

COUNCIL PROCEEDINGS FOR AUGUST 22, 2005

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

Pledge of Allegiance led by Councilmember Blatt.

PRESENT: Mayor Laura Carpenter, Councilmembers; Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno and City Clerk Kelly Pavel.

ABSENT: Councilmember Christine Lee

Moved by CM Miller, second by CM Navock, to accept the August 8, 2005 minutes as presented. Motion carried.

Moved by CM Miller, second by CM Blatt to pay the bills in the following funds: General - \$19,381.11, Payroll - \$14,139.99, Major Street - \$4,718.75, Local Street - \$138.75. Sewer - \$2,248.67, Water - \$2,390.96, Equipment - \$1,022.78, Investment - \$20,835.63. Motion carried.

City Manager Holmes reported that the bill from Tom's Ultimate Concrete for the City's 2005 Sidewalk Program was received earlier today (8-22-05). An explanation for why the final bill was higher than the original estimate was provided. The bill was presented separately from the other City bills because of its late arrival and the fact that the City Council will not meet again for three weeks, and payment would be further delayed. Holmes explained that the DPW Supervisor checked measurements of concrete work done and there was a small difference in square footage; therefore, after discussion with Mr. Zyrowski, bill was reduced by \$734.26. Also, \$200.00 is being withheld until landscape work is complete.

Moved by CM Miller, second by McIvor, to pay the bill to Tom's Ultimate Concrete in the amount of \$18,613.05. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None scheduled.

DPW REPORT: Council reviewed the written report, but had no questions or comments.

OLD BUSINESS:

1. Bullock Project – trial 9-22-05, City depositions earlier. No change in status.
2. International Union of Operating Engineers Local 324 – see Manager's Report
3. Status of Llink Technologies Contract – see Public Hearing below.
4. Cemetery Water – Bids due 8-19-05, see Manager's Report.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 6954 Walter Street to convert garage into expanded living area. Motion carried.

Moved by CM Blatt, second by CM Navock, to accept the pre-application building permit for 6956 John Street to repair front porch roof and add front steps. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4163 Maple Street to construct an 18' x 30' addition to existing home. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4333 First Street to construct a 20' x24' detached garage. Motion carried.

Moved by CM Blatt, second by CM Navock, to accept the pre-application building permit for 4227 Maple Street to change roof angle/enlarge front porch. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4046 Main Street to strip and add new siding, widen dormer in front and add dormer in rear of home, and replace existing deck with and enclosed and expanded porch. Motion carried.

ORDINANCES:

City Manager discussed Ordinance Section 4110A with the City Council as well as explanation of City Attorney's suggested changes. City Manager requests that City Councilmembers closely review for any further changes or concerns.

CM Miller Introduced Ordinance Section 4110A – Noxious Weeds and Grasses, as amended.

Moved by CM Miller, second by CM Blatt, to schedule a Public Hearing for September 9, 2005 at 7:15 p.m. to discuss Ordinance Section 4110A – Noxious Weeds and Grasses. Motion carried.

PUBLIC HEARING:

Mayor Laura Carpenter Opened Public Hearing at 7:15 p.m. regarding Community Development Block Grant Project 202076-EDIG.

No public questions or comments.

Public Hearing closed at 7:16 p.m.

RESOLUTIONS: None.

CITY MANAGER'S REPORT:

- 1. International Union of Operating Engineers Local 324:** A response from the Union was reviewed by the Special Committee on August 16th. Committee recommended changes were made to the draft agreement and it was forwarded to the Union on August 18th. A copy of the transmittal letter to the Union listing the recommended changes was provided the Councilmembers. Councilman Lukacs recommended that this Special Committee be referred to as the Negotiating Committee, so as not to be confused with Personnel Committee.
- 2. 2005 Street Program:** The final request for proposals (RFP) was mailed out by City Staff on August 11th to ten paving contractors in Brown City, Marlette, Lapeer and other local areas. Bids are due to City Hall on September 8th for action by the City Council on September 12th. If approved, plan to let the contract on September 13th with construction to be complete within 30-45 days. Contractors already have begun to inspect the project.
- 3. 2006 Streetscape Project:** Liaison with the Cass City MDOT office on August 17th revealed that the 2006 Streetscape Project is in Lansing for final review. No problems are anticipated, and bid packages will be available October 7, 2005. The construction is planned for early 2006 (prior to Homecoming).
- 4. Main Street Trees:** A letter was sent to MDOT on August 11th requesting the status of the tree stump removal and replacement trees on the 4300 block of Main Street. The trees were removed under an MDOT contract. Cass City responded by August 18th and stated they contacted the contractor who will remove the four stumps and replace the trees within the next couple of weeks. In a follow-up telephone conversation, MDOT recommended planting either Norway Maple, Northern Red Oak or Swamp White Oak. The City will acquire and plant the trees and bill MDOT.

Following a discussion, Council consensus was to select the Norway Maple for the 4300 block of Main Street.

- 5. Administrative Consent Order:** The City Staff mailed out 26 copies of the RFP to engineering firms in Michigan (and Jack Dempsey). This is the next step required to comply with the DEQ consent order. A courtesy copy was provided to DEQ who responded with "Good RFP." Qualifications/Proposals are due to the City September 16th for action by the City Council on September 26th.
Another (and hopefully final) version of the ACO was received from DEQ in the August 18th mail. Apparently Lansing again changed the agreement control number and the document needs to be signed by the Mayor and City Clerk for the third time. DEQ said the number was the only change and can not guarantee this will be the last version.
- 6. Cemetery Water:** A request for proposals (RFP) was sent to local well drillers and was advertised in the Sanilac County News. Bids were due August 19; however, the City only received one bid: Franzel Well Drilling of Mayville for \$5,741. Does the City Council wish to accept this bid or reopen the bidding process? **REQUIRES MOTION.**

Moved by CM Miller, second by CM Navock, to accept the bid from F.E. Franzel Well Drilling of Mayville in the amount of \$5,741.00 for well installation at the cemetery. Motion carried.

7. **4188 Main Street:** A letter was sent to the owner of this lot (west of the old fire hall) requiring the weeds be cut and reminding him that he had previously agreed to fence off the at least the Main Street side. The weeds were cut August 17th. I was told indirectly that a fence is to be constructed, but a proposed completion date was not provided.
8. **State Police Investigation:** On August 19th, State Police Detective Sergeant Ferguson notified the City that of the several complaints concerning the Brown City Police Department forwarded to the State Police, only one had the potential to result in criminal charges. The complaint concerned a non-sexual assault. The incident was investigated and the Sanilac County Prosecutor does not consider the incident a criminal matter and does not plan any further action. The City has requested a copy of the police report.
9. **Methodist Church Parking Lot Lease:** A letter was sent to Pastor Lance E. Ness of the United Methodist Church offering the options discussed by the City Council at the August 8th meeting and asking what they want to do. Research by David VanCura concerning the status of the parking lot north of downtown revealed that the lease for that property had expired in 1993. I will talk to Tri-County Bank to review options.
10. **Wellhead Protection Program:** The City received a check for \$7,621.57 reimbursing our expenses associated with the Wellhead Protection Program. Except for a report to the DEQ from Mannik & Smith, the contractor running the program on behalf of the City, the program should be complete. A total of ten wells in the area were sealed.
11. **Knox Contract Renewal:** The current contract with Knox Disposal expires on September 30, 2005. A copy of the revised contract was reviewed by the City Attorney and his recommended changes were made. A copy of the final draft contract is in your packets. Due to increased fees at the local landfill, Mr. Knox has requested a per household fee increase of \$1.03 per month.

Moved by CM Miller, second by CM Navock, to approve the revised contract with Knox Disposal for garage pickup. Motion carried.

12. **4196 Main Street:** A thank you to Councilmember Frank Lukacs for getting the pile of broken concrete removed in a relatively timely manner. The last of it was hauled away during the evening of August 17th.
13. **Arsenic Removal Training:** The American Water Works Association (AWWA) is sponsoring subject class on Wednesday, August 31st in Midland. I plan to be out of the office on that date to attend this all-day training session.
14. **Crack Down on Drunk Drivers:** Local residents should be aware that the *Sanilac County News* reported that the Sanilac County Sheriff Department will be joined by 500 other state law enforcement agencies beginning August 19th and continuing through Labor Day to enforce drunk driving laws. The article further states that, "A motorist can be arrested for drunk driving with a .08 blood alcohol level or higher. Conviction can include court costs, increased insurance rates and a \$2,000 driver responsibility fee." Of note, the Brown City Police Department will soon receive a new PBT (Professional Breath Tester) from the Michigan State Police at no cost to the City. In Michigan during 2004, accidents involving drugs and/or alcohol resulted in 418 traffic deaths. This is equal to about one-third of the population of Brown City.

15. **James and Walter Streets:** At the request of an individual who owns property on the north side of the City, I met with the Registrar of Deeds to determine the status of subject streets between Fifth and Sixth Streets. The June 27, 1892 City plat has no amendments concerning this area on file in Sandusky. However, a complete review of City Council minutes from 1959 through 1968 revealed that on December 4, 1967, the City vacated James and Walter from the north side of Fifth Street to Sixth Street.
16. **Local Update of Census Addresses (LUCA):** The City has received the first in what I expect will be a large amount of correspondence concerning the 2010 US Census. The initial survey has been completed and returned. Required information associated with the 2000 Census used considerable staff time.
17. **Brown City Banner:** A couple of inaccuracies in the article on the front page of the August 22nd edition, concerning Well #3 and arsenic abatement, were discussed and clarified.

ATTORNEY'S REPORT:

1. Provided a brief update concerning Izvorski vs. City of Brown City. City Attorney plans to remain in contact with the City's attorney of record, and provide future updates.
2. There has been no significant activity concerning Bullock vs. City of Brown City since the last City Council meeting.
3. Various contracts have been reviewed in the past few weeks, with minor changes recommended concerning the Knox Disposal contract. Council needs to determine grass heights and reasonable administrative fees associated with the proposed Noxious Weed and Grass Ordinance.
4. Recommendation that a continuous running calendar be established by the City in order to keep better track of expiring contracts and renewal dates.

MAYOR'S REPORT: None.

GENERAL CONCERNS OF THE COUNCIL:

CM Lukacs reminded the City Council that he will distribute the City Manager Evaluation form to Councilmembers at the next meeting.

Moved by CM Miller, second by CM McIvor, to adjourn at 7:40 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk