

# BROWN CITY COUNCIL PROCEEDINGS

## SEPTEMBER 28, 2020

**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 and Walter Robison; City Manager Clint Holmes, City Clerk Juanita Smith and City Attorney Gregory Stremers.

**ABSENT:** None.

**GUESTS:** County Commissioner Joel Wyatt, Justin Flynn from Flynn's Tree Service of Marlette and Ray Dupie.

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

### **CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Navock, second by CM Biel, to accept the Regular Meeting Minutes of September 14, 2020 as presented. Motion carried.

### **PAY BILLS:**

Motion by CM Jacobson, second by CM Lee, to pay the bills in the following funds: **General - \$9,964.32** ((10012 – 10032), **Payroll - \$16,419.27** (9588 – 9602 plus EFT), **Major Street - \$135.00** (4039), **Sanitary Sewer - \$13,962.32** (3920 – 3924), **Water - \$25,203.49** (3259 – 3267), **Arsenic Abatement - \$7,226.35** (1519 – 1522) and **Equipment - \$42.26** (1733). Motion carried.

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

**PERSONAL APPEARANCES:** None Scheduled.

### **PUBLIC QUESTIONS & COMMENTS:**

Justin Flynn from Flynn's Tree Service of Marlette introduced himself as did Joel Wyatt, Sanilac County Commissioner.

**UNFINISHED BUSINESS:** None Scheduled.

**PUBLIC HEARING:** None Scheduled.

### **RESOLUTIONS:**

- 1. Resolution 20-07:** A Resolution Formally Causing To Be Levied A Special Tax Or Assessment To Recover Monies Owed The City Of Brown City

**Motion by CM Lee, second by CM Biel, to adopt Resolution 20-07: A Resolution Formally Causing To Be Levied A Special Tax Or Assessment To Recover Monies Owed The City Of Brown City. ROLL CALL VOTE: CM ROBISON – YES, CM BIEL**

**- YES, CM MCIVOR – YES, CM LEE – YES, CM NAVOCK – YES, CM JACOBSON – YES. 6 YES VOTES, 0 NO VOTES, 0 ABSENT, 0 ABSTAINING. Motion carried.**

**ORDINANCES:** None Scheduled.

**PETITIONS & COMMUNICATIONS:**

1. 4219 Maple Street: 5' X 12' replacement wooden rear patio with roof.

**Motion by CM Mclvor, second by CM Jacobson, to approve the request for a building permit for a 5' x 12' replacement wooden rear patio with roof at 4219 Maple Street. Owner of 4219 Maple Street must purchase a building permit from the Sanilac County Court House. Motion carried.**

2. 4101 Maple Street: 32' X 24' open pole barn.

**Motion by CM Mclvor, second by CM Navock, to approve the request for a building permit for a 32' x 24' open pole barn at 4101 Maple Street. The building permit may be picked up at the City Hall after 10:00 a.m. on Tuesday, September 29, 2020. The owner of 4101 Maple Street must then go to the Sanilac County Court House to acquire the required permit. Motion carried.**

**MANAGER'S REPORT:**

1. **Sewer / Lift Station Project:** Spicer forwarded the flow meter study report to the City on September 21<sup>st</sup>. A copy of the report and related correspondence is attached. The recommendation by Spicer is to conduct an expanded study to better define the scope and quantity of necessary upgrades. Cost of this study is estimated at \$35K. Spicer is confident that the bulk of the cost for this study can be covered by a grant from USDA Rural Development. The cost for Spicer to submit the applications for this grant are about \$2,500. How does the City Council wish to proceed?

**Motion by CM Robison, second by CM Jacobson, to authorize Spicer to submit the application for the grant from USDA Rural Development at a cost of \$2,500 (Twenty-Five Hundred Dollars). Motion carried.**

2. **BC Tree Program:** The DPW marked the trees recommended for removal from the City's street right-of-way on McMorran, Reed and Lincoln Streets. Letters were sent to property owners with marked trees. The City then sent out bid requests for the removal of these trees. Bids were received from three local tree service companies, in order of receipt they are: Raymond's Tree Service of Brown City - \$16,350; Owen Tree Service of Attica - \$15,435; and Flynn's Tree Service of Marlette - \$11,600. How does the City Council wish to proceed?

**Motion by CM Mclvor, second by CM Biel, to award the tree removal job to Flynn's Tree Service of Marlette at a cost not to exceed \$11,600 (Eleven Thousand Six Hundred Dollars). Motion carried.**

3. **CVTRS and CARES:** Due to the FY 2020 budget cuts, the August payments for the City, Village, and Township Revenue Sharing (CVTRS), County Revenue Sharing (CRS) and County Incentive Program (CIP) were eliminated. As a result, local units, to include Brown City, did not receive these payments in August. However all cities, villages, townships and counties that were eligible to receive an August 2020 CVTRS, CRS or CIP payment received a Coronavirus Relief Local Government Grants (CRLGG) Program payment on August 31, 2020. This payment is not a replacement for the

revenue sharing payments eliminated in August, and can only be used for CARES Act eligible expenditures. In order to keep the \$10,618 paid to Brown City by this program, the City must adhere to the CRLGG grant requirements and file the necessary forms with the state and federal governments. Recommend that a portion of this payment be used for first responder hazard pay in the amount of \$2,000 for the police department. The Brown City Area Fire Authority will also be receiving funding for a one-time payment of \$1,000 for each firefighter.

**Motion by CM Lee, second by CM Navock, to use a portion of this money to give each of our two full-time Police Officers a one-time payment of \$1,000 (One Thousand Dollars) First Responder Hazard Pay Premium. Motion carried.**

4. **Planning Commission:** The Planning Commission has scheduled a Public Hearing for 7:05 PM at their next regular meeting on October 1<sup>st</sup> concerning the draft Ordinance 152.400: Cultivation or Other Medical Use of Marihuana as a Medical Marihuana Home Occupation in Single-Family Dwellings. This ordinance is specific to caregivers as defined by the Michigan Medical Marihuana Act (MMMA). This ordinance would have no impact on the Michigan Regulation and Taxation of Marihuana Act (MRTMA) (recreational) or on a qualified patient without a caregiver under the MMMA. It will still be unlawful under this proposed ordinance to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the City, even if such use is intended for the medical use of marijuana.
5. **SCADA Systems:** The contractor (KERR Pump and Supply) completed installation of the updated SCADA system on the City's water wells and water tower on September 14<sup>th</sup>. The system is now fully operational and working well.
6. **Main Street Banners:** The DPW, with the help of equipment and a driver loaned to the City by MAC, removed and stored the summer banners from Main Street. Four banner brackets were found to be broken and replacements have been ordered.

**Mayor Miller suggested that we remove the brackets and banners that keep getting broken as trucks continually are hitting and breaking them. The Councilmembers agreed to this suggestion.**

7. **Freedom of Information Act (FOIA):** The City received and responded to two FOIA requests: Smart Procure requested "any and all purchasing records from June 22, 2020 to current." They had made the same request for purchasing records last June and December, and the information was provided at that time too. Also, OpenTheBooks requested "an electronic copy of all payment transactions for fiscal year 2019." The information was gathered and forwarded for both via email. The City received notice that the requests have been closed.
8. **Hydrant Flushing:** The City of Brown City Department of Public Works will begin flushing fire hydrants on September 28<sup>th</sup> and will continue through October 2<sup>nd</sup>. Hydrant flushing will usually take place during the day. Residents may notice some discoloration in the water during this process. Residents are advised not to wash white or light colored clothes during this period. The notice was published in the Sanilac County News on September 16<sup>th</sup> and 23<sup>rd</sup>.
9. **Brown City Drain:** The Drain Commissioner's contractor completed cleaning the county drain from Maple Valley Road going west.

**10. Community Park Sign:** The new sign was installed on M-90 west of Cade Road by the DPW on September 23<sup>rd</sup>.

**On behalf of the Council Mayor Miller expressed her Thanks to the Siegler Family for donating the new sign for the Community Park. Several remarks were made stating how nice it looked.**

**11. Tire Damage:** A resident destroyed an automobile tire on the broken concrete in front of the Harrington Inn. The DPW has done a temporary repair using cold patch and will make a recommendation for a more permanent repair. The car owner wants the City to pay the \$100 or so to replace the tire. How does the City Council wish to proceed?

**Motion by CM McIvor, second by CM Navock, to pay the car owner up to but not to exceed \$120 to replace the tire. Motion carried.**

**12. BS&A Software:** The new Accounts Payable, Payroll and General Ledger have been installed on the City's server. BS&A has been training staff with all-day sessions. System is now on-line and the staff is growing increasingly skilled with the software.

**13. City Website:** The City's website is hosted by I.T. Right as a legacy since they are no longer in the website design business. The City Council may wish to consider updating the City's website since there are some potential style and compliance issues. We were contacted by Revise – a company that designs and hosts government websites. A printout detailing their capabilities is attached.

**The consensus of the Councilmembers is for the City Manager to look into updating our website so that we may adhere to some potential style and compliance issues that may come up.**

**14. COVID-19:** The City continues to closely monitor the situation. No employees have exhibited symptoms. We are still emphasizing use of mail, email, the utility payment drop box and telephone for conducting business. City Hall is open to the public, but masks should be worn and no more than one customer at a time should be in City Hall.

**ATTORNEY'S REPORT:** City Attorney Gregory Stremers said he had been working on draft ordinance 152.400 discussed in #4 above with the City Manager.

City Attorney Stremers also will give City Manager Clint Holmes some suggestions concerning the City Website listed above under Manager's Report #13.

**TREASURER'S REPORT:** None.

**CLERK'S REPORT:**

1. Approval of Election Inspectors:

**Motion by CM Lee, second by CM Jacobson, to approve the Election Inspectors for the November 3, 2020 General Election. The Inspectors are: Stephanie Stimson, Chairman, Amy Smith, Jaci Wedlake, Nikki Sanchez, Elaine F-Villalpando, Rhonda Johnson, Charles Mitchell, Sarah Steigerwald and Juanita Smith. The Receiving Board will be served by Amy Smith and Jaci Wedlake. Motion carried.**

2. Request to close library for the November 3<sup>rd</sup> election.

**Motion by CM Navock, second by CM Biel, to close the Library on Tuesday, November 3<sup>rd</sup>, 2020 for the General Election. Motion carried.**

3. **The Public Accuracy Test will be on Tuesday, October 27, 2020 at 5:00 p.m. The public is invited to attend as are our Councilmembers.**
4. **201 AV ballots have been mailed out and 37 have been returned at this time.**

#### **MAYOR'S REPORT:**

1. **City Manager Semi-Annual Evaluation:** City Manager Clint Holmes received a score of 957 points out of a possible 1155. This equates to 83%. Mayor Miller stated, "Really Good Job, Clint."
2. **Draft City Resident's Update / Newsletter:** Please look it over before the next meeting to see if there should be any changes. Bring it back with you to the next Council Meeting.
3. **Trunk or Treat – Saturday, October 31<sup>st</sup>:** Trunk or Treat will be held Saturday, October 31<sup>st</sup> beginning at 4:00 p.m. Down town Main Street between St Marys and James Streets will be closed off for the Trunk or Treat. Cars may park from 3:30 to 4:00 p.m. to get ready to hand out their "treat". The actual Trunk or Treat will take place from 4:00 to 5:00 p.m. House Trick or Treating will be from the hours of 5:00 to 7:00 p.m.
4. **Tree Lighting Ceremony:** Friday, December 4<sup>th</sup>: The Tree Lighting Ceremony will be Friday, December 4<sup>th</sup> with the time to be determined. Main Street between Lincoln and Welles Streets will be closed during the ceremony. Coffee, hot chocolate and cookies will be handed out. This is to be a Country Christmas Theme with Elvis appearing to sing for the gathering.

#### **COMMITTEE REPORTS:**

1. Building and Grounds (Mclvor) – None.
2. Personnel (Biel) – None.
3. Police / Fire Authority (Lee) – None. However, CM Lee said that the Region 7 PACE building is progressing nicely in Fort Gratiot. They have broken ground and poured the concrete.
4. Streets and Sidewalks (Navock) – None.
5. Tax and Finance (Jacobson) – None.
6. Water and Sewer (Robison) – None.

#### **GENERAL CONCERNS OF THE COUNCIL:**

CM Biel asked about the weeds growing up in the cracks of the sidewalks. Whose responsibility to keep them cut off? City Manager will ask the DPW if they could take charge of keeping them trimmed.

CM Biel asked if a Halloween announcement has taken place. It has been in the paper and on Channel 6 stated City Manager Clint Holmes. Additional places to advertise our Halloween happenings include perhaps the new Library sign and maybe the Tri-County Bank sign. Facebook would be another option.

**PUBLIC QUESTIONS & COMMENTS:**

Joel Wyatt, County Commissioner, spoke to the Council and gave an update on business the County Commissioners have been doing.

**CLOSED SESSION:** None Scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM McIvor, to adjourn the meeting at 7:49 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk