

COUNCIL PROCEEDINGS FOR AUGUST 8, 2005

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

Pledge of Allegiance led by Councilmember Lee.

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

ABSENT: City Clerk Kelly Pavel.

MINUTES:

Moved by CM Lukacs, second by CM Navock, to accept the July 25, 2005 Regular Meeting minutes as presented. Motion Carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following accounts: General - \$11,067.01, Payroll - \$13,528.77, Major Street - \$550.00, Local Street - \$1,024.66, Sewer - \$3,307.40, Water - \$14,586.62, Equipment - \$88.81, Investment - \$38,772.41. Motion Carried.

PUBLIC QUESTIONS & COMMENTS:

1. Dale Benish, Sanilac County Economic Development Corporation Director, introduced Shannon Simpson of Magnum Metalcraft. Magnum Metalcraft is a metal stamping and welding company. Mr. Simpson is moving the company from Port Austin to a building in the Brown City Industrial Park. The start up date is October 1, 2005. They plan to hire 8 to 10 people bringing the total number of employees to 18. Mr. Benish reported that Llink Technologies has hired 60 more employees in the past 30 days. They currently employ approximately 132 people. The City will need to hold a public hearing regarding the completion of the Michigan Economic Development Corporation grant process for Llink Industries. The City must also complete an independent audit on the project among other requirements. Mr. Benish reported that two separate clients are reviewing the possibility of locating industrial facilities in the Brown City area.
2. Jack Dempsey asked what the City Council was going to do regarding the Well #3 arsenic problem and if they had made a final decision. He had previously submitted information to City Manager Holmes regarding his concept. The Council decided at a previous meeting to send out general requests for proposals.
3. George Hahnefeld spoke concerning means to resolve the Well #3 arsenic situation.
4. Tammy Weber commented on Mr. Dempsey's proposal. She also asked about the status of the investigation into the City's Police Department. City Manager Holmes

stated that all information was turned over to the State Police and that he has not received a report from them.

5. Ken Brown expressed his support of the Brown City Police Department. He showed the Council pictures of an accident where he was hit and severely injured by a drunk driver, and stressed the importance of having good police protection to keep drunk drivers off the roads and keep the City safe

PERSONAL APPEARANCES: None scheduled.

POLICE REPORT: The Council reviewed a written report.

OLD BUSINESS:

1. Chapter 8 Zoning Map – Approved by the Planning Commission. Moved by CM Lee, second by CM Navock, to remove this item from Old Business. Motion Carried.
2. Bullock Project – Trial September 22, 2005, City depositions earlier.
3. International Union of Operating Engineers Local 324 – See Manager’s Report.
4. Status of Llink Technologies Contract – See Public Questions & Comments.
5. Cemetery Water – Bids due August 19, 2005.

Moved by CM Miller, second by CM Lee, to schedule a public hearing at 7:15 P.M. on August 22, 2005 to finalize the Llink Technologies grant. Motion Carried.

PETITIONS & COMMUNICATIONS:

1. 4333 First Street – 20’x24’ detached garage.
2. 4227 Maple Street – change roof angle and size of front porch.

The Committee has not yet inspected the construction sites. Therefore, both preapplication building permits were tabled until the next meeting. The Buildings and Grounds Committee will meet on Thursday, August 11, 2005 at 11 A.M. to inspect the sites.

PUBLIC HEARING: None scheduled.

ORDINANCES: None scheduled.

RESOLUTIONS: None scheduled.

CITY MANAGER’S REPORT:

1. **International Union of Operating Engineers Local 324:** The most recent draft documents forwarded by the Union were received in the morning mail on August 8th. Copies of the draft contract were provided to the two members of the Special Personnel Committee, Chairman of the Personnel Committee and the Mayor. The Special Committee will meet on Monday, August 15 at 6 PM to discuss the City’s counteroffer to the Union.

2. **2005 Street Program:** The draft request for proposals (RFP) has been prepared and sent out, with bids 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.
3. **2006 Streetscape Project:** The 2006 MDOT Streetscape project combined plan review and errors and omissions check meeting took place July 26, 2005 in Cass City and lasted about three hours. The number one provision in the contract that the City has asked for is that the construction be completed PRIOR to Brown City Homecoming in 2006. This meeting was followed by an inspection of the City's Downtown by three representatives from MDOT, the City Manager and (acting) City Engineer. The design plan completion date is August 8. The project is scheduled for a bid opening on October 7, 2005. The construction is planned for the 2006 construction season. The City's match costs for this project should remain below \$150,000. At some point, the Streets and Sidewalks Committee should discuss whether downtown merchants will be required to share costs for the sidewalk replacement portion of the project. A copy of the approved plans are included in your packet.
4. **EPA/DEQ Arsenic Plant Tour:** The EPA taught a two day class in Lapeer for communities and public works departments that must comply with the new EPA MCL for arsenic in drinking water. The class culminated with a tour of the Brown City facility during the afternoon of July 28th. Approximately a dozen people participated, with the DPW Supervisor Dave Kinney serving as the tour guide. The facility looked clean and well maintained.
5. **Administrative Consent Order:** The next suspense date the City needs to meet is hiring a "certified financial expert and a licensed professional engineer (collectively "consultants") to design and construct an arsenic treatment system" by November 1, 2005. Included in your packets is a copy of the Request for Architectural and Engineering Proposal for this program. Qualifications/Proposals are due to the City September 16th for action by the City Council on September 26th. Does the Sewer and Water Committee wish to meet and review the proposals during the week of September 19th?
6. **Sutter Drain:** The Sanilac County Drain engineer met with the DPW Supervisor, City Manager and Gene Burgess on July 29th to discuss cleaning the County's Sutter Drain where it exits the City at the corner of Maple Valley Road and Main Street. An inspection of the storm drain that empties into the drain revealed the City needs to do some work on our system, but the blockage in Sutter Drain is significant. The County Drain Office will schedule the required work.
7. **Izworski Lawsuit:** The case evaluation hearing took place July 28. Included in your packet is a copy of the letter from the City's representative concerning the result. A final decision by the City's insurance carrier is still pending.
8. **Silver Lining Awards:** The Sanilac County Silver Lining Awards Committee is asking for nominations for the 2005 Silver Lining Volunteer Awards. These awards are designed to recognize individuals, groups and businesses whose volunteer efforts have greatly improved the quality of life of the people of Sanilac County. This year's awards will be presented October 19th in Sandusky. Please contact me if you would like a nominating form.

9. **State Police Investigation:** No report has been received from the Michigan State Police as of July 22nd.
10. **Methodist Church Parking Lot Lease:** David VanCura conducted a review of parking lot leases. A copy of the lease agreement for the lower First United Methodist Church parking lot (Block 3, Lot 9) dated December 13, 1988 revealed an agreement with the City for five years and with up to three consecutive renewals (December 13, 2008). Apparently, the lease was never renewed. Also stated, "It is further agreed between the parties that the [City] shall maintain said premises during the term of this Lease, and will further hold the [Church] harmless from any liability arising out of or by reason of the [City]'s use of said premises." A copy of the lease is in your packet.
11. **MML Convention:** At special meeting during the MML Annual Convention is scheduled for September 21st to elect trustees, approve policy and conduct other business as required. The City is "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, and, if possible, to designate one other official to serve as an alternate. Who does the City Council wish to appoint as the "Official Voting Delegate" and alternate? **REQUIRES MOTION.**

Moved by CM Blatt, second by CM McIvor, to name Councilmember Lee as the "Official Voting Delegate" at the MML Annual Convention. Motion Carried.

12. **Knox Contract Renewal:** The current contract with Know Disposal expires on September 30, 2005. A copy of the revised contract has been provided to the City Attorney for review. Due to increased fees at the local landfill, Mr. Knox has requested that the per household fee increase \$1.03 per month. Mr. Knox attended the meeting to answer questions concerning the renewal.

ATTORNEY'S REPORT:

1. City Attorney Garno updated the Council on the progress of the lease agreement between the Brown City Community Park Association and the City.
2. City Attorney Garno discussed the lease agreement between the United Methodist Church and the City for the parking lot east of the church. The City can renew the current lease retroactive or have a new lease drawn up. However, he pointed out some ambiguities and suggested the City verify that the City's insurance covers the parking lot.
3. City Attorney Garno updated the Council on the status of the Izvorski Lawsuit. Attorney Robert Seibert, the City's representative on this case, recommends the City reject the offer.

Moved by Lukacs, second by Navock, to accept the recommendation of Attorney Robert Seibert to reject the offer in the Izvorski Lawsuit. Motion Carried.

City Attorney Garno will review the contract with Cliff Knox for trash removal. The current contract expires on October 1, 2005.

COMMITTEE REPORTS:

1. Police - None.
2. Water & Sewer – None.
3. Tax & Finance – None.
4. Streets & Sidewalks – None.
5. Buildings & Grounds – None.
6. Personnel – Chairman Lukacs reported that it is time for the formal evaluation of the City Manager. He explained the process to the Council. The evaluation will take place at the September 26, 2005 Council meeting.
7. Summer Festival – The Commission adjourned until September 2005.

GENERAL CONCERNS OF THE COUNCIL:

Councilmember Lukacs –

1. has received complaints from citizens regarding the smell of burning garbage between 4 AM and 6 AM.
2. weeds need to be cut on vacant lot at (4188) Main Street.
3. questioned the new driveway on west (4384) Main Street.
4. when is MDOT going to remove stumps and replace trees on Main Street?
5. bricks need to be removed from behind the flower shop building (4196 Main).

MAYOR’S REPORT:

Planning Commission Appointment –

Moved by CM Lee, second by CM Blatt, to appoint JoAnn Potts to replace David Blovsky on the Brown City Planning Commission. Motion Carried.

Moved by CM Miller, second by CM Lee, to adjourn at 8:37 P.M. Motion Carried.

Respectfully submitted,

DAVID R. VAN CURA
DEPUTY CLERK