

COUNCIL PROCEEDINGS FOR SEPTEMBER 9, 2002

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

Pledge of Allegiance led by Councilmember Pat Jacobson.

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 August 26, 2002 as corrected. Motion Carried. (corrections – page 2 of 6 “Niebal” should be “Kneebone” – page 5 of 6 should read “an ad” not “and ad” – 6 of 6 should read “drop-off” not “drop off”).

PAY BILLS:

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$21,002.18, Payroll - \$11,762.00, Sanitary Sewer - \$411.78, Major St. - \$2,740.00, Local St. - \$3,250.00, Water Recreation - \$33.90, Investment - \$33,507.12. Motion Carried.

OLD BUSINESS:

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

PUBLIC QUESTIONS AND COMMENTS:

Christine Childers of 4301 Maple Street expressed concern about the letter that she received about sidewalk improvements in front of her home without knowing the cost of the repairs. City Manager Holmes explained that the residents usually receive three letters – a pre-letter detailing the project, which is the letter Ms. Childers is referring to; a second letter with the cost estimate, which can not be sent until a bid is accepted and costs are known; and a final letter with a bill when the work is done. City Manager Holmes will call her tomorrow with an estimate of the cost of the project in front of her home, and will sent out the estimate letters to property owners once the sidewalk contract is finalized. City Council would like to see this process done in March in the future to avoid this happening again.

PUBLIC HEARING: Variance Request –

1. 7:15 PM = Darrel & Roberta Schlabach, 4345 Maple Street – To erect a new garage, and porch attached to their home.

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

Mr. and Mrs. Schlabach, of 4345 Maple Street, are requesting a variance to erect a garage attached to their home. City Ordinance 8405.2 states “no house shall be constructed in Residential closer than 10 feet from either side of the lot line.” Since the proposed garage will be attached to the house, it counts as part of the house. Their proposed plan would place the garage approximately four feet from the east lot line.

Dan Burton had no objection, and Linda Swank expressed no objections to this project.

Mayor Pavel closed the Public Hearing at 7:27 PM.

Motion by CM Lukacs, second by CM Carpenter, to approve the variance request by Darrel and Roberta Schlabach in accordance with submitted plans and that a hardship existed because of easement and lot size. (corrected 9/23/02 – should read - Schlabach in accordance with submitted plans an to find practical difficulty and unnecessary hardship)

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

PERSONAL APPEARANCES:

William Walters stated that the City Manager did a fine job concerning the water tower painting and repair. Also Sanilac County has a web site and Brown City has one page for free to use.

ORDINANCES: None.

RESOLUTIONS:

1. No. 02-10 = Formally causing to be levied a special tax or assessment to recover monies owed the City of Brown City.

Motion by CM Miller, second by CM Carpenter, to adopt Resolution No. 02-10.

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

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits –

1. Darrell & Roberta Schlabach, 4345 Maple St. – 12’x22’ Addition to House and New 24’x32’ Attached Garage following demolition of old garage.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for Darrell and Roberta Schlabach as submitted. Motion Carried.

2. Shirley Wellnitz, 6884 Thelman Ave. – replace shingles.

Motion by CM Carpenter, second by CM Nielsen, to approve the pre-application permit for Shirley Wellnitz as submitted. Motion Carried.

3. Dan Burton, 4321 Wood St. – 12’x20’ storage shed.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Dan Burton as submitted. Motion Carried.

4. George Branton, 4110 Main St. – replace shingles.

Motion by CM Carpenter, second by CM Miller, to approve the pre-application permit for George Branton as submitted. Motion Carried.

5. Marlene Hill, 4294 Grant St. – 16’x24’ deck & patio/walkway.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application permit for Marlene Hill as submitted. Motion Carried

A. 7180 Lincoln Street – subdivide.

Council expressed the opinion that this area should remain single family housing.

B. 4006 Main Street – sign. Need more information and check with MDOT.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter) – Street light at Second and James Streets is burnt out.

2. Streets and Sidewalks (Lukacs) -

A. Corner of Lincoln and Main Street – southwest corner Liebler’s lot – Liebler will blacktop to road at his expense, the City will replace sidewalk to Main and Lincoln Street from paved areas.

B. Maple Street – replace walks from Lincoln to Reed Street southside.

C. Pepper Park – First to Second Street.

D. Residences – grass growing on sidewalks – Residents need to take care of this or the City can spray at resident’s expense.

E. Trees in front of Timeless Creations and Marion Studio need to be removed. Need to talk to Ron Marion first. (corrected 9/23/02 – add the word may between Studio and need – should read - Studio may need to)

- F. City Streets need to be sweep. (corrected 9/23/02 – Should be swept not sweep) City Manager Holmes said that the sweeper is broken and waiting on a part.
- G. School Sprinkler System – can the school separate the water lines and sprinkler lines. (corrected 9/23/02 – should be a question mark ? at the end of the sentence.)
- 3. Water and Sewer (Nielsen)- None.
- 4. Police (Miller)- None
- 5. Tax and Finance (Murray)- Committee discussed and recommends to Council to proceed with the water meter at the school and to purchase a SCADA system for the water tower.
- 6. Personnel (Jacobson)-
 - A. Committee is recommending Council increase the salary for the City Treasurer's position to \$8,500.00 per year with the increase beginning December 9, 2002. Personnel Committee discussed and decided not to act on any raises for other elected officials at this time.

Motion by CM Jacobson, second by Murray, to increase the salary for the City Treasurer's position to \$8,500.00 per year with the increase beginning on December 9, 2002. Motion carried.

- B. DPW and fire department personnel – The committee recommended that DPW personnel be paid by the City for the first hour for Brown City Fire Authority runs. If the run is over 1 hour in time, the Fire Authority, not the City, is not required to pay the individual for the fire run.

Motion by CM Jacobson, second by CM Lukacs, to pay the DPW personnel for the first hour for Brown City Fire Authority runs. If the run is over 1 hour in time, the City is not required to pay the individual for the time the individual is gone.

- C. K & K Alarm – The Park Board has a meeting Thursday and the recommendation will be to remove the alarm.

ATTORNEY'S REPORT:

1. Tax Collection: City Treasurer Carol Walters gave a report on the status of the collection of back taxes. All are cooperating and making payments with one exception. City Attorney Garno has contacted the company and they said they would have a new person look into this. If there is no response to the City's request for payment, the City will take them to Small Claims Court after 30 days.

Motion by CM Carpenter, second by CM Miller, to direct the City Treasurer to take B.P. Oil to small claims court if there is no response after 30 days. Motion carried.

- 2. Maplevue vs Brown City:** Maplevue Estates' lawyers filed another brief.

CITY MANAGER'S REPORT:

- 1. Water Tower Status:** The tower painting was completed and became operational about 2:00 PM on Saturday, August 31st. Since the lifting of the water restrictions, consumption has more than doubled. The bond was sold on August 27th to Tri-County Bank at a rate very favorable to the City. The Sanilac County Public Works Committee accepted the sale the next day. Funds should be available to pay water tower associated bills within the next couple of weeks.

- 2. 2002 Sidewalk Program:** The bid packets for the 2002 Sidewalk Project have been mailed out. Modifications to the bid package were mailed August 30th. Sealed bids will be opened at 4:00 PM local time, on Monday, September 9, 2002. The City has received 2 bids back.

Motion by CM Nielsen, second by CM Lukacs, to accept the bid from Tom's Ultimate Concrete Finish in the amount of \$14,086.00. Motion Carried.

- 3. Garbage Collection Contract:** Bid requests were sent to Knox and Waste Management to bid on the City's three-year contract. Bids are due by Monday, September 23rd.

- 4. Trees:** Parker Brothers completed the City's tree project. The damage claim for the house on James Street has been turned over to their insurance company.

- 5. School Water Meter:** The new meter should arrive the week of September 9th. Installation will be scheduled as soon as possible. The DPW Supervisor will coordinate with the school to minimize any inconvenience.

Motion by CM Jacobson, second by CM Murray to pay \$4,500.00 up front to install the water meter at the school. Also want City Manager to get in writing that the company has paid for the meter. Motion carried.

- 6. Personal Bonds:** Currently the City Treasurer is bonded for \$50K, and the Clerk and Manager are bonded for \$10K each. Because funds handled by

these individuals are greater than this amount, is the Council interested in increasing the bonds? Costs is \$5.60 per thousand above \$25,000.

- 7. New DPW Employee:** Jeff Render is recommended to fill the vacant DPW position. He has completed his physical exam. Subject to the City's receipt of completed employment paperwork, recommend the Council approve his hiring. Jeff is staying with J&J. Will recommend the job to the next person on the list, and if no response than put an ad in the paper.
- 8. BC Web Site Pictures:** I have talked with the company providing the City's web site (<http://www.anytown.info>) and they have agreed to add pictures of the Mayor and City Councilmembers. If agreeable to the Council, I plan to take pictures following Monday's meeting. The web site looks very professional, and Council minutes, as well as the City's water quality report are now posted. Does the Council have any recommendations for additional information to be added to the site? The Council will take a group photo before the next Council meeting to add to the Web site.
- 9. Renaissance Zone:** The Sanilac County Economic Development Office has filed paperwork requesting that the Brown City Renaissance Zone be extended for an additional seven years. This move should help efforts to attract a business to the site.
- 10. Welch vs. City of Brown City:** A settlement conference took place on Friday, September 6th at 1:00 PM in Sandusky concerning this lawsuit. Recommend moving into Executive Session to discuss details. **REQUIRES MOTION.**

EXECUTIVE SESSION: To discuss pending lawsuit with the City because to discuss the matter in open session could have detrimental financial impact on the City.

Motion by CM Miller, second by CM Carpenter, to move into Executive Session to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body.

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

Council went into Executive Session at 8:46 PM.

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

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

No action was taken in Executive Session.

MAYOR’S REPORT:

1. Planning Commission Resignations. Sandy Shadley and Sandy Bissett both submitted their resignation for the Planning Commission to take effect immediately.

Motion by CM Miller, second by CM Carpenter, to accept with regret the resignations of Sandy Shadley and Sandy Bissett from the Planning Commission.
Motion carried.

CM Lukacs wanted to know if it would be OK for Greg Dailey repair his sidewalk and split the bill with the City. The sidewalk was broken when the tree work was done in front of his house. DPW Supervisor Dave Kinney will look at this tomorrow.

Motion by CM Miller, second by CM Murray, to adjourn the meeting at 9:06 P.M.
Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk