

COUNCIL PROCEEDINGS FOR MAY 13, 2002

Meeting called to order at 7:00 P.M. by Mayor Pavel.

Pledge of Allegiance led by CM Jason Nielsen.

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

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Murray, to approve the Minutes of April 22, 2002 as corrected. Motion Carried. (Corrections page 2 of 4 under the Attorney's Report Item #1 change "CY" to "calendar year" and under Item #3 should read "The Supreme Court's most recent interpretation of the 1965 Government Tort Liability Act, Pohutski vs the City of Allen Park: Sewage". . .)

PAY BILLS:

Motion by CM Murray, second by CM Carpenter, to pay the bills as presented in the following funds: General -\$24,739.26, Payroll - \$11,883.10, Sanitary Sewer - \$6,531.68, Water Recreation - \$33.84, Investment - \$54,221.27, Brown City Forfeiture – 171.23. Motion Carried.

OLD BUSINESS:

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

PUBLIC QUESTIONS AND COMMENTS.

1. Gary Abel wants to know if he could put a culvert in his yard and fill in the ditch in front of his house. City Manager Holmes instructed Gary to fill out a pre-application building permit and pick up a copy of the Ordinance pertaining to this.
2. Dallas Berry would like to change the date of the Planning Commission's next meeting with McKenna and Associates to Tuesday, June 11th or Tuesday, June 4th to discuss the Master Plan.

ORDINANCES: None.

RESOLUTIONS:

No 02-07= To formally apply designated millage and franchise revenue towards retirement of the debt acquired during the repair and refurbishment of the City Water Tower.

Motion by CM Lukacs, second by CM Carpenter, to adopt Resolution #02-07.

ROLL CALL: Jacobson - yes, Murray - yes, Miller - yes, Nielson - yes, Lukas - yes, Carpenter – yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried

PUBLIC HEARING:

1. 7:15 PM – The Design and Construction of the Proposed Downtown Community Center and Meeting Room – Dynamic Consultants, Inc.

Mayor Pavel opened the Public Hearing at 7:15 PM.

The City Manager provided an overview of the two alternate plans provided by the City's architect and the recommendations of the Buildings and Grounds Committee, which had reviewed the plans earlier in conjunction with an inspection of the building. The public was then invited to review and comment on the plans and options associated with the proposed Community Center and Meeting Room.

Mayor Pavel closed the Public Hearing at 7:28 PM.

The City Council then discussed the plans and reached the following consensus:

1. **Selection of Scheme One:** The Council and public liked the vestibule on the west side of the building. However, questions were raised concerning whether the "tunnel" could be shortened (such as by placing the interior door in the middle of the ramp) or if windows could be included to allow someone entering the building to see if anyone was inside. City Manager to review this with the architect.
2. **Kitchenette:** All liked the location and "open design." Desire some cabinets under the counter, and space for a refrigerator against the east wall.
3. **Restrooms:** The Committee, Council and public were unanimous in their desire that the restrooms be moved toward the back of the building so that their entrance door is even with the existing wall. While this will decrease the amount of storage/utility room available in the back, the groups feel they would rather have a larger "main area" available. They also understand this will cause a marginal increase in cost but feel the additional meeting area is worth this cost.

4. **Building Facade:** The Council is interested in ideas to reduce the size of the windows along the street and doing something to differentiate the community center from the store next door. The City Manager will discuss this with the architect.
5. **Light Switches:** Request that main bank of light switches be near the City Hall entrance to the building; however, also request the ability to turn on at least some lights by placing a switch by the public entrance.

Motion by CM Carpenter, second by CM Lukacs, to accept scheme # 1 and modify the plan by moving the bathrooms back, open up the vestibule and brick up the front about 5 feet. Motion Carried.

PERSONAL APPEARANCES:

1. Dave Yourdan – School Board Candidate: Invited everyone to a Rally at the Old School on Sunday, May 19th, from noon to about 3:00 P.M. One last chance to look at and remember the old school.
2. Larry Shea – School Board Candidate: Asked what can be done with the old school because it will be a terrible waste to tear it down. Would like the school to down shift and slow down, and not be in such a hurry to tear it down. Wanted to know if the City Council had any ideas for alternate use.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits –

1. Robert Mitchell, 6976 George St. – Replace Shingles and Base.
2. Robert Krampien – 4174 Fourth St. – Vinyl Siding and Replace Shingles.

Motion by CM Carpenter, second by CM Jacobson to approve the pre-application building permit for Robert Mitchell and Robert Krampien as submitted. Motion Carried.

3. Devon Marshall, 6905 Cade Rd. – Chain Link Fence.

Motion by CM Carpenter, second by CM Lukas to approve the pre-application for Devon Marshall as submitted. Motion Carried.

4. Jerry Green – 6941 Cade Rd. – 12'x24' Skid Shed.

Motion by CM Carpenter, second by CM Nielson, to approve the pre-application of Jerry Green as submitted. Motion Carried.

5. Suburban Home Sales, Inc. (Maple Valley Estates), (3) Lots: #46, #47, #48 – Foundation/Home.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application for Suburban Homes Sales, Inc. (Maple Valley Estates), as submitted. Motion Carried.

6. John Dhoest, 5156 Magnolia Dr. – 12'x16' Deck.
Motion by CM Carpenter, second by CM Miller, to approve the pre-application for John Dhoest as submitted. Motion Carried.

7. Robert VanHorn, 6743 St. Marys St. – Swimming Pool.
Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application for Robert VanHorn as submitted. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter)–None
2. Streets and Sidewalks (Lukacs) – Waiting to see if the City will get a grant from MDOT before deciding what we are going to do. Noticed that the potholes in the road on 2nd and James streets are fixed.
3. Police (Miller)–None
4. Water and Sewer (Nielsen) – Water Tower Bids: The bids were due to City Hall today at 2:00 P.M., the City received four bids. (One bid was not received until about 4:30 and was returned unopened.) Bids were opened and were \$60,000 less than expected. Original bid paperwork was forwarded to Dixon Engineering who will check them for accuracy and make a recommendation for approval to the Council. The Water Tower will be off-line for 4 to 6 weeks and the City will need a temporary water tower to provide necessary water pressure. There might be a gap in time when the bill comes in and when the City gets the bond money. The City can make a \$200,000 loan from the General Account or get a short-term loan from Tri-County Bank.
5. Tax and Finance (Murray)–None
6. Personnel (Jacobson)-
 - a. Brown City Days Update. A copy of the schedule of events was made available to each Councilmember. CM Jacobson briefly discussed planning challenges.
 - b. Application For Fireworks Display Permit.

Motion by CM Carpenter, second by CM Lukas, for the City to make a contribution of \$1,500 to cover half of the cost of the firework display. Motion Carried.

Dallas Berry wanted to know if camping in the park is permitted for Brown City Days. City Manager Holmes instructed Dallas to call Ron Campbell who is Chairman of the Park Board.

CM Jacobson wanted to know if the City was hiring someone part time to mow the grass in the Park. City Manager Holmes informed her that this would be covered under the Manager's Report.

Mayor Pavel informed the City Council that CM Pat Jacobson is doing a nice job on putting together Brown City Days. City Manager also commented on the nice job CM Jacobson is doing.

ATTORNEY'S REPORT.

1. **Mapleview vs Brown City:** No update from the Court of Appeals.
2. **Personal Property Taxes:** Sent letters to the two parties, one contacted City Hall today.

CITY MANAGER'S REPORT:

1. **Rural Development:** I spoke with a representative from USDA in Cass City. He is providing information concerning a low-interest loan for construction of the Community Center/Council Chambers. A loan for this type of project would be at 4¾% for up to 30 years. He is also providing information concerning a possible grant for the \$15,000 fire truck being purchased by the Brown City Fire Authority as a replacement for Pumper 202. Haven't heard anything yet on the replacement truck. He will give us a phone call and help us fill out an application for the Arsenic problem. Deadline, this time next year for the grant program interest free loan.
2. **Police Car:** The (new) police car is off-line. Because T&R Tire was not able to determine the extent of the problem, they towed the car to Tubb's Brothers in Sandusky. Following extensive diagnostics, they determined the engine was "toast." Following consultation with the Mayor, a decision was made to return the car to Brown City and have it evaluated by Colonial Car Care. Their recommendation was to replace the engine and transmission, which is now being done. Car should be available for duty for Brown City Days. Total cost will be around \$6K.
3. **Police Officer Interviews:** The Chief and I interviewed two individuals for part-time police officer. The City currently has one opening. The Chief is completing the background and reference checks on these two people. An additional interview is scheduled for May 16th. Once the background checks are completed I plan to hire one (with the understanding that Council approval is required) so that training can be complete prior to

Brown City Days. Anticipate submitting a name for formal Council approval at the next meeting.

- 4. National Day of Prayer:** A ceremony was held in front of City Hall to mark this occasion. Representatives and leaders from the various community churches, as well as representatives from City Hall attended. A copy of the program (produced by Pastor Dallas Berry) is in your packets.
- 5. Burnside Beef Club:** This 4H Club would like to perform a community service project for the City. Coordination with the DPW Supervisor revealed that a good project might be planting flowers at the entrance to the Park on McMorran Street, as well as in the four planters located in the Park. An additional project could be the flowerbeds under the welcome to Brown City signs on M-90 east and west of town. Does the Council have any other ideas? City Manager Holmes will put together a list for the 4H Club.
- 6. Master Plan:** McKenna and Associates has the final draft of the Planning Commission's Master Plan almost finished. Copies will be forwarded to the Planning Commission members as soon as it is available. They plan to discuss the Plan at their next meeting on June 6th beginning at 6:30 PM. Representatives from McKenna will be on hand beginning at 7:30 to incorporate final changes, if any. The Commission will then schedule a public hearing for their next meeting, which is scheduled for Tuesday, July 9th (instead of Thursday July 4th). If no significant public comment, anticipate they will approve the Plan at that time. Note: Changing the date from Thursday, June 6th to Tuesday, June 11th or Tuesday June 4th, City Manager will check with McKenna and Associates to see what date is best for them.
- 7. Fire Authority:** At their regularly scheduled meeting on May 7th, the Fire Authority appointed Assistant Fire Chief James Groat, Jr. as the acting fire chief for the Brown City Area Fire Authority. This appointment will remain in effect until regular officer appointments are made in January 2003. Burn permits will no longer be available at the Little Texas Party Store, but may be obtained from City Hall. Burn permits are not required inside the City Limits, but fires must be a safe distance from buildings and be supervised at all times.
- 8. School Water Meter:** While construction continues on the new school, this would be a good time to install a water meter. Cost would be \$6,079.82

for an 8" meter, plus the cost for the DPW to build a meter pit and install it. Currently, the school is billed based on the number of students enrolled. With the planned increase in athletic fields and construction of a bus garage and concession stand, a meter would provide a more fair and accurate account of water usage. How does the Council wish to proceed? Will hold a Water and Sewer Committee meeting on Thursday, May 23rd at 7:00 P.M.

9. County Drain: A second bid for expanding the culvert under the railroad tracks behind the school was received. The DPW Supervisor has contacted two additional firms for bids. When available I will make the information available to the Water and Sewer Committee.

10.MML Region V Meeting: The annual MML meeting will be May 22 in Cass City. There is a copy of the agenda in each of your packets. If anyone is interested in attending, please let me know at the Council Meeting since registration forms must be in soon.

11.Vacation Day: My family and I are planning to visit Washington, D.C. on Memorial Day weekend. I will be out of the office (and the state) 24-27 May.

12.Hydrant Flushing and Clean Up Days: Reminder that Clean Up Days are May 20th & 21st. Hydrant flushing has been rescheduled for May 28-30.

13.Renaissance Zone Purchase Grant: Received a fax from Dale Benish, the Sanilac County Economic Development Director stating that our request for a Michigan State grant/loan for the City to purchase the R-Zone was denied.

14.Part-Time Park Employee: Plan to rehire Henry Owens as a part time DPW employee responsible for grounds maintenance in the Park. He will start on May 15, 2002, and will work no more than 32 hours a week (four days per week) without benefits and at the same wages as last year.

MAYOR'S REPORT:

1. Open Meetings Act Training – July 11th/Sandusky: Informed the City Council that they can attend.
2. The Park needs more gravel at the Cade Road entrance. City Manager informed Mayor Pavel that all the roads in the Park were graded and that gravel

was put on the roads, but more can be ordered and spread. Also the fence lines require herbicide treatment.

Attorney Garno reminded the Council that if someone wanted to make a Personal Appearance and was late getting to the meeting, that the Council needs to fit them in later. Also remember to review employment applications in open session unless the person requested a closed meeting. (As corrected 5-28-02: second sentence take out the words 'needs to' and replace with 'may but does not have' so to read – "that the Council may but does not have to fit them in later.")

Planning Commission Meetings are covered by the Open Meetings Act.

Appraisal of Ben's/Ace Hardware: Attorney Garno recommended the City ask Bens/Ace Hardware if they wanted to pay for half of the bill for the appraisal, to show good faith and to insure the most fair appraisal.

Motion by CM Miller, second by CM Carpenter, to adjourn the meeting at 8:58 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk