

BROWN CITY COUNCIL PROCEEDINGS

AUGUST 14, 2017

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: Pat Jacobson, Gerald Kosal, Christine Lee, Ross Mclvor, Alecia Parks, and William Walters; City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: None.

GUESTS: Steven Kovac representing the Brown City Banner, Sally StoRar, Robert Bates, Myrt Kohn, Debbie Rickman, Larry Steigerwald, Randy Spillel from B.W. Larson Co., Jim Zyrowski from Ben's Supercenter, Mike Vislosky, Dan Wynn from Foster Blue Water Oil, Gary Vaughn Parks, Kim Tokash, Yvonne Friedmann, and John Bell.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

City Manager Clint Holmes reported that there would be two additional items under the Manager's Report.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Mclvor, second by CM Parks, to accept the Regular Meeting Minutes of July 24, 2017 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Kosal, to pay the bills in the following funds: **General** - \$23,346.48 (8138-8173), **Payroll** - \$13,958.92 (8037-8051 plus EFT), **Major Street** - \$1,250.45 (3930-3932), **Local Street** - \$ 915.45 (4270-4271), **Sanitary Sewer** - \$1,890.00 (3669-3670), **Water** - \$1,246.21 (2813-2822), **Arsenic Abatement** - \$23.75 (1370), **Storm Sewer** - \$111.00 (1248-1249), and **Equipment** - \$649.97 (1571-1572). Motion carried.

POLICE REPORT: Report reviewed. No questions or concerns.

Police Chief Ron Smith reported that the Hogtown Motorcycle Run was uneventful. He said they were very well organized. He also stated that he has worked with blight and junk car issues and they are almost all taken care of.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS:

Myrt Kohn and Debbie Root appeared before the Council to question if there would be any problems or suggestions in starting a Garden Club. They said that their first project would be buying half barrels to plant flowers in to place around town. They asked if there are places they should put the barrels or places where they are not allowed to set them. Their first planning meeting will be September 23rd and will be open to anyone interested in

joining a Garden Club and helping to care for the flowers placed around the City. The Garden Club will pick up the barrels before winter.

Larry Steigerwald asked the City Attorney, Gregory Stremers, about the Notice of Violation sent to Kilpatrick Apartments concerning the status and location of their dumpster. He was questioning if the Attorney was going to check it out after the Council Meeting. The City Attorney told him he had sent a letter to Kilpatrick Apartments in reference to a Notice of Violation concerning the dumpster. He said Kilpatrick Apartments replied as soon as they received the Violation and were very nice about it and assured the City that they would take care of the situation. He also replied that he would indeed look at the receptacle in question.

UNFINISHED BUSINESS: None Scheduled.

RESOLUTIONS:

1. **Resolution 17-12:** A Resolution To Formally Oppose Federal Legislation That Seeks To Increase Truck Size And Weight Beyond The Capacity Of Our Infrastructure.
 - a. **And/or related letter.**

Motion by CM Walters, second by CM Lee, to send a letter signed by the City of Brown City to the Members of Congress stating that bigger trucks are bad for America's local communities. Motion carried. At this time we will not consider a Resolution.

PUBLIC HEARING: None Scheduled.

ORDINANCES: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. **4436 Main Street – Ben's Supercenter:** Demolish existing car wash bays and replace with four gas pumps and small party store. The Planning Commission recommends approval.

Motion by CM Walters, second by CM Kosal, to accept the Planning Commission's recommendation to approve the application to demolish the existing car wash bays and replace them with four gas pumps and small party store. ROLL CALL VOTE: CM Lee – yes, CM Walters – yes, CM Jacobson – yes, CM Parks – yes, CM Kosal – yes, CM Mclvor – yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried.

The permit to demolish the existing car wash bays and put in four gas pumps and a small party store may be picked up at the City Hall on Tuesday, August 15, 2017 after 10:00 a.m. by the owner or representative of Ben's Supercenter at 4436 Main Street. The owner or representative of Ben's Supercenter then must go to Sandusky County Court House to purchase the required permits.

MANAGER'S REPORT:

1. **Lincoln Street Renovation Project:** Astec Asphalt continues work on Lincoln Street. No significant issues have been encountered to date.

The City asked Astec for an informal quote to resurface Maple Street between Welles and Merrill, as part of the Lincoln Street project. Estimated cost is \$25,500. Does the City Council wish to add this to the project?

Motion by CM McIvor, second by CM Walters, to have Astec resurface Maple Street between Welles and Merrill as part of the Lincoln Street project at an estimated cost of twenty-five thousand dollars (\$25,000). Motion carried.

- 2. MTPP Risk Reduction Grant:** The City applied for a grant from the Michigan Township Participating Plan Risk Reduction Grant Program to have a professional arborist inspect and catalogue all of the trees in City rights-of-way. The City received notice that the grant was not approved. How does the City Council want to proceed?

The Councilmembers would like to remove only the necessary trees that need to come down.

- 3. Notice of Violation:** The City Attorney sent a letter to Kilpatrick Apartments concerning litter and light pollution. The representative of the company in Lansing that owns the apartment complex contacted the City on August 7th to discuss the issues. The individual seemed very cooperative and will look at available options and get back with the City “as soon as possible.”
- 4. Waste Removal Contract:** The current three-year contract with Knox Disposal is scheduled to expire on October 1st. The City Council has the option to either 1) release a request for bids from other waste collection companies in the area or 2) extend the existing contract. How does the City Council wish to proceed?

Motion by CM Walters, second by CM Jacobson, to extend the existing contract with Knox Disposal for one (1) year which would be October 1, 2018. ROLL CALL VOTE: CM Walters – yes, CM Jacobson – yes, CM Parks – yes, CM Kosal – yes, CM McIvor – yes, CM Lee – yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried.

- 5. Well Number 4:** Northern Pump and Well pulled, inspected, repaired and tested Well Number 4 on July 27th. No issues were reported at the time. A copy of the final report of the status of Well #4 has not yet been received by the City.
- 6. Sanilac County Hazard Mitigation Plans:** A meeting to update the Hazard Plan was scheduled for 7:00 PM on August 3rd in Sandusky. Due to a conflict with a Planning Commission meeting, the City’s response was emailed to Emergency Manager Todd Hillman along with a request for a copy of the minutes from the meeting and an updated Hazard Mitigation Plan once it is available.
- 7. Freedom of Information Act Request:** On August 10th, the City received a FOIA request from PETA requesting: All records with the Brown City Fire Department related to Summer Wind Farms from August 1, 2017 through the date this request is processed. Both documents found were forwarded to PETA via email.
- 8. MML Annual Meeting:** The 2017 MML Annual Conference is scheduled for September 13-15 in Holland, Michigan. The MML noted “you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the

Annual Meeting.” Does anyone on the City Council plan to attend this year’s MML Convention?

Motion by CM Parks, second by CM Walters, to authorize Mayor Julie Miller to be our official representative to cast the vote for our municipality at the 2017 MML Annual Meeting in Holland, Michigan on September 13th-15th. Motion carried.

- 9. LUCA:** The Local Update of Census Addresses (LUCA) is a voluntary decennial census operation. LUCA is the only opportunity prior to the 2020 Census for the City to review and update our U.S. Census Bureau’s residential address list. The accuracy and completeness of the address list is critical to the accuracy and completeness of the decennial census. The primary purpose of the decennial census is to apportion seats in the U.S. House of Representatives; however, it is also used for various other purposes to include getting grants and to receive our fair share of state revenue sharing. Information required includes the appointment of a liaison and confidentiality agreements signed by all City Hall employees. How does the City Council wish to proceed?

The appointment of a liaison and confidentiality agreements have been signed by all City Hall employees.

- 10. Eliminating the State and Local Tax Deduction:** Congress is debating whether to eliminate the ability of taxpayers to deduct state and local taxes (SALT) from their federal income tax. The Government Finance Officers Association has put together a 15-page report detailing the impact of this on taxpayers.
- 11. Drinking Water Testing:** The City is due to test Wells 3 and 4 for tritium and other radioactive elements prior to the end of September. This routine, but relatively expensive, test is required every five years. The water samples have been sent to Indiana and the results should be back with about 30 days. Additionally, water samples to test for partial chemistry, which includes calcium and sodium for example, sent to the Michigan DEQ lab had to be resubmitted because either there was a delivery delay by the Post Office or lab personnel did not start the tests in a timely manner. The City is waiting on the results of the third submission.
- 12. Michigan Public Policy Survey (MPPS):** In the Fall 2016 Michigan Public Policy Survey (MPPS), CLOSUP surveyed local government leaders from 1,315 Michigan jurisdictions (counties, cities, townships, and villages) to include the City of Brown City. Statewide, increasing numbers of Michigan’s local government leaders want citizens to play a more active role in local governance, however, they also report that levels of citizen engagement have declined since four years ago. The report’s Key Findings: Most local officials in Michigan (54%) believe their jurisdictions offer “a great deal” of opportunities for their citizens to engage with their local governments. Only 5% say they offer few opportunities, or none at all. And local leaders today are more likely than in 2012 to want their citizens to play a more active role in the local policymaking process. In particular, 17% of local leaders in 2012 believed the proper role of citizen engagement efforts was only to keep citizens informed about issues facing their jurisdictions, but this has dropped to only 4% today. Meanwhile, the percentage who believe citizens should recommend specific decisions for their jurisdictions has doubled, from 12% in 2012 to 25% in 2016. Yet local leaders also report a decline in citizen engagement since the last time similar questions were asked. In 2012, 65% of local leaders reported that citizens were somewhat or very engaged in local governance. Today that number has dropped to 56%. Lack of citizen engagement can, in some cases, make it difficult for local leaders to

move forward on issues facing the community. For example, nearly three-quarters of Michigan's local leaders reported that they struggle to find enough citizens to serve on appointed boards and commissions or in elected positions. Overall, satisfaction among local leaders with citizen engagement in their jurisdictions has decreased from 58% in 2012 to 51% in 2016. More detailed information is available in the 17-page report available at City Hall.

13. Painting DPW Buildings: Mark Hughes, a Brown City resident, would like to paint the DPW buildings for \$6,500. The DPW supervisor thinks they are okay as is at this time.
The Councilmembers do not want to have the DPW buildings painted at this time as they feel they are fine for now.

14. Ditch Clean Up: The storm water drainage ditch running south along the Kohler Street right-of-way south of Second Street is being cleared of brush and cleaned. Grant Burgess has the project about half completed and should finish by August 15th.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT:

1. Deputy Treasurer: In accordance with the recommendation of the City Attorney, I have appointed the City Manager as the Deputy Treasurer.

Motion by CM Parks, second by CM Mclvor, to confirm City Manager Clint Holmes' appointment as the Deputy Treasurer and to authorize him to sign the Treasure's Account checks at the bank during the Treasurer's absence. ROLL CALL VOTE: CM Jacobson – yes, CM Parks – yes, CM Kosal – yes, CM Mclvor – yes, CM Lee – yes, CM Walters – yes. 6 Yes Votes, 0 No Votes, 0 Abstaining, 0 Absent. Motion carried.

2. Summer Taxes: Collection of Summer Taxes continues. Last day to pay taxes, without a penalty, is September 14th.

CLERK'S REPORT: None.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

1. Tax and Finance (Jacobson) – None.
2. Streets and Sidewalks (Kosal) – None.
3. Police (Lee) – None.
4. Building and Grounds (Mclvor) – None.
5. Personnel (Parks) – None.
6. Water and Sewer (Walters) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Jacobson questioned about the gravel at the railroad tracks by the school and what is being done about it.

CM Jacobson asked about the driveway that was dug up at the Health Center. She wanted to know if they would be replacing it. City Manager Clint Holmes replied that the owners are responsible to fixing it.

CM Walters asked about the tall flags waving in front of the Red Barn gas station. CM Walters said they are obstructing traffic. City Manager Clint Holmes will call the Red Barn station and speak with them about the flags.

PUBLIC QUESTIONS & COMMENTS:

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Lee, second by CM McIvor, to adjourn at 7:58 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk