

COUNCIL PROCEEDINGS FOR FEBRUARY 14, 2005

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

Pledge of Allegiance led by Councilman McIvor.

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

ABSENT: None

CORRECTION & APPROVAL OF MINUTES: Regular Meeting of January 24, 2005

Page 3 of 6, paragraph 6, to read insurance company made this request **“for a commission”**

Moved by CM Miller, second by CM Blatt to accept the January 24, 2005 minutes as corrected. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt to pay the bills in the following funds: General - \$57,839.49, Payroll - \$15,555.53, Sanitary Sewer - \$375.08, Major Street - \$158.75, Local Street - \$158.75, Investment Fund - \$29,524.19. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

County Commissioner Bill Walters stated that he would take part in a meeting this week regarding Canadian garbage being disposed in Sanilac County. Commissioner Walters asked for the council's opinion on the county becoming involved in this arrangement. Council consensus is **“that they believe the county should”** (per 2/28/05 minutes) not participate.

PERSONAL APPEARANCES: None scheduled

OLD BUSINESS:

1. Library Lease Agreement – complete and signed
2. Ordinance Section 5700: Sewer and Water Policy for Non-Resident Utility has been implemented.
3. Chapter 8 Zoning Map – see Manager’s Report
4. COMCAST Agreement – see Ordinances
5. Bullock Project – review/pending

City Manager requested that items #1 and #2 under Old Business section of the agenda be removed.

Moved by CM Lee, second by CM Miller to remove items #1 and #2 from Old Business portion of the agenda. Motion carried.

PUBLIC HEARING: None scheduled

ORDINANCES:

Section 14.2400 Renewal of Franchise Agreement for Cable Television Service.

City Manager Holmes reviewed and discussed pending franchise agreement with COMCAST as well as Ordinance Section 14.2400. Discussion regarding COMCAST’S request to sign the agreement for 15 years instead of the previous 5 year period. Council consensus that contract be signed for only a 5 year period.

CM Miller introduced Ordinance Section 14.2400 contingent upon revising the length of the contract from a 15 to a 5 year period.

Moved by CM Miller, second by CM Lee to schedule a Public Hearing regarding Ordinance Section 14.2400 on February 28, 2005 at 7:15 pm. Motion carried.

RESOLUTIONS: None

PETITIONS & COMMUNICATIONS:

Preapplication Building Permit for 6873 St. Mary’s St. for a detached 30’ x 26’ garage. Project has not yet been inspected by committee. City Manager has

reviewed plans and spoke with resident. Committee agrees to meet at 10:00 am on February 15, 2005 to inspect garage project.

Moved by CM Lukacs, second by CM Blatt to approve a pre-application building permit for 6873 St. Mary's Street, construction of a detached 30' x 26' garage pending Buildings and Grounds Committee inspection. Motion carried.

COMMITTEE REPORTS:

1. Police report-
 - New police car has arrived. Agreement that the "1999" car will be posted on -E-Bay as was with the "1995" police car. (per 2/28/05 minutes)
2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel-
 - Railroad sign is down on First Street. Railroad has been contacted to fix.
 - Employee evaluations are due the end of March, 2005.
 - City Manager evaluation will be conducted on 2/15/05 at 10:15 am by committee

ATTORNEY'S REPORT:

City Attorney discussed various language changes he had requested for the COMCAST Franchise Agreement, which were granted by COMCAST. **"City Attorney's opinion is that COMCAST contract should be revised to reflect a shorter term than the proposed 15 years."** (per 2/28/05 minutes)

Ordinance 14.2400 has been reviewed and appears to be ready for the Public Hearing.

CITY MANAGER'S REPORT:

1. **New Police Car:** Chief Smith checked with the dealer and the new car still has not arrived at the dealership. The car will require some modification once it does arrive. I will let you know when it is due to arrive in the City for duty.

Moved by CM Miller, second by CM Navock to have Mayor Carpenter sign all necessary documents pertaining to the lease of the new police car. Motion carried.

- 2. International Union of Operating Engineers Local 324:** The most recent conference call took place on Wednesday, January 26th. The Union does not plan to include the DPW Supervisor in the Bargaining Unit. An election is scheduled to take place with the remaining DPW employees. Ballots will be mailed on February 15th and are due back by March 3rd. The Mayor should sign the Agreement for Consent Election. REQUIRE MOTION.

Moved by CM Blatt, second by CM Lukacs to direct the Mayor to sign the Agreement for Consent Election. Motion carried.

- 3. Risk Management:** The MML Risk Management Team visited us on Tuesday, February 8th and discussed the status of the City's Risk Management Program to improve worker safety and reduce the City's exposure to hazards and potential lawsuits. MML provides Workman's Compensation Insurance to the City and this is an extension of that program. The MML Representative met with the City Manager and the two department heads for about two hours. Several areas that need additional study and work were identified. Recommendation was to have a fully developed program within the next three to four years.
- 4. Great Lakes Broadband Internet:** Dixon Engineering completed the final inspection of the water tower. Three minor discrepancies were noted, and Great Lakes Internet will conduct recommended repairs. Broadband was installed in City Hall on February 8th. Now all four primary computers (City Manager, police, finance and administration) are connected. Virus protection and firewalls are installed on all four and supplemental firewalls now exist on the City Manager and administration computers. Broadband is an excellent asset for the City, with download and transmission speeds greatly increased (about 10X).
- 5. Excavation & Trenching Safety:** To date, about 32 people plan to attend this MIOSHA-taught training on May 18th at the local Fire Station. Responses have been received from Deckerville, Peck, Capac, Lexington, Marlette, Carsonville, Sandusky, Yale, and SEMCO. Due to the outstanding response, the location of the training may have to be changed to the VFW.

6. **Chapter 8 Zoning Map:** (see Planning Commission Minutes). The Planning Commission has scheduled a Public Hearing for April 7, 2005 at 7:00 PM for review, discussion and final approval of the proposed Zoning Map. Staff will make the necessary notifications to the surrounding communities, townships, counties and the state.
7. **2005-2006 Budget:** Work needs to begin soon on the next budget. At a minimum, we need to schedule a meeting of the Streets and Sidewalks Committee to prioritize the street and sidewalk program for the next three years. The Personnel Committee should meet once the Union issue is resolved. The Buildings and Grounds Committee (or City Council as a whole) may wish to discuss what work the City wants to do on the Community Center if we fail to get a grant. Finance Committee needs to meet and review the draft budget prior to March 11th.

Streets and Sidewalks Committee meeting scheduled for 2/26/05 at 10:00 am

8. **Fire Authority Water Issue:** Liaison with the Fire Chief revealed that over the past three years they have used an average of approximately 140,000 gallons of water per year. The City currently charges \$3.45 per 1,000 gallons of water to our metered customers. This works out to \$483 per year. The next Fire Authority meeting is March 1st, and I need to present the City's request, along with their budget, at that time. There are four alternatives:
 - a. charge the Fire Authority on a pay-as you-go basis, i.e., bill them after each fire (except those within the City limits); or,
 - b. charge the Fire Authority a flat rate on an annual basis, i.e., \$500, or,
 - c. not charge the Fire Authority for water; or,
 - d. another alternative approved by the City Council.

Moved by CM Lukacs, second by CM Blatt to charge the Fire Authority a flat rate on an annual basis of \$500.00 for water that is used out of town. Motion carried.

9. **Cemetery Board:** The well in the cemetery was accidentally capped last fall. The Board met on January 25th and along with other business, discussed alternatives. One is to drill a new well, but they would like it located in a new area, and the cost could be high. Additionally, there is the (\$1,800) cost of a DEQ/DNR-approved hand pump. An alternative the Board would like to explore is extending City water service to the cemetery. The DPW Supervisor is in the process of generating an estimate of the cost. However, since the

cemetery is outside the City limits, the City Council may have to make an exception to Ordinance 5700 concerning extending this utility. I will provide more information as it becomes available, but recommend it be added to Old Business.

Discussion regarding various options to provide water to the cemetery. Council agrees that City Manager should continue to investigate costs associated with extending water supply from the edge of City Limits to the cemetery.

10. Planning Commission Members: City Ordinance (Sections 8409.8 and 8409.10 amended May 12, 1980, requires the Planning Commission consist of nine (9) members. There are currently ten (10) individuals appointed to the Commission. Additionally, the Ordinance states; "The planning commission members shall hold no other municipal office with the City of Brown City." (REQUIRES MOTION) Alternatives include:

- a. amend the Ordinance;
- b. remove a current member of the Planning Commission;
- c. have the City Council representative serve in an ex officio status, i.e., non-voting;
- d. another alternative approved by the City Council.

Council consensus that State statute needs to be furthered investigated in order to choose the proper alternative to number of Planning Commission Member appointments.

11. Grant Training: DNR announced the availability of natural resource grants for 2005. A special training class is scheduled for the afternoon of February 23 in Lansing. Applications are due by April 1, 2005. The Park Board has recommended that Darrell Schlabach and I attend this free training. Are there any objections from the City Council?

12. 2005 MML Legislative Conference: This conference is scheduled for March 23 in Lansing. I plan to attend since this is a good opportunity to talk with our representatives. Cost is \$150. Are any members of the City Council interested in attending?

POLICE REPORT:

Officers will graduate from Detective Training on 2/18/05.

GENERAL CONCERNS OF THE COUNCIL: None
MAYOR'S REPORT:

Mayor will be out of town from February 17 – 22, 2005.

Moved by CM Miller, second by CM Lee to adjourn at 8:05 pm.

Respectfully submitted;

Kelly Pavel
City Clerk