

## **COUNCIL PROCEEDINGS FOR JANUARY 27, 2003**

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

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

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

**ABSENT:** Councilmember Julie Miller.

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

Motion by CM Jacobson, second by CM Zuhlke, to approve the Minutes of January 13, 2003 as corrected. Motion Carried. (Correction page 4 of 5 under item # 5 - add the word “Employees” between the words “City” and “Handbook” – should read – “as well as the City Employees Handbook.”)

### **PAY BILLS:**

Motion by CM Jacobson, second by CM Nielsen, to pay the bills as presented in the following funds: General -\$13132.49, Payroll - \$14612.23, Sanitary Sewer - \$281.17, Major St. - \$645.94, Local St. - \$645.94. 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

### **PETITIONS AND COMMUNICATIONS:**

#### **Preapplication Building Permits –**

1. Craig Dailey, 4317 Maple Street – Addition to House.

Motion by CM Potts, second by CM Lukacs, to approve the pre-application building permit as submitted, with the addition of an enclosed front porch. Motion Carried.

**RESOLUTIONS:**

1. No. 03-03 = Strongly Endorsing Approval of the Request by the City of Brown City for a Community Development Block Grant in Support of Our Downtown.

Motion by CM Lukacs, second by CM Jacobson, to adopt Resolution No. 03-03.

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

2. No. 03-04 = Allowing the Board of Review to Act Upon Written Requests from Taxpayers.

Motion by CM Lukacs, second by CM Zuhlke, to adopt Resolution No. 03-04.

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

**COMMITTEE REPORTS:**

1. Police (Miller)- None
2. Tax and Finance (Jacobson)- None
3. Personnel (Zuhlke)- None
4. Water and Sewer (Nielsen)- None
5. Streets and Sidewalks (Lukacs) - None
6. Building and Grounds (Potts) - None

**TREASURER'S REPORT:**

1. Tax Collection Status: Treasurer Carol Walters stated that this is the last month for taxes and the last day to pay is February 28<sup>th</sup> for this tax season. Walters stated that the County has not yet published the final date to turn-in tax money to Sanilac County. Last week, all the remaining 2001 taxes were paid in full

**CITY DPW SUPERVISOR:** Dave Kenney gave a report concerning the water main break at the Travco Building. See Item # 1 under City Manager's Report.

**ATTORNEY'S REPORT:** Michigan beat Michigan State 60-58.

**CITY MANAGER'S REPORT:**

1. **Water Main Break:** A six-inch pipe that supplies water to the fire sprinkler system in one of the buildings at Travco froze and broke during the early morning hours of Monday January 20<sup>th</sup>. The DPW Supervisor was able to shut off the water supply to the damaged pipe and restore water pressure to the City between 5 and 6 AM. Estimated amount of water lost

from the break was 420,000 gallons. The owner has agreed to pay the City for the cost of the water.

- 2. Economic Development Meeting:** I met with the new owner of the building on the northwest corner of Main Street and St Marys Street (Mason building). She provided the basic information I needed for the grant application. A draft copy of the application package and sample Resolution was submitted to the Sanilac County EDC Director on January 21<sup>st</sup> for his review and consultation with Lansing. If some (fairly significant) contractual problems can be resolved, the application will be forwarded to Lansing on time.
- 3. Chapter 8 – Zoning Ordinance:** The recommended changes to the final draft of Chapter 8 are not yet complete. 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.
- 4. Maple Valley Road Construction:** A two and one-half hour meeting took place on Wednesday, January 22<sup>nd</sup> with representatives from the Michigan Department of Transportation (MDOT), the Huron and Eastern Railroad, the City's Project Engineer, the DPW Supervisor and myself. MDOT recommended a number of changes to the construction prints and associated paperwork. Changes should be completed and submitted to MDOT by February 21<sup>st</sup>. Anticipate bids will be written and let by MDOT in April for construction to begin in May 2003. The railroad has agreed to assist the City in the upgrade of their crossing on Maple Valley Road with its completion to coincide with that of the rest of this project. The City is responsible for drainage, rerouting traffic and payment of about half of the total cost of \$148,000. The County will pay \$84,000.
- 5. Main Street Speed Study:** MDOT has completed their preliminary traffic speed study for Main Street, and is prepared to discuss their findings with the City. A meeting with MDOT, Michigan State Police, and representatives from the City is scheduled for Wednesday, February 5<sup>th</sup> at 10 AM at City Hall.
- 6. Well Head Protection:** A meeting with Ron Holben of Mannik & Smith, the DPW Supervisor and myself took place this morning to review the schedule and procedures for this program. Mr. Holben spent most of the day reviewing City records at both City Hall and at the DPW Garage. Next

step is the creation of educational materials for mailing to City and area residents explaining the program in detail. His firm wants to begin contacting property owners as early as next month.

7. **6873 St Marys Street:** During the course of a criminal investigation, Chief Smith noted that conditions inside of this house were very poor. At the request of the City, the Sanilac County Health Department has begun an investigation, and the Building Department has been notified to conduct an inspection, to determine if the house is in violation of City Ordinance 4106A (Dangerous Building Ordinance).
8. **Owens Shell Service:** The City received notice today that the Michigan Liquor Control Commission will hold an appeal hearing on Thursday, February 20<sup>th</sup> at 10:30 AM in Farmington, MI. The City is invited to attend the hearing and comment. How does the Council wish to proceed? Just wait and see what happens.
9. **Bullock Vs. City of Brown City:** The City's attorney has filed a request for a hearing and motion for the Circuit Court in Sandusky "compelling Plaintiff to provide Answers to First Interrogatories and Requests for Production of Documents and award expenses and attorney fees to Defendant." Hearing will take place on Monday, February 3<sup>rd</sup> at 10 AM. Because this is a procedural issue, City representatives do not need to testify.

**10.Reminder:** I will be out of the office January 28-31.

**PUBLIC HEARING:**

1. 7:15 P.M. = Section 1402: City of Brown City Telecommunications Ordinance.

Mayor Carpenter opened the Public Hearing at 7:15 P.M.

Mayor Carpenter closed the Public Hearing at 7:17 P.M.

**ORDINANCES:**

1. Section 1402 – Brown City Telecommunications Ordinance. Motion by CM Lukacs, second by CM Jacobson, to adopt Ordinance Section 1402.

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

**MAYOR’S REPORT:** None

Motion by CM Lukacs, second by CM Jacobson, to adjourn the meeting at 7:26 PM. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk