

**COUNCIL MINUTES
REGULAR MEETING MAY 23, 2005**

Meeting called to order by Mayor Laura Carpenter at 7:00 p.m.

Pledge of Allegiance led by City Clerk Kelly Pavel.

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 City Clerk Kelly Pavel.

ABSENT: None

CORRECTION & APPROVAL OF MINUTES:

1. Regular Meeting of May 9, 2005

Moved by CM Miller, second by CM Lee, to accept the Minutes of May 9, 2005 as presented. Motion carried.

PAY THE BILLS:

CM Lee questioned the amount of attorney time spent on the arsenic issue. City Attorney explained that extensive work was involved with reviewing legal options and the potential liability to the City concerning arsenic abatement and the possible fines affiliated if an arsenic compliance solution is not achieved in a timely manner. He mentioned that the City was at risk for up to \$400,000 for an arsenic removal plant and also possibly a fine of \$25,000 per day.

Moved by CM Lee, support by CM Navock to pay the bills in the following funds: General - \$14,695.38, Payroll - \$13,008.44, Major Streets - \$2,840.00, Local Streets - \$2,400.00, Sewer - \$1,321.79, Water - \$3,255.03, Investment - \$30,634.72. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Dale Benish, Director of the Sanilac County Economic Development Corporation updated the City Council on pending developments for Sanilac County. Multiple companies are looking at various properties within the county. Mr. Benish also gave an update to the City Council regarding the Llink Technologies contract involving MEDC grant conditions. He expressed to the City Council his opinion that there was little risk that Llink would fail to meet the MEDC grant conditions and cause financial risk to the City.

PUBLIC HEARING:

Mayor Laura Carpenter opens the Public Hearing at 7:15 regarding proposed water rates.

City Manager reviewed various water rates. Water & Sewer Committee Minutes were also reviewed at this time.

Background on why the proposed water rate increase is recommended by the Michigan Rural Water Association was provided by City Manager Holmes.

Various questions regarding the proposed increase in water fees and arsenic removal processes were asked by residents and answered by the City Council and City Manager.

Public Hearing concerning proposed water rates to remain open.

Mayor Carpenter opened the second Public Hearing at 7:40 p.m. regarding Arsenic Abatement Options.

Various discussions regarding abatement options were reviewed by City Manager.

Mayor Carpenter closed the Public Hearing on proposed water rates at 7:47 p.m. The Public Hearing for arsenic abatement was held open pending receipt of additional information concerning technology and costs associated with an alternative method for arsenic removal in City drinking water.

Moved by CM McIvor, second by CM Miller, to adopt the break-even water rates listed on Table 1A and 2A dated July 1, 2005. ROLL CALL VOTE: Lukacs-yes, Navock-no, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 1-no, 0-absent, 0-abstain. Motion carried.

Final review of Ordinance 5301 by City Manager Holmes.

Moved by CM Miller, second by CM Lee, an Ordinance to amend the Brown City Code by repealing Sections 5301.1, 5301.2, 5307, 5308, 5309, 5310 and 5311, and adding Sections 5301, 5307A, 5308A, 5309A, 5310A and 5311A to Chapter Five.

ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

PUBLIC QUESTIONS & COMMENTS CONTINUED:

Dave Bailey, a councilmember from Oxford, Michigan, pontificated on police policies.

Gary Abel's neighbor has a 5th Wheel Trailer that is blocking the right of way and hinders sight of the street when he is backing out of his driveway. The neighbor has been notified to move the trailer and Mr. Abel asks that this be further pursued due to the hazard it creates.

Larry Steigerwald asked that the City Council continue to enforce the Junk Vehicle/Unlicensed Vehicle Ordinance around the entire community. Mr. Steigerwald is concerned that two City Councilmembers have junk vehicles in their yards and that they should be leading by example. The City Manager stated that junk car notification letters have been sent to those residents who live south of Main Street, but letters to those living north of Main Street have not yet been released.

Two residents submitted written statements to the City Council regarding their concerns with the police department.

PERSONAL APPEARANCES: None scheduled.

DPW Report was reviewed by the City Council.

OLD BUSINESS:

1. Chapter 8 Zoning Map – approved 4/11/05-Master Plan forwarded.
2. Bullock Project- Hearing took place today and the lawsuit was dismissed by the Circuit Court Judge.
3. Ordinance 5301A,5307A to 5311A – See above
4. International Union of Operating Engineers Local 324 – see Manager’s Report
5. Status of Llink Technologies Contract – see Manager’s Report

Moved by CM Lee, second by CM McIvor, to remove Item # 3 from the Old Business portion of the agenda. Motion carried.

RESOLUTIONS – None scheduled.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to approve the pre-application building permit for 6982 John Street to construct an advertising sign. Motion carried.

Moved by CM Blatt, second by CM Lukacs, to grant the Buildings and Grounds Committee authority to approve or deny the pre-application building permit for 4392 Main Street to connect a second driveway to first across the front yard and widen curb opening on Main Street. Motion carried. The Committee will meet Tuesday, May 24 at 9:45 a.m. to finalize this request.

COMMITTEE REPORTS:

1. Police:

Moved by CM Miller, second by CM Lee, to allow police officers to carry personal rifles in the police car once a formal policy is in place and officers have received appropriate training. Motion carried.

2. Water & Sewer:

Water & Sewer Committee Meeting scheduled for June 7, at 7:00 p.m.

3. Tax & Finance – none
4. Streets & Sidewalks – none
5. Buildings & Grounds – none
6. Personnel – none
7. Summer Festival – all aspects of the festival are in place

MANAGER'S REPORT:

- 1. International Union of Operating Engineers Local 324:** The City was finally contacted by the Union to begin contract negotiations concerning the DPW employees. The meeting is currently scheduled for Tuesday, May 31st at 4 PM. Recommend that at least one member of the Personnel Committee attend the negotiations. I would also request that the City Council authorize the City Clerk to attend to create a record of the meeting. The Personnel Committee may wish to meet prior to this date to discuss related issues. I requested, but have not yet received, a preliminary copy of the Union's demands. Once negotiations with the Union have been concluded, compensation packages for the other City hourly workers must be addressed.

Personnel Committee Meeting scheduled for May 24, 2005 at 10:00 a.m.

- 2. Status of Llink Technologies Contract:** A copy of the latest Michigan CDBG Program Progress Report concerning Llink Technologies was submitted by the Sanilac County EDC to the Michigan EDC on May 18th. The report stated that the number of Llink Technologies jobs created required to meet the contract requirements was 70. To date, the number of employees peaked at 75, but has been cut back to a reported 68. The company plans to add more employees "soon." The report identifying the number of these employees who meet the 'low- to moderate-income' requirements has not yet been submitted by the company to the Sanilac EDC. Once the final report is submitted to Lansing, stating that job creation and income levels have been met, the grant process will have been completed the project closed. The project should be completed prior to the end of the 36-month grant completion period in late 2006. This means that once the grant process is closed out, the City will no longer have to worry about having to pay Lansing tens of thousands of dollars.
- 3. Brown City Police Department:** As a result of the concerns raised by residents, and other individuals who live outside Brown City, during the May 16 Police Committee Meeting, I contacted the State Police in Lansing and then met with local representatives of the State Police in Sandusky. The written complaints presented to the Committee during the meeting – only two of which were signed – were turned over the State Police Detective Sergeant after being reviewed by the Post Commander. The Detective will determine if an investigation is warranted. If so, an investigator from another district will be assigned to conduct interviews and produce a report. Updates will be provided to the City Council as they become available.

The new radar system has been received and installed in the new police car. The system is easier to operate; more accurate, has significantly extended range, and can monitor the speed of vehicles either in front of or behind the police car whether it is moving or parked. A new feature is the ability to monitor the speed of one car passing another. Of note, the City police can now easily monitor the stop sign at the railroad crossing on Maple Valley Road from a much longer distance.

4. **2005 Sidewalk Project:** Letters were sent to the five property owners whose sidewalks are proposed for replacement as the 2005 Sidewalk Project. This included four property owners on James Street, and the Post Office. Each was invited to attend the May 23rd City Council Meeting if they had any questions or concerns about this project or the anticipated costs to them and the City. Does the City Council wish me to proceed with releasing bids?

Council consensus that City Manager proceed with releasing bids for the 2005 Sidewalk Project.

5. **Burger Building:** Two individuals interested in leasing or purchasing the Burger Building were given a tour of the building last week. Assuming a tentative agreement could be made, an Ordinance would have to be approved by the City Council. The individuals using the building would be responsible for bringing it up to code. As a result of their required large investment in the building, they would want at a minimum a low cost-long term lease. I would recommend that any lease or deed have a provision to allow the City to use the facility at least twice a month for City Council Meetings, and for City elections. If an offer is made, the Buildings and Grounds Committee will need to meet to determine the City's negotiating position. The individuals interested in the building want to be operational by August.

Council consensus that City Manager continues negotiations involving a possible lease or sale of the Burger Building.

6. **Tornado/Fire Siren Installation:** The new siren was installed and the first series of tests began during the evening of Thursday, May 19th. Fire Chief Jimmy Groat, Jr., will keep the City informed on the installation progress and when the system is fully operational.
7. **Rotary Park Project Dedication:** The Brown City Rotary Club completed the installation of the new playground equipment adjacent to the North Pavilion in the City Park. The Rotary dedication ceremony took place on Saturday, May 14th, as part of the opening day celebrations for Brown City Summer Recreation. The Mayor, City Councilmember Navock and City Manager participated. The members of the Brown City Park Board Committee that attended and were recognized for their support during the ceremonies included Chairman Ron Campbell, Secretary Darrell Schlabach, Doug Muxlow, Blake Holmes and Tony Calabro. Rotary President Ray Carmen as well as other members of the Brown City Rotary made and distributed over a case of popcorn to Opening Day participants before they turned the new machine over to the Summer Recreation refreshment stand. Two other individuals specifically thanked by the Rotary and the Park Board for their work in completing the playground project were Tom Zyrowski and Art Potts.
8. **City Attorney Request for Proposals:** The City sent RFP packages to the current city attorneys of Brown City, Lapeer, Croswell, Lexington, North Branch, Capac, Yale, Marlette and Sandusky. An advertisement was also run in the Port Huron Times-

Herald. Bids are due by May 31st. To date, the City has received responses from two law firms.

9. **MIOSHA Training:** The Brown City DPW hosted a mandatory training session on Trenching and Evacuation Safety on Wednesday May 18th. DPW supervisors and workers from the surrounding area attended. The majority of the 36 individuals who made reservations were there to receive the training. The course was taught free of charge by MIOSHA. The Brown City VFW (Post 2943 – Commander Bill Pepper) provided their facility for the training at no cost to the City.
10. **DEQ Administrative Consent Order:** I am drafting a letter to DEQ requesting they allow us to enter into an administrative consent order (ACO) with them since it is increasingly unlikely we will be able to meet the January 23, 2006 compliance date.
11. **City Web Site:** The City's informal web site hosted by Anytown USA has apparently not been updated in some time. I request City Council permission to begin working with Great Lakes Internet, since we currently have a good working relationship and contracts with them, for developing a business and visitor attracting web site. Is there any objection to beginning this process?

Council consensus that City Manager begins the website process.

12. **Pump Overhaul:** The pump on Well #4 is in need of an overhaul. This has not been done since 1999. The well will be down for approximately 4-6 weeks while work is being completed. Estimated cost for the work is \$28,000.00. Does the City Council wish to begin seeking bids for this work?

Moved by CM McIvor, second by CM Navock, that the City Manager seek bids of the overhaul of Well #4. Motion carried.

ATTORNEY'S REPORT:

City Attorney discussed the need for an Administrative Consent Order with DEQ and the legal requirements for said Order.

City Attorney's office has submitted a verbal bid for services; a written bid will be submitted by the due date.

COUNCIL CONCERN'S:

CM Blatt questioned if the Police Committee has met with police officers yet regarding citizen's complaints. Committee is waiting for review by the State Police.

MAYOR'S REPORT:

Pictures and a thank you card were received from the 4th grade class who recently toured the water tower and wastewater system.

Moved by CM Miller, second by CM Lee, to move into Executive Session at 8:42 p.m. to consult with the City Attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Navock-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Moved by CM Miller, second by CM Navock, to return into Regular Session at 8:52 p.m. ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Motions reflect that no action was taken in Executive Session.

Review and discussion regarding proposed Streetscape Project by the City Manager. The submitted plans have been formalized from the 2003 drawings. Engineered plans must be submitted to MDOT by June 6, 2005. Acting City Engineer will complete and submit to MDOT the final plans. City Manager requested any recommended changes to plans. Council has no changes.

Moved by CM Miller, second by CM Navock, to adjourn at 9:00 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk