

**BROWN CITY COUNCIL PROCEEDINGS  
MARCH 11, 2019**

**MEETING CALLED TO ORDER BY MAYOR JULIE MILLER AT 7:00 PM.**

**PLEDGE OF ALLEGIANCE LED BY MAYOR JULIE MILLER.**

**PRESENT:** Mayor Julie Miller, Councilmembers: Stacy Biel, Patricia Jacobson, Christine Lee, Ross McIvor, Eugene Navock, Alecia Parks, City Manager Clint Holmes, City Clerk Juanita Smith and City Attorney Gregory Stremers.

**ABSENT:** None.

**GUESTS:** Police Chief Ron Smith, Michaela Klusman, District Liaison for State Senator Dan Lauwers, Erick Ford and James Webb.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:**

There will be one addition to the Mayor's Report related to Board of Review.

**CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Novack, second by CM Biel, to accept the Regular Meeting Minutes of February 25, 2019 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Jacobson, second by CM Lee, to pay the bills in the following funds:

**General** - \$20,619.65 (9096 – 9133), **Payroll** - \$16,632.99 (8818 – 8836 plus EFT), **Major Street** - \$1,469.23 (3984 – 3985), **Local Street** - \$1,807.79 (4310 – 4311), **Sanitary Sewer** - \$2,475.00 (3795), **Water** - \$17,484.25 (3037 – 3040), **Arsenic Abatement** - \$11.85 (1433), and **Equipment** - \$47.44 (1656). Motion carried.

**PERSONAL APPEARANCES:** None scheduled.

**PUBLIC QUESTIONS & COMMENTS:**

Michaela Klusman, District Liaison for State Senator Dan Lauwers introduced herself and spoke to the Council briefly concerning any issues that may come up that she or State Senator Dan Lauwers may be of help with in the future.

**POLICE REPORT:** Report reviewed. No questions or concerns.

**UNFINISHED BUSINESS:** None Scheduled.

**PUBLIC HEARING:**

1. **7:05 PM – Ordinance Section 17.996** – An Ordinance authorizing the City to review, revise and enter an Option and Structure Lease Agreement with New Cingular Wireless PCS, LLC for a Communication Facility at property located to the east of the City water tower at 4019 Third Street, Brown City.

**Mayor Julie Miller opened the Public Hearing at 7:05 p.m. for the purpose of gathering public comments on the proposed adoption of Ordinance Section 17.996 – An Ordinance authorizing the City to review, revise and enter an Option and Structure Lease Agreement**

with New Cingular Wireless PCS, LLC for a Communication Facility at property located to the east of the City water tower at 4019 Third Street, Brown City. There were no questions or comments. The Public Hearing was closed by Mayor Julie Miller at 7:06 p.m.

2. **7:15 PM - Proposed Brown City Fiscal Year 2019-2020 Budget** - The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing. The City plans to collect at the same millage rate in 2019 that was collected each year since 2001 - 16.8733 mills City Operating; and will also collect the "Headlee"-reduced 1.2318 mills Park Operating.

Mayor Julie Miller opened the Public Hearing at 7:17 p.m. for the purpose of gathering public comments on the proposed Brown City Fiscal Year 2019-2020 Budget. The property tax millage rate proposed to be levied to support the proposed budget was a subject of this hearing. There were no questions or comments. The Public Hearing was closed by Mayor Julie Miller at 7:20 p.m.

#### **RESOLUTIONS:**

1. **Resolution 19-03** - Resolution Of The City Of Brown City To Amend The City's 2018-2019 Budget To Better Reflect Revenues And Expenditures.  
Motion by CM Jacobson, second by CM Lee, to adopt Resolution 19-03: A Resolution of the City of Brown City to Amend the City's 2018-2019 Budget to Better Reflect Revenues and Expenditures. ROLL CALL VOTE: CM Navock – Yes, CM Jacobson – Yes, CM Parks – Yes, CM Biel – Yes, CM McIvor – Yes, CM Lee – Yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried – Resolution adopted.

2. **Resolution 19-04** - A Resolution Formally Approving The City Of Brown City Millage Rate Of 16.8733 Mills And Brown City Park Millage Rate Of 1.2318 Mills And The Fiscal Year 2019-2020 Budget.

Motion by CM Jacobson, second by CM Lee, to adopt Resolution 19-04: A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and the Brown City Park Millage Rate of 1.2318 Mills and the Fiscal Year 2019-2020 Budget. ROLL CALL VOTE: CM Jacobson – Yes, CM Parks – Yes, CM Biel – Yes, CM McIvor – Yes, CM Lee – Yes, CM Navock – Yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried – Resolution adopted.

#### **ORDINANCES:**

1. **Ordinance 17.996** - An Ordinance To Amend The Brown City Code By Adding Section 17.996 Of Chapter 17, Table 2 – Real Estate Of Said Code.

Ordinance Section 17.996 – An Ordinance To Amend The Brown City Code By Adding Section 17.996 Of Chapter 17, Table 2 – Real Estate Of Said Code. Motion by CM Parks, second by CM Biel, to amend the Brown City Code by Adding Section 17.996 of Chapter 17, Table 2 – Real Estate of Said Code. ROLL CALL VOTE: CM Biel – Yes, CM McIvor – Yes, CM Lee – Yes, CM Navock – Yes, CM Jacobson – Yes, CM Parks – Yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried.

## **PETITIONS & COMMUNICATIONS:**

- 1. 7254 Maple Valley Road – Emmie Die & Engineering:** Request Building Permit to construct a 60' X 80' addition to the southwest side of the factory. Planning Commission recommends approval.

**Motion by CM McIvor, second by CM Navock, to accept the Planning Commission's recommendation to approve the request for a building permit to Emmie Die & Engineering to construct a 60' x 80' addition to the southwest side of the existing factory building at 7254 Maple Valley Road. Motion carried. The building permit may be picked up at the City Hall on Tuesday, March 12, 2019 after 10:00 a.m. by Emmie Die & Engineering. Emmie Die & Engineering must then go to the Sandusky Court House to pull the required permit/permits. No cost is involved in getting the permits from the Brown City City Hall but in pulling the permits at the Sandusky Court House there will be a charge.**

- 2. 6949 Cade Road:** Request Building Permit to construct a 20' X 48' addition to the rear of the existing home. Planning Commission recommends approval.

**Motion by CM McIvor, second by CM Lee, to accept the Planning Commission's recommendation to approve the request for a building permit to construct a 20' x 48' addition to the rear of the existing home at 6949 Cade Road- owned by Jeff Pavel. Motion carried. Jeff Pavel or his representative may pick up his permit at the City Hall on Tuesday, March 12, 2019. He must then go to the Court House in Sandusky to pick up the required permits. There is a cost involved in getting the permits at the Court House.**

- 3. 4235 Main Street – Soul Trips Vapor:** Request Building Permit to install a neon sign with the business name on the front of the building. Planning Commission recommends approval.

**Motion by CM McIvor, second by CM Navock, to accept the Planning Commission's recommendation to approve the request for a building permit to install a 5' wide x 1' tall neon sign with the business name of it on the front of the building. Motion carried. The building permit may be picked up on Tuesday, March 12, 2019 at the City Hall. The owner of Soul Trips Vapor, or contractor, must pick up a building permit in Sandusky at the Court House as a Sanilac County permit is required for installing the neon sign.**

## **MANAGER'S REPORT:**

- 1. 2019 Street Project:** T.G. Priehs Paving Company has accepted the City's contract to repave Thelman Avenue and Belview/Autumn Gold Drives. Once the City is notified of the work schedule, letters will be sent to residents on these streets letting them know when the work is due to begin and estimated completion date.
- 2. AT&T Cell Antenna:** The Haley Law Firm, representing AT&T, has submitted a bid package to install cell phone antennas on the City's Water Tower. The City Attorney has reviewed the contract and is negotiating changes and updates. Once an agreement is reached, the contract will be presented to the City Council for action. Concerning AT&T's contact with SBA, please see attached email.
- 3. Union Contract:** Staff met with the union representative and DPW Shop Steward on February 25<sup>th</sup> and received a copy of their demands. The next evening, the Brown City Personnel Committee met to review the results of the initial meeting. Recommendations made by the Personnel Committee were incorporated into a copy of the contract and

forwarded to the union. A read receipt was received on March 4<sup>th</sup> stating that the email had been opened late on March 1<sup>st</sup>. To date, there has been no response from the union. One of the demands from the union was for the City to provide uniform service for the DPW. Staff met with a representative from CINTAS on March 4<sup>th</sup>. They will be putting together a bid prior to the next City Council meeting.

4. **Lead and Copper Rule:** City of Marlette sponsored training provided by the Michigan Rural Water Association on March 5<sup>th</sup>. Formal reports concerning the City's water infrastructure plus the results of enhanced testing are due to MDEQ prior to January 1<sup>st</sup>. Municipal water systems, such as Brown City, must begin replacing a minimum of 5% of water mains and connections to users each year for any mains that could contain lead. Of the City's 49,447 feet (9.36 miles) of water mains, replacement of 8,486' plus the pipes going to either meters or 18" into residences is currently estimated to cost about \$2,121,500 or about \$106,075 a year for the next 20 years. The City will need to issue a bond, create special assessment districts, or dramatically increase rates. Once MDEQ issues the final rules and the City DPW completes testing and surveys this summer and fall, a better idea of associated costs will be presented to the City Council.
5. **NPDES Permit:** The City received a letter from MDEQ stating that the iron content of the backwash water from the arsenic abatement facilities was too high. The MDEQ water engineer came to Brown City and determined that the problem was how the samples were being taken. As required by the letter, a written response was sent to MDEQ explaining how the City DPW will change the sampling procedure in order to meet state requirements.
6. **Michigan Treasury Overpayments:** The City, along with apparently every other county and municipality that received street funds from the state, was notified of an overpayment in the amount of \$26,561,350. The City's portion of that is \$2,419.34. How the state plans to recoup this money remains an open question.
7. **Sanilac County City Managers Association:** I plan to attend the next meeting, which is scheduled for March 13<sup>th</sup> in Sandusky at noon.
8. **St Patrick's Day 5-K Run:** Linda Lou's wants to sponsor and host a 5K Run in celebration of St Patrick's Day, with registration at 11:00 AM and the race beginning at noon on Sunday, March 17th. They are requesting to use a portion of City streets in addition to township roads (see map). Because part of the proposed route is along M-90 (Main Street) the City must apply for a permit from MDOT. How does the City Council wish to proceed on this request?

**Motion by CM Parks, second by CM Jacobson, to have the City apply for a permit from MDOT to use M-90 (Main Street) and the public streets for a 5K Run on Sunday, March 17<sup>th</sup> in celebration of St. Patrick's Day. Motion carried.**

**ATTORNEY’S REPORT:**

1. Status of land transfer to Tri County Bank.

City Attorney Gregory Stremers said that the land transfer to Tri County Bank was coming along with them almost ready to send us a check for the property. There is one problem that arose with the title search. Brown City acquired the property in 1999. It showed the previous owner in 1946. Question—How did the City get the property in 1999? The City is checking the records to see if they can find the answer.

**TREASURER’S REPORT:** None.

**CLERK’S REPORT:** None.

**MAYOR’S REPORT:**

1. **Semi-Annual City Manager Evaluation** – Please return forms at or before the next City Council meeting on March 25<sup>th</sup>.
2. **Girls Bowling Team Proclamations** – Proclamations for Courtney Wheeler, Faith Gleasure and the 2019 Girls Bowling Team.

**Mayor Julie Miller will get with the Bowling Coach and set a date for this presentation.**

3. **City Sound System** – The PYLE PPHP1535WMU portable sound system arrived is ready for City outdoor events. Final cost was \$240.10.

4. **Board of Review (BOR) appointment.**

**Motion by CM Lee, second by CM McIvor, to appoint Paul Muxlow to fill the vacancy on the Board of Review for 2019. Motion carried.**

**COMMITTEE REPORTS:**

1. Building and Grounds (McIvor) – None.
2. Personnel (Parks) – None.
3. Police / Fire Authority (Lee) – None.
4. Streets and Sidewalks (Navock) – None.
5. Tax and Finance (Jacobson) – None.
6. Water and Sewer (Biel) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Biel asked if there were any Grants to reimburse us when we have to replace the Lead and Copper water mains and connections. City Manager Clint Holmes replied that there were not but he might be able to look at other places for additional help.

CM Parks expressed concern about the new Soul Trips Vapor business starting up in town. Police Chief Ron Smith said that he had met with the school Superintendent and Principal about vapes and drugs within the school.

**PUBLIC QUESTIONS & COMMENTS:** None.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM McIvor, to adjourn at 7:47 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk