

## **COUNCIL PROCEEDINGS FOR APRIL 25, 2005**

Meeting called to order at 7:00 P.M. by Mayor Carpenter.

Pledge of Allegiance led by City Manager Holmes.

**PRESENT:** Mayor Laura Carpenter, Council members – Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno and Deputy City Clerk David R. Van Cura.

**ABSENT:** City Clerk Kelly Pavel.

Moved by CM Miller, second by CM Lee, to accept the April 11, 2005 minutes as presented.  
Motion Carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds:  
General - \$14,335.69, Payroll - \$14,171.73, Sewer - \$8,062.14, Water - \$21,033.15, Investment - \$82,792.72. Motion Carried.

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

William Pepper asked the Council if something could be done about the house at 7086 Maple Valley Road. It is in bad shape as the siding and windows have been removed.  
City Manager Holmes will send a letter to the owner.

**PERSONAL APPEARANCES:** None scheduled.

**DPW REPORT:** DPW Supervisor Kinney did not work last week because of illness; therefore, no report was submitted.

### **OLD BUSINESS:**

1. Chapter 8 Zoning Map – pending - information has been mailed to the appropriate agencies.
2. Bullock Project –pending - met with City Engineer on 4-15-05.
3. Resolution 05-08 – borrowing authority.
4. Resolution 05-09 – proposed water rates.
5. Resolution 05-11 – City Manager evaluation rewritten as Ordinance 2108.2.1.
6. Ordinance 5301A, 5307A to 5311A – Change utility billing to monthly from quarterly, proposed water rate modifications – tabled.
7. International Union of Operating Engineers Local 324 – pending.

Moved by CM Miller, second by CM Lee, that Item Number 3, 4, and 5 be removed from Old Business. Motion Carried.

**RESOLUTIONS:** None.

**PETITIONS & COMMUNICATIONS:**

1. Christine Quandt, 4110 Fourth Street: Driveway culvert. Ms. Quandt’s contractor installed an 8” culvert instead of a 12” culvert as required by City Ordinance. City Manager Holmes sent a letter explaining the culvert size requirement. A letter was delivered to City Hall by the contractor asking the Council to allow the smaller size culvert. Both the DPW Supervisor and the City Engineer have inspected the site and recommend the 12” culvert.

Moved by CM Blatt, second by CM McIvor, to require that the owner install a 12” culvert. Motion Carried.

**COMMITTEE REPORTS:**

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – The Committee met regarding a request received from the owners of Kilpatrick Apartments. The Apartments would like to contract for their own garbage collection due to problems they are having with the current garbage collection system, and the fact they have a contract with Waste Management for all of their other apartments.

Moved by CM Lee, second by CM Navock, that for “garbage purposes only” to change the classification of Kilpatrick Apartments from “residential” to “commercial”. Motion Carried.

4. Streets & Sidewalks – none.
5. Buildings and Grounds – none.
6. Personnel – none.

**PUBLIC HEARINGS:**

Mayor Carpenter opened the Public Hearing regarding Ordinance 5701A, Arsenic Abatement Fee at 7:15 P.M.

City Manager Holmes gave a summary of the Ordinance.

William Walters, Larry Steigerwald, and William Pepper asked questions and made comments regarding the proposed second arsenic plant and the proposed increase in water rates.

Mayor Carpenter closed the Public Hearing at 7:40 P.M.

Council discussion.

Moved by CM Miller, second by CM Lee, to adopt Ordinance 5701A: An Ordinance authorizing abatement related charges to be added to City Utility bills. ROLL CALL VOTE: Lukacs – yes, Navock –yes, McIvor – yes, Miller – yes, Lee – yes, Blatt – yes. 6 – yes, 0 – no, 0 – abstaining, 0 – absent. Motion Carried.

Mayor Carpenter opened the Public Hearing regarding Ordinance 2108.2.1, City Manager Evaluation at 7:44 P.M.

City Manager Holmes gave a summary of the Ordinance.

Attorney Garno stated that he had reviewed this Ordinance.

There were no public comments or questions.

Mayor Carpenter closed the Public Hearing at 7:47 P.M.

Council discussion.

Moved by CM Lukacs, second by CM McIvor, to adopt Ordinance 2108.2.1: City Manager Evaluation Process. ROLL CALL VOTE: Lukacs – yes, Navock – yes, McIvor – yes, Miller – no, Lee – no, Blatt – yes. 4 – yes, 2 – no, 0 – abstaining, 0 – absent. Motion Carried.

**ORDINANCES:**

1. Ordinance 5301A, 5307A to 5311A – Change utility billing to monthly from quarterly, proposed water rate modifications.

City Attorney Garno gave a report on the proposed Ordinance.

City Manager Holmes reported on his own research and conversations with DEQ.

City Attorney Garno stated the City could legally avoid the second plant and the increase in fees but would still need a backup well. He also confirmed that the City could get an extension of time from the DEQ pursuant to an administrative consent order as long as a valid plan was in place and approved by the DEQ and the order was obtained prior to December 1<sup>st</sup>, 2005. Otherwise, the City could incur heavy fines.

After discussion by the Council, it was recommended the City Manager continue to explore alternatives to building a second facility and that Ordinance 5301A, 5307A to 5311A should remain tabled.

Moved by CM McIvor, second by CM Navock, to task the City Manager to conduct further research on Options 4 and 5 detailed in the Compliance with the Arsenic Rule Report to the City Council Executive Summary presented April 11, 2005. ROLL CALL VOTE: Lukacs – yes, Navock – yes, McIvor – yes, Miller – yes, Lee – yes, Blatt – yes. 6 - yes, 0 – no, 0 – abstaining, 0 – absent. Motion Carried.

CM McIvor scheduled a meeting of the Water & Sewer Committee for Wednesday, May 4, 2005 at 6 P.M.

## **CITY MANAGER'S REPORT:**

- 1. Arsenic Abatement Report:** Please see attached report and bibliography.
- 2. 2005 Street Project:** The acting City Engineer and I inspected the streets proposed for upgrade this summer. A survey crew will be in the City during the week of April 25 to take measurements of 1<sup>st</sup> and James Streets required to develop the engineering report. Once the report is complete, the City will assemble and release bid packages for the work. The DPW (Gary & Phil) did an excellent job of obtaining core samples and providing a report to the engineer concerning the thickness of asphalt and gravel at eight locations on James Street between 1<sup>st</sup> and 4<sup>th</sup> Streets.

An informal discussion with one of the property owners whose patrons use the driveway connecting 1<sup>st</sup> Street with the parking lot serving Little Texas, Town & Country, and Kohler Propane also took place last week. The driveway is in very poor condition and the property owners need to decide if they should close the driveway with barricades or bollards or enter into a partnership with the City for repairs. Since equipment and materials will be on hand for 1<sup>st</sup> Street repair, it would be much cheaper to repair the driveway then verses another time. The City Council needs to decide if the City should assist with driveway repairs and if so, if a Special Assessment District should be established.

- 3. Sidewalk Repairs:** Following several complaints, the DPW conducted emergency repairs on the sidewalks in front of Marion's Studio and the Post Office. These repairs should be adequate until these sidewalks are replaced in the next year or two.
- 4. Nextel Lease:** "Due to an entry error, the rental payments were discontinued to the City of Brown City after the December 2004 lease payment." This has been corrected and the City received a check for \$4K for the January through April 2005 lease payments.
- 5. Fire Authority:** With the dedicated support of the Fire Department's senior staff, the Insurance Services Office (ISO) conducted a detailed survey covering multiple categories in October 2004. The City received the results of this survey and improved the Public Protection Classification from 6 to 5 (out of a possible 10). The lower the number, the higher the potential for a reduction in insurance costs for area business owners. Leibler Insurance is investigating if this change will have an effect on homeowner's insurance.
- 6. Municipal Employees Retirement System (MERS):** The Village of Lexington has scheduled a meeting for representatives from the cities and villages in Sanilac County to discuss pre-funded retiree health insurance. Under GASB 43, all cities and villages in the United States must adopt a program that pre-funds retiree health insurance benefits on an actuarial basis. In other words, we will soon be required to have anticipated retiree health care premiums in the bank before they retire. The City's current system is a pay as you go. MERS will give a presentation on this subject at 6:30 PM on Tuesday, May 3, 2005. All of the elected and appointed officials for County cities and villages are invited to attend. The goal is to establish a Group Health Insurance Program for all of

the municipalities in Sanilac County. Establishing a County-wide group could save the City of Brown City serious money in the years ahead. Cost is \$15 per community to attend.

7. **Envelope Pay Box:** David VanCura has recommended the City install a drop box outside City Hall for people to drop off their City utility payments. A small unit to attach to the wall opposite the Library's Book Drop is \$177.41 plus installation. Prices for larger units go up to \$1,325. Is the City Council interested in buying one of these boxes? (REQUIRES MOTION)

Moved by CM Lee, second by CM Blatt, to purchase and install on the outside of City Hall an envelope pay box. Motion Carried.

8. **Burger Building:** The individual who is doing the repairs on the SW corner of the Burger has recommended that the entire back (south) wall and the southern portion of the eastern wall be replaced. The individual (who is a mason) proposed doing the repairs for the cost of materials IF the City will sign off on the remainder of his community service hours (which are more than it would take to do this work). I am checking on the legality of this agreement as well if the not to exceed amount of \$3,000 is reasonable for the amount of materials needed. How does the Council wish to proceed? (REQUIRES MOTION)

Moved by CM Lee, second by CM Lukacs, to authorize the purchase of materials only for repair of the Burger Building. Motion Carried.

9. **Ordinance Codification:** The City's current ordinances span many years and were written on at least two different generations of typewriters as well as some generated by word processing. The City has been contacted by a company that digitizes ordinances and conducts a legal review. Cost to do this is estimated at \$5K+. Does the City Council wish to pursue this offer and get a firm estimate and list of services from this company?

The City Council asked the City Manager to get further information on this option.

10. **MML Continuing Education:** I will be attending an MML-sponsored class entitled "Water and Sewer Funding" in Okemos on Tuesday, April 26<sup>th</sup>. The class is scheduled for 1-4 PM so I will be out of the office most of the day.
11. **Fireworks Insurance:** The cost for fireworks insurance for Brown City Days is \$640. Coverage for Terrorist Attack is \$120.50. Is there any support on the Council for purchasing the terrorism rider?

Following a short discussion of the Council, there was no support for adding the terrorism rider.

**ATTORNEY'S REPORT:**

City Attorney Garno gave a brief update on the status of the Bullock Lawsuit and the proposed annexation of the Brown City Evergreen Cemetery.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Lukacs asked City Manager Holmes about the status of: Moving of the fire whistle, the vacant parcel of land in the Renaissance Zone, and the Llink Technologies abatement. The City Manager provided the City Council with an update on each topic.

**MAYOR'S REPORT:** None.

CM McIvor informed the Council that he would not be at the next meeting, as he will be out of town.

Moved by CM Miller, second by CM Lee, to adjourn the meeting at 8:52 P.M. Motion Carried.

Respectfully Submitted,

David R. Van Cura  
Deputy City Clerk