

COUNCIL PROCEEDINGS FOR SEPTEMBER 10, 2001

Meeting called to order at 7:00 PM by Mayor Kelly Pavel.

Pledge of Allegiance led by Councilmember Laura Carpenter.

PRESENT: Mayor Kelly Pavel, Councilmembers – Laura Carpenter, Frank Lukacs, Michael Stain, Julie Miller, Judy Murray, and Patricia Jacobson; City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

ABSENT: None

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Murray, support by CM Carpenter, to approve the Minutes of August 27, 2001, as corrected. Motion Carried.

PAY BILLS:

Motion by CM Murray, support by CM Jacobson, to pay the bills as presented in the following funds: General -\$22,044.09, Payroll - \$11,916.89, Sanitary Sewer - \$3,033.01, Major St. - \$107.64, Local St. - \$107.64, Water Recreation - \$151.87, Investment - \$17,015.48. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
2. Rezoning Request – Keith Muxlow: Pending.
3. Trees & Sidewalks:
 - A. The trees are now being removed, Frank Lung's is complete, 2 trees south of City Hall. Expect the work to be completed soon.

PUBLIC QUESTIONS AND COMMENTS.

1. William Walters – Human Development Corporation – funds available for property improvement based on household income for fall home repairs (roof, plumbing etc.). For more information call 810-648-4497 (Wendy)
2. William Walters - invited Clint Holmes next Monday to Sanilac Career Center for a MAC Region 7, Michigan Association Commerce meeting. Speaker will be US Representative Barcia.

3. Beth Miller – Wanted to know what she could do about Rod Cummings putting up a fence on her property. The City has no fencing ordinance, City Manager will send a letter to Mr. Cummings with a courtesy copy for Ms. Miller. City Attorney stated that since this is a private property issue, she may wish to hire an attorney.

PERSONAL APPEARANCES. None

RESOLUTIONS:

1. No. 01-09 = Formally Requesting Legal Aid from the Michigan Municipal League Legal Defense Fund.

Motion by CM Lukacs, support by CM Stain, to adopt Resolution No. 01-09.

ROLL CALL VOTE: Jacobson - Yes, Murray – Yes, Miller - Yes, Stain - Yes, Lukacs - Yes, Carpenter - Yes. 6 - Yes, 0 - No, 0 - Absent, 0 - Abstain. Motion Carried.

2. No. 01-10 = Formally Requesting that the Michigan Department of Transportation Installs a Traffic Light at the Intersection of M-53 and Burnside Road.

Motion by CM Stain, support by CM Carpenter, to adopt Resolution No. 01-10.

ROLL CALL VOTE: Jacobson - Yes, Murray - Yes, Miller - Yes, Stain - Yes, Lukacs - Yes, Carpenter - Yes. 6 - Yes, 0 - No, 0 – Absent, 0 - Abstain. Motion Carried.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits:

1. Don Goshorn, 7164 Lincoln St. – 24’x24’ Pole Barn.

Motion by CM Carpenter, support by CM Miller, to approve the preapplication building permit for Don Goshorn as submitted. Motion Carried.

2. Robert Jacobson, 7146 Wells St. – New Window in Garage

Motion by CM Carpenter, support by CM Miller, to approve the preapplication building permit for Robert Jacobson as submitted. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– Sidewalk work is done. Need to fix the spot in front of Carl Parks and the Methodist Parsonage. Will see if the DPW can fix this. CM Lukacs had several questions.
 - a. Who (large tanker) is taking water out of the fire hydrant located across from City Hall.

- b. Shell – trees need to be trimmed.
 - c. City trees need to be trimmed.
 - d. Maple Valley Road – weeds need to be cut.
 - e. Kohler Road – ditch – still trying to get jail crew.
 - f. Shadley House – tree on the east side (biggest tree) on Maple St.
3. Police (Miller)- None
 4. Water and Sewer (Stain)- The committee met on August 29th.
 5. Tax and Finance (Murray)–
 - A. Budget review
 - B. Fire Authority – pumper problems – they submitted a bid to City of Troy on a used 1986 pumper. This machine is 10 years newer than the one that broke. Old one will cost more to repair than purchasing this used one. Gene Burgess will submit the bid.
 6. Personnel (Jacobson)- None

ATTORNEY’S REPORT:

1. Mapleview Estates vs. City of Brown City.
 - A. Appeal is proceeding; hearing is scheduled for September 24th at 10:00 AM.
 - B. Tap-In & Connection Fee Amendment. Cynthia Faulhaber works for Miller Canfield, and is an expert on Bolt vs City of Lansing. Estimated cost for review of 1st phase is \$10,000 because of the liability issue and up to \$10,000.00 for second phase. Won’t go over \$20,000.00 without permission. They will also review the remainder of Chapter 5. Several other alternatives were discussed.

Motion by CM Stain, support by CM Lukacs, to direct City Attorney to contact Miller Canfield to review Chapter 5. Motion Carried.

CITY MANAGER’S REPORT:

1. **Sewer Back-Up Liability:** At the recommendation of the Sewer and Water Committee, a telephone call with follow-up letter was sent to John Gandolfi of Michigan Community Underwriters requesting sewer back-up coverage as outlined in his proposal letter. Coverage should begin soon with a limit of \$2,500 per claimant and \$10,000 each occurrence based on an annual premium of \$3,500.
2. **Sanilac County Economic Development Corporation (EDC):** Enclosed in your packet is a copy of the pledge form sent to the City by the EDC.

They are requesting that we pledge our current level of support for the next five-years. Currently, our contribution is \$2,000 per year. How does the Council wish to proceed with this pledge?

Motion by CM Miller, support by CM Carpenter, to pledge our current level of support for the next five years, \$2000.00 times 5 for a total of \$10,000.00. Motion Carried.

- 3. Building Computers:** Apparently the lightening storm on September 3rd did the following damage at City Hall: Destroyed the City Manager's computer, caused Channel 6 to go off line, and fried the library's internet modem. The City Manager built a new computer and is back on line, Channel 6 was successfully reset, and the library's modem is being sent back to 3Com for repair or replacement (2-4 weeks before internet capability is restored to the library).
- 4. American Water Works Association Conference:** I will be in Gaylord from the afternoon of September 11th through the 13th. I have been requested to give a presentation at the conference on how the City has kept residents informed on the arsenic in drinking water issue. I will miss the Planning Commission meeting but will be back in time for the Park Board meeting. I will be available by cell phone.
- 5. USA Today:** The Mayor and I were interviewed by USA Today concerning the arsenic issue. Publication of the article is scheduled for September 10th. The Mayor presented everyone with a copy.
- 6. Harrington Inn:** The laboratory analysis of the substance found in their hot water heater revealed it was "hard water deposits consisting primarily of calcium carbonate." Was not our problem.
- 7. Maple Valley Lift Station:** Hydrodynamics is scheduled to do the work on the lift station around September 12th. Additionally, a company which specializes in painting lift stations/wet wells is going to be doing work in the area and can do our station also. Estimated cost is \$3,500. Best guess is that the inside of the station was last painted in 1963 when the station was built.
- 8. James Street:** As discussed at the previous meeting, Mr. Harold Higgins of 4194 Fourth Street wishes to file a formal statement with the City

concerning his understanding of the status of that portion of James Street located north of 4th Street. A copy of this statement has been included in your packet. Unless otherwise directed, a copy will be attached to the minutes for September 10th.

- 9. Police Officer of the Year:** Chief Smith has been invited to participate in the Policeman/Fireman Field Day parade in Sandusky on September 8th. He will be driving the Brown City police car sporting a banner that says "Police Officer of the Year."

10. Michigan Township Participating Plan:

- A. Training Records and Personal Records: Training records and personal records are to be kept separate.
- B. Maintenance Logs on Playground Equipment: Need to keep an updated record.

- 11. EPA Survey:** DEQ notified us that Brown City has been selected to be surveyed by the EPA relative to cost benefit analysis. They arrive next week.

MAYOR'S REPORT:

- 1. Planning Commission: Appointment to replace Keith Kohler. Motion by CM Miller, support by CM Murray, to appoint Sandra Shadley to a (3) year term on the Planning Commission to replace Keith Kohler. Motion Carried.
- 2. Fire Department: Tasked City Manager to update and duplicate multiple copies of hazardous site plans required for the Department's MIOSA inspection. Councilmember Murray volunteered to help with the duplication process.
- 3. City Library: Still waiting for information.

Motion by CM Murray, support by CM Miller, to adjourn the meeting at 8:23 PM. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk