

## **COUNCIL PROCEEDINGS FOR JULY 22, 2002**

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

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

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

**ABSENT:** None

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

Motion by CM Carpenter, second by CM Miller, to approve the Minutes of July 8, 2002 as corrected. Motion Carried. (Corrections: Page 2 of 4 under Attorney's Report item #1 – should read - Grant of Easement and Ownership Of Section Of Water Main:); Page 3 of 4 under City Manager's Report item #1- Consensus of the City Council is to urge residents to keep their use of water to a minimum; no lawn watering; no swimming pool filling; and gardens may only be watered by hand.) Post cards are being readied to send to all residents (informing them of these restrictions).

### **PAY BILLS:**

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$11,516.20, Payroll - \$14,088.65, Sanitary Sewer - \$10,094.26, Investment - \$17,124.77. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
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. Mary Smith, 4410 Vine St. – replace shingles.  
Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for Mary Smith as submitted. Motion Carried
2. David R. Van Cura, 4113 Maple St. – replace shingles.  
Motion by CM Carpenter, second by CM Jacobson, to approve the pre-application permit for David R. Van Cura as submitted. Motion Carried
3. Jesse Salas, 4073 Third St. – handicap ramp.  
Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Jesse Salas as submitted. Motion Carried
4. Dan Loutzenhiser, 4247 Second St. – 8'x12' storage shed.  
Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Dan Loutzenhiser as submitted. Motion Carried
5. Charles Wilcox, 6770 St. Marys St. – install siding on garage.  
Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Charles Wilcox as submitted. Motion Carried

## **COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter) - None
2. Streets and Sidewalks (Lukacs) –
  - A. Sidewalk on the corner of Main and Lincoln Street in front of Sutton Barber Shop. This area is not included in the Main Street Landscaping design. Dave Kinney has shot some grades to decide how to proceed with the sidewalk in front of Paul Czap's house. More information coming.
  - B. Rocks are falling into Main Street and the parking lot across the street from the Harrington Inn. There is no curbing in that area.
  - C. Clock will be installed after the work is done on the water tower.
3. Water and Sewer (Nielsen)-
  - A. Review of DEQ Recommendation Concerning the School's New Water Main Connection (survey/easement contracts): Mayor Pavel provided a copy of the draft easement and transfer documents to the School's Superintendent, and discussed issues concerning scope and duration of school's responsibility to reimburse the City for maintenance/repair expenses. Waiting to hear back from the school.
  - B. Installation of water well at the school for playing field irrigation:  
Motion by CM Nielsen, second by CM Carpenter to allow Brown City School to install one water well for irrigation of lawns and playing fields only, contingent

upon the following: pipes carrying irrigation water must be physically separate from the City's water system, the pipes to be inspected by the City's DPW; fields being watered by this well must have a sign posted stating water is not safe for human consumption.

ROLL CALL: Jacobson-yes, Murray-yes, Miller-yes, Nielsen-yes, Lukacs-yes, Carpenter-yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

- C. Installation of a Water Meter at the Brown City Community Schools: Consensus was to proceed with installation. DPW to provide bids as soon as possible.
  - D. Water Tower Control Panel – scada system: This system would not only notify DPW Staff of problems with either the water or sewer system, it also regulates the water pumps systems water pressure. DPW Supervisor tasked with securing bids.
  - E. Review of Cade Road storm drain extension: This project is not required at this time.
  - F. Review of current water restrictions: Keep the current restrictions in place. No additional restrictions are recommended at this time.
  - G. Well Head Protection Project: City Manager stated that he had not made any recent progress due to other tasking.
  - H. Water Tower: The painting of the water tower should be done in about 3 weeks if it doesn't rain too much and the winds are calm.
- 4. Police (Miller)- CM Miller wanted to know if the City received a letter from the school detailing how they are going to deal with the asbestos and lead paint in the old school.
  - 5. Tax and Finance (Murray)- None
  - 6. Personnel (Jacobson)- Henry Owens is doing a fine job weed whipping on Cade Road.

City Clerk Lee reminded everyone that the last day to file a Nominating Petition is August 6, 2002.

Motion by CM Miller, second by CM Carpenter, to approve the following individuals to work at the Primary Election on August 6, 2002: Dora "Pat" Hahnefeld, Mary "Betty" Spencer, Jeanne Morrison, Christine Lee, and Mary "Kathleen" Loutzenhiser. Mary "Kathleen" Loutzenhiser appointed chairperson. Motion Carried.

Speed on M-90: No reply from the state.

### **ATTORNEY'S REPORT:**

1. **Collection of Unpaid Personal Property Taxes:** One individual must to reply by this Thursday, or the City will start to seize property. The other individual's tax bill had an error; it also included personal property outside of the City limits. The City Treasurer is working to resolve these issues.
2. **Mapleview vs City of Brown City:** The MML legal Defense Fund has decided to assist in this case with an *amicus curiae* brief. Cynthia B. Faulhaber, of Miller, Canfield, *et alia*, wrote this brief and will file it with the proper Court.

### **CITY MANAGER'S REPORT:**

1. **Water Tower Status:** The work continues with the sandblasting of the wet cell almost complete. The workers have also begun the process of installing the lead dust barrier that will be draped over the entire tower. Complaints were received from residents concerning paint chips landing on their cars and property. Coordination with the painting contractor resulted in the paint chips being vacuumed off vicinity property. The City agreed to reimburse owners for their cost to wash cars. Dixon Engineering has been continuously inspecting the work. With continued good weather, the project should remain on schedule. The additional cost for painting the tower with a dark toned color and using two colors is \$5,600. Council needs to approve this change order. **REQUIRES MOTION.**

Motion by CM Lukacs, second by CM Jacobson to pay \$5,600.00 for the additional two tone color of the water tower for the additional cost of using a dark toned color. Motion Carried.

2. **Arsenic Conference:** The American Water Works Association is hosting a special conference on arsenic in drinking water in Marlette on July 23<sup>rd</sup>. I will be attending this conference, and so will be out of the office all day on Tuesday.
3. **EPA Visit:** The Michigan DEQ notified the City that we are a finalist for the EPA arsenic removal demonstration project. The other two area communities are Sandusky and Carsonville. Selection will mean that the EPA will install arsenic filtration equipment to determine its effectiveness on a system like ours. Two representatives from the EPA will be here on Tuesday, July 23<sup>rd</sup>, to evaluate our system and gather additional information. I will speak to them at the conference in the morning and the

DPW Supervisor will conduct the tour and provide any additional information required.

4. **Tax Tribunal:** Following consultation between representatives from the City and Ben's Supermarket, a settlement was reached on property values. As a result, neither party will have to appear in Tax Court on July 30<sup>th</sup>.
5. **Maple Valley Estates:** The sales staff has requested permission to place a 4' X 9' sign on the southeast corner of Maple Valley Road and M-90. While tentatively approved at the last meeting, final plans revealed the sign is much larger than originally requested; therefore, this request is resubmitted.
6. **Community Center:** Dynamic Consultants has provided the City with a draft copy of the architectural plans. The copy was provided to the Planning Commission, but their approval was not requested since the plans have not yet been approved by the City Council. Their review did not reveal any project shortcomings. Once this draft is approved by the City Council, the architect will proceed with creating the construction plans and an estimated budget. **REQUIRES MOTION.**

The council would like to bring up the front wall of the building with less windows to match the front more closely to City Hall.

7. **Lot Fence:** Mr. Ed Pieters stated that he has acquired a contractor to replace the fence at the north and south ends of the lot adjacent to the old Fire Hall. He expects the work to be finished in the next few weeks. Council has already approved a permit for this construction.
8. **DDA Meeting:** The meeting scheduled for July 18<sup>th</sup> was postponed due to lack of a quorum. Meeting rescheduled to August 5<sup>th</sup> at 7:00 PM at City Hall.
9. **Open Bids for Tree Removal:** Parker Brothers \$3,800.00, Owen Tree Service \$5,660.00 and Might \$8750.00.

Motion by Cm Carpenter, second by Miller, to hire Parker Brothers Tree Service of Brown City to do our tree removal in Brown City for \$3,800.00. Motion Carried.

10. **Trees In Front Of Shell Station:** City to remove the trees by the Shell Station that are a hazard.

**11. 4406 Main Street - Porch and Roof of House:** Permit was not issued by Sanilac County. Waiting for the County Building Inspector to take action. Disposition of the basement is unknown. The house is to be moved one week from tomorrow.

**12. Committee Meetings:** All Council Committees have to have formal minutes.

**MAYOR'S REPORT:**

1. Have Attorney Garno draft letter to school with the condition to assume all liability in connection with well.
2. Have Attorney Garno draft letter to the school about the asbestos.
3. Park Board: will make their own recommendation concerning appointments to the Board.
4. DDA needs at least one new member appointed as soon as possible.

Motion by CM Jacobson, second by CM Miller, to adjourn the meeting at 8:53 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk