

COUNCIL PROCEEDINGS FOR APRIL 26, 2004

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

Pledge of Allegiance led by City Manager Long.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Frank Lukacs, Julie Miller, Eugene Navock, Jason Nielsen; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

ABSENT: Councilmember JoAnn Potts

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Lukacs, second by CM Miller, to approve the Minutes of the Regular Meeting of April 12, 2004 as Corrected. Motion Carried.

CORRECTIONS:

1. Page 4 of 9 – Under Petitions and Communications, item #1 - add “He was assure that there was no direct obstruction.”
2. Page 5 of 9 – Under Police Chief’s Report, item #4 – last line change of to by – to read “approval by the City Attorney.)
3. Page 5 of 9 – Under Attorney’s Report, item #1 - change to read “In order to be cover by the Insurance Policy, the Brown City”. Add a semi-colon between the word budget and needs and after Council and Committee and change The to the in both places.
4. Page 6 of 9 – Under Attorney’s Report – Item # 2 change “Mr.” to “City Attorney”
5. Page 7 of 9 – Under Committee Reports, item # 3 – change “purposed” to “proposed”

PAY BILLS:

City Treasurer Walters had a couple of questions on 2 bills. The first one was the \$166.90 for the Florida Conference travel was this amount to come out of the \$300.00 that was approve for the City Manager to use for travel. City Council stated yes, (Corrected 5/10/04 - Change 2 to two and put a period after the word travel, capitalize W in was.)

The second was for mileage that was claim by the City Manager Long for March 29, 2004. (Corrected 5/10/04 - Change claim to claimed) City Treasurer Walters wanted to know how he could claim mileage for that date and time when he was at

a City Council Meeting the same time. City Manager Long stated that March 29 was the wrong date, that the date was March 30, 2004. City Treasurer Walters wanted to know how could this be approve when the City Manager wasn't to leave town until the budget was done. City Manager Long stated that Mayor Carpenter told him that he could go. City Attorney Garno told City Manager Long that he wouldn't go. (Corrected 5/10/04 - Change approve to approved, and change to read when the City Council passed a motion that the City Manager, and change wouldn't to shouldn't)

CM Miller had a question on the DPW's phone bill why there was over 47 personal phone calls to the same number in one month. CM Miller wanted to know if there was an official policy about using the business phone for personal call. CM Miller felt the phone for personal calls are for emergency only. DPW Supervisor Dave Kinney said that he would check this out.

CM Miller wanted to know about the bill for 20 pad locks. DPW Supervisor Kinney stated that the locks were to replace the old locks that were on gates, fuse boxes, etc.

CM Miller stated that she though the budget for the new printer was for only \$500.00. City Manager Long stated that after the rebates that the cost of the new Police printer was only \$500.00. City Manager also stated that the City doesn't buy cheep thing like the County does.

CM Miller wanted to know why the printer was put on the City Manager personal credit card. City Manager Long stated that to get the rebate, because the rebate was for a limited time.

CM Miller wanted to know about the bill that was turned in for lunch with Dale Benish in the amount of \$17.88, CM Miller also stated that CM Jacobson and herself was also at that lunch meeting and that their lunches wasn't pay for. City Manager Long stated that all businesses turn in receipts for working lunches.

City Manager Long handed out a form that had what other Cities pay for mileage and what they reimburse for expenses.

CM Miller expressed that she would like to see more information if something is over \$500.00.

The Finance Committee will discuss credit card usage.

Move by CM Jacobson, second by CM Lukacs, to pay the bills as presented in the following funds: General -\$14,130.02, Payroll - \$12,134.17, Sanitary Sewer - \$9,217.87, Investment - \$78,850.00. Motion Carried.

OLD BUSINESS: None.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES:

1. Bob Armstrong, WMIC Radio – Summer Activity Guide.
Move by CM Miller, second by CM Navock, to approve the WMIC/WTGV Radio Activity Guide advertising, at the price of \$720.00. Motion Carried.
2. Great Lakes Internet – Water Tower Lease Wireless Internet
Great Lakes Representatives Elliot Gable and Clyde Missenger explained how the new wireless Internet would work, and answered question.
City Attroney Garno stated that he would like the City to wait until the next City Council meeting (May 10, 2004) to sign the contract, so the City Council will have time to look at the contract, and that everything is correct.

PUBLIC HEARING: None.

ORDINANCES: None.

RESOLUTIONS:

1. No. 04-11 = Adoption of Police Procedures on exposure control plan for airborne pathogens, on blood borne pathogens, and on stop sticks (AKA road spikes).

Move by CM Miller, second by CM Lukacs, to adopt Resolution No. 04-11.

ROLL CALL VOTE: Jacobson - Yes, Lukacs - Yes, Miller - Yes,

Navock - Yes, Nielsen - Yes, Potts - absent. 5 - Yeas, 0 - Nays, 0 - Abstain, 1 -

Absent. Motion Carried.

PETITIONS AND COMMUNICATIONS:

A. Construction Permit -

1. Clinton Morris, 4322 First Street – 24’x24’x8’ Garage.

Move by CM Lukacs, second by CM Jacobson, to approve the preapplication building permit for Clinton Morris for a 24’x24’x’8’ garage at 4322 First Street. Motion Carried.

COMMITTEE REPORTS:

1. Police (Miller)- None.
2. Tax and Finance (Jacobson)- LDFA. Committee meeting Tuesday, April 27th at 8:30 P.M.

Move by CM Jacobson, second by CM Lukacs, to move forward with LFDA.
Motion Carried.

3. Personnel (Lukacs)- April 19, 2004. Committee met with Judy Murray and discussed her concerns about filling the position.
4. Water and Sewer (Nielsen)- April 20, 2004.

Doug Muxlow wanted to know, since the new sewer line runs through his backyard, that maybe he could hook up to it if he agreed to assume all costs.

Mr. Muxlow's property is technically not annexed to the City of Brown City.

Move by CM Nielsen, second by CM Lukacs, to have City Attorney Garno check on the legal aspect and if there are any state statutes. Motion carried.

Welch lawsuit is tabled for at least one year.

Commercial water meter: City Council should set a date when all businesses in the City have water meters. Also City Councilmember should be the first to have water meters in their homes, to show that the City Councilmembers support water meters.

Move by CM Nielsen, second by CM Lukacs, to put out a bid on a SCADA system through both advertising and direct solicitation. Motion Carried.

Had a surprise visit from DEQ this month. The DEQ found some things that wasn't to specs and fined the City accordingly. Also, Governor Granholm has signed into law a bill that will require all municipalities and businesses to get a NPDES permit. These permits allow for closer scrutiny of the City's discharges and will cost the City some money.

It has been determined that clean water infiltration, not overpopulation has been the reason for the discharges at the lagoon.

DEQ also recommended that all City sewer lines and leads be filmed.

Marshall Willer would like the City to extend water and sewer lines to his property that is within the City limits.

5. Streets and Sidewalks (Navock)- April 16, 2004.

Move by CM Navock, second by CM Lukacs, to put out bids to fix the sidewalks on the east side of City Hall, on James Street, St Marys, Grant Street and portions of Larry Beldock's driveway with curbing. Motion Carried.

Railroad crossing needs to be repair. This come under M-90 control, they will have to repair the problem.

6. Building and Grounds (Potts)- Committee meeting Monday, May 3, 2004 at 7:00 PM.

DPW SUPERVISOR'S REPORT:

Severn Trent came by to look at the Arsenic Plant. The Arsenic Plant will be running soon.

CM Jacobson wanted to know if the street sweeper was working. DPW Supervisor Kinney stated that the street sweeper was working.

POLICE CHIEF'S REPORT: None.

TREASURER'S REPORT:

City Treasurer Carol Walters went over her handout. The City Treasurer collected \$90,625.50 in Real Property Taxes for the summer, \$10,062.03 in Personal Property Taxes, \$2,335.85 Industrial Facility Taxes for a total of \$103,023.31. For the winter tax \$684,278.03 was collected for Real Property Taxes, \$100,177.82 Personal Property Taxes, \$12,158.24 for Industrial Facility Taxes for a total of \$796,614.09.

Move by CM Miller, second by CM Jacobson, to impose a 3% interest per month on late Summer Taxes, Winter Taxes and Personal Property Taxes in perpetuity. Motion Carried.

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

ATTORNEY'S REPORT:

1. Maplevue Vs City of Brown City: Haven't heard anything at this time.
2. Great Lakes Internet: Contract with Great Lakes Internet tabled until all is worked out. Should be able to vote on the contract at the next City Council meeting.
3. City Charter: City Attorney gave the City Council a handout explaining what needs to be done to amend the City Charter. An amendment may be proposed by the legislative body of a City on a 3/5 vote and to place the issue of the amendment on a ballot for election. This could be costly if the City decides to do this.

CM Lukacs wanted to know the reason for amending the City Charter. CM Miller stated that it doesn't clearly say who does the hiring and firing and a couple of other key issues.

4. Brown City Days Festival Committee: In order to be insured by the City the Committee need to proposed a budget, and give reports back to the City Council. CM Jacobson will talk to the other members of the Committee to see what they want to do. (Corrected – 5/10/04 - change proposed to propose)

CITY MANAGER’S REPORT:

1. Larry Bullock Lawsuit: I have been working with Mr. Bullock to come up with a solution we all can agree on. The engineer has proposed a couple of solutions, but there was not agreement at this time. The case is scheduled to go to trial.
2. Blight: In a couple of weeks the City will begin to enforce the Blight Ordinance.
3. Weekly News Report: I will begin to send out a weekly report on the projects that I am working on.

MAYOR’S REPORT:

Mayor Carpenter expressed her concerns about the litter in front of City Hall.

Move by CM Miller, second by CM Jacobson, to take a five-minute break. Motion Carried.

Move by CM Miller, second by CM Jacobson, to come back from the five-minute break. Motion Carried.

The City Council took their break from 9:15 to 9:20 P.M.

EXECUTIVE SESSION: To consider purchase or lease of real property up to the time an option to purchase or lease of that property is obtained.

Move by CM Miller, second by CM Nielsen, to move into Executive Session to consider purchase or lease of real property up to the time an option to purchase or lease of that property is obtained.

ROLL CALL VOTE: Miller – Yes, Jacobson – Yes, Navock – Yes, Nielsen – Yes, Lukacs – Yes, Potts – Absent. 5 - Yes, 0 - No, 0 - Abstain, 1 - Absent.
Motion Carried.

Council went into Executive Session at 9:21 P.M.

Move by CM Miller, second by CM Navock, to move out of Executive Session.

ROLL CALL VOTE: Miller – Yes, Jacobson – Yes, Navock – Yes, Nielsen – Yes, Lukacs – Yes, Potts – Absent. 5 - Yes, 0 - No, 0 - Abstain, 1 - Absent.
Motion Carried.

Council came out of Executive Session at 9:40 P.M.

No action taken during the Executive Session.

GENERAL CONCERNS OF THE COUNCIL:

CM Nielson:

1. Water and Sewer Committee will meet Wednesday, May 5, 2004 at 6:30 P.M.
2. Library Committee: Need to set a date to meet with them.

CM Miller:

1. Would like to see job descriptions.
2. Need a Personal meeting.
3. Wanted to know why City Manager Long wasn't at the March 4, 2004 Planning Commission meeting. City Manager Long stated that he was ill. (Corrected 5/10/04 - add item # 4 Why City Manager Long wasn't at the Personal Committee Meeting.)

City Attorney's Garno:

1. Grant Payment Request- Payment to VanDamme for corn: Need to check into this more.

City Clerk Lee:

1. Elections: Does the City want to keep the Elections like it is now or does the City want to change the election dates. If the City want to keep the Election as is, than no action is required. The City decided to keep the Election dates as is.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 9:55 P.M.
Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk