

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

**Meeting called to order** at 7:00 P.M. by Mayor Pro-tem Julie Miller.

**Pledge of Allegiance** led by City Attorney Gerard Garno.

**PRESENT:** Councilmembers – Julie Miller, Charles Zuhlke, Pat Jacobson, Frank Lukacs, (Corrected 11/10/03 – Frank Lukacs was absent) JoAnn Potts, and Jason Nielsen; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

**ABSENT:** Mayor Laura Carpenter, Councilmember Frank Lukacs.

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

Move by CM Potts, second by CM Nielsen, to approve the Minutes of the Regular Meeting of October 13, 2003 as corrected. Motion Carried.

### **CORRECTIONS:**

1. Page 1 of 7 bottom of page 2<sup>nd</sup> line from bottom – change the word libile to libel.
2. Page 5 of 7 top of page under motion - add a s to the word deed.

### **PAY BILLS:**

Move by CM Jacobson, second by CM Potts, to pay the bills as presented in the following funds: General -\$16,756.36, Payroll – \$16,157.33, Sanitary Sewer - \$5,661.24, Major St. - \$521.77, Local St. - \$521.77, Investment - \$34,506.70. Motion Carried.

Move by CM Jacobson, second by CM Nielsen, to pay the bill of \$300.00 to the Department of Construction, for the building permit for the Arsenic Building. Motion Carried.

### **OLD BUSINESS:**

1. LDFA: Pending
2. Tree Replacement Policy. City Manager Long presented the Tree Replacement Policy to the City Council.

Move by CM Jacobson, second by CM Nielsen to approved the City of Brown City Street Tree Replacement Policy. Motion Carried.

3. Drug Dog Contract: CM Zuhlke stated that the City should purchase the jacket for the handler of the Drug Dog and this purchase should be a one time only purchase.

Move by CM Zuhlke, second by CM Jacobson, to pay the full price of the 3-season jacket for the handler of the drug dog, a one time purchase and approved the revise (Corrected 11/10/03 – change the word revise to revised) dog contract with the following changes: Handler will assume total responsibility and indemnify the City for any death or injury that may occur, unless cover by the City's insurance (K-9 insurance - drug dog would be cover.) (Corrected 11/10/03 – change the word cover to covered) to any property or individual due to any actions of Handler or the drug dog. And change vest to jacket. Motion Carried.

**PUBLIC QUESTIONS AND COMMENTS:** None

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:** None

**ORDINANCES:** None

**RESOLUTIONS:**

1. #03-16 = Local Governing Body Resolution for Charitable Gaming License (Brown City Area Fireman's Equipment Fund Committee). Mike Lents informed the Council that it is easier to change (Corrected 11/10/03 – add the word the – should read easier to change the name) name then to get a license. Move by CM Zuhlke, second by CM Jacobson, to adopt Resolution #03-16.  
ROLL CALL VOTE: Zuhlke - Yes, Jacobson - Yes, Potts - Yes, Nielsen - Yes. 4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent. Motion Carried.
2. #03-17 = To Commend Delbert Hayward for Outstanding Service to the City and Community.  
Move by CM Zuhlke, second by CM Jacobson, to adopt Resolution #03-17.  
ROLL CALL VOTE: Zuhlke - Yes, Jacobson - Yes, Potts - Yes, Nielsen - Yes. 4 - Yeas, 0 - Nays, 0 - Abstain, 2, Absent. Motion Carried.
3. #03-18 = To Support the Application to the Michigan Department of Transportation for Funding Assistance for the Proposed Improvements to Burnslie Road.  
Move by CM Nielsen, second by CM Zuhlke, to adopt Resolution #03-18.  
ROLL CALL VOTE: Zuhlke - Yes, Jacobson - Yes, Potts, Yes, Nielsen - Yes.

4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent. Motion Carried.

**PETITIONS AND COMMUNICATIONS:**

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

1. Ben’s Supermarket – 4448 Main St. – (2) Additions to Ace Hardware Building and replace Façade.

Move by CM Potts, second by CM Nielsen, to approve the preapplication building permit for Ben’s Supermarket for (2) additions and to replace the façade at the Ace Hardware Building at 4448 Main Street, contingent upon developer must redo east driveway to bring it up to M-Dot specification. Motion Carried.

2. City of Brown City, (Arsenic Building), 4065 Main Street – (1) Addition.

Move by CM Potts, second by CM Jacobson, to approve the preapplication building permit for the City of Brown City for an addition at 4065 Main Street for the arsenic equipment, contingent upon final approval by the City Council. Motion Carried.

3. Northwood Development, Inc. (Parkside Subdivision), - (2) Houses.

Move by CM Potts, second by CM Zuhlke, to approve the preapplication building permit for Northwood Development, Inc. to build houses at 4450 Parkside and 4473 Parkside in the Parkside Subdivision, after 50% of the lots are developed than a asphalt road will need to be put in. Motion Carried. (Corrected 11/10/03 – After the word Subdivision remove the comma and add a period and capitalized the word after.)

**B. Preapplication Building Permits – Requires City Permit - None**

**COMMITTEE REPORTS:**

1. Police (Miller)- None

Chief Smith’s report was included in the Council packet. He also stated that 6 businesses got hit from the accident on Tuesday night and that nobody was injured or killed. (Corrected 11/10/03 – add – except for the driver of the vehicle.)

2. Tax and Finance (Jacobson)- None
3. Personnel (Zuhlke)- CM Zuhlke went over his report from the October 16, 2003 Personnel Committee Meeting, about Performance Appraisal Procedures and Policies. CM Zuhlke would like to wait until Mayor Carpenter and Councilmember Lukacs are back.
4. Water and Sewer (Nielsen)- None
5. Streets and Sidewalks (Lukacs) – None

6. Building and Grounds (Potts) - None

**TREASURER'S REPORT:** None

**ATTORNEY'S REPORT:**

1. Maple view vs. City of Brown City: Nothing (Corrected 11/10/03 - capitalize the word View)
2. Rezone couple of Deeds: Llink Technologies LLC. has taken care of this. (Corrected 11/10/03 - change the word Rezone to Revised and take out the period after LLC.)
3. EPA: The contract between the EPA and the City was signed with out approval by someone higher up in their office, and the EPA is saying that the contract is invalid. The big issue of the contract was for the EPA to turn over the equipment over to the City, they can't promise to turn over the equipment over to the City. The EPA could pull the contract and not continue with the project. The City feels that the equipment would be used equipment after a year and that the building would be useless to the City. (Corrected 11/10/03 – remove the last sentence – The City feels that the equipment would be used equipment after a year and that the building would be useless to the City.)

Move by CM Zuhlke, second by CM Jacobson, to direct City Attorney Garno, to try to preserve the contract in its original form, (Corrected – 11/10/03 – remove the comma) with the EPA for the Arsenic Removal. (Corrected 11/10/03 - Arsenic Removal should be in lower case letters.) Motion Carried.

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

**CITY MANAGER'S REPORT:**

1. Arsenic Building:

City Manager Long informed the City Council that the City would buy the concrete and blocks for the building and hire a contractor to build the building, with the DPW doing some of the work. Mayor Pro-tem Miller informed City Manager Long that the City will needs to get bids for this project, because we do not know how many man hours are involved. The City needs to wait until the Building Plans are done, so the project can be done right.

Move by CM Jacobson, second by CM Potts, to direct the City Manager to obtain 3 to 5 competitive bids for the Arsenic Building project, concrete,

block, with/or without trench work. Bids are needed for each type of job that is required to finish the building project. Motion Carried.

2. Building Code Ordinance:

If the City has a Building Code Ordinance than the City should go out and inspected the building. This Ordinance should be changed and be called a Land Use Zoning Permit. County Commissioner Walters informed the Council that the Township all called it a Land Use Zoning Permit.

Move by CM Nielsen, second by CM Potts, to direct the City Attorney Garno to change the wording from Preapplication Building Permits to Brown City Preapplication Land Use Zoning Permit. Motion Carried.

3. Zoning and Zoning Map Issues:

At this time the City doesn't have a true Zoning Map, the Map that was adoptive has many mistakes. McKenna and Associates put together a Master Plan for the City, with a Future Use Map and not a Zoning Map. McKenna and Associates were never hired to do a Zoning Map for the City, and that the Master Plan was never completed. The Zoning Map is used by the Title Company and by Appraisers and this map needs to be redone. City Manager Long would like to have McKenna and Associates come to the next Planning Commission meeting with the cost of \$70.00 an hour plus mileage. City Council directed City Manager Long to do more research on this and bring back the information to the next City Council Meeting.

4. Roy Welch Lawsuit Decision:

There is a 21-day appeal period, and if Mr. Welch doesn't appeal, than his sump pump must be removed from the sewer line (Corrected 11/10/03 – the sump pump has to be removed) and the City is required to replace his tap. Because the tap is deep and the City doesn't have the proper equipment to do this project, the City will contract this out.

**MAYOR'S REPORT:** None

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

Respectfully Submitted,

Christine J. Lee  
City Clerk