

COUNCIL PROCEEDINGS FOR AUGUST 25, 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; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

ABSENT: None.

PICKUP TRUCK BIDS:

1. Pickup Truck.

After a long discussion, the Council found out there wasn't enough funds in the equipment fund to purchase a pick-up truck.

PUBLIC HEARING:

1. 7:15 PM = Section 17.700: An Ordinance authorizing the sale of a certain parcel of real property by the City of Brown City to Llink Technologies LLC.

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

(Corrected 9/08/03 – Add the words - No Public input)

Mayor Carpenter closed the Public Hearing at 7:18 P.M.

Move by CM Potts, second by CM Lukacs, to allow the DPW to use the old police car for DPW use after all the police equipment is removed. Motion Carried.

Move by CM Miller, second by CM Jacobson, to take \$12,000.00 out of the Equipment Fund and transfer it back to the General Fund. Motion Carried.

2. 7:30 PM = An Ordinance to amend the Brown City Code section 5304.2A by deleting section 5304.2 and adding a new section which shall be know as section 5304.2AA.

Mayor Carpenter opened the Public Hearing at 7:30 P.M.

(Corrected 9/08/03 – Add the words - No Public input)

Mayor Carpenter closed the Public Hearing at 7:31 P.M.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Nielsen, to approve the Minutes of the Regular Meeting of August 11, 2003 as corrected. Motion Carried.

Corrections:

1. Page 2 of 7: Under Award of Bids: Add – because there was a question on availability of funds.
2. Page 4 of 7: Tenth line from the top: change the word our to other.
3. Page 6 of 7: Under City Manager's Report: change the word Charter to Ordinance.
4. Page 7 of 7: Second Motion from the bottom: change response to response.

Move by CM Miller, second by CM Potts, to approve the Minutes of the Special Meeting of August 14, 2003 as corrected. Motion Carried.

Corrections:

1. Page 1 of 3: Under Guest, and under New Business: Add LLC after Llink Technologies (3 times)
2. Page 1 of 3 Under New Business: add a coma after the word setback and add
the word therefore.
3. Page 2 of 3: Add LLC after Llink Technologies

PAY BILLS:

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$41,118.98, Payroll - \$12,451.34, Sanitary Sewer - \$6,984.79, Major St. - \$21,707.36, Local St. - \$3,850.00, Investment - \$87,949.19. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 – Being Reviewed by Committee.
2. Rezoning Request – Keith Muxlow: Pending.
3. Drug Testing Policy.
4. LDFA.
5. Tree Replacement Policy.

PUBLIC QUESTIONS AND COMMENTS:

Fire Chief James Groat thanked the City for purchasing paint and brushes to paint the fire hydrants. He also explained why some of the hydrants had green, red and orange caps. This is used to identify the water pressure.

Paul Czap wanted to know what the City was going to do to fix the water problem in his yard. He is tired of coming to the Council time after time and the problem is never fixed. City Manager Darcy Long will go to Mr. Czap's place

tomorrow and then contact the City engineer to see what can be done to fix the water problem.

Dale Benish informed the Council that everything is on track with Llink Technologies LLC. Llink Technologies LLC will need to install a retention pond at the east side of their building project.

Company #2 is still 30 to 40 days away from a commitment.

Move by CM Miller, second by CM Jacobson, to hold a Public Hearing on September 8, 2003 at 7:15 P.M. to create an Industrial Development District. Motion Carried.

PERSONAL APPEARANCES: None

ORDINANCES:

1. Section 17.700.

Move by CM Miller, second by CM Nielsen, to adopt Section 17.700 - An Ordinance authorizing the sale of a certain parcel of real property by the City of Brown City to Llink Technologies LLC.

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.

2. Section 5304.2AA.

Move by CM Miller, second by CM Jacobson, to adopt Section 5304.2AA – An Ordinance to amend the Brown City Code section 5304.2A by deleting section 5304.2 and adding a new section which shall be know as section 5304.2AA.

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.

RESOLUTIONS: None.

PETITIONS AND COMMUNICATIONS:

A. Preapplication Building Permits – Requires City & County Permit -

1. Carla Marie LeGere, 4054 Second St. – 18’x36’ Pool & Deck.

Move by CM Potts, second by CM Lukacs, to approve the preapplication building permit for Carla Marie LeGere to build an 18’x36’ pool & deck with the direction of the pool to run North and South and not East and West, at 4054 Second Street. Motion Carried.

2. Susan Ambu, 6951 Thelman Ave. – Privacy Fence.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Susan Ambu to build a privacy fence at 6951 Thelman Avenue.
Motion Carried.

3. Crop Production Services, 4185 Main St. – Demolish Storage Building
Located at the corner of Vine and Merrill Street.

Move by CM Potts, second by CM Miller, to approve the preapplication building permit for Crop Production Services to demolish a storage building located at the corner of Vine and Merrill Street. Motion Carried.

B. Preapplication Building Permits – Requires City Permit - None

COMMITTEE REPORTS:

1. Police (Miller)- None
2. Tax and Finance (Jacobson) - None

CM Jacobson had a question about the culverts not being 12-inch that the City installed on First Street. City Manager Long stated that most of the culvert was going to be underground and that he will have the City Engineer take a look at this to make sure that everything is ok.

3. Personnel (Zuhlke) - Need to check to see if all DPW employees have the proper certifications and that they are up to date. Also that the Police and DPW have appropriate clothing and gear for the winter.
4. Water and Sewer (Nielsen) - None
5. Streets and Sidewalks (Lukacs) – None

CM Lukacs informed the Council that CM Nielsen showed him a little hole on First Street that is 7-inches deep and is between 2 catch basins.

6. Building and Grounds (Potts) - None

TREASURER'S REPORT:

City Treasurer Carol Walter informed the Council that on the 14th of this month she sent the second payment of the 2003 SET taxes to the City and Sanilac County. The City received a check of \$133.25, and the County received a check of \$13,322.76.

The delinquent 2003 Personal Property taxes are at this time moving very well. We are receiving regular payments from both businesses at this time. She has sent out another letter to the Company that is out of town. (Corrected 9/08/03 – change the word She to The City Treasurer). It is her understanding that a letter was sent to an individual by the Attorney, by direction of the Council. City Treasurer Walters would like a clarification on a matter. When the Council accepts a bid on a project, is this your ok that the money is to be transferred and the bill paid before the next Council Meeting? She is a little confused when told to sign checks and do transfers before the Council OKs any bills over \$500.00.

She is told the bill will be added to the next Council meeting for approval. She was under the impression that when the bid is approved, than the bill comes to the City Council at their regular meeting and it is approved. She would like this matter cleared up for her and any future treasurers by making this a motion.

1. Move by CM Miller, second by CM Zuhlke, if there is a bid on a project the bill needs to come back before the Council before the bill is paid. Motion Carried. (Corrected 9/08/03 – change to read - - if there is a bid accepted on a project the bill of the product or service needs to come back, before the City Council before the bill is paid.)

Move by CM Miller, second by CM Zuhlke, to pay Normal and Costumer bills and other bills up to \$500.00. They can be paid anytime. Anything over \$500.00 has to come before the Council. Motion Carried.

POLICE CHIEF'S REPORT:

Police Chief Ron Smith informed the Council that Delbert Hayward was named Firefighter of the Year.

Chief Smith with City Manager Long would like the City to set up an Emergency Plan for the City of Brown City.

Junk cars: the City had a lot of them, over 50% were removed and letters were sent out and 90% responded. (Corrected 9/08/03 - change the word remove to removed.)

The price for decals for the new police car will be about \$40.00 more than the last time this was done.

ATTORNEY'S REPORT:

1. Mapleview Estates vs City of Brown City.
The case was denied by the Court of Appeals. Mapleview Estates has 21 days to make an appeal to the Supreme Court of Michigan.(Corrected 9/08/03 - change The case was denied to The motion for reconsideration was denied.)
2. Renaissance Zone: Attorney Garno has prepared the formal documents for the purchase of the Muxlow/Kohler property and for the sale to Llink Technologies LLC. This will take place on Thursday at 2:00 P.M. in Paul Muxlow's office. (Corrected 9/08 03 - change Paul Muxlow to Red Carpet.) He found out there is about 7 acres on the east side, not 6 acres. Also Llink Technologies LLC is building on the first 8 acres but they need to put in a retention pond on the east side. Does the City want to exercise the option to purchase the 7 acres on the east side? The City will not know before the end of September whether they will receive the grant.

Move by CM Miller, second by CM Jacobson, to direct the City Attorney to write a letter that the City is exercising the option to purchase the last 7 acres on the east side of the Renaissance Zone.

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

3. Council needs to amend the Ordinance dealing with Preapplication Building Permits: That you need to acquire a Preapplication Building Permit, if they fail to do so, than the City Manager or the City Attorney will send a letter stating that if one is not acquired within 72 hours, either a fine or double the cost of the permit. City Attorney Garno will draft a form letter and the Buildings & Grounds Committee can look at it and decide what to do. Also the Committee needs to look at fences; there is nothing in the Ordinance. (Corrected 9/08/03 - Change the first sentence to read – The Council may want to amend a Pre-Application Building Permits: - change the word acquired to acquire.- and the last two sentences change to read - City Attorney Garno will draft a letter regarding his suggestion and the Building and Grounds Committee can look at it and decide what to do. Also the Committee needs to look at fence issues; there is nothing in the Ordinance.

CITY MANAGER'S REPORT:

1. Channel 6 Computer: Take the computer out of the City Manager's office and use it for Channel 6, and the DPW will use the Channel 6 computer.

Move by CM Miller, second by CM Jacobson, to go past the 9:00 hour. Motion Carried.

Move by CM Zuhlke, second by CM Potts, to spend up to \$1,500.00 to purchase a new computer for the City Manager's office, with the funds to come out of the Channel 6 account. Motion Carried.

2. Electric Work in City Hall: Need to add more circuits to run all the equipment in City Hall.

Move by CM Zuhlke, second by CM Jacobson, to award a bid to Dennis Old Electric to install 3 new circuits with isolated ground with a total of 4 new receptacles for existing computer equipment. Motion Carried.

3. Memo: Dated August 22, 2003

- A. The offer to the second company was delivered by Sanilac County Economic Development Director Dale Benish and as of Friday, August 22, 2003 no action has been taken by the company.
- B. The Michigan Department of Transportation removed two trees on M-90. I will be checking with MDOT to see if their contractor will return to remove the stumps or if the City will be responsible. The tree trimmers also broke the sidewalk and I will try to get MDOT to pick up the bill.
- C. The DPW burned the brush pile last week. It is my opinion that our days of burning brush at the old landfill will be numbered and alternatives for dealing with yard waste will have to be considered. The Streets and Sidewalks Committee will need to address this.
- D. I talked with Tom Zyrowski about the sidewalk project and he stated that he would start the beginning of September. I explained to him about drainage problems on First Street, that it should be addressed before we can start and that he should work on Maple Street first. Tom is also going to give me an estimate for replacing the sidewalk on the South side of Main Street. I have also asked him to repair the two spots on the South side of Main Street that could be a trip hazard along the curb.
- E. Ron and I are working on getting junk vehicles removed from around the City.
- F. Committees that need to meet in September: Building and Grounds, and Streets and Sidewalks

MAYOR'S REPORT:

Mayor Carpenter recommended Dave Webb for the Planning Commission. Move by CM Miller, second by CM Nielsen, to appoint Dave Webb to the Planning Commission. Motion Carried.

Move by CM Miller, second by CM Potts, to adjourn the meeting at 9:08 P.M. Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk