

COUNCIL PROCEEDINGS FOR SEPTEMBER 8, 2003

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

Pledge of Allegiance led by City Attorney Gerard Garno.

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.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Potts, to approve the Minutes of the Regular Meeting of August 25, 2003 as corrected. Motion Carried.

Corrections:

1. Page 1 of 7: Under both Public Hearings insert - no Public input.
2. Page 4 of 7: Under Treasurer's Report second sentence change the word She to The City Treasurer.
3. Page 5 of 7: First Motion 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.
4. Page 5 of 7 Under Police Chief's Report about Junk Cars: change the word remove to removed.
5. Page 5 of 7 Under Attorney's Report #1: change The case was denied to The motion for reconsideration was denied.
6. Page 5 of 7 Under Attorney's Report #2: change Paul Muxlow to Red Carpet.
7. Page 6 of 7 Under #3: 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.

PAY BILLS:

Move by CM Jacobson, second by CM Lukacs, to pay the bills as presented in the following funds: General -\$86,943.54, Payroll - \$12,509.13, Sanitary Sewer - \$4,684.18, Investment - \$128,152.68. Motion Carried.

Move by CM Zuhlke, second by CM Lukacs, to accept the bid from Cunningham-Limp to construct the road going into the new factory at a cost of \$433,000.00.

Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 – Being Reviewed by Committee.
2. Rezoning Request – Keith Muxlow: Pending.
3. Drug Testing Policy – Wait to see what information Police Chief Ron Smith comes back with.
4. LDFA - Pending
5. Tree Replacement Policy – Will have something by the end of the month.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: Dale Benish informed City Council that Company #2 is about 3 weeks away before making a decision.

PUBLIC HEARING:

1. 7:15 PM = Establishment of an Industrial Development District Encompassing Approximately 13 Acres.

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

Dale Benish explained to the Public why the City Council is doing this and about the Tax Abatement.

Also City Attorney Garno stated that this is approximately 15 Acres and not 13 Acres.

Mayor Carpenter closed the Public Hearing at 7:19 P.M.

ORDINANCES:

The Building and Grounds Committee met on August 27, 2003 and the following recommendations were made:

Building Permits – City Attorney Garno suggested in a letter to the City Manager that we amend the Ordinances to better encourage Citizens to get the Pre-Application Building Permits. By making Residences aware of when a permit is needed. If a person required to get a permit fails to do so, The City Manager will send a letter to the person notifying them that a permit is needed and they have 72 hours to attain one, and that the permit was required prior to building, thus, there will be a fine of \$10.00. (Corrected 9-22-03 – Put a coma after the word permits,

change Page 3 of 6 – Motion at top of page - change the motion to read - to accept the recommendation by the City Attorney. Also add that CM Miller objected) If the 72 hours after notice the cost of the permit fine doubles. All permits should be on bright colored paper and are required to be posted in the front window of the home on the site, or on a post at the site. County Commissioner William Walters also informed the City Council that the County also has a fine for not having a building permit.

Move by CM Potts, second by CM Lukacs, that All permits should be on bright colored paper and are required to be posted in the front window of the home on the site, or on a post at the site. Motion Carried. (Corrected 9/22/03 – change the motion to read - to accept the recommendation by the City Attorney. Also add that CM Miller objected)

To Amend the Ordinance, will need a Public Hearing.

1. Residential Fences – Guide people to stay within the property line.
2. City Hall Chambers – City Manager Long suggested we start the completion of the interior of the empty building that the City owns so it will be ready before election, to use this area for voting. City Council members suggested we hold off due to moneys being spent at this time and to continue using the City Library for voting.
3. Index for Chapter 8 – is attached.

RESOLUTIONS:

1. Number 03-13: Establishment of an Industrial Development District Encompassing Approximately 15 Acres.

Move by CM Miller, second by CM Jacobson, to adopt Resolution Number 03-13.
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.

PETITIONS AND COMMUNICATIONS:

A. Preapplication Building Permits – Requires City & County Permit - None

B. Pre-application Building Permits – Requires City Permit - None

COMMITTEE REPORTS:

1. Police (Miller)-

Move by CM Miller, second by CM Nielsen to hire Jeffery Dawson of Crosswell, to the Police Department, part time, contingent upon completion of all the requirements. Motion Carried.

2. Tax and Finance (Jacobson) - None

3. Personnel (Zuhlke)- None

4. Water and Sewer (Nielsen) - None

5. Streets and Sidewalks (Lukacs) – Report on August 27th Meeting.

A. Authorized City Manager Long to draft City Tree Ordinance.

B. Street repair on hold until Engineer works out drainage problems.

C. City Manager to check on sidewalk, southwest corner of Main and Lincoln Street. This was held over from August 28, 2002, property owner was to blacktop area.

D. City Manager Long to get a rough estimate as to the cost of replacing sidewalk on the Southside of Main Street Business District.

CM Lukacs stated that the Building on Main Street has not clean up the sidewalk of paint chips. That the vacant lot weeds need to be pull and it was supposed to be fence off in the front and back. Wanted to know if a Motion is needed to change the Street signs replace old white signs with green and replace the poles. City Manager Long stated that it cost about \$25.00 to replace each sign.

CM Zuhlke reported that there is a sinkhole by Little Texas Party Store.

6. Building and Grounds (Potts) - None

TREASURER'S REPORT:

City Treasurer Carol Walters stated that checks were made out and given. The City of Brown City received a check for \$37.35 and Sanilac County Treasurer received a check for \$3,733.75. (Corrected 9/22/03 - take the word given out and change capital T on the to lower case t. should read checks were made out and the City) A total pay out of \$3,771.10 for the third payment of the SET Taxes. So far the City Treasurer has given the City of Brown City \$415.30 from the SET Tax. These taxes are due on the 15th of September of 2003, and City Treasurer posted notices on the widow and on the door leading into City Hall. Also Dave VanCura posted it on Channel 6.

City Treasurer Walters is working with the Equalization Department of Sanilac County to clear up names and addresses for up coming Winter Tax Bill for 2003. The new name disk will be sent by the end of the month or sooner.

No one has received the Treasurer moneys from the State for collecting this SET tax. (Corrected 9/22/03 – change the word moneys to monies)

DPW SUPERVISOR'S REPORT: None

ATTORNEY'S REPORT:

1. City Attorney Garno informed the City Council about the Dual Closing, how there was some problems with the closing documents, but now everything is corrected.

The 6.2 Acres that is owned by Llink Technologies LLC is now in escrow, until the building is completed, a letter of occupancy and the business is started. (Corrected 9/22/03 - add the words – is received by the city, - should read a letter of occupancy is received by the city,) The Ground Breaking Ceremony for Llink Technologies LLC will be held on Tuesday, September 9, 2003 at 6:00 P.M. City Attorney Garno thanks Mayor Laura Carpenter, City Clerk Christine Lee, City Manager Darcy Long and Dale Benish from the Sanilac County Economic Development Corporation for all of their hard work on this project. (Corrected – 9/22/03 change the word thanks to thanked)

2. Maplevue vs. City of Brown City – Maplevue appeal to the Supreme Court and we should know something by the beginning of October, if rejected this should be the end of the matter. (Corrected – 9/22/03 change the word appeal to appealed)

CITY MANAGER'S REPORT:

1. Mileage Reimbursement:

Move by CM Lukacs, second by CM Zuhlke, to raise the mileage reimbursement to 36 cents a mile. Motion Carried.

2. **Paul Czap:** Paul Czap and I met about his drainage problem and Mr. Czap showed him (Corrected 9/22/03 – change the word him to City Manager Darcy Long) where the alley has been raised and the other water problems in the alley. Cory Mabery also met with Mr. Czap and is working on some solutions to the problem. It is my goal to solve this problem sometime in the fall if possible.
3. **MEDC Workshop:** Attended an MEDC workshop in Portland, Michigan on Wednesday, September 3, 2003. The workshop discussed the Main Street Program. This program is not a grant, but some of the Main Street revitalization techniques that could and can work for the City of Brown City. There will be MEDC Main Street training in Lansing on September 29 – October 1, 2003 and I plan on attending. The MEDC will give an overview of the programs that can be used to revitalize Main Street. I would like to have the high school art class paint the windows in the empty building that the City owns.
4. **Renaissance Zone:** Working very hard with the project in the Renaissance Zone on a daily basis. The project will be starting this week and the City of

Brown City will help kick it off with a Ground Breaking Ceremony on September 9, 2003 at 6:00 P.M.

5. **Infrastructure:** Wally Phillips and I met to discuss future infrastructure improvements. During the next couple of years the City of Brown City will be going through lots of planning for infrastructure improvements.
6. **EPA Arsenic:** The EPA Arsenic Removal project will begin to do some work. The City of Brown City will begin to do some work of the building. My plan is to have the building up the middle of October. I plan on bringing this to the Planning Commission.

MAYOR'S REPORT:

1. Appointment to Park Board – Darrell Schlabach, Darcy Long. Move by CM Miller, second by CM Jacobson, to appointed Darrell Schlabach and Darcy Long to the Brown City Park Board. Motion Carried.

CM Lukacs stated that the City Council should honor Delbert Hayward for being the Firefighter of the Year with a resolution or something.

Move by CM Lukacs, second by CM Miller, to adjourn the meeting at 7:55 P.M. Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk