

## **SPECIAL COUNCIL PROCEEDINGS FOR MARCH 29, 2004**

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

**Pledge of Allegiance** led by Mayor Laura Carpenter.

**PRESENT:** Mayor Laura Carpenter; Councilmembers –Julie Miller, Eugene Navock, Jason Nielsen, JoAnn Potts; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

**ABSENT:** Councilmembers –Pat Jacobson, Frank Lukacs.

### **PAY BILLS:**

Move by CM Potts, second by CM Miller, to pay the bills as presented in the following funds: General -\$12,671.10, Sanitary Sewer - \$482.44. Motion Carried.

### **PUBLIC QUESTIONS AND COMMENTS:**

Larry Steigerwald question the water rate increase and wanted to know if the Fire Authority is paying for their share of the water when the water is hauled out of town?

City Manager Long stated that he will check into this.

### **RESOLUTIONS:**

1. No. 04-03 = Rescind Approving Tax Rate (Millage).

Move by CM Potts, second by CM Miller, to rescind Resolution No. 04-03.

ROLL CALL VOTE: Miller - yes, Navock - yes, Nielsen - yes, Potts - yes.

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

2. No. 04-04 = Adopting 2004/2005 Budget.

3. No. 04-05 = Increasing Water Rate.

4. No. 04-06 = Amending 2003/2004 Budget.

Move by CM Miller, second by CM Navock, to table Resolution No. 04-04, 04-05, and 04-06.

ROLL CALL VOTE: Miller - yes, Navock - yes, Nielsen - yes, Potts - yes.

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

5. No. 04-07 = Adopting 2004/2005 Budget.

Move by CM Potts, second by CM Miller, denied Resolution No. 04-07.

ROLL CALLVOTE: Miller - yes, Navock - yes, Nielsen - yes, Potts - yes.  
4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent. Motion Carried.

6. No.04-08 = Accepting New Street as a City Street.  
Move by CM Miller, second by CM Potts, to adopted Resolution No. 04-08.  
ROLL CALLVOTE: Miller - yes, Navock - yes, Nielsen - yes, Potts - yes.  
4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent. Motion Carried.

7. No 04-09 = to adopt the Budget on April 12, 2004. (Corrected 4/12/04 –  
– change to read “to extend the deadline to approve the 2004/2005 Budget to April  
12, 2004.”  
Move by Potts, second by CM Navock to adopt Resolution No 04-09.  
ROLL CALLVOTE: Miller - yes, Navock - yes, Nielsen - yes, Potts - yes.  
4 - Yeas, 0 - Nays, 0 - Abstain, 2 - Absent. Motion Carried.

County Commissioner William Walter asked the Mayor if the City though of  
using \$150,000.00 from the \$170,000.00 revenue surplus, for the second arsenic  
treatment plant. (Corrected 4/12/04 – Change Walter to Walters)

City Manager Long angrily told, City Council, “that man’s name is not on my  
business card. You hired me to be your City Manager, not him. You cannot do  
what he is saying”.

Mr. Walter said “there was no reason the City could not take \$150,000.00 in fund  
equity and help pay for the arsenic treatment plant. And for the record I would not  
want my name on your business card.” (Corrected 4/12/04 – Change Walter to  
Walters)

City Attorney Garno warned the City Council about using rising fees and tax  
money that wasn’t earmark for the water system. (Corrected 4/12/04 – change  
earmark to earmarked)

DPW Supervisor Dave Kinney said that tax money should go for streets, sewers,  
and curbs and bonds should be self-sufficient. Water should fund itself. (Corrected  
4/12/04 - add a comma between “curbs” and “and”.)

CM Miller stated that the Council knows that there is a problem and that we don’t  
have our eyes closed.

Larry Steigerwald wanted to know how much is it going to cost to run the arsenic plant? If you need money in the water fund than raise the rates. Use tax money for curbs, new manholes etc.

City Attorney Garno stated that all these thing need to be kept in mind.

CM Navock will contact CM Jacobson and set up a Finance Committee Meeting.

Mayor Carpenter invited everyone to the Ribbon Cutting Ceremony at Dollar General on Friday, April 2, 2004 at 9:30 A.M.

Mayor Carpenter had some questions for City Manager Long.

City Attorney Garno advised City Manager of his rights to have the discussion in Executive Session.

City Manager Long stated that he wanted this all out in the open. That is why the Sanilac County News is here and that is why these people are here. I think the public has the right to know.

Mayor Carpenter express that she wanted the City Manager, to do no out of county traveling or training until the budget is done. (Corrected 4/12/04 – change “express” to “expressed”.)

Move by CM Miller, second by CM Nielsen, that the City Manager Long, to do no out of county traveling or training until the budget is done. Motion Carried.

CM Miller wanted to know who approves the City Manager’s mileage? She also stated that she would like to see a calendar from the City Manager with everything on it (when you will be out of town) (time being in the office to time being out of the office.).

City Manager Long stated that the City Council approves his mileage. Also he will be out of the county tomorrow but he will be back in the evening.

CM Miller stated that she wanted the new budget to go before the Tax and Finance Committee so they can proof it before it comes before the City Council to amend it. Why didn’t the water increase go to the City Attorney?

City Manager Long said that it takes most of the day to print the budget in color.

CM Miller stated that black and white would be ok.

CM Potts said that the grafts could be left out.

City Manager Long said that the grafts would be in. That the graft on page 35 matches the numbers on page 12.

CM Potts wanted to know how do the Revenues and Expenses total. Why are the totals off? Also I would like to check the numbers before I ok the budget.

City Manager Long stated that you totaled them across. Also that when he deleted some of the numbers that the computer didn't add them up right. Had the same problem with the Fire Authority budget when excel was used. Yes there are some errors in the budget.

City Attorney Garno informed the City Council that March 31<sup>st</sup> was the last day in the fiscal year and that April begins the new fiscal year. That the City Council could adopt a Resolution to extend the fiscal year to April 12<sup>th</sup>, the next City Council Meeting. . (Corrected 4/12/04 – change to read “to extend the approval of the 2004/2005 Budget”.)

CM Miller wanted to know if the mileage was in the bills, and how long are you out of the office?

City Manager Long said that it depends on the day, how much time he spends in the office.

CM Miller wanted to know where the City Manager was on Friday? Also she is not happy when people call City Hall and nobody knows where you are. CM Miller didn't like how a couple of things were misquoted in the Banner.

City Manager Long stated that the paper misquotes you all the time.

CM Miller said that she was real disappointed that the City Council had to extend the budget. Also how the water rates were change without a public hearing. If you are going to change the rates than you have to have a Public Hearing. Also it needs to go before Committee and be put in the paper.

City Manager Long stated that the numbers weren't crunch and that the rates needed to be change. I had Dave VanCura and Sue Martinez look this over. This should have gone to the Tax and Finance Committee and not to Water and Sewer. . (Corrected 4/12/04 – change “crunch” to “crunched” and “change” to “changed”.)

Dan Loutzenhiser asked if Robert's Rules of Order applied to this meeting and that he would like to hear the full question before any answered is given. Because it is hard to hear and to under stand when this isn't done.

City Manager Garno informed the City Manager if you change the rates, than you need a new public hearing.

City Manager Long wanted to know if he was going to be fired? He stated that he got a call from the City Attorney this morning saying that he was going to be fired, that the City Council was not happy with his job performance and was reminded that he was an at-will employee and the City Council had several options including termination. Than I find out some of you are on the City Council were going around to businesses in town to see what they though of me as City Manager. Clearly we have some issues. City Manager Long also stated that he fills that he has a good working relationship with the employees. (Corrected 4/12/04 – change “though” to “thought” and “fills” to “feels”.)

City Attorney Garno said that he talked to the City Manager and explained that he was an at-will employee and that his contract states this. That he did remind him of that.

CM Potts stated that the City Council has to think of the City that is why the City Council asked the businesses about you.

City Manager Long stated that when he heard this in the morning it was hard for him to be efficient in the office. Also when the weather gets warmer that he will spend more time out of the office.

Arsenic should be funded by the water fund. (Corrected 4/12/04 – change to read “Arsenic Treatment Plant should be funded by the water fund”.)

Mayor Carpenter stated that what we told the public is not what you were doing; and this makes us look like fools. Why couldn't the numbers be crunch before the

meeting? Why we say one thing and do something else? (Corrected 4/12/04 – change – “crunch” to “crunched”.)

City Manager Long stated that the more water you used the less you pay. And in January – March Water and Sewer didn’t have any plan. Also that he was not gone from the office that much. (Corrected 4/12/04 – change – “used” to “use”.)

City Attorney Garno stated that he would like copies of important papers before hand to look them over. Legal documents take time to look them over. (Corrected 4/12/04 – change – “hand” to “ the meeting”.)

CM Miller said that the proper information wasn’t given to the City Attorney and that she feels that she cannot approve anything if the City Attorney hasn’t seen the documents.

CM Miller express CM Lukacs concerns on how all the employees were encourage to attend the Tax and Finance Committee and were being paid for this. (Corrected 4/12/04 – change “express” to “expressed”, “encourage” to “encouraged” and “Tax and Finance” to “Personnel”.)

CM Potts are we going to pay them (employees) for each meeting they attend?

City Manager Long said that he encouraged them to attend the Tax and Finance Committee for their own protection. (Corrected 4/12/04 – change “Tax and Finance” to “Personnel”.)

CM Miller are they going to be pay for tonight? (Corrected 4/12/04 - change “pay” to “paid”.)

City Manager Long said no they are here on their own.

City Attorney Garno informed the City Council that they could suspend the City Manager. He also told City Manager Long that he should apologize for any mistakes that he made, and not to offend people because they might not be so generous. City Attorney Garno also stated that by law he had to inform City Manager about his rights to go into Closed Session.

City Manager Long apologized to the City Council; he would like to move forward with the business of the City.

Larry Steigerwald asked the City Council when did you talk about it? Also that both times that he brought up something to the City Manager that it was taken care of right away.

CM Miller stated that this was brought up at several public meetings. (Corrected 4/12/04 - change “this was” to “several issues were”.)

Dan Loutzenhiser also stated that the two issues that he brought before the City Manager that the problems were taken care of right away. Also he told City Manager Long, that you need to get thicker skin because you are not going to please everyone.

City Employee Dave VanCura wanted to know what rates should be on the water bills. The City Council informed him to go with the old rates. Also the City Council, Mayor and City Manager need to work things out because the office can be very stressful for the workers. Mr. VanCura also stated that he also likes working with the Darcy. (Corrected 4/12/04 – change to read “working with Darcy”.)

City Employee Sue Martinez stated that she thinks Darcy is a very smart person and likes working with him.

Daryl Schlabach stated that he is on the Park Board and at the meetings City Manager Long contributes to the meeting and that he is proud of the City and the City Manager. He also said the City Manager needs to have thick skin, so he can handle things that come before him.

Move by CM Miller, second by CM Nielsen, to adjourn the meeting at 8:35 P.M.  
Motion Carried.

Respectfully Submitted,

Christine J. Lee  
City Clerk