

COUNCIL PROCEEDINGS FOR FEBRUARY 28, 2005

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 – Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno and City Clerk Kelly Pavel.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES: February 14, 2005

Page 1 of 7, paragraph 1 under Public Questions to read: Council consensus is **“that they believe the county should”** not participate.

Page 3 of 7, #2 under Police Committee report to read: Consensus that the **“1999”** car be posted on E-Bay as happened with the **“1995”** police car.

Page 3 of 7, paragraph 1 under Attorney’s report to read: granted by COMCAST. **“City Attorney’s opinion was that COMCAST contract should be revised to reflect a shorter term than the 15 years”**

Moved by CM Miller, second by CM McIvor, to approve the February 14, 2005 minutes as corrected. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$18,086.89, Payroll - \$13,996.39, Sewer - \$5,726.56, Major Street - \$955.39, Local Street - \$955.39, Investment - \$67,623.55. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Steigerwald questioned the Fire Authority being charged for water leaving the city limits on fire runs. City Manager Holmes stated that City Council has agreed that a \$500.00 yearly fee be charged for this water use outside of city limits. Average gallons used per year have been calculated to arrive at this fee amount. The Fire Authority’s 2005/2006 Budget reflects this additional fee, and the issue will be addressed at the 3/1/05 Fire Authority Meeting.

Mr. Steigerwald also stated concerns about the fire/tornado siren being moved to the fire hall location as well as if the siren will be functioning in time for the spring tornado season. Discussion regarding fire hall location as the installation site for the siren. Intentions are to have installation completed soon.

PERSONAL APPEARANCES: None.

OLD BUSINESS:

1. Chapter 8 Zoning Map – see Manager’s report
2. COMCAST Agreement – see Public Hearing/Ordinances
3. Bullock Project – review/pending

DPW REPORT:

Report submitted and reviewed by the City Council.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing at 7:15 P.M. regarding Renewal of Franchise Agreement for Cable Television Service.

The representative from COMCAST, Mr. Tom Lerash, addressed the City Council regarding various contract changes. Stated that numerous upgrades in the Brown City system are planned for completion in the second half of 2005.

Discussion and questions between the City Council and COMCAST representative regarding fee increase, contract length, and planned upgrades.

Bill Walters suggested that the City Council agree to a 10 year contract with no fee increase. Mr. Walters reminded the City Council that there is no other cable television service available to the Brown City area, therefore no competition exists in this area.

Mayor Carpenter closed the Public Hearing at 7:33 P.M.

Council discussion regarding contract contents and renewal.

Moved by CM McIvor, second by CM Navock, to accept the COMCAST agreement with the current 3% franchise fee for a 10 year period. A Section is to

be added to the contract stating that system upgrades are to be complete by 6/1/06 or Section 10.2 of the contract will take immediate effect. 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.

ORDINANCES:

Moved by CM McIvor, second by CM Navock, to adopt Ordinance 14.2400 - *An Ordinance to Amend The Brown City Code By Adding A New Section Which New Section Shall Be Known As Section 14.2400 Of Chapter 14 of Said Code*, as amendments to contract are completed. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Navock-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Pam Sutton from Sutton' Barber Shop, Maple Valley Road, expressed concerns regarding a motorcycle club purchasing the vacant building next door to her business. City Manager conveyed information from a conversation he had with the potential buyer. Mrs. Sutton asked that the record reflect her concern with a "Biker Club" occupying this facility.

RESOLUTIONS:

Moved by CM Miller, second by CM Lee, to accept Resolution 05-05 a *Resolution Of The City Of Brown City To Appoint The Chairperson Of The City Council's Building And Grounds Committee To The Planning Commission*. 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.

COMMITTEE REPORTS:

1. Police – none
2. Water & Sewer – none
3. Tax & Finance – none
4. Streets & Sidewalks - CM Navock reviewed committee minutes from 2/26/05 meeting. Recommended that bids be sought for discussed sidewalk and street repairs.

Moved by CM Navock, second by CM Lukacs, for the City to seek bids for stated streets repairs and paving. Motion carried.

Moved by CM Navock, second by CM Blatt, for the City to seek bids for stated sidewalk repairs. Motion carried.

5. Buildings & Grounds – 6873 St. Mary’s Street preapplication building permit was reviewed by committee and approved. City Manager has signed.
6. Personnel – Discussion regarding evaluation form to be used for City Manager evaluation as well as circumstances involved in performing evaluation.

Council and City Manager consensus that the City Manager’s evaluation will take place at the 3/28/05 regular Council Meeting. All completed evaluation forms are to be turned into the Mayor no later than 3/14/05.

Ken Welch discussed with the City Council the placement of some type of certificate or plaque within City Hall honoring the first Mayor and City Council members of the City of Brown City. Mr. Welch shared past events within Brown City from his writings which have appeared in the *Banner, A Thumbnail Sketch of Early Brown City*.

Moved by CM Lukacs, second by CM McIvor, for the City Manager to draft a Resolution for placement in City Hall, recognizing the first Mayor and City Council of Brown City. Motion carried.

ATTORNEY’S REPORT:

COMCAST contract will be revised to reflect the wishes of the City Council.

Planning Commission laws have been reviewed; one member needs to be removed. Suggested that the Council ask for a volunteer to step down or the Council must determine member to be removed. Issue will be addressed at the 3/4/05 Planning Commission meeting.

CITY MANAGER’S REPORT:

1. **International Union of Operating Engineers Local 324:** The DPW employees received ballots the week of February 14. The ballots are due back to the state by March 3rd. Since the City consented to the election, the Public Hearing scheduled for February 25th in Detroit was cancelled. I

contacted the Union representative and requested any preliminary information he might have so that City staff could begin the analysis process.

2. **Personnel Committee:** The Committee had an informal discussion on February 15th concerning the personnel evaluation form for the City Manager. The Committee reviewed forms used in previous years as well as one made available through the Michigan Local Government Manager's Association. Their recommended form is included in your packets. The form should be completed and given to the Mayor for consolidation.
3. **Planning Commission Members:** City Ordinance (Section 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." A review of state law (primarily PA 285 of 1931 & 125.33 *et al.*) revealed that the City Ordinance is in accordance with the state law and that the Planning Commission is limited to a maximum of nine (9) members to include a member of the legislative body (see enclosed excerpt of PA 285). Therefore, the City Council has no other option than to remove one member of the Planning Commission.
4. **Well Head Protection Program:** We received a reimbursement check from the state for \$2,543.92. Anticipate receiving a final reimbursement check for about \$10K.
5. **Thumb Cellular:** Dave VanCura conducted a review of the Thumb Cellular lease payments and determined that no check had been received for 2004. Contact with Thumb Cellular resulted in a check for \$11,587 received on February 23, 2005.
6. **Park Millage:** The 1.25 mill park millage MAY expire on January 1, 2006. Research revealed that the original ballot question did not include an expiration date for the millage, nor did the City Council resolution approving the ballot proposal. A letter with appropriate enclosures was sent to the County Clerk to determine if the millage is indefinite or to provide the filing deadline and ballot procedures if an election is required.
7. **DNR Grant Request:** Darrell Schlabach and I attended the DNR Grant Writing training in Lansing on February 23rd. Good information was provided and we learned what parts of the 8-page application should be emphasized. A Public Hearing (required) is scheduled for the next Park Board meeting on March 10th to get the required public input for the grant application.
8. **Chapter 8 Zoning Map:** (see Planning Commission Minutes). The Planning Commission has scheduled a Public Hearing for April 7, 2005 at

7:00 p.m. 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.

9. **2005-2006 Budget:** The City Council should consider scheduling the Public Hearing for the 2004/2005 Budget Amendment, setting Property Tax Rate and 2005/2006 Budget for March 14th, to insure adequate time for approval before April 1st. Finance Committee needs to meet and review the draft budget prior to March 11th. The City Engineer and I looked at the five worst streets in the City (1st Street east of Walter, James Street north of 2nd Street, John, Lincoln and Cade.) Cost reports will be presented at the Streets and Sidewalks Committee meeting on February 26th.

Moved by CM Lee, second by CM Miller, to set a Public Hearing on 3/14/05 at 7:15 P.M. for the 2004/2005 Budget Amendments, setting the Property Tax Rate and 2005/2006 Budget. Motion carried.

Tax and Finance Committee Meeting is scheduled for 3/7/05 at 6:30 P.M.

10. **Cemetery Water:** The estimated cost of bringing water to the Cemetery boundary is enclosed. Cost will be about \$7K. The Cemetery Board would be responsible for installation costs within the Cemetery. Informal liaison with Burnside Township indicated they would probably not object to annexation of the Cemetery into the City.

After discussion, Council consensus was for the City Manager to seek bids for a price to bring water to the Cemetery boundary as well as determining the cost for annexation.

11. **MEDC Grant:** The grant associated with Llink Industries was reviewed and staff discovered that certain payments the City had made (legal, supplemental land costs and administrative work, were not reimbursed. A request for \$12,092.75 has been forwarded to MEDC and is expected to be approved.
12. **Sanilac County EDC:** A meeting took place on February 17th concerning community development. A representative from MEDC detailed some of the programs available for enhancing downtowns. Grants are available with a 50% match. The City has already applied for two grants using this process. There are other programs that may be helpful to us in the future.

13. **Arsenic Letter:** Letter received from DEQ regarding the possibility of entering into an Arsenic Administrative Consent Order. Meeting is schedule for Monday March 7th in Cass City. The City Manager will attend.
14. **Ford Foundation Grant:** A letter has been received denying the \$20,000 request for monies to be used in the old Burger building.
15. **Vacation Day:** I will be taking a vacation day on 3/8/05.

CITY TREASURER'S REPORT:

Update on tax collections from City Treasurer Carol Walters.

GENERAL CONCERN'S OF THE COUNCIL:

CM McIvor thanked the Council for receipt of flowers during the recent loss of his brother.

MAYOR'S REPORT: None.

ADJOURNMENT:

Moved by CM Miller, second by CM Lee, to adjourn at 8:48 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk