

COUNCIL PROCEEDINGS FOR JANUARY 13, 2003

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

Pledge of Allegiance led by CM Jason Nielsen

PRESENT: Mayor Laura Carpenter; Councilmembers – JoAnn Potts, Frank Lukacs, Jason Nielsen, Julie Miller, and Pat Jacobson; City Clerk Christine Lee, City Manager Clint Holmes, City Attorney John Lengemann.

ABSENT: Councilmember Charles Zuhlke

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Jacobson, to approve the Minutes of December 23, 2002 as corrected. Motion Carried. (correction page 2 of 5- Add the word “resident’s” before trees and add “research and possibly done in the Spring”. – should read - CM Lukacs wanted to know if the City plans to replace resident’s trees removed by the City. City Manager Holmes said that this will be researched and possibly done in the Spring.)

PAY BILLS:

Motion by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$20,303.41, Payroll - \$25,240.81, Sanitary Sewer - \$7,550.67, Investment - \$32,652.75. Motion Carried.

OLD BUSINESS:

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

PUBLIC QUESTIONS AND COMMENTS: Thomas J. Owens from Owens Shell Service wanted to know why the City sent a letter to the Michigan Liquor Control Commission declaring that an additional SDM in the City of Brown City is neither necessary nor required at this time. Mr. Owens stated that he has a hearing with the Liquor Commission on February 20, 2003. He wanted to know if the City would send a letter to withdraw the first one sent to the Liquor Commission.

City Manager Holmes stated that the City sent the same letter for Ben’s, Kohler Oil and Owens Shell Service.

CM Lukacs wanted to review this again and stated that the City should be willing to help all businesses in town.

CM Miller stated that the City should be consistent with what they do.

Motion by CM Nielsen, second by CM Miller, to take no action on the denial of the Beer and Wine license for Owens Shell Service.

ROLL CALL: Potts - No, Lukacs - No, Nielsen - Yes, Jacobson - Yes, Miller – Yes. 3-Yes, 2-No, 0-Abstain, 1-Absent. Motion fails. No action taken.

PERSONAL APPEARANCES: Mark Tobey would like to take the second story off of his home at 6909 John Street, and replace it along with a new roofline. He plans to start the work in about two weeks and will be done in 45-60 days.

Motion by CM Jacobson, second by CM Nielsen, to approve a pre-application permit for Mark Tobey, 6909 John Street, to change the roofline. Motion Carried.

PUBLIC HEARING: None

ORDINANCES:

1. Ordinance 1402 – Brown City Telecommunications Ordinance - Introduction & Scheduling of Public Hearing. Ordinance #1402 was introduced by CM Miller.

Motion by CM Miller, second by CM Jacobson, to hold a public hearing on January 27, 2003 at 7:15 PM concerning Ordinance #1402. Motion Carried.

RESOLUTIONS:

1. Resolution 03-01 = Amendment to BC Industrial Development District #1. Motion by CM Miller, second by CM Jacobson, to adopt Resolution #03-01.

ROLL CALL: Miller - Yes, Jacobson - Yes, Nielsen - Yes, Lukacs - Yes, Potts - Yes. 5 - Yes, 0 - No, 0 - Abstain, 1 - Absent. Motion Carried.

PETITIONS AND COMMUNICATIONS:

Preapplication Building Permits – None

COMMITTEE REPORTS:

1. Police (Miller)-Chief Smith went over the Brown City Police Department report. He stated that in 2002 that there were 977 calls and in 2001 there were 843 calls.
2. Tax and Finance (Jacobson)- None

3. Personnel (Zuhlke)- Absent
4. Water and Sewer (Nielsen)-
 - a) Abandoned Well Contract.

Motion by Nielsen, second by Lukacs, to hire Mannik & Smith Group of Lansing to do the Well Head Protection research.

- b) Manogue Property Sewer Main.

The Water and Sewer Committee recommends that the City continue with the good faith negotiations on this project.

- c) Household Hazardous Waste Collection: On March 29, 2003, will be the one day site in Brown City. Last fall they held one in Deckerville, and before that it was held in Sandusky.
5. Streets and Sidewalks (Lukacs) – None
6. Building and Grounds (Potts) -None

TREASURER'S REPORT:

1. Tax Collection Status: City Treasurer Carol Walters reported that as of January 13, 2003, that the Brown City Total Taxes for 2002 is \$977,301.11, total collected as of 1-10-2003 is \$420,496.08, taxes still to be collected: \$556,805.03. Total Dog Licenses sold as of January 13,2003 \$127.50. The first disbursement was \$109,789.05, second disbursement is \$256,543.44, with \$105,658.42 going to City of Brown City, \$78,427.49 to Sanilac County, \$56,190.13 to Brown City Schools and \$16,267.43 to Sanilac ISD. Also in changing the process of having Lapeer County make up the tax bill for the properties annexed into the City of Brown City, we encountered some delays. We have four parcels that they will make tax bills for each year from now on.

ATTORNEY'S REPORT: None

CITY MANAGER'S REPORT:

1. **City Hall Roof:** The new shingles are installed except for a small section near the peak on the west side of the library roof. The rain gutters have been replaced. The rest of the roof should be done in a day and a half.
2. **Economic Development Meeting:** The Michigan Economic Development Corporation sponsored an informational meeting on grants in Marlette on January 6th. Grants are for infrastructure associated with new businesses. There is a possibility that we could get grant money to replace the curbs and gutters, sidewalks and pave the alley on the northwest corner of Main Street

and St Marys Street (Mason building). I have sent a letter to the new owner to get the information required to apply for the grant. Paperwork is due to Lansing by January 31st.

- 3. Brown City Area Fire Authority:** During a five hour meeting on January 7th (ending at 1 AM) the members of the Authority, representing the City of Brown City, Maple Valley, Burnside, Flynn and Lynn Townships, appointed new Fire Department officers. They are: Fire Chief James Groat, Jr., Assistant Fire Chief Rob Jacobson, Captain Tom Zyrowski, 1st Lieutenant Travis Blatt, and 2nd Lieutenant Butch Westover. Qualifications for appointment included five-years with the Department and completion of officer training classes. Appointments are currently for one year.
- 4. Downtown Development Authority:** The Downtown Development Authority (DDA) is scheduled to meet for the purpose of evaluating a loan request associated with the purchase of the store located at 4227 Main Street (formerly Apple Emmi's). The meeting is scheduled for 7:00 PM on Tuesday, January 14th, 2003 at City Hall.
- 5. Freedom Of Information Act Request:** The City received a FOIA request on January 2nd from Leonard "Butch" Bennett requesting copies of the documentation associated with his unsuccessful interview for the DPW laborer position on October 9th, 2002. A copy of his request as well as the City's written response is included in your packets. Also, he is "Requesting an investigation as to why I was not hired by the City of Brown City for the DPW position." Does the City Council wish to proceed with this? City Attorney Lengemann said that the City complied with the FOIA. CM Lukacs said that the City Charter was followed and as well as the City Handbook, he stated this to both Mr. Bennett and Bill Pepper. Consensus of the Council was to take no further action. (corrected 1/27/03 – add the word "Employees" between the words "City" and "Handbook" – should read – "as well as the City Employees Handbook,")
- 6. Chapter 8 – Zoning Ordinance:** The Planning Commission has completed their final review of Chapter 8. I need to incorporate their recommended changes in this 140-page document. Anticipate changes will be completed and a final draft copy will be presented to the members of the Buildings and Grounds Committee at the next Council meeting. Following the Committee's review, any significant recommended changes should be resolved at a joint meeting of the Committee and the Planning Commission.

Subsequent to that, a Public Hearing needs to be scheduled for final review and adoption of City of Brown City Ordinance 8000: *Building and Zoning Regulations*. Public Hearing maybe held the first meeting in February.

7. **IFEC:** A phone call to Lansing revealed that the Industrial Facilities Exemption Certificate (tax abatement) was successfully transferred from Almont Screw to Brown City Machine Products. A copy of the request for transfer sent to Department of Treasury by the City was provided to the owner.
8. **Maple Valley Road Construction:** A meeting has been scheduled with representatives from the Michigan Department of Transportation (MDOT), the Huron and Eastern Railroad, the City's Project Engineer, the DPW Supervisor and myself for Wednesday, January 22nd. The meeting is required to obtain final approval from MDOT so construction on Maple Valley Road may begin in the Spring.
9. **Job Interview:** City Manager Holmes stated that he will be out of town on January 24, 25, 29, 30 and 31.

MAYOR'S REPORT:

1. Appoint Richard Fledderjohann to the Board of Review (1/2003 – 1/2005). Motion by Miller, second by Jacobson, to appoint Richard Fledderjohann to the Board of Review with the term of 1/2003-1/2005. Motion Carried.
2. Motion to allow Girl Scout Cookie Sales – 1/18/03 – 2/10/03. Motion by Jacobson, second by Miller, to allow the Girl Scouts to hold their cookie sale 1/18-2/10. Motion Carried.
3. City Clerk
Motion by Miller, second by Nielsen, for City Clerk Lee to attend a certification class on March 6, 2003. Motion Carried.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 7:55 PM. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk