

## **COUNCIL PROCEEDINGS FOR FEBRUARY 11, 2002**

**Meeting called to order** at 7:03 P.M. by Mayor Kelly Pavel.

**Pledge of Allegiance** led by Frank Lukacs.

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

**ABSENT:** None.

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Lukacs, second by CM Carpenter, to approve the Minutes of January 28, 2002 as corrected. Motion Carried. The correction on page 2 of 5 under Ordinances should read: This amendment is required: a) due to the small size of buildings lots within the City of Brown City, and; b) to preserve consistency within the City lots by maintaining the continuity of previous setback requirements.

### **PAY BILLS:**

CM Jacobson asked about the bill for \$3,561.32. City Manager said it was for fixing the transmission of the older dump truck.

Motion by CM Jacobson, second by CM Murray, to pay the bills as presented in the following funds: General -\$16,908.28, Payroll - \$11,549.33, Sanitary Sewer - \$2,255.40, Local Street - \$294.00, Water Recreation - \$33.28, Investment - \$17,152.60. Motion Carried.

### **NEW COUNCILMEMBER INTERVIEWS:**

The council heard briefly from each of the candidates who applied for the open City Council seat. The candidates were: Gary Beals, James Diaz, Jason Nielsen and JoAnn Potts.

Motion by CM Miller, second by CM Lukacs, to go into Executive Session to review the specific contents of an application for employment or appointment to a public office.

**ROLL CALL VOTE:** Jacobson yes, Murray yes, Miller yes, Lukacs yes, Carpenter yes. 5 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council went into Executive Session at 7:17 P.M.

Motion by CM Lukacs, second by Carpenter, to move out of Executive Session.

ROLL CALL VOTE: Jacobson yes, Murray yes, Miller yes, Lukacs yes, Carpenter yes. 5 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council came out of Executive Session at 7:34 P.M.

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

The City Council in open session voted, using paper ballots, for the candidate of their choice, and the City Clerk tallied the results. The City Clerk then announced that Mr. Jason Neilsen had been selected by a vote of three to two (3-2). The City Clerk then gave Mr. Neilsen the oath of office and the Mayor welcomed him to the City Council. The Mayor also thanked the other candidates for their participation and interest.

**OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.  
CM Lukacs wanted to know the status of City Ordinance Chapter 5. City Manager Holmes said we are waiting for the final draft of the City's new Master Plan before continuing with updates of the Ordinances to include both Chapters 5 and 8.
2. Rezoning Request – Keith Muxlow: Pending.

**PUBLIC QUESTIONS AND COMMENTS:** None

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:** None

**ORDINANCES:** None

**RESOLUTIONS:** None

**PETITIONS AND COMMUNICATIONS: Preapplication Building Permits –**

1. Hickory Knob (Autumn Gold) Apartments – Renovation.  
Please see Planning Commission Minutes.

Motion by CM Carpenter, second by CM Miller, to approve the letter of support and building renovation requests for Hickory Knob (Autumn Gold) Apartments as submitted. Motion Carried.

#### **COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– New streetlights, one on Maple Valley Road is up, 4 more scheduled to be installed.  
Roads are getting bad, majority of the money will be going to fix Maple Valley road this year any other road will be patched.  
Trees on the North side of Main Street will be taken care of this year, plus Shadley’s tree on the South side that wasn’t taken care of last year. Also a couple of stumps need to be taken care of too.  
Sidewalks need to get bids out sometime in April.
3. Police (Miller)- Set a committee meeting for Monday, February 18<sup>th</sup> at 7:00 P.M.
4. Water and Sewer (Nielsen)- None
5. Tax and Finance (Murray)- Will schedule a committee meeting at the next council meeting.
6. Personnel (Jacobson)- Recommendation is for a one-year employee contract instead of three year. At the next meeting, will set a date for a committee meeting.

#### **ATTORNEY’S REPORT:**

1. No decision on Maplevue Estates vs City of Brown City.
2. City Attorney Garno informed the Council about a recent case that involved water and sewer. He said that in the case of Saginaw Landowners Association vs the City of Saginaw, the court found that municipalities can put a tax lien against a property for unpaid water bills, expect when the owner of the property provides the municipality with a written notice that the tenant occupying the property is responsible for paying the water bill.

#### **CITY MANAGER’S REPORT:**

1. **Staff Wage Survey:** Additional questions concerning employee benefits were sent to those communities previously surveyed. Results have been tabulated and provided to the Personnel Committee.
2. **MLGMA Conference:** The Michigan Local Government Management Association winter conference was most interesting and I was able to

- network with other City Managers as well as receive intensive training in creative problem solving, negotiating, ethics and other subjects.
3. **Master Plan:** At the monthly Planning Commission meeting, representatives from McKenna Associates reviewed the draft Master Plan that had been mailed to each member of the Commission, as well as the results of December's visioning session and recommended land use. Members of the Commission and guests asked questions concerning zoning classifications and proposed land use. The McKenna representatives noted these recommended changes to the Plan. The Commission plans to hold a special workshop to review the Plan in detail and propose any additional necessary changes. Meeting set for Thursday, February 21, 2002 at Faith Baptist Church Annex.
  4. **Summer Projects:** I met with the engineer and received preliminary plans and budget estimates for the Maple Valley Road and Third Street drainage projects planned for this summer. I have turned over the plans to the DPW Supervisor to determine what components of these projects can be completed using City assets.
  5. **Council Chambers:** Requests for proposals (RFP) for converting the Burger Building to Council Chambers/Community Center were mailed to local architectural firms. Four firms set up appointments to tour the facility, and I have had lengthy telephone conversations with three others. Proposals are due February 21<sup>st</sup> for review at the February 25<sup>th</sup> Council meeting.
  6. **Well Head Protection Program:** The DEQ held a special training session for this program in Vasser on Thursday, February 7<sup>th</sup>. I took detailed notes and now know vastly more about types of water wells, plugging procedures, and the intricacies of the grant program. The presenter will provide me with a copy of his two-hour presentation to use for the training of the DPW and creation of educational materials concerning this program.
  7. **Roy Welch Lawsuit:** The City received a bill from Mr. Welch's insurance company requesting damages in the amount of \$4,282.94. I contacted the City's attorney in this matter who advised me not to pay the bill since the lawsuit is ongoing. The insurance company said they would hold the file open until the lawsuit is resolved.

**MAYOR'S REPORT:** None

CM Jacobson had two questions:

1. The building east of Mike's Barber Shop is doing a lot of work. Did they get any building permits? City Manager Holmes will check into this.
2. She received a complaint from Don and Mabel Green about the smoke in the air from wood burning stoves, and wanted to know what we can do about this? City Manager Holmes reported that this was the first and only complaint about the air quality from wood burning stoves and the City's options were very limited.

Motion by CM Lukacs, second by CM Miler, to adjourn the meeting at 8:24 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk