

BROWN CITY COUNCIL PROCEEDINGS
MARCH 22, 2021

In accordance with PA 228, this meeting was conducted remotely via Zoom. Meeting ID: 950 2034 7709

MEETING CALLED TO ORDER VIA ZOOM BY MAYOR JULIE MILLER AT 7:00 P.M.

PRESENT: Mayor Julie Miller, Councilmembers: Stacy Biel, Patricia Jacobson, Christine Lee, Ross McIvor, Eugene Navock, and Walter Robison; City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Rhonda Johnson.

ABSENT: None.

GUESTS:

1. John N. Johnson, CIC, Agent , Nickel & Saph, Inc. Insurance Agency.
2. Dustin Drabek, Risk Manager, Decker Insurance Agency. By phone.
3. Keith Bedwell, Brown City resident.
4. Cole Wood, Agriculture Field Representative for 10th Congressional District.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

1. Motion to accept minutes from the Regular Meeting of March 08, 2021, as written.

MOTION BY CM NAVOCK, SECOND BY CM MCIVOR, TO APPROVE THE MINUTES OF MARCH 08, 2021 AS WRITTEN. MOTION CARRIED.

PAY BILLS:

MOTION BY CM JACOBSON; SECOND BY CM LEE, TO PAY BILLS IN THE FOLLOWING FUNDS: General - \$17,415.93 (10285 - 10294), Payroll - \$15,788.67 (9785 - 9798), Major Streets – \$326.99 (4047- 4048), Local Streets - \$4,382.02 (4356-4358), Sewer - \$965.80 (3957 – 3958), Water - \$207.63 (3317 – 3318), Arsenic - \$171.32 (1543 – 1544).

MOTION CARRIED.

DPW REPORT:

Written report of DPW activities during February and March provided by Phil Bartle. No concerns were raised.

PUBLIC HEARING: Mayor opened Public Hearing at 7:06 p.m.

1. **Proposed Brown City Fiscal Year 2021-2022 Budget** The property tax millage rate proposed to be levied to support the proposed budget is the subject of this hearing. The City plans to collect at the same millage rate in 2021 that was collected each year since 2001 - 16.8733 mills City Operating; and will also collect the “Headlee” reduced 1.2299 mills Park Operating.

Mayor called for public comments. There were no public comments.

Mayor closed Public Hearing at 7:07 p.m.

RESOLUTIONS:

- 1. **Resolution 21-04** – Resolution Of The City Of Brown City To Amend The City’s 2020-2021 Budget To Better Reflect Revenues And Expenditures.

MOTION BY CM JACOBSON, SECOND BY CM BIEL TO AMEND THE CITY’S 2020-2021 BUDGET TO BETTER REFLECT REVENUES AND EXPENDITURES.

ROLL CALL VOTE: CM BIEL-YES, CM JACOBSON-YES, CM LEE-YES, CM MCIVOR-YES, CM NAVOCK-YES, CM ROBISON-YES.

YEAS: 6, NAYS: 0, ABSTENTIONS: 0, ABSENT: 0. MOTION CARRIED.

- 2. **Resolution 21-05** – A Resolution Formally Approving The City of Brown City Millage Rate of 16.8733 Mills and Brown City Park Millage Rate of 1.2299 Mills And The Fiscal Year 2021-2022 Budget.

MOTION BY CM JACOBSON, SECOND BY CM LEE, TO APPROVE THE CITY OF BROWN CITY MILLAGE RATE OF 16.8733 MILLS AND BROWN CITY PARK MILLAGE RATE OF 1.2299 MILLS AND THE FISCAL YEAR 2021-2022 BUDGET.

ROLL CALL VOTE: CM BIEL-YES, CM JACOBSON-YES, CM LEE-YES, CM MCIVOR-YES, CM NAVOCK-YES, CM ROBISON-YES.

YEAS: 6, NAYS: 0, ABSTENTIONS: 0, ABSENT: 0. MOTION CARRIED.

PERSONAL APPEARANCES:

- 1. John N. Johnson, CIC, Agent, Nickel & Saph, Inc. Insurance Agency – Quote Presentation.
- 2. Dustin Drabek, Risk Manager, Decker Insurance Agency - City Policy Update. (By phone.)

PUBLIC QUESTIONS & COMMENTS: None.

PETITIONS & COMMUNICATIONS: None Scheduled.

MANAGER’S REPORT:

- 1. **City Liability Insurance:** The City received two offers. Mr. John Johnson of Nickel & Saph, Inc., and Mr. Dustin Drabek of Decker Agency each provided a quote for annual City insurance coverage.

MOTION BY CM LEE, SECOND BY CM JACOBSON, TO ACCEPT THE CITY LIABILITY INSURANCE COVERAGE THROUGH THE DECKER AGENCY.

ROLL CALL VOTE: CM BIEL-YES, CM JACOBSON-YES, CM LEE-YES, CM MCIVOR-YES, CM NAVOCK-YES, CM ROBISON-YES.

YEAS: 6, NAYS: 0, ABSTENTIONS: 0, ABSENT: 0. MOTION CARRIED.

- 2. **Grant Applications Status:**

- a. The City has submitted an application for a \$30,000 Special Evaluation Assistance for Rural Communities and Households (SEARCH) Grant to design the plans for the needed upgrade to the Maple Valley lift station. The grant request also includes a grant/loan application for the \$735,000 estimated cost of the lift station replacement. A response from USDA-RD is pending.
- b. The City also submitted an application for a \$600,000 Drinking Water Asset Management (DWAM) Grant to Michigan EGLE to help the City meet the new Lead and Copper Rule requirements. There is only one EGLE staff member reviewing all submittals which is the cause of the extended timeframe for the selection of grant awardees.
- c. The Michigan Department of Treasury is advertising the Financially Distressed Cities, Villages and Townships Grant Program. The City of Brown City does not qualify.

3. **Federal Coronavirus State and Local Fiscal Recovery Funds:** The City learned that we will be receiving about \$122,732 under this program. Uses for this funding are detailed in the legislation (pink). Funds will be forwarded to the City from the Michigan Treasury in two payments with the second one in about 60 days. Since the primary use of the money should be “Making investments in water, sewer, or broadband infrastructure” recommend assigning the funds to the Lead and Copper Rule Account to use toward meeting these requirements. Council Agreed with the City Manager’s recommendation to assign funds to the Lead and Copper Rule Account.

THE CONSENSUS OF THE CITY COUNCIL WAS TO PUT THE MONEY IN THE LEAD AND COPPER FUND.

4. **Brown City Utility Rates:** Updating utility rates annually is required by City Ordinance. Water, Sanitary Sewer, Tower/Line Maintenance and Arsenic Project were increased by the CPI (1.4%). Storm Water is set by ordinance and Garbage by contract. As required, amounts were rounded to the nearest whole dollar.
5. **Council Chambers:** The carpet has been ordered and should be installed on March 25th. The new furniture is being stored by the supplier and will be delivered and assembled once the carpet is installed. The room should be completed before the first City Council meeting in April.
6. **Sanilac Tourism Association:** The Association will again be publishing the Sanilac Visitor’s Guide. Suggested dues are \$100 and an ad the same size as the City had previously is \$455 (less 10% with membership).

MOTION BY CM LEE, SECOND BY CM BIEL, TO PAY THE \$100 DUES WITH NO CITY ADVERTISEMENT FOR THIS YEAR. MOTION CARRIED.

7. **Lift Stations:** The City has the three sewage pump stations inspected annually. The City Council requested bids from the two area companies that do this work. JETT Pump and Valve bid \$3,575. KERR Pump and Supply bid \$2,400. The scope of their inspections and testing is comparable. The DPW Foreman recommends that the City switch to KERR since they are cheaper and more responsive.

MOTION BY CM ROBISON, SECOND BY CM MCIVOR, TO ACCEPT THE BID BY KERR PUMP AND SUPPLY FOR \$2,400.

ROLL CALL VOTE: CM BIEL-YES, CM JACOBSON-YES, CM LEE-YES, CM MCIVOR-YES, CM NAVOCK-YES, CM ROBISON-YES.

YEAS: 6, NAYS: 0, ABSTENTIONS: 0, ABSENT: 0. MOTION CARRIED.

8. **ORV and ATV Laws:** According to the Secretary Of State, in Michigan, when you buy an ORV or ATV, you are issued an “off-road title.” A title verifies you own the vehicle. An off-road title means the vehicle can't be operated on public streets because it was built exclusively for off-road use and lacks the necessary safety equipment for on-road use. It is unlawful to operate ATVs upon public streets and highways, unless it is being used in farming and such traveling is necessary to get from one field to another, or if the ATV needs to cross the public street directly to get from one lawful operating area to another. One of the biggest reasons driving ATVs is not safe on roads is the tires are not designed for use on streets. Allowing ORVs and ATVs on Brown City streets would require an ordinance that meets the requirements of MCL 324.81131. Currently, under state law, operating ORVs and ATVs capable of exceeding 25 MPH is illegal on city streets and can result in a traffic citation. Council, City Attorney and Brown City Resident Bebwell discussed the state and county laws and ordinances concerning ORV and ATV vehicles. The advantages and disadvantages of a City Ordinance will continue to be discussed at future meetings.

THE CONSENSUS OF THE CITY COUNCIL WAS TO TABLE THIS ISSUE UNTIL THE NEXT MEETING SO THAT ADDITIONAL INFORMATION ON THIS SUBJECT CAN BE GATHERED.

9. **City Hall Signs:** The City is working with Serious Graphics and Signs of Yale to create the replacement signs for the east and north sides of City Hall. Cost will be \$245 per sign and they should be completed within a couple of weeks. We have also asked them for a bid on replacing the sign on the DPW Garage.
10. **FOIA Requests:** The Brown City Police Department received two Freedom of Information Act (FOIA) requests that are currently being processed.
11. **Good Friday:** City Hall, Police Department and DPW will be closed on Friday, April 2nd in observance of the holiday; the DPW will have an employee on-call.

12. **COVID-19:** Customers should use mail, email, the utility payment drop box and telephone for conducting business if possible. City Hall is open to the public by appointment only, and masks must be worn and no more than one customer at a time should be in City Hall. Vaccinations for staff are still pending.

ATTORNEY'S REPORT:

City Attorney Stremers reported that due to an increase in Covid in local counties, he expects extensions of Covid mitigation measures from the State. He also reported that his flat rate fee increased.

Motion by CM Lee, second by CM Navock to accept City Attorney rate increase to \$150 per hour.

ROLL CALL VOTE: CM BIEL-YES, CM JACOBSON-YES, CM LEE-YES, CM MCIVOR-YES, CM NAVOCK-YES, CM ROBISON-YES.

YEAS: 6, NAYS: 0, ABSTENTIONS: 0, ABSENT: 0. MOTION CARRIED.

TREASURER'S REPORT: None.

CLERK'S REPORT: There are no May elections in Sanilac County for 2021.

MAYOR'S REPORT:

1. **Letter concerning Main Street parking concerns.** Discussion of main Street parking concerns by businesses. The Council suggested installing signs limiting the parking on Main Street to two hours.
2. **Semi-Annual City Manager Evaluation** – Councilmembers returned City Manager Evaluation forms. The points totaled to 1012 out of a possible 1155 resulting in a score of 88%.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL:

CM Biel suggested that the stop sign at Maple Valley Road and M90 be enhanced with blinking lights. City Manager will check with MDOT on the procedures and determine the estimated cost.

PUBLIC QUESTIONS & COMMENTS:

1. CM Lee said she was reappointed to the Council on Aging.
2. Cole Wood, Agriculture Field Representative for Congresswoman McClain, introduced himself and said he is available at cole.wood@mail.house.gov and (586) 697-9300.

CLOSED SESSION: None.

**ADJOURNMENT:
MOTION BY CM NAVOCK, SECOND BY CM LEE, TO ADJOURN THE MARCH 22,
2021, MEETING OF THE CITY COUNCIL AT 8:05 P.M.
MOTION CARRIED.**

Respectfully submitted,

Rhonda Johnson
City Clerk