

COUNCIL PROCEEDINGS FOR APRIL 26, 1999

Pledge of Allegiance led by CM Ford.

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

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

Moved by CM Pavel, supported by CM Carpenter to approve the Minutes of the April 12, 1999 as written. Motion Carried.

Mayor reported on his recent illness.

PETITIONS AND COMMUNICATIONS:

1. Moved by CM Carpenter, supported by CM Ford to approve tearing off old roof and replacing with a new roof with proper ventilation for the Brown City Health Center, 7115 Cade Road. Motion Carried.

2. Moved by CM Carpenter, supported by CM Pavel to approve a chain link fence for David Glines, 4275 Fourth Street. Motion Carried.

3. Moved by CM Carpenter, supported by CM Ford to approve re-shingling the garage and replacing a 25x50 piece of concrete for Robert MacLarty, 7108 Lincoln Street. Motion Carried.

4. Moved by CM Carpenter, supported by CM Pavel to approve enclosing breezeway for David Van Cura, 4113 Maple Street.

5. Moved by CM Carpenter, supported by CM Ford to approve moving the driveway from the West Side to the East Side of the house next to Little Texas Store for Roger Wood, 4110 Main Street. Motion Carried.

Manager read minutes from Planning Commission concerning Roger Wood's request to sell the property at 4110 Main Street.

6. Moved by CM Carpenter, supported by CM Lukacs to approve a 28x50 (1,400 sq. ft.) new home in the Hillside Subdivision with a 6x12 porch and 12x20 patio with a crawl space. Motion Carried. CM Murray objected.

Discussion on Subdivision rules and who enforces these rules. Attorney stated that the owner of the property enforces the rules within the Subdivision, except when they conflict with a City Ordinance, at which time the City could enforce that ordinance.

PUBLIC HEARING: PUBLIC HEARING TO INCREASE SEWER AND WATER TAP-IN FEES OPENED AT 7:19PM.

City Manager Holmes gave a brief explanation on this subject. This hearing is for the increase of the Tap-in fees, not the Water and Sewer fees. This increase is to help upgrade our current system. Ed Tobey questioned if each new house has to pay? YES, any new construction requiring tap-in. Discussion centered on potential impact of fees and who would be effected.

Moved by CM Lukacs, supported by CM Ford to raise the tap-in fees for Water and Sewer for all new construction as recommended by the Water and Sewer committee on March 31, 1999. Motion Carried.

Moved by Pavel, supported by CM Carpenter to have the Attorney draft an amendment to Ordinance 5304.2 to include these new rates and ADD: Rates shall be increased by Resolution of the City Council from time to time as required. Motion Carried.

Attorney prepared a proposed amendment and presented it to the Council. Discussion on this issue.

CM Lents introduced the amendment to Ordinance 5304.2 designated Ordinance 5304.2A.

Moved by CM Lents, supported by CM Ford to hold a Public Hearing for citizen comments on amending Ordinance 5304.2: Sewer and Water Tap-in fees. Motion Carried.

Moved by CM Ford, supported by CM Lents to put a moratorium on tap-ins until after adoption of the amended ordinance set for May 10, 1999. Roll Call Vote: Pavel-No, Murray-No, Lents-Yes, Ford-yes, Lukacs-No, Carpenter-No. 2-Yes, 4-No. Motion NOT Carried.

PERSONAL APPEARANCES: NONE.

PUBLIC QUESTIONS AND COMMENTS:

Rose Albertson asked if she was allowed to put up a fence. Council said yes.
Eva Gottler requested that the Flags be put up early due to the crisis in Kosovo. Council agreed. Yellow ribbons are at the discretion of business owners and homeowners, not the City. Eva also requested that rubbish be picked up more often. Council discussed this issue.

Moved by CM Carpenter, supported by CM Pavel to have pick-up of rubbish twice a month (1st and 3rd week) and have the dump open (2nd and 4th) on alternating Saturdays. Motion Carried.

ORDINANCES:

Attorney stated that the Council has Chapters 1-4 of the City of Brown City Code to review and several proposed new ordinances and amendments of ordinances. Noted that in accordance with the City Charter, all ordinances to take affect 30 days after adoption.

Attorney reviewed question from last meeting from Council concerning Park Board members being City residents vs. non-residents. She stated that the Park and the City has an agreement that was approved in 1969, which includes a 30-year lease agreement starting in 1976. Advised

Council it is legal to have only City residents serve on the Park Association/ Board. Attorney detailed issue further. Council discussion concerned implications of modifying lease agreement. City will review Park Ordinance to insure compliance with current agreement. Will review when the agreement expires in 2006.

CM Lents introduced these proposed amendments to the City of Brown City Code:

2102A Police Dept.
2104A City Attorney
2200A Compensation Commission.
2400A Board of Review
3200 Definition of Fire Department
3209A Bonfire
4101A Public Nuisance
4107A Refuse
4102A Disorderly Conduct
4202A Prostitution
4308A Rabies Prevention
4309A Rabies Enforcement

All to take place 30 days after adoption.

CM Lents introduced these new ordinances:

2110 Clerk and Treasurer residency requirements
2500 Conflict of interest and financial disclosure
2501 Board of Ethics
2600 Cemetery Board

All to take place 30 days after adoption.

CM Lents scheduled a Public Hearing for May 24, 1999 at 7:15PM for these amendments and ordinances with summary of these available at City Hall.

Moved by CM Pavel, supported by CM Murray to extend meeting past 9:00PM deadline.
Motion Carried.

Attorney and Manager working on Purchasing/Contracting ordinance.

RESOLUTIONS:

Moved by CM Lukacs, supported by CM Lents to pass 3 Resolutions:

1. BC Boys Basketball team.
2. BC Wrestling Team.
3. Tri-County Bank.

Roll Call Vote: Pavel-Yes, Murray-Yes, Lents-Yes, Ford-Yes, Lukacs-Yes, Carpenter- Yes.
6-Yes, 0-No. Motion Carried.

REPORTS AND RECOMMENDATIONS: NONE.

PAY BILLS:

Moved by CM Murray, supported by CM Pavel to pay the bills as presented in the following funds: General Fund: \$32,053.67; Payroll Fund: \$11,507.49; Sanitary Sewer Fund: \$7,270.88; Major Street Fund: \$74.25; Local Street Fund: \$74.25; Investment Fund: \$44,494.53. Motion Carried.

ATTORNEY'S REPORT:

Attorney stated that the Contract between the City and City Attorney expires May 1st 1999. She stated that her firm's fees are \$80.00/hr. with a \$1200.00 retainer, and include attending two meetings a month from 7-9PM.

Moved by CM Carpenter, supported by CM Murray to retain Attorney Marilyn Zimmerman as the City Attorney with conditions as noted above. Motion Carried.

COMMITTEE REPORTS:

BUILDINGS AND GROUNDS: NONE.

PERSONELL: NONE.

POLICE: NONE.

WATER AND SEWER: NONE.

TAX AND FINANCE: NONE.

STREETS AND SIDEWALKS:

CM Pavel stated that the bids for the Street project are in and gave Council the figures.

Moved by CM Pavel, supported by CM Lents to hire Valley Asphalt subject to DPW Supervisor's and City Engineer's supervision for an estimated cost of \$65,932.12. Motion Carried.

MANAGER'S REPORT:

1. **DPW Garage Furnace:** Have bids from two companies. Orton Refrigeration of Clifford \$1,700 (and forgive \$343.56 repair bill) and Hill Heating of Metamora \$2,000. Jack's Heating of Lapeer is pending. **Moved by CM Murray, supported by CM Lents to hire Orton Refrigeration to put in new furnace for \$1,700.00. Motion Carried.**
2. **Sewage Lift Stations:** Bid requests sent to five companies. All pending. Two companies have made appointments to inspect the lift stations.
3. **Well #4 Overhaul:** Bid requests sent to Layne Northern and Peerless-Midwest. Peerless will be inspecting the well prior to submitting a bid.
4. **Lawsuit:** Roy Welch vs. Brown City continues. Met with law firm representing our insurance carrier on April 22, DPW provided information. Next step is response from Plaintiff.
5. **Y2K:** Reviewing prices for office computers. **Reviewing grant application.**
6. **Census 2000:** We began to receive information and tasking from the USG. All of the addresses in the City must be verified and the maps updated and forwarded to USG by May 17.

7. **Brown City Spring Clean-up Days:** Schedule Clean-up Days for Thursday May 20 and Friday May 21? **Requires Resolution. Council requested working around graduation.**
8. **Temporary Mobile Home:** A couple who had suffered extensive damage to their home as a result of a fire, requested they be allowed to park a mobile home, with water and sewer hook-ups, until repairs can be completed. Please see Ordinance 8301.6. **Requires Resolution. Attorney stated that Ordinance 8407, which expressly prohibits this, is the newest and overrules older ordinances.**
9. **DDA Terms:** Three terms for DDA members have expired and require either reappointment or replacement. **Mayor requested Council to provide him with the names of people interested in appointment to the DDA.**
10. **Maple Street:** (east end) Erected No Parking signs to insure street remains open for emergency vehicles and allow DPW access to Well #4. **Requires Resolution. Moved by CM Lents, supported by CM Lukacs to erect NO PARKING signs on last block of Maple Street proceeding east. Motion Carried.**
11. **Industrial Drive:** A review of the MDOT Brown City Street Systems map two months ago revealed that approximately 700' of road listed on the map does not exist. Amendment to the map and forwarded it to MDOT. They replied by letter that a resolution formally deleting the street was necessary. **Requires Resolution. Moved by CM Lukacs, supported by CM Carpenter to DECERTIFY the portion of Industrial Park Drive that does not currently exist as determined by the City Manager. Motion Carried.**
12. **Sale of Harron Cable:** Purchased by Adelphia Communications Corporation for \$1.2 Billion. The new owners have requested a resolution approving the transfer of the franchise. Marilyn is reviewing the paperwork, anticipate it will be ready for Council review on May 10. **Attorney stated that our contract with the Cable company expires August, 1999 and recommended contacting a Law firm that specializes in Cable law.**
13. **Police Fingerprinting:** Chief Smith and Officer Nowiski will fingerprint K-6 for parent ID purposes at the school next Wednesday.
14. **New Police Officer:** Request Council's advise on procedures to hire Officer Russell Nowiski as a full time officer. Chief Smith strongly supports this appointment. Background check completed and successful physical exam is on file. **Police Committee to meet with Chief Ron Smith Tuesday, May 4, 1999 at 7:00PM.**
15. **City Engineer:** Plan to send letters to those engineering companies that bid on the comprehensive water study and expressed interest in being the City Engineer. **12-15 interested, position to be filled A.S.A.P.**

I have an appointment with Bob's assistant this week. Various engineering firms in the area are stepping in to help finish projects.
16. **Alley Gravel:** A citizen has requested we gravel the alley between Vine and Maple Streets. Cost will be about \$2,000. **Possibly put millings from street project on alley.**
17. **Police Training:** The Chief of Police has requested permission for him and one additional officer to attend a self-defense class in Sandusky. Class covers personal defense and the laws associated with use of force. Cost is \$230 for both.

- 18. Baseball Guide:** Royal Publishing is putting together the program for high school baseball season. They would like the City to take out an ad in their publication.
- 19. Bike Rack:** The Library Board has requested a bike rack be installed in front of City Hall. They will pay for half. **Council requested that the Library buys the rack and the City will install.**
- 20. Hydrant Flushing:** Due to a faulty check valve at Well #3, the well has been shut down for repairs. Until this well is on-line, the hydrant flushing is on hold. **Health Department has been notified due to back flush into well. CM Ford stated that there is a leak on Maple Street, Manager to look into this.**

NOTE: CM Ford left at 10:10 PM.

- 21. School Roof Drain:** Apparently, the new hook-up of roof drains on the K-6 Building is causing water to be diverted into the basement of the school. We will continue to monitor the situation.
- 22. Notice of Withholding:** Due to the fire in Maplevue, we have been notified by their insurance company that \$6K will be provided to the City to place in escrow pending final clean-up. Appropriate paperwork will be filed.
- 23. Jones & Henry Engineers:** Last Tuesday they reviewed the lagoon system to determine the costs associated with expanding cell #3. They will provide the figures when available. However, they stated this would be a very expensive course of action and recommended we emphasize our continuing storm water infiltration abatement program.

MAYOR'S REPORT:

Mayor reported on MML meeting in Caro. Trolley available to City for Brown City Days. Tires stored at the old Travco facility have been removed.

Moved by CM Pavel, supported by CM Carpenter to adjourn at 10:18PM. Motion Carried.

Respectfully submitted,

Julie P. Miller
City Clerk