

COUNCIL PROCEEDINGS FOR JUNE 26, 2000

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

Pledge of Allegiance led by Councilmember Laura Carpenter.

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

CORRECTION/APPROVAL OF MINUTES:

Motion by CM Lukacs, support by CM Murray, to approve the minutes of June 12, 2000, as written. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Carpenter, to pay the bills as presented in the following funds: General fund \$37,697.73; Payroll fund \$13,747.22; Investment fund \$106,243.76; Sanitary Sewer fund \$341.24; Water Recreation \$380.59. Motion Carried.

OLD BUSINESS:

1. Preapplication Bldg. Permit-Matt Firmingham, 6813 Cade Road-Fence/Move Hydrant. Still pending hydrant move.
2. Christmas Decorations. Building to be used for storage is still not completed.
3. City Ordinance Chapter 5 Work Session Scheduling. Technical questions with Bond Issues. No date set for work session.

PUBLIC HEARING:

1. **7:15: Rod Cummings-Hughes-Request for Three Zoning Variances.** City Manager gave overview to audience for the three requests for variances by Mr. Hughes. Mr. Hughes told Council that he had the property surveyed and its actual measurement is 66' x 132', so there would only be a need for two variances, (1) house to be located within 3'- 4' of the lot line. (City Ordinance requires 10' from lot line. Mr. Hughes owns the building adjacent to the lot line.) and (2) there would only be 9' between the buildings (City Ordinance requires 12' between buildings). Mr. Hughes will be putting a manufactured home on the lot. Neighbor Dan Loutzenhiser stated that he sees no problem with granting Mr. Hughes the variances and since Mr. Hughes has owned the property it has been cleaned immensely. Mr. Hughes stated that he was going to keep the home in alignment with the other homes in the area and the home will be placed 16 ½' from the railroad easement. With no other comments from the public, the Public Hearing was closed and comments from City Council were heard. City Attorney Zimmerman stated that the City's Variance Ordinance adopted in 1996 provides that the Council has the authority to authorize a Variance from the strict application of the provisions of the Zoning Ordinance, whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided the Variance may be granted without substantial detriment to the community and avoid

undue hardship to the individual and without substantially impairing the intent of this Ordinance. Motion by CM Lents, support by CM Carpenter, that since the railroad easement creates a unique circumstance which causes some undue hardship to the property owner and seeing no detriment to the neighborhood that both variances be granted. Motion Carried. Public Hearing closed at 7:30 PM.

2. **7:30: Section 17.300 Purchase of Real Property.** Public Hearing opened to the public at 7:30. City Manager Holmes offered an overview to the public regarding the Purchase of the "Burger"/Ellis Building. With no questions or comments from the public, the Public Hearing was closed to the public and opened to Council for comments. City Manager Holmes stated that the Purchase Agreement had been signed by the Mayor and City Clerk and that a deposit of \$1,000.00 had been made to the previous owners. City Manager further stated that a proposal for amendment to the budget would be presented at next regular meeting. Motion by CM Pavel, support by CM Carpenter, to accept Section 17.300 for Purchase of Real Property. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes; 6-yes, 0-no, 0-absent. Motion Carried. Public hearing closed at 7:34 PM.

3. **7:43 Section 4203.A Curfew for Minors Amendment.** Public Hearing opened to the public at 7:43. Citizen Dan Loutzenhiser asked if this was a change to the existing ordinance and asked if the ordinance allowed minors time to get home from events. City Attorney Zimmerman explained the Ordinance and stated that this was a new section to the Ordinance. Mr. Loutzenhiser complimented the Oasis Teen Center and asked if the new section would in any way effect it. City Attorney Zimmerman stated that the new section strictly deals with establishments that serve and sell alcoholic beverages. City Manager Holmes stated that this strengthened the Ordinance. With no other public questions or comments the Public Hearing was closed to the public and opened to Council for comments. Motion by CM Miller, support by CM Murray, to adopt Section 4203.A. Roll Call Vote: Carpenter-yes, Lukacs-yes, Miller-yes, Lents-yes, Murray-yes, Pavel-yes; 6-yes, 0-no, 0-absent. Motion Carried. Public Hearing closed at 7:49 PM.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: John Lehotan, 1999-2000 Audit.

Mr. Lehotan presented Council with a package reviewing the financial statements for the fiscal year ending March 31, 2000. He stated that the books and records maintained by the City are in very good order. A copy of the reports is available for review at City Hall.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS: Five Pre-Application Building Permits.

1. Rod Cummings Hughes, 6920 St. Marys Street-New House.
2. Sandra Shadley, 4317 Maple Street-New Garage and Alter Current Garage.
3. Russell Halbert, 4222 First Street-16' x 24' Shed.
4. Gerald Green, 6941 Cade Road-18' x 24' Pool.
5. Judy Traub, 6943 Thelman Ave.-Fence.

Motion by CM Carpenter, support by CM Pavel, to approve all five pre-application building permits. Motion Carried.

Motion by CM Carpenter, support by CM Pavel, to withdraw approval of pre-application building permit by Sandra Shadley for New Garage and Alter Current Garage and table until next regular meeting on July 10, 2000 pending further review of Ordinance. Motion Carried.

Motion by CM Pavel, support by CM Miller, to schedule Public Hearing for 07/24/00 at 7:15 for Judy Traub Special Land Use Variance to open Daycare Center. Motion Carried. Mrs. Traub will present request to Planning Commission at regular meeting scheduled for July 6, 2000.

ORDINANCES: None.

COMMITTEE REPORTS:

Buildings and Grounds: Carpenter: None.

Personnel: Lukacs: None.

Police: Miller: None.

Sewer and Water: Lents: Request for Sewer service to Emmie Die & Engineering. CM Lents requested this issue be tabled until an engineering estimate for gravity feed tying into City Service is obtained.

Tax and Finance: Murray: None.

Streets and Sidewalks: Pavel: Harrington Inn Sidewalk. The Harrington Inn replaced sidewalks for a cost of \$2,783.50 of which the City owes \$1,391.75. Motion by CM Pavel, support by CM Lents, to pay \$1,391.75 for replacement of sidewalk in front of Harrington Inn. Motion Carried. CM Pavel asked City Manager about dumpster/trash bins for pharmacy. City Manager stated DPW is reviewing. CM Pavel asked about the catch basin fill on corner of Second and George Streets. City Manager stated DPW has not had a chance to fix the washout area yet. CM Pavel asked about a water meter for B.P. Carwash. City Manager said B. P. Carwash will get a water meter.

ATTORNEY'S REPORT:

1. The City Attorney will re-contact attorney for Maplevue Estates and will relay outcome of conversation to City Manager. City Attorney attended a Pre-Hearing Conference in Lansing regarding water and sewer connection fee issues and is discussing and researching the issues with City Assessor. City Attorney will follow up issues with Maple Valley Estates.
2. The City Attorney will be on vacation for the next two weeks.

MANAGER'S REPORT:

1. JAMES STREET WATER MAIN: DPW is still working to get the main installed as soon as possible.
2. WATER QUALITY: The Mayor and I attended the DEQ meeting on arsenic in drinking water on June 20 in Lansing. Only three communities were represented, including the City of Brown City. EPA has proposed reducing the level to either 3, 5, 10 or 20 ppb.

The final decision will supposedly be based on input received during the public comment period which begins once the new standard is published in the Federal Register and will then last for 90 days. DEQ has not yet decided on a course of action. Once the public comment period begins, we hope to get some guidance from DEQ.

3. DEQ WATER INSPECTION: The Saginaw Bay District Office inspected our water system last Wednesday. The interviews included both the DPW Supervisor and myself. Lengthy discussion concerning arsenic. Their comment is that Brown City is way ahead of other communities in the District relative to research and planning. They had no recommendations as to courses of action either. Overall, no significant discrepancies or deficiencies were noted.
4. BURGER BUILDING: The Mayor and Clerk signed the purchase agreement last Thursday. Closing when Ordinance Section 17.300 is approved and becomes effective. Total purchase cost is \$36,600. Recommend setting up a joint committee with the Library Board to discuss options and make preliminary plans (such as identifying an architect).
CM Lukacs and CM Murray volunteered to be part of a joint committee with the Library Board.
5. ALMONT SCREW PRODUCTS: Currently the City has granted \$766,050 in tax abatements. Limit is generally pegged at 5% of SEV which is \$900,558. Thus as much as \$134,508 is available. I am still researching to determine if tax increment financing is an option. Cost of machines is about \$160K.
6. THIRD STREET DRAINAGE: Still waiting on drainage improvement proposal from Phillips Engineering.
7. GEMCRAFT HOMES: I spoke with the owner and engineers last Thursday, final plans should be ready for the next Council Meeting.
8. EES INTERNET: GTE to install phone lines in the Library next week. DPW is doing some work which will be billed to EES. Expect internet service to be available by the end of next month.

MAYOR'S REPORT:

1. Reviewed Schedule for Mayor Exchange Days with Croswell.
2. Mayor Brown announced to Council that he would not seek re-election for Mayor. He thanked Council for the excellent job and accomplishments made the past five years.

Motion by CM Miller, support by CM Pavel, to adjourn at 08:40 PM. Motion Carried.

Respectfully submitted,

Barbara J. Seidel
City Clerk