

# BROWN CITY COUNCIL PROCEEDINGS

## MARCH 23, 2020

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**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, Christine Lee, Ross McIvor, Eugene Navock and Walter Robison; City Manager Clint Holmes.

**ABSENT:** Councilmember Patricia Jacobson, City Clerk Juanita Smith, City Attorney Greg Stremers.

**GUESTS:** Administrative Assistant David R. Van Cura.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:** None.

**CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Navock, second by CM McIvor, to accept the Regular Meeting Minutes of March 9, 2020 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Lee, second by CM Biel, to pay the bills in the following funds: General - \$ 15,047.10 (9718 – 9744), Payroll \$17,781.46 (9336 – 9354 plus EFT), Major Street - \$2,600.00 (4023), Local Street - \$2,600.00 (4341), Sanitary Sewer - \$8,192.65 (3868 – 3870), Water - \$1,098.46 (3179 – 3181), Arsenic Abatement - \$516.31 (1491 – 1493). Motion carried.

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

**UNFINISHED BUSINESS:** None Scheduled.

**PETITIONS & COMMUNICATIONS:**

1. 4227 Maple Street: Install ~132' of vinyl fence along east border of property.

Motion by CM Navock, second by CM McIvor, to approve the Pre-Application Building Permit for 4227 Maple Street. Motion carried.

**CLERK'S REPORT:**

The Presidential Primary Election was held on March 10, 2020 with 219 voters casting their votes. We have 883 registered voters so 24.8% voted.

All three proposals passed in our jurisdiction. Democrat Biden and Republican Trump were the top vote-getters in Brown City. We had 4 people register to vote on Election Day.

Our Election Inspector Training is scheduled for Wednesday, July 15th or Thursday, July 16th to be Certified for the next two years.

**MAYOR'S REPORT:**

1. **Semi-Annual City Manager Evaluation –**

City Manager Clint Holmes received a score of 1039 out of 1155, which is a 90% approval rating.

**PUBLIC HEARING:**

1. **7:05 PM - Proposed Brown City Fiscal Year 2020-2021 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 2020 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 7:05 p.m. for the purpose of gathering public comments on the Proposed Brown City Fiscal Year 2020-2021 Budget. City Manager Holmes gave an explanation on the budget process. There were no questions or comments from the Council.

The Public Hearing was closed by Mayor Miller at 7:08 p.m.

**PERSONAL APPEARANCES:** None.

**PUBLIC QUESTIONS & COMMENTS:** None.

**ORDINANCES:** None Scheduled.

**RESOLUTIONS:**

1. **Resolution 20-03 -** Resolution Of The City Of Brown City To Amend The City's 2019-2020 Budget To Better Reflect Revenues And Expenditures.

Motion by CM Lee, second by CM Biel, to approve Resolution # 20-03.

ROLL CALL VOTE: Jacobson – Absent, Biel – Yes, Lee – Yes, Mclvor – Yes, Robison – Yes, Navock – Yes. 5 – YES, 0 - NO, 1 – ABSENT, 0 - ABSTAIN. Motion Carried.

2. **Resolution 20-04 -** 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 2020-2021 Budget.

Motion by CM Lee, second by CM Navock, to approve Resolution #20-04. ROLL CALL VOTE: Jacobson – Absent, Biel – Yes, Lee – Yes, Mclvor – Yes, Robison – Yes, Navock – Yes. 5 - YES, 0 - NO, 1 – ABSENT, 0 - ABSTAIN. Motion Carried.

**MANAGER'S REPORT :**

1. **Reed Street Engineering:** The engineer for the Reed Street Water Main Replacement Project completed the survey work and bore testing on March 16<sup>th</sup>. Coordination with the engineer at Spicer Group continues. Anticipate that the plans will be completed soon, and the City can release a Request for Proposals for the underground work.

2. **Street Sweeping:** The City of Sandusky provided their large street sweeper to us. The streets throughout the City were swept on March 19<sup>th</sup>. Expect to do the streets again before Brown City Days in June.
3. **Water Asset Management Plan:** MEGLE released the requirements associated with Rule 1606 of the Administrative Rules of Act 399. As a result the City was required to complete and submit a comprehensive Water Asset Management Plan to MDEQ by December 31, 2017. Staff completed the document and forwarded it by the deadline. After taking almost two years to review the report, the City received a letter asking for additional information concerning how water rates were developed and updated. The amended document was due to MEGLE by January 1<sup>st</sup>. The revised Brown City Water Asset Management Plan and updated inventory and 20-year Water Capital Improvement Plan were resubmitted on December 12<sup>th</sup>, 2019. On March 16<sup>th</sup>, the City received notice from MEGLE that they “find that the content adequately addresses the current requirements...”.
4. **Freedom of Information Act (FOIA):** The City received and responded to two FOIA requests: Quadient.com requested “a copy of the lease, rental, or purchase agreement for the postage and mailing equipment used at your facility.” PM Environmental requested information concerning the Brown City Industrial Park (Travco). The information was gathered and forwarded for both via email. The City received notice that the requests have been closed.
5. **Maple Valley Estates:** The subdivision was connected to the City’s sanitary sewer system via force main and a lift station was installed. Since the use of a force main is not allowed by City ordinance, the City never accepted ownership of the sewer main south of the railroad tracks on Maple Valley Road. This line serves the subdivision and the Maple Valley Apartments. The lift station is currently off line, and apparently the owner of Maple Valley Estates has abandoned the project. A letter was sent to the last known address of the apartment owner and the recommendation for the city attorney is enclosed.

**Consensus of the City Council was to have the City Attorney explore options, to include a lawsuit or establishing a special assessment zone.**

6. **Agri-Valley Services:** Due to staffing issues, mailing of the broadband user interest survey has been delayed until the end of the month.
7. **2020/2021 Salt Order:** In order to receive the discounts associated with the Michigan Purchase Plan, the City was required to order road salt for the 2020-2021 winter season on March 17<sup>th</sup>. The City has ordered 150 tons just like for 2019-2020. Cost will be determined once the contract has been signed by the State.
8. **Brown City Library:** The Library Board has closed the Brown City Library until March 31<sup>st</sup>. They will continue to monitor the situation and adjust this date when appropriate.
9. **Michigan EGLE Water Office:** Staff received a request to document the number of residences that had their water shut-off for non-payment. Zero. They also asked if the City would postpone water shut-offs for non-payment during the current situation. This followed extensive discussion among the state’s city managers with the consensus being to have a 60-day

moratorium on water shut-offs for non-payment. The City shuts off water on the first Tuesday following the last Friday of the month. Recommend a moratorium until May 26<sup>th</sup> and a periodic review of this policy. Requires motion.

**Motion by CM McIvor, second by Lee, that no water will be shut off for non-payment for City utilities until May 26, 2020. Motion Carried.**

10. **COVID-19:** The City continues to closely monitor the situation. A conference call, including the Sanilac County Health Department, Emergency Manager and City administrators took place on March 17<sup>th</sup>. If residents have questions they should email them to [COVID19@sanilachealth.com](mailto:COVID19@sanilachealth.com). There has also been heavy discussion among the state's city managers focusing on emergency response measures and policies, continuity of operations, and provision of services.

- a. N95 respirators and gloves have been issued to the City staff, police department and DPW along with recommendations on their use. Staff continues to work scheduled hours.
- b. Employee vacation time left over from the previous year must be used by June 1<sup>st</sup>. Because vacations are being cancelled, and if there is no objection, this deadline will be extended for 60 days.

**The City Council concurred with the 60-day extension. Also, the City Council directed that a Resolution be prepared for the next meeting to address selling unused vacation time back to the City.**

- c. On March 18, Governor Whitmer, issued executive order 2020-15 giving local units of government the ability to conduct public meetings through remote access technology, including conference calling, real-time streaming, or other platforms. However, for a community our size, there are significant obstacles associated with conducting meetings electronically, *exempli gratia*, accommodations to meet ADA, noticing, acquisition of technology combined with adequate bandwidth, cost for hosting services such as Zoom or Go to Meeting, *et cetera*. Instead, the City Council may wish to have the meeting in a location that would allow for social distancing while being accessible. How does the City Council wish to proceed?

**The City Council determined that the requirements and costs were too great to meet at this time. The next City Council meeting is scheduled April 13, 2020 at 7:00 PM, at the end of the Governor's "Stay Home" order.**

- d. Michigan Governor Whitmer released Executive Order 2020-21 earlier today. City employees are "critical infrastructure workers" and will continue to work regularly scheduled hours. However, all access to city facilities, including city hall, police department, and department of public works is restricted to city personnel only until the Governor's order is lifted. The City Council discussed options should this order be extended or modified.
- e. Michigan Governor Whitmer Executive Order 2020-21 cancelled all public meetings until April 13, 2020. The City Council meeting scheduled for April 13<sup>th</sup> will meet unless the order is extended.
- f. Legislation coming out of Washington will affect medical leave and payroll procedures.

**ATTORNEY'S REPORT:** None (City Attorney Stremers was absent).

**TREASURER'S REPORT:** None.

**MAYOR'S REPORT:** Continued.

2. **Letter** – Stop The Great Lakes Nuclear Dump: Mayor Miller reported that a response was received on April 10, 2017.
3. Mayor Miller asked that all citizens of Brown City stay home and be safe during the Covid-19 situation.

**COMMITTEE REPORTS:**

1. Building and Grounds (Mclvor) – None.
2. Personnel (Biel) – None.
3. Police / Fire Authority (Lee) – None.
4. Streets and Sidewalks (Navock) – None.
5. Tax and Finance (Jacobson) – The Committee met on Thursday, March 19, 2020.
6. Water and Sewer (Robison) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

The Councilmembers hope the citizens of Brown City stay well and stay safe from COVID-19.

**PUBLIC QUESTIONS & COMMENTS:** None

**CLOSED SESSION:** None Scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM Mclvor, to adjourn the meeting at 8:27 p.m. Motion carried.

Respectfully submitted,

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David R. Van Cura  
Administrative Assistant