

COUNCIL PROCEEDINGS FOR JANUARY 14, 2002

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

Pledge of Allegiance led by City Attorney Gerard Garno.

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

ABSENT: Councilmember Mike Stain.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Carpenter, second by CM Lukacs, to approve the Minutes of December 18, 2001, as corrected. Motion Carried. The correction, in paragraph three, page 5 of 5, added the words 'litigating, or, and position,' to read as follows: "financial effect on litigating or settlement position of the public body."

PAY BILLS:

Motion by CM Murray, second by CM Miller, to pay the bills as presented in the following funds: General -\$34,101.27, Payroll - \$24,486.90, Sanitary Sewer - \$13,626.72, Major Street - \$226.05, Local Street - \$226.05, Water Recreation - \$33.78, Investment - \$27,632.71. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request – Keith Muxlow: Pending

PUBLIC QUESTIONS AND COMMENTS.

1. City Treasurer Carol Walter reported that 42% of property taxes have been collected to date.
2. Gary Abel questioned the Council about the vehicle frames that are stored at the industrial park behind his house, and asked why they are stored all over in the field. Mayor Pavel said she would research these questions.

PERSONAL APPEARANCES:

1. Will Staggs – 4104 Third Street – Building Setbacks. Absent

PUBLIC HEARING: 7:15 P.M. = Ordinance Section 17.500 Transfer of Interest in Real Property. A new Ordinance granting an easement on a certain parcel of Brown City's real property approximately 75' by 10' to Detroit Edison to serve electricity to the Nextel tower. This new City Ordinance is to take effect immediately. The full text of this ordinance is available for review at City Hall.

Mayor Pavel opened the Public Hearing at 7:15 P.M.

An overview of the Ordinance was presented. No questions from the Public.

Mayor Pavel closed the Public Hearing at 7:18 P.M.

ORDINANCES:

1. Ordinance 17.500: Motion by CM Lukacs, second by CM Carpenter, to adopt Ordinance 17.500: An Ordinance authorizing the grant of an easement on a certain parcel of real property owned by the City of Brown City to a third party.

ROLL CALL VOTE: Jacobson - yes, Murray - yes, Miller - yes, Stain - absent, Lukacs - yes, Carpenter - yes. 5 - yes, 0 - no, 0 - abstain, 1 - absent. Motion Carried.

2. Amend Section 8101A.6A – Property Setbacks. CM Carpenter introduced an Ordinance to Amend the Brown City Code by Amending Subsection 8101A.6 of Section 8101 of Chapter 8, Article 1 of said Code, which new Subsection shall be known as Subsection 8101A.6A.

Motion by CM Carpenter, second by CM Miller, to set a public hearing for January 28, 2002 at 7:15 P.M. on Section 8101A.6A. Motion Carried.

RESOLUTIONS: None

PETITIONS AND COMMUNICATIONS: Preapplication Building Permits-

1. Sue Birkett, 7095 McMorran St. = Replace Porch Roof and Enclose Porch. Motion by CM Carpenter, second by CM Miller, to approve the pre-application building permit for Sue Birkett as submitted. Motion Carried.

2. Sandra Marshall, 4467 Main St. = Alteration of Commercial Building, Installation of New Sign.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application building permit for Sandra Marshall as submitted. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)– January 9 Meeting – Burger Building. Authorized City Manager Holmes to start the process of contacting architects to get their bids on converting the Burger Building into City Council Chambers/Community Room.
2. Streets and Sidewalks (Lukacs)– None
3. Police (Miller)- None
4. Water and Sewer (Stain)- None
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson)- Will schedule a committee meeting once research is complete on pay and benefits.

ATTORNEY’S REPORT:

1. Mapleview Estates vs City of Brown City – Appeal Update. *Amicus Curiae* Brief filed in support of the City by Miller/Canfield.

CITY MANAGER’S REPORT:

1. 2nd Street Water Mains: Met briefly with Superintendent Gaubatz on January 10th. He still has not received the estimated labor costs associated with the proposed 2nd Street water main upgrade project. He anticipates the estimate will be available within the next couple of weeks. Once these labor costs are available, we will meet again to work out cost sharing.
2. Annual Employee Evaluations: A new employee evaluation form has been developed for City employees. Copies were reviewed by Department Heads and have been provided to the Personnel Committee. Expect to have the evaluation process completed prior to the January 28th City Council meeting. The Committee needs to decide if I should be evaluated using the new form or continue using the current City Manager-specific form.
3. Staff Wage Survey: Staff surveyed local communities as well as other municipalities in Michigan similar in population to the City of Brown City. Various questions concerning wages and benefits were asked, with the results provided to the Personnel Committee.
4. Park Board Surveys: A survey form was sent to all residential property owners in the City attached to their water bills. Returned cards (about 100 so far) are being collected for the Park Board, which will evaluate them at their February meeting.
5. Sewer Main Analysis: A television camera was used to inspect the City sewer main that runs east next to 2nd Street between Walter Street and the lift station. The lead from 4120 2nd Street is almost completely blocked by

plant roots. Water can be seen in the video to drain slowly from the lead, however, it would be virtually impossible for any solids to flow into the sewer main. City Ordinance 5305.3 states in part: “Every person having water or sewer service shall at his own cost and expense keep in repair all pipes and equipment, except the water meter, between the water main and the premises and between the City sewer and the premises.” A letter has been sent to the owner.

6. Fire Authority: Decision was made at the last meeting that rather than buy a replacement truck (either new or used), the Department would replace the engine on Truck 202 and complete the other repairs needed. This will allow the Department to maintain their 15-year vehicle replacement program.
7. Tax Assessment: Ben’s Supermarket/Ace Hardware hired a professional assessor, Dan Brown, to determine the value of this property. Mr. Brown’s recommended value and SEV is smaller than that estimated by the City Assessor. If we accept their value, the City will lose about \$4,600 per year, forever. After consulting with the City Assessor and the Mayor, I contacted a professional appraiser in Lapeer. He stated that the cost of evaluating Ben’s private assessment would be about \$500, and that for him to conduct a new formal appraisal could cost \$3-4,000. How does the Council wish to proceed? Consensus of the City Council was to table the issue until after the Board of Review in March, 2002.
8. MML Survey: The Michigan Municipal League has developed a survey that “will be used for strategic planning, evaluating our current services and considering additional services.” A copy is in your packet. If you wish to participate, please return the completed survey to me not later than the next City Council meeting.

Motion by CM Lukacs, second by CM Murray, to approve the Executive Session Minutes as submitted. Motion Carried

MAYOR’S REPORT:

1. Cemetery Board Reappointments:

Motion by CM Carpenter, second by Miller, to reappoint the following individuals to the Cemetery Board:

Anthony Zimmerman –Term = January 1, 2000 to December 31, 2005

Raymond Carman – Term = January 1, 2001 to December 31, 2006

Helen Higgins – Term = January 1, 2002 to December 31, 2007

Motion Carried.

2. Planning Commission Reappointments:
Motion by CM Miller, second by Jacobson, to reappoint the following individuals to the Planning Commission: David Blovsky, Ken Brown, and Todd Vandewarker for the term = January 1, 2002 to December 31, 2005. Motion Carried.

To save City streets, have the school use John Street for all construction equipment instead of St. Marys and George Streets.

Motion by CM Lukacs, second by CM Carpenter, to adjourn the meeting at 8:06 PM. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk