

COUNCIL PROCEEDINGS FOR JANUARY 10, 2005

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

Pledge of Allegiance led by CM Lukacs.

PRESENT: Mayor Laura Carpenter, Council members; Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, and Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno and City Clerk Kelly Pavel.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES: 12/27/04 Regular Council Meeting.

Page 3 of 6 under Attorney's Report: Paragraph 2 to read "Brown City days Commission Ordinance **and will have been completed before the next meeting.**"

Moved by CM Miller, second by CM McIvor, to approve the 12/27/04 minutes as corrected. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$19,177.41, Payroll - \$15,983.96, Investment - \$19,371.03. Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

PERSONAL APPEARANCES: None.

OLD BUSINESS:

1. Library Lease – awaiting signature from Library Board
2. Ordinance Sec. 5700 – to be addressed under Ordinances
3. Chapter 8 – Zoning Map – pending
4. COMCAST Agreement – pending

5. Ordinance – BC Days Board – to be addressed under Ordinances

PUBLIC HEARING: None scheduled.

ORDINANCES:

Brief discussion regarding Section 2300 by City Manager Holmes.

Introduction of Ordinance Section 2300 by CM Miller.

Moved by CM Miller, second by CM Lee, to schedule a Public Hearing regarding Ordinance Section 2300; *An Ordinance establishing the Brown City Festival Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the annual summer festival*, for January 24, 2005 at 7:15 p.m. Motion carried.

Brief discussion regarding Section 2350 by City Manager Holmes.

Introduction of Ordinance Section 2350 by CM Miller.

Moved by CM Miller, second by CM Lee, to schedule a Public Hearing regarding Ordinance Section 2350; *An Ordinance establishing the Brown City Homecoming Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the quinquennial Homecoming Festival*, for January 24, 2005 at 7:20 p.m. Motion carried.

Moved by CM Miller, second by CM Lee, to remove Item #5 from the Old Business portion of the agenda. Motion carried.

Discussion and review of proposed Section 5700 by City Manager Holmes. Council consensus for the City Manager to reword 5708.1 to say that there shall be no nonresident water or sewer service unless the nonresident applicant is first approved for annexation. City Manager will make these adjustments and resubmit the Ordinance for City Attorney and City Council review and have ready for the Public Hearing.

Introduction of Ordinance Section 5700 by CM Miller, to reflect above discussed amendments as well as Attorney review.

Moved by CM Miller, second by CM Navock, to schedule a Public Hearing regarding Ordinance Section 5700; *An Ordinance Establishing Requirements For Water and Sewer System Connection*, on January 24, 2005 at 7:30 p.m. Motion carried.

RESOLUTIONS:

Moved by CM Miller, second by CM Lee to adopt Resolution 05-01: A Performance and Indemnification Resolution. ROLL CALL VOTE: Lukacs,-yes, Navock=yes, McIvor=yes, Miller=yes, Lee=yes, Blatt=yes. 6=yes, 0=no, 0-absent, 0-abstain. Motion carried.

PETITIONS & COMMUNICATIONS: None received.

CITY TREASURER'S REPORT:

City Treasurer Carol Walters discussed various amounts of monies that have been received regarding tax collection thus far. At this point in time almost half of the taxes due have been collected. 2003 personal property taxes are still being addressed, as are delinquent 2004 Summer taxes.

CITY CLERK'S REPORT:

Discussion concerning a letter received pertaining to a mandatory meeting with the Sanilac County Clerk regarding the Approval of All School Election Coordinating Agreements. City Clerk asked that the Council grant her the authority to sign any necessary documents relating to this issue. City Manager will also clarify with County Clerk if any other City officials are required to sign documents.

Moved by CM Miller, second by CM Blatt, to authorize City Clerk Kelly Pavel, to sign any necessary documents required for the Approval of All School Election Coordinating Agreements. Motion carried.

City Manager reported that the Planning Commission has recommended the appointments of Jack Bell and Joann Potts to the commission.

Moved by CM Miller, second by CM Lee, to appoint Jack Bell and Joann Potts to the Brown City Planning Commission for two (2) year terms. Motion carried.

POLICE REPORT:

Chief Ron Smith presented and reviewed the monthly police activity report.

Discussion regarding training and experience gained for officers attending detective school.

Chief Ron Smith informed the Council that Officers Cubitt, Stracener and Parisek have all received Letters of Commendation's from the Sanilac County Drug Task Force for their outstanding efforts and assistance.

COMMITTEE REPORTS:

1. Police – none
2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – CM Lukacs reviewed committee meeting minutes from 1-10-05
 - City Manager to continue researching other Blue Cross Blue Shield carriers.
 - Co-pay for insurance for dependents between ages 19-25 will be employee's responsibility (City Manager will prepare a resolution to be presented at the next regular council meeting).
 - General benefits/Life and Disabilities Insurance are to remain the same.
 - COLA/Pay adjustments to be discussed with employees.
 - Employee evaluations to remain unchanged.
 - Discussion regarding recognizing employees being represented by Local union 324, including review of proposed Recognition Agreement.

Information presented to Council by Mr. Ken Dombrow a representative from the International Union of Operating Engineers.

Council consensus is to have Attorney Garno review union information as well as Recognition Agreement before entering into this agreement. A recommendation will be provided as soon as possible.

ATTORNEY'S REPORT:

1. Attorney Garno thanked Council for granting adequate time to review the proposed Recognition Agreement and feels this is in the best interest of the City.
2. MEDC requirement regarding fair market value price of property in the renaissance zone has been completed, checks have been cut for delivery by City Manager.
3. Comcast Agreement is due in January; advise that City Manager make sure negotiations are complete for rates, and that the agreement is not automatically renewed.

CITY MANAGER'S REPORT:

1. **MDOT Grant:** The Spicer Group, which wrote the 2003 MDOT Street Enhancement Grant Application, is attempting to locate a copy for updating. I have copies of the 2002 Application and the information provided for the 2003, but a copy of the final application is apparently not on file. Because of the complexity of the application, the City Council may wish to allow me to work with Spicer to increase the chances of final approval and to ensure that the application and (more importantly) the cost estimates are complete and accurate. A copy of their proposed contract is attached. Cost is estimated at \$2,700.

Moved by CM Lukacs, second by CM Navock, to authorize the City Manager to enter into a contract with The Spicer Group to increase the chances of final approval and to ensure that the application and cost estimates are complete and accurate regarding the MDOT Street Enhancement Grant Application. Motion carried.

2. **MEDC Grants:** Work continues on the two grant applications. Estimates are still being received on the Burger Building/Community Center. Estimates for the roof, carpeting and heating/air conditioning were on file. Estimates for electrical has been received, and drywall and carpentry are pending. Estimates for a second Arsenic Treatment Plant were also on file. Both applications will be in Lansing prior to Friday, January 14th.
3. **International Union of Operating Engineers Local 324:** Apparently the DPW employees have joined this union. The Union has formally petitioned the City to recognize the Union as "the sole and exclusive representative

bargaining agent” for the DPW. The Union has already scheduled a conference with the Michigan Employment Relations Commission for January 18th at 1 PM. A Public Hearing is scheduled for February 25 in Detroit. This will be one of the agenda items for Monday’s Personnel Committee meeting. The Committee should have a report at the City Council meeting.

4. **Fire Authority:** The Fire Authority budget is primarily funded by annual fees paid by the City and the four townships. These fees are based on a formula that currently includes population, State Equalized Value (SEV) and the number of annual fire runs averaged over a three year period. At the request of Burnside Township, and with the approval of the Fire Authority Board at their last meeting (January 4th), the formula was modified to replace SEV with Taxable Value (TV). The logic for doing this was that tax income is based on TV rather than SEV (although both were the same when the formula was first used, TV is now different because of the Headlee Amendment, *et al*). The result for the City will be an increase of about 3% over last year. What this will mean in actual dollars will not be known until the draft 2005/2006 Fire Authority Budget is completed (late next month).
5. **City Council Priorities:** The Priority Worksheets for the City Council are attached. Projects and programs are listed in priority order.

GENERAL CONCERNS OF THE COUNCIL:

CM Lukacs reminded the City Manager that tree stumps on Main Street need to be removed. Matt at MDOT needs to be contacted, as stump removal was part of the agreement.

CM Lee asked if the DPW could be asked to not block in vehicles, when possible, at the funeral home when plowing snow. If snow were plowed earlier in the day, before visitations begins this would allow easier exit/entrances for visitors to the funeral home.

CM McIvor questions when asphalt across from Colonial Car Care can be fixed. Aztec needs to be contacted.

Moved by CM Miller, second by CM Lee, to adjourn at 8:23 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk