

## COUNCIL PROCEEDINGS FOR SEPTEMBER 11, 2000

Meeting called to order at 7:02 PM by Mayor Pro-Tem Laura Carpenter.

Pledge of Allegiance led by Councilmember Kelly Pavel.

**PRESENT:** Councilmembers – Laura Carpenter, Mike Lents, Frank Lukacs, Julie Miller, Judy Murray, Kelly Pavel, Deputy City Clerk David R. Van Cura, City Manager Clint Holmes, City Attorney Marilyn Zimmerman.

**ABSENT:** Mayor Ken Brown, City Clerk Barbara Seidel.

### CORRECTION AND APPROVAL OF MINUTES:

MOVED BY CM Pavel, supported by CM Miller, to approve the Minutes of August 28, 2000 as written.

Motion Carried.

### PAY BILLS:

Councilmember Murray questioned a bill for the restocking fee for the doors to the police garage.

City Manager Holmes explained that the doors were special ordered. The order was cancelled because the City was able to purchase them sooner elsewhere.

MOVED BY CM Murray, supported by CM Lukacs, to pay the bills as presented in the following funds

**EXCEPT the bill for Paul Bechtel Excavating in the amount of \$1,977.87:** General Fund - \$22,688.54, Payroll Fund - \$12,345.13, Sanitary Sewer Fund - \$6,318.35, Water Recreation Fund - \$7.00, Investment Fund - \$23,500.01. Motion Carried.

### OLD BUSINESS:

1. Preapplication Building Permit – Matt Firmingham, 6813 Cade Road – Fence/Move Hydrant.  
The hydrant on the north end has been installed. The one behind Mr. Firmingham's has not been moved.
2. Christmas Decorations.  
The storage area is now complete. Twelve decorations need to be replaced. City Manager Holmes recommends we replace ½ this year. The Council instructed Mr. Holmes to order the same style as last year.
3. City Ordinance – Chapter 5 Work Session Scheduling. Still pending.

### PUBLIC QUESTIONS AND COMMENTS:

Mr. Clyde Greene asked about the status of arsenic in the water. City Manager Holmes gave an update on what has happened since the Town Meeting.

### PUBLIC HEARING:

7:15 PM = Mr. & Mrs. Jones, 6805 Cade Road – Variance Request / Attached Garage.

Mayor Pro-Tem Carpenter opened the Public Hearing at 7:15 PM.

There were no public comments.

Mayor Pro-Tem Carpenter closed the Public Hearing at 7:17 PM.

Discussion by the Council, with questions answered by Mr. & Mrs. Jones.

MOVED BY CM Lukacs, supported by CM Lents, to grant the variance request to Mr. & Mrs. Jones, 6805 Cade Road, to allow the construction of an attached garage within 4 feet of their property line in violation of the setback requirements for attached garages due to special circumstances in that (1) The closest neighbor to the north has no buildings within the ten foot setback area on their property, (2) No neighbors have objected to the requested variance, and (3) Enforcement of the setback requirement would create an unnecessary hardship to Mr. and Mrs. Jones and there is no substantial detriment to the public good if the variance is granted. Motion Carried.

### PUBLIC QUESTIONS AND COMMENTS CONTINUED:

Nicholas Klupp appeared before the Council regarding a citation he received from the Brown City Police Department regarding a barking dog.

City Attorney Zimmerman told Mr. Klupp if he doesn't pay the fine, the citation will be addressed in District Court.

**PERSONAL APPEARANCES:**

1. Rodger Wood, Brown City Area Fire Chief, gave a video presentation on the Thermal Imaging Camera the Fire Department recently purchased. The cost of the camera is \$16,000.00. The Fire Authority has raised one half of the cost through donations. Mr. Wood asked for financial help from the City to help pay the loan on the camera.

Councilmember Murray recommended the Tax & Finance Committee meet to review the City's budget and bring report back at the next Council meeting.

**RESOLUTIONS:**

1. Resolution #00-11: Formally identifying those personal taxes which have been determined to be uncollectable, and removing these balances from the City Tax Rolls.

MOVED BY CM Pavel, supported by CM Miller, to adopt Resolution #00-11.

ROLL CALL VOTE: Pavel – yes, Murray – abstain, Lents – yes, Miller – yes, Lukacs – yes. Yes – 4, No – 0, Abstain – 1. Motion Carried.

2. Resolution #00-12: Formally accepting the Michigan Department of Transportation Municipal Trunkline Maintenance Contract.

MOVED BY CM Lukacs, supported by CM Murray, to adopt Resolution #00-12.

ROLL CALL VOTE: Lukacs – yes, Miller – yes, Lents – yes, Murray – yes, Pavel – yes. Yes – 5, No – 0. Motion Carried.

3. Resolution #00-13: Formally causing to be levied a special tax or assessment to recover monies owed the City of Brown City.

MOVED BY CM Miller, supported by CM Pavel, to adopt Resolution #00-13.

ROLL CALL VOTE: Pavel – yes, Murray – yes, Lents – yes, Miller – yes, Lukacs – yes. Yes – 5, No – 0. Motion Carried.

**PETITIONS AND COMMUNICATIONS: Five Pre-Application Building Permits.**

1. Rometta Hicks, 4103 Third St. – Replace Porch.
2. Dan Tobey, 4440 Autumn Gold – Swimming Pool.
3. Dan Tobey, 4440 Autumn Gold – Fence.
4. Sherry Gilbert, 6896 Walter St. – Handicap Ramp.
5. Lonny Raymond, 4228 First St. – Demolish/Replace House.

MOVED BY CM Lukacs, supported by CM Murray, to approve the Pre-Application Building Permits. Yes – 4, No – 1. Motion Carried.

MOVED BY CM Pavel, supported by CM Lukacs, to approve the Pre-Application Building Permit for Greg Thomas, 4340 Main Street, to replace the roof over the kitchen area of the house. Motion Carried.

**ORDINANCES:** None.

**COMMITTEE REPORTS:**

1. CM Lukacs (Personnel) – A committee meeting was tentatively set up for Friday, September 22<sup>nd</sup> at 4 PM.
2. CM Miller (Police) – None.
3. CM Lents (Water & Sewer) – None.
4. CM Murray (Tax & Finance) – A committee meeting was tentatively set up for Wednesday, September 20<sup>th</sup>. at 4 PM.
5. CM Pavel (Streets & Sidewalks) – None.

**ATTORNEY'S REPORT:**

1. Mapleview Estates Lawsuit.

City Attorney Zimmerman requested the Council go into Executive Session regarding this matter.

MOVED BY CM Pavel, supported by CM Murray, to go into Executive Session at 8:13 PM regarding the Mapleview Estates Lawsuit.

ROLL CALL VOTE: Pavel – yes, Murray – yes, Lents – yes, Miller – yes, Lukacs – yes. YES – 5, NO – 0. Motion Carried.

MOVED BY CM Miller, supported by Lukacs, to come out of Executive Session at 8:34 PM. Motion Carried.

No action was taken during the Executive Session.

**No formal decisions were made during the Executive Session.**

MANAGER'S REPORT:

1. **BURGER BUILDING:** Pro Masonry Construction completed the separation of the two parts of the building. A roofing contractor has been contacted to repair roof seams where the additional blocks were added. Separation of electric and gas utilities should be completed soon.
2. **DNR GRANT FOR PARK:** Package was mailed last week just prior to deadline. Anticipate awards to be announced in the spring. Final grant request was \$107,750.
3. **STREETLIGHTS:** The City received the plans and agreements from Detroit Edison for the installation of a new streetlight on Second and Third Streets. Cost is \$3,707. This amount is the estimated direct construction costs less three (3) year's revenue. Since this is not a programmed expense, recommend a motion to proceed with this installation.

MOVED BY CM Lukacs, supported by CM Pavel, to proceed with the installation of two streets lights, one on Second St. and one on Third St.. Motion Carried.

4. **CITY CLOCK:** The pedestal clock ordered by the City arrived. It is 8' tall and weighs 300 lbs. Looks like a good product. It is being stored at the DPW. Streets and Sidewalks need to decide where and when to erect it.
5. **JOHN LEHOTAN CONTRACT:** Mr. Lehotan submitted a contract for 2001-2002 to provide audit services for the City. Cost is \$5,500 per year or a total of \$11,000. Recommend a motion to approve this contract.

MOVED BY CM Pavel, supported by CM Murray, to approve the contract for audit services by John Lehotan for the years 2000-01 and 2001-02 at a cost of \$5,500.00 per year. Motion Carried.

6. **2000 STREET CONSTRUCTION PROGRAM:** James P Contracting is scheduled to begin work on these two streets on Tuesday (September 12). They expect to have this \$63,253.35 Project completed within about two weeks.
7. **125<sup>th</sup> ANNIVERSARY PENS:** The Mayor received a flyer from the Union Pen Company to purchase 175 pens with the City of Brown City imprinted on the side along with a 125<sup>th</sup> Anniversary medallion on the clip. Total cost is \$125.75. Need motion. Item tabled.
8. **DNR DRAFT LETTER TO EPA:** Received a copy of the letter DEQ plans to send to EPA concerning arsenic in drinking water. I have no recommended changes. It is available for public review at City Hall. Please note that both the Sanilac County Health Department and Sanilac County Board of Commissioners passed resolutions in support of our resolution sent to EPA.
9. **REQUEST FOR INFORMATION:** Rand Smith sent a letter requesting information concerning a land split and also concerning road and utility access to the property. Copy of the response letter was provided to the Council. No recommended changes to the letter were made.

MOVED BY CM Lukacs, supported by CM Pavel, to adjourn at 8:54 PM. Motion Carried.

Respectfully submitted,

David R. Van Cura  
Deputy Clerk