

COUNCIL PROCEEDINGS FOR JULY 14, 2003

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

Pledge of Allegiance led by City Manager Darcy Long.

PRESENT: Mayor Laura Carpenter; Councilmembers – Julie Miller, Charles Zuhlke, Pat Jacobson, Frank Lukacs, JoAnn Potts, and Jason Nielsen; Deputy City Clerk David R. Van Cura, City Manager Darcy Long, Interim City Manager Kenneth Brown, City Attorney Gerard Garno.

ABSENT: City Clerk Christine Lee.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Nielsen, to approve the Minutes of the Regular Meeting of June 23, 2003 as corrected. Motion Carried.

Corrections:

1. Page 2 of 9: Under Public Questions And Comments– change “Banish” to “Benish”. Under Personal Appearances/line1- change “tower” to “antenna”, lines 3 & 6- change “insulation” to “installation”, line 6- after “work” insert “on matters regarding the structure of the tower”, change “Drop dead date” to “Need a decision”, line 9- delete “and”, line 10– after “hearing” insert “and an ordinance, and”.
2. Page 4 of 9: Line 3– change “fence” to “fenced”, under item 5/line 10- change “stomp” to “stump”, under Treasurer’s Report– first paragraph– change “\$699300 to \$699.00”, third paragraph/line 2– after “and” insert “she”.
3. Page 5 of 9: Under Police Chief’s Report– change “Chef” to “Chief”.
4. Page 6 of 9: Under City Manager’s Report/item 9- change “slat” to “salt” and change “do” to “no”.
5. Page 7 of 9: Under New City Manager/line 3- after “\$600.00” insert “additional money”.
6. Page 8 of 9: Under Drug Testing/line 3- change to read “ \$50.00 or more. M-Dot and DPW”.

Move by CM Miller, second by CM Jacobson, to approve the Minutes of the Special Meeting of June 25, 2003 as corrected. Motion Carried.

Corrections:

1. Page 1 of 2: Under Old Business/item 1- after “exceed the” insert “ 16 foot”, item 2- change “Banish” to “Benish”.

2. Page 2 of 2: Paragraph 3- insert a comma after “Long” and “Manager”.

Moved by CM Miller, second by CM Potts, to approve the Minutes of the Special Meeting of June 26, 2003 as corrected. Motion Carried.

Corrections:

1. Change “Banish” to “Benish” throughout the document.
2. Page 2 of 3: Paragraph 1/line 3- change “offer” to “offered”, paragraph 2- add sentence “Mr. Benish did leave for the Closed Session.”.
3. Page 3 of 3: Paragraph 1/line 1- replace “is better” with “rather”.

PAY BILLS:

Move by CM Jacobson, second by CM Potts, to pay the bills as presented in the following funds:

General -\$ 28,609.14, Payroll - \$27,836.14, Sanitary Sewer - \$526.06, Major St. - \$17.86, Local St. - \$339.01, Investment - \$47,790.10. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 – Being reviewed by the City Attorney.
2. Rezoning Request – Keith Muxlow: Pending.
3. Drug Testing Policy: Pending.

PUBLIC HEARING:

1. 7:15 PM =“2003” Sidewalk Program.

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

Several residents who live on First Street voiced their concerns regarding the proposed sidewalk replacement and the current problems with storm water drainage.

A resident from Maple Street asked about replacing driveway approaches.

Mayor Carpenter closed the Public Hearing at 7:38 P.M.

PUBLIC QUESTIONS AND COMMENTS:

1. Dale Benish – Sanilac County Economic Development Corporation.
Mr. Benish gave a brief update on the proposed industries interested in locating here. Company #1 is still looking at Brown City. He is still positive they will commit to Brown City. Company #2 is a long way off on making a decision. They will be tougher to bring here.

2. Jay Schwedler - Michigan Economic Development Corporation.

Mr. Schwedler explained how to form and the functions of a Local Development Financing Authority. He also talked about Community Development Block Grants.

3. Ed Pieters – Mr. Ed’s Variety Store.

Mr. Pieters asked the Council if they have any plans to add parking south of the alley behind City Hall to accommodate the proposed Community Center and existing stores. The Council has no plans at this time.

4. Robert Burgess –

Mr. Burgess updated the Council on the repair schedule to his building on Main Street. The building should be painted in the next 2 to 3 weeks. The beams will be straightened and doors replaced after that.

PERSONAL APPEARANCES:

1. Lynn Manogue – Proposed Welles Street Subdivision.

Ms. Manogue was unable to attend. Mr. Kari Lohela, of Cass River Land Surveys, engineer for Ms. Manogue, updated the Council on the proposed project. They are ready to present preliminary plans to the Planning Commission. There will be approximately 28 lots at the south end of Welles Street. Attorney Garno asked about the status of the City’s request for a street easement. Mr. Lohela did not know the status. A question was asked about a storm drain. Mr. Lohela said the project would have an on site retention pond. Attorney Garno asked to have Ms. Manogue call him. The City would like an easement no matter if the land were developed or not.

ORDINANCES: None.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS:

A. Preapplication Building Permits - Requires City Permit -

1. Karl Krampien, 7159 Lincoln St. – Replace Shingles.
2. Robert Jacobson, 7146 Welles St. – Replace Shingles.
3. Jamie Potts, 7208 Lincoln St. – Replace and Install Fence.
4. Howard Hillman, 4156 Maple St. – Replace Shingles.

The permits listed above were issued City permits and do not require Council action. (Corrected 7/28/03 – change the word permits to persons and the word and

to that – should read: The persons listed above were issued City permits that do not require Council action.)

Preapplication Building Permits – Requires County Permit -

1. David Sump, 6920 John St. – Install Pool & Deck.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for David Sump to Install a Pool, a 16'x20' Pool Deck/With Locking Gate and a 16'x16' Deck at 6920 John Street. Motion Carried.

2. Carl Welch, 4298 Wood St. – 16'x20' Pole Type Storage Shed.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Carl Welch for a 16'x20' Pole Type Storage Shed at 4298 Wood Street. Motion Carried.

3. Myrtle Kohn, 4231 Second St. – Demolish House at 4237 Second St.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Myrtle Kohn to Demolish the House at 4237 Second Street. Motion Carried.

4. Myrtle Kohn, 4231 Second St. – 20'x24' Addition to House.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Myrtle Kohn for a 20'x24' Addition at 4231 Second Street and to lift the garage to install footing. Motion Carried.

5. Karl Krampien, 7159 Lincoln St. – Install Dormer.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Karl Krampien to Install a Dormer at 7159 Lincoln St. Motion Carried.

COMMITTEE REPORTS:

1. Police (Miller)- None.

CM Miller asked if the Council should give Mr. Burgess a 30-day extension on repairs to his building on Main Street.

Move by CM Miller, second by CM Jacobson, to give Bob Burgess a 30-day extension. Motion Carried.

2. Tax and Finance (Jacobson)- None.
3. Personnel (Zuhlke)- None.
4. Water and Sewer (Nielsen)- None.
5. Streets and Sidewalks (Lukacs) – None.

CM Lukacs reported that there are 2 large potholes in front of 6842 St. Marys Street. He also would like the potholes patched on Maple Street.

6. Building and Grounds (Potts) – None.

TREASURER’S REPORT:

1. Tax Collection Update – See Attached.

Move by CM Miller, second by CM Jacobson, to direct the City Manager to begin the process of forming a Local Development Financing Authority (LDFA) committee and whatever is necessary to get a Brown City LDFA. Motion Carried.

Move by CM Miller, second by CM Lukacs, to extend the Council Meeting beyond the 9 P.M. hour. Motion Carried.

DPW SUPERVISOR’S REPORT:

1. The Maple Valley Road Project is on schedule.

ATTORNEY’S REPORT:

1. Welles Street Project.

Mr. Garno is trying to contact Ms. Manogue regarding the easement. If an agreement can be reached, we will need to have a survey done and get costs to extend the street and drain.

Move by CM Miller, second by CM Jacobson, to direct that a survey be done of the property necessary to extend Welles Street for use as an easement to extend the street. Motion Carried. (Corrected 7/28/03 – change the word as to in – should read: Welles Street for use in an easement)

2. Maplevue Estates Lawsuit.

Attorney Garno gave the Council an update. The Court of Appeals reversed Judge Teeple’s decision in the City’s favor. The current ordinance is fine. Maplevue Estates has 21 days to appeal.

3. EPA Contract.

The contract has been reviewed and revised by Attorney Garno. It is ready for the Mayor and City Clerk to sign.

Move by Miller, second by Nielsen, that the contract with the EPA for arsenic removal be approved. ROLL CALL VOTE: Miller – yes, Zuhlke – yes, Jacobson – yes, Lukacs – yes, Potts – yes, Nielsen – yes. 6 – Yes, 0 – No, 0 – Abstain, 0 – Absent. Motion Carried.

4. Thumb Cellular Antenna.

Mr. Garno has reviewed and revised the contract. In order to lease property, an ordinance needs to be adopted.

CM Lukacs introduced an ordinance to amend the Brown City Code by adding a new section to be know as Ordinance #17.6, Chapter 17, Article 3 of said code. Move by CM Lukacs, second by CM Miller, to hold a public hearing on July 28, 2003 at 7:15 PM on Ordinance #17.6 for lease of land. Motion Carried.

5. Mark Cunningham, City Assessor.

Mr. Cunningham was hired in 1989. Attorney Garno asked if the assessor contract has been renewed annually. The Council did not recall how it had been handled in the past. Discussion on putting the position out for bids.

Move by CM Zuhlke, second by CM Lukacs, to solicit for bids the position of city assessor. Motion Carried.

INTERIM CITY MANAGER'S REPORT:

1. Lawsuits.
 - A. Roy Welch – Hearing is scheduled for August 14, 2003 at 9:30 AM in the Circuit Court in Sandusky.
 - B. Larry Bullock – Monday morning (July 14th) Mr. Seibert and the insurance company's engineer met with Dave Kinney, Darcy Long, and Ken Brown to go over the print from Wally Philips.
2. New Council Chambers - Tom Zyrowski has started, as of Friday July 11, 2003. The cement has been poured and the door and new glass is to be installed on Tuesday, July 15, 2003.
3. City Hall Entrance - The entrance to the City Hall is coming along fine, the dormer is done, and the vinyl siding is ordered. After the vinyl is installed, there will be no more painting on the outside of the entrance.
4. Proposed Industry - The new plants are still talking of coming to Brown City. Something is or I should say a decision is suppose to take place during the week of July 14th.
5. Maple Valley Road - Maple Valley Road is coming along fine. The progress is ahead of schedule. The Railroad has removed the wood and reset the gauge of the track. They are ready for the asphalt.
6. Tree Bids - No tree bids were received.

7. Stop Sign – Is there a need for a sign at the exit to First St. from the Little Texas Party Store? What is the Council's wishes? The Council recommends that it be left the way it is.
8. Tree Replacement Policy – There was nothing found about a tree replacement policy. I would suggest that the Council write a new policy. I would also suggest that no trees be planted between the sidewalk and the curb, then the Council would not be libel. (Corrected 7/28/03 – change the last word libel to liable – should read: Council would not be liable.)
9. Main Street Planters - I feel the planters look better than the trees. Therefore, I would suggest that the stones be removed and either re-cement or cold patch to fill the holes.
10. Mr. Brown thanked the Council for the opportunity to serve as Interim City Manager.

CITY MANAGER'S REPORT:

1. City Manager Long will re-advertise for bids for the tree removal/trimming project.
2. The City Manager would like to know who to call first in an emergency situation. The Council indicated that the Mayor should be notified first, then the appropriate committee chairperson. The City Manager will also act as spokesman to the media.
3. City Manager Long wanted to know what is the minimum amount that has to be let out for bids? The Council requires anything over \$500.00.
4. The City Manager would like to have an Open House at 5:30 PM prior to the start of the next Council Meeting (July 28th) to introduce himself and his family to the Community.

MAYOR'S REPORT:

1. Mayor Carpenter presented Ken Brown with a plaque to thank him for all of his hard work as Interim City Manager.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 9:35 P.M. Motion Carried.

Respectfully Submitted,

David R. Van Cura, Deputy City Clerk