presented by the City Engineer regarding the Bullock and area properties, subject to final approval of a consent judgment by the plaintiff, defendant and Court, with costs not to exceed \$10,000. ROLL CALL VOTE: Lukacs-yes, Navock-absent, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

#### **DPW REPORT:**

Reviewed by Councilmembers with no questions or concerns.

#### **OLD BUSINESS:**

1. Bullock Project – see above.
2. International Union of Operating Engineers Local 324 – City Attorney has reviewed and recommends a review by a Labor specialist. City Attorney recommends a review be conducted by Attorney Finkel at an estimated cost of \$1,250.00.

Moved by CM Blatt, second by CM Lee, to hire Labor Attorney Finkel to review proposed union contract at a cost not to exceed \$1,250.00. Motion carried.

3. Status of Llink Technologies Contract – Sanilac County EDC finalizing.
4. Cemetery Water – see Manager's Report.

#### **PETITIONS & COMMUNICATIONS:**

Moved by CM Blatt, second by CM Miller, to accept the pre-application electrical permit for 4237 Main Street to connect electric coolers. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4294 Grant Street to enclose a 16' x 24' roofed area next to back porch. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4187 Vine Street to complete a privacy fence. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4385 Vine Street to fill in front ditch. *City Council added the following sentence October 10, 2005: Resident was provided with Ordinance Section 5603, procedure for filling in ditch was discussed.* Motion carried.

**ORDINANCES:** None scheduled.

**RESOLUTIONS:**

Explanation of Ordinance 05-16 by City Manager Holmes.

Moved by CM Miller, second by CM Lee, to adopt Resolution 05-16, *A Resolution Formally Causing To Be Levied A Special Tax Or Assessment To Recover Monies Owed The City Of Brown City.* ROLL CALL VOTE: Lukacs-yes, Navock-absent, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

**SPECIAL REPORT:**

CM Miller and CM Lee shared various material and information concerning their attendance at the 107<sup>th</sup> MML Conference in Grand Rapids.

**MANAGER'S REPORT:**

- 1. 2005 Street Program:** Boddy Construction began preliminary work on James Street on September 23. Work is scheduled to begin on Monday, September 26. Residents on First and James Streets were provided with preliminary notification September 15<sup>th</sup>. Work should be completed within about a week. Included in the contract are area repairs on Reed Street (repave section), Buby Street (culvert replacement), and 4<sup>th</sup> Street (water- and sewer-tap repair).
- 2. Main and Maple Street Trees:** On hold until area for replanting trees (6) is marked.
- 3. MDOT Training:** Are any members of the City Council interested in attending the MDOT class titled "The 2005 Transportation Information & Input Program for Rural Elected Officials"? The class is available in four different locations each on a different date. The closest to us is in Cass City on October 12<sup>th</sup> (Wednesday) from 9:30 to 12:00 PM.
- 4. Methodist Church / Tri-County Bank Parking Lot Leases:** A recommended language change was provided by the City Attorney via e-mail last Tuesday afternoon. The proposed change will be incorporated into a draft lease and provided to the church and bank as soon as the updated documents are created.

5. **Cemetery Water:** The well was drilled between Himmel and Trombley Lanes at the Evergreen Cemetery on September 20<sup>th</sup>. Construction of a concrete platform and installation of a hand pump are being scheduled.
6. **Hydrant Flushing:** As stated in the published Public Notice, the DPW is scheduled to flush fire hydrants September 26<sup>th</sup> through September 29<sup>th</sup>. Hydrant flushing will usually take place during the day. Residents may notice some discoloration in the water during this process and are advised not to wash white or light colored cloths during this period.
7. **Community Recreation Plan (RECPLAN) Request For Proposals (RFP):** The current 5-year RECPLAN expired in 2004. The DNR will not approve recreation grants for communities that do not have a valid and DNR-accepted RECPLAN. The RFP was mailed to 10 planning/engineering firms on September 16<sup>th</sup>. An additional four were presented to appropriate companies during the MML Conference in Grand Rapids. Firms have already begun to contact the City for additional information. The proposals are due October 11<sup>th</sup> so the Park Board can review them at their October 13<sup>th</sup> regular meeting. Anticipate that they will make a recommendation to the City Council for action at the October 24<sup>th</sup> meeting.
8. **IRS Mileage Rates:** The IRS increased the mileage rate for the period between September 1<sup>st</sup> and December 31<sup>st</sup> to 48.5 cents per mile. The current City rate is 36 cents. Recommend a motion to permanently set the City rate at the IRS rate. REQUIRES MOTION.

Moved by CM Miller, second by CM McIvor, to set mileage rate to coincide with the IRS rate, except where otherwise bound by contract. Motion carried.

9. **City Police Status:** The City's current full-time police officer, Fred Parisek, has accepted a position with the Macomb County Sheriff and has resigned as a full time officer effective September 26<sup>th</sup>, but has requested the opportunity work for the City as a part time officer. Following consultation with Chief Ron Smith, the Mayor and the Chairperson of the Police Committee, recommend the City hire Officer Adam Stracerider as a full time officer, subject to hiring requirements. Adam has worked for the City as a part-time officer since June 8, 2002. REQUIRES MOTION.

Council consensus to promote Officer Adam Stracerider to full time police officer and allow Officer Fred Parisek to work part-time if needed.

10. **City Arsenic Abatement Program:** The City received seven responses to the RFPs mailed out last month. Copies of the proposals are attached to the Council packets. The City Council may request a recommendation from the Sewer and Water Committee, select two or more firms for interviews, select a single firm, or another course of action proposed by the City Council. How does the City Council wish to proceed? REQUIRES MOTION.

Moved by CM Miller, second by CM Lee, that the Water & Sewer Committee review the RFP's received regarding the Arsenic Abatement Program. Motion carried.

11. **Building Permit Approvals:** Research has been conducted on Chapter 8 regarding the proper flow of building permits. Research has found that new construction needs to be approved by council only if a variance is involved. Commercial building permits need to be recommended for approval from the Planning Commission and then move to the council.

**ATTORNEY'S REPORT:**

1. Thank you to CM Miller and CM Lee for materials obtained from the recent MML Conference.
2. Reminder to Councilmembers not to speak to Mr. Bullock regarding his property issues because of pending lawsuit.
3. The Iverski lawsuit was settled at a lower amount than asked for.
4. The Methodist Church/Tri-County Bank leases have been reviewed. A provision for an automatic renewal was the only change made.
5. Union agreement will be forwarded to Labor Specialist.

**GENERAL CONCERNS OF COUNCIL:**

CM McIvor is not in support of keeping Officer Fred Parisek as a part time officer because he doesn't feel Mr. Parisek would have time to do this along with his new full time job. He suggests that a search for other part time officers begin immediately.

CM Lukacs states that a slab of new cement directly in front of the Post Office is cracked and needs to be investigated with contractor.

**CITY MANAGER'S SEMI ANNUAL EVALUATION:**

CM Lukacs conducted the City Manager's Semi Annual Evaluation with Mayor and Councilmembers. Final evaluations produced an 86% approval rating of the City Manager. City Manager Holmes commended for a job well done.

**MAYOR'S REPORT:** None.

Moved by CM Miller, second by CM McIvor, to adjourn at 8:50 pm. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk