

COUNCIL PROCEEDINGS FOR APRIL 11, 2005

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

Pledge of Allegiance led by CM Leon Blatt.

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 and City Clerk Kelly Pavel.

ABSENT: None.

Moved by CM Miller, second by CM McIvor, to accept the 3-28-05 minutes as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: Equipment - \$13,402.07, Investment - \$31,701.77, General - \$62,030.46, Payroll - \$21,894.80, Major Street - \$1,258.00, Local Street - \$2,342.00, Water - \$2,959.66, Sanitary Sewer - \$4,490.93. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Bill Welch stated that he is tired of the way the City is being run. He has been speaking with Debbie Stabenow regarding the current arsenic issues.

PERSONAL APPEARANCES: None scheduled.

POLICE REPORT: Chief Ron Smith briefly discussed Police Report that the City Council has for review.

OLD BUSINESS:

1. Chapter 8 Zoning Map – pending
2. Bullock Project – pending, meeting with City Engineer scheduled for 4/15/05
3. Resolution 05-08 – borrowing authority – tabled
4. Resolution 05-09 – proposed water rates – tabled
5. Resolution 05-11 – City Manager evaluation rewritten as Ordinance 2108.2.1

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 7131 Welles Street to erect a 5' backyard fence. Motion carried.

Moved by CM Navock, second by CM McIvor, to accept the pre-application building permit for 7180 Lincoln to erect a 5' backyard fence. Motion carried.

COMMITTEE REPORTS:

1. Police – none
2. Water & Sewer – none
3. Tax and Finance – none
4. Streets & Sidewalks – none
5. Buildings and Grounds – none

Personnel report will be given after the scheduled Public Hearing, due to the length of material to be covered.

MANAGER'S REPORT:

- 1. International Union of Operating Engineers Local 324:** The City received a letter requesting a copy of all current personnel policies, practices or procedures; a copy of all fringe benefit plans including pension, severance, vacation, health and welfare, training; current job descriptions; wage and salary plans; copies of all disciplinary notices, warnings or records of personnel actions for the last year; etc. They requested the information be provided three days before the request was dated and mailed to us, and five days before it was received. Negotiations have not yet been scheduled.
- 2. Kilpatrick Apartment Dumpster:** The manager of Kilpatrick Apartments has asked if they can suspend garbage collection by the City (Knox Disposal) and contract with another company. The apartment manager has complained in the past about Knox not emptying their dumpster or picking up material adjacent to the dumpster. A review of the contract with Knox Disposal states "The Contractor shall pick up all trash, garbage and refuse from any residence in the City of Brown City at least once a week." Question for the City Council: May this apartment complex be excluded from the Knox contract if they enter into a City-acceptable contract with another company?

City Attorney has reviewed the contract with Knox Disposal and it depends on how the City defines “residence” as to how the contract reads. Suggested that this issue be turned over to the Tax & Finance Committee for review. It needs to be determined if apartments are considered a business.

Tax and Finance Committee meeting scheduled for 4/14/05 at 5:00 pm.

- 3. Fire Authority:** The Fire Authority plans to plant a tree in memory of Dick Black. It will be located adjacent to the George Kalbfleisch plaque west of the fire station. The date for the ceremony has not yet been set, but is expected to be later this month.
- 4. Mayor Exchange:** At the request of the Mayor, I contacted Yale about having a Mayor Exchange sometime this summer. They responded that they added Brown City to their contact list, but frankly are looking at communities larger than Yale.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing regarding Ordinance 5307A – 5311A, Change utility billing to monthly from quarterly, proposed water rate modifications.

City Manager gave a detailed explanation regarding above mentioned ordinance as well as information pertaining to water rate tables.

Resident Julie Fox questioned the length of time the proposed \$15.00 increase would be incurred monthly by residents. Response was until the Council has the opportunity to change it at a later time.

Various questions pertaining to grants that were denied for assistance in financing the second arsenic plant.

Various concerns stated about citizens ability to absorb additional charges on their water bills.

Discussion regarding the possibility of moving the existing arsenic plant to another well location.

Discussion regarding current arsenic levels, the quality of filtration that the arsenic plant is producing was also questioned.

Discussion regarding proposed fines by the Federal Government for non-compliance.

Discussion regarding the possible blending of wells by various citizens. Larry Czap suggests that the City be patient in waiting to see what Federal Government involvement may be in the future. He stated that Brown City is currently one of approximately 15 communities who have a successfully working arsenic filtration system. There are 15,000 – 20,000 other communities in the United States who will need to comply by the 1/23/06 deadline. There was much doubt expressed in the Federal Government bankrupting this many cities due to non-compliance with \$25K per day fines.

Discussion regarding the possible necessity of water bans during high usage times in order to be able to access water from just one well.

Mayor Carpenter closed the Public Hearing at 8:32 p.m.

Water and Sewer Chairman McIvor suggested that Ordinance 5307A-5311A be tabled at this time due to public requests.

Moved by CM Blatt, second by CM Navock, to table Ordinance 5307A-5311A. ROLL CALL VOTE: Lukacs-no, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 1-no, 0-absent, 0-abstain. Motion carried.

Water & Sewer Committee meeting scheduled for 4/13/05 at 6:00 p.m.

CONTINUATION OF MANAGER'S REPORT:

5. Mason Alley: There have been complaints about the location of the two dumpsters in the alley adjacent to the Mason Hall on Main Street. Discussion with Knox Disposal revealed that no other configuration is possible because of the current size of the alley and the length of the collection truck. Recommendation is to encroach into the Veteran's Memorial Park on the north end approximately 6' X 12'. Since the Park is jointly owned by the VFW and the City, permission is necessary from both organizations. The VFW will be discussing this issue on Wednesday. What is the consensus of the City Council? (REQUIRES MOTION)

Moved by CM Blatt, second by CM McIvor, to not oppose moving the dumpster in the Mason Alley to encroach on Memorial Park. Motion carried.

- 6. Zoning Map:** A super majority of the Planning Commission approved the August 16, 2004 Zoning Map with three minor revisions. The next step is for the Governing Body to approve the Zoning Map before proceeding to distribution and approval of the Master Plan.
- 7. Master Plan:** State law requires that various organizations be provided a copy of the proposed Master Plan and be given 65 days to comment. The law further requires that the Governing Body formally release the Master Plan for distribution to these organizations. The Planning Commission plans to hold a Public Hearing for final approval of the Master plan ON July 7th, 2005 at 6:45 PM. Will the City Council approve release of the Master Plan for comment and review? (REQUIRES MOTION)

Moved by CM Miller, second by CM Lee, to approve the Zoning Map as well as approving the distribution of the Master Plan to necessary organizations. Motion carried.

- 8. Post Office Signs:** The Post Office has requested the City post “No Parking – Fire Lane” signs on the west wall of the Post Office. Are there any objections from the Council to post two signs in the alley?

Consensus of the council that No Parking signs be posted on the west side of the Post Office. City Manager is to verify that this is not a private drive.

- 9. Brown City Clean Up Days:** Recommend the City Council schedule Brown City Clean Up days for Monday and Tuesday 9 and 10 May 2005. (REQUIRES MOTION) Brush pick-up has resumed on the 15th and 30th of each month during the summer and fall.

Moved by CM Lee, second by CM Navock, to conduct Clean Up Days on May 9 and 10, 2005. Motion carried.

- 10. Hydrant Flushing:** Recommend the City Council schedule hydrant flushing for May 31 and 1-3 June. (REQUIRES MOTION)

Moved by CM Lee, second by CM Navock, to flush fire hydrants on May 31 and June 1-3, 2005. Motion carried.

City Manager stated that the DPW is currently picking up bagged yard waste on the 15th and 30th of each month.

ORDINANCES:

5307A – 5311A – tabled.

Explanation of proposed Ordinance 5701A – Arsenic Abatement Fee by City Manager

Introduction of Ordinance 5701A by CM Lee.

Moved by CM Lee, second by CM McIvor, to hold a Public Hearing on April 25, 2005 at 7:15 p.m. regarding Ordinance 5701A. Motion carried.

Introduction of Ordinance 2108.2.1 by CM Lukacs.

Moved by CM Lukacs, second by CM Miller, to hold a Public Hearing on April 25, 2005 at 7:30 p.m. regarding Ordinance 2108.2.1. Motion carried.

Moved by CM Lukacs, second by CM Blatt, that the formal evaluation of City Manager be placed in the City Manager's personnel file. Motion carried.

CONTINUATION OF COMMITTEE REPORTS:

Personnel:

CM Lukacs requested scores from council members from the City Manager evaluation. Scores were recorded by City Clerk.

Recess at 8:55 p.m. while calculations were made on the City Manager evaluation. Return from recess at 9:01 p.m.

Discussion of City Manager's Informal Evaluation. CM Lukacs reported a score of 1192 out of a possible 1320 points possible on the evaluation.

Moved by CM Miller, second by CM Navock, to proceed beyond the 9:00 p.m. hour. Motion carried.

ATTORNEY'S REPORT:

Various ordinances have been reviewed and discussed with City Manager.

City Attorney has received communication from Attorney Siebert regarding the Bullock case which needs to be discussed in executive session.

The City maintaining a miscellaneous fund to purchase flowers and/or cards for funerals or hospitalizations has been researched. No conflicts were found with this process if it is funded with private donations from the elected officials and staff..

City Attorney has received a letter from Len King requesting various information that the City Attorney will respond to.

City Attorney suggested that the arsenic law be researched to see if the City could avoid having to spend \$400,000 on a new treatment plant.

Moved by CM Lukacs, second by CM Navock, that City Manager will put a report together regarding the possibilities of the City meeting Federal compliance by maintaining one well with arsenic removal. This report will be reviewed by the City Attorney. Motion carried.

GENERAL CONCERNS OF THE COUNCIL: None.

MAYOR'S REPORT:

A request has been made by the Brown City Festival that the City donate \$2,000.00 for fireworks.

Moved by CM Blatt, second by CM Navock, to donate \$2,000.00 to the Brown City Festival Committee for fireworks. Motion carried.

Moved by CM Miller, second by CM Lee, to move into Executive Session at 9:18 p.m. to consult with the City Attorney regarding trial or settlement in connection with specific pending litigation because discussing in an open meeting could have a detrimental financial effect on the litigation or settlement position of the public body.
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.

Moved by CM Miller, second by CM Navock to return to regular session at 9:30 p.m.
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.

No action was taken in Executive Session.

City Manager thanked the council for the positive evaluation.

Moved by CM Miller, second by CM Navock to adjourn at 9:30 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk