

**BROWN CITY COUNCIL MEETING  
JANUARY 9, 2006**

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

Pledge of Allegiance led by City Attorney Garno.

**PRESENT:** Mayor Laura Carpenter, Councilmembers: Ron Wood (arrived at 7:10 PM), Julie Miller, Ross McIvor, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

**ABSENT:** None.

Mayor Carpenter presented a Resolution of Appreciation to Raymond Witmer for his many years of outstanding work as a member of the Brown City Park Board.

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

**CORRECTION & APPROVAL OF MINUTES:**

Pg. 1 of 7, paragraph 2 under Public Questions, end of paragraph add "pursuant to Section 2.05B of City Charter"

Pg. 5 of 7, paragraph 5 under Attorney's Report reword - follow this evening "is to hold a second meeting, immediately after this first meeting which shall fulfill all requirements."

Moved by CM Miller, second by CM Lee, to accept the Regular Meeting Minutes of December 12, 2005 as corrected. Motion carried.

Moved by CM Miller, second by CM Lee, accept the Regular Meeting Minutes of December 26, 2005 as presented. Motion carried.

**PAY BILLS:** Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General-\$32,296.13, Payroll-\$28,822.89, Sewer-\$388.23, Water-\$43,988.07, Equipment-\$1,539.88, Investment-\$56,510.27. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:**

Gary Abel explained that his wife is interested in opening a coffee shop at 4237 Main Street (immediately east of Mike's Barber Shop). Mr. Abel explained handicap accessibility requirements for this venture. He explained that he had just learned the handicap accessibility requirements so they were not available when he spoke to the Planning Commission. A ramp will need to be installed along the storefront, which should be temporary, pending handicap accessibility being worked into the upcoming Street Project. The ramp must be at least five-feet wide and the sidewalk is thirteen feet wide there. Mr. Abel plans to attend the next Planning Commission meeting to present this request to construct a ramp and platform at the entrance to the building. Mr. Abel requested that the City Council review the drawings and Pre-Application Building Permit he provided and give him an answer or recommendation at the next City Council meeting.

General discussion regarding existing steps and access to buildings along this particular block of Main Street.

**PERSONAL APPEARANCES:** None scheduled.

**DPW REPORT:** Council reviewed written DPW Report, no questions or comments.

**POLICE REPORT:** Council reviewed written Police Report, no questions or comments.

**OLD BUSINESS:**

1. Bullock Project – final ditching pending
2. Status of Llink Technologies MEDC Grant Contract – complete

Moved by CM Lee, second by CM Blatt, to remove Item #2 from Old Business portion of agenda since it is complete.

**PETITIONS & COMMUNICATIONS:** None scheduled.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None scheduled.

**RESOLUTIONS:** None scheduled.

**CITY MANAGER'S REPORT:**

1. **Well Number 4 Overhaul:** Layne Christenson finished the overhaul of Well #4, and the well and arsenic abatement plant are both fully operational. Due to the need to replace the impeller and shaft and other parts, the work was more expensive than expected. The initial bid was \$28,500, but the final bill was just short of \$43,000.
2. **Community Development Block Grant (CDBG):** A CDBG Notice of Intent was filed with the Michigan Economic Development Corporation prior to the December 21 deadline. Per City Council instructions, request was for funding to remove sludge from the City's wastewater lagoons. Analysis revealed that the lagoons contain about 11,000,000 gallons of sludge. Learned from firms in the state that do this type of work that the cost per gallon to remove the sludge is 5.5¢. If due to contamination the dried sludge can not be used as fertilizer on local fields, this cost will double. Key to approval is being designated as a 'low and moderate income community.' The City is not on the US Government HUD list. However, a rigorous analysis and selective use of statistics placed the City at 52.72% - a qualifying score. Sludge removal is required to avoid DEQ fines. The amount requested through the CDBG is \$492,800. A copy of the NOI with attachments is available for review at City Hall.
3. **DEQ/Wastewater Treatment:** Enclosed for your review is a draft response to the letter received from DEQ in May 2004 and retransmitted in December 2005. Key elements include removing sludge from the lagoons and inspecting (via remote TV camera) all 38,500 feet of local wastewater mains. The estimated cost for cleaning and televising these mains is \$1.80 per foot. Recommendation is to do this in three phases. The north side (15,700') in 2006, the south side (10,100') in 2007, and the center line (12,700') in 2008. This would reduce the cost per year to an average of \$24,000. Because the letter includes money and policy issues, the City Council should approve the letter by resolution before it is released.  
**REQUIRES RESOLUTION.**

Moved by CM Miller, second by CM Blatt, to accept the response letter, dated 12/30/05 to DEQ regarding sludge removal from the lagoons and inspecting all wastewater mains (in reference to Notice Letter NL-05-04-02-071S), as presented. Motion carried.

4. **Mr. Ed's Variety Store (4217 Main Street):** The concern over the deed for the old fire hall has been resolved. However, the new owner's have requested a promise from the City to repair an intermittent roof leak possibly caused by the City adding to the height of the common wall in 2000. A letter stating the City's proposal and a release form were hand delivered to the new owners for review by their attorney and signature. The City Attorney approved both the letter and release.
5. **Downtown Development Authority:** The new owners of Mr. Ed's did not finance the purchase of the business and property through the DDA. As a result, the mortgage was discharged at closing. The DDA received over \$500 as a result of the sale. Currently, only three businesses have loans through the DDA.

6. **Girl Scouts of America:** The GSA has applied to the City Council “for authorization to conduct its annual cookie sale.” The girls will take orders from January 14 through February 2, and will deliver the cookies beginning February 28<sup>th</sup>. This is the same request they make every year. **REQUIRES RESOLUTION.**

Moved by CM Miller, second by CM Lee, to authorize the Girl Scouts of America to conduct their annual cookie sale. Motion carried.

7. **Great Lakes Internet, Inc.:** The owner of Great Lakes Internet has requested permission to modify the antennas on the top of the water tower in order to increase capacity. Extensive use by local residents of Internet telephone has saturated the capacity of the current antenna. The new antenna would not add additional weight and should take less than a day to replace. This would only affect broadband users. Are there any objections from the City Council?

City Council has no general objections to installation of new antennas to water tower by Great Lakes Internet, Inc. Council would like to review information regarding antenna provided by Great Lakes Internet for final review before giving consent.

8. **SEMCO Energy Lawsuit Consent Judgment:** As reported to the City Council at the October 10, 2005 meeting, SEMCO has lawsuits pending with many municipalities in the state, to include the City of Brown City. Lawsuit centers on which assessment tables should have been used for the 1998 and 1999 tax years. A consent judgment has been signed by the City Assessor to resolve the issue and avoid interest payments. The property taxes will be refunded to SEMCO by Sanilac County and the City will be billed for our share (about \$2,700).
9. **Appointment of a Representative to EDC:** Each municipality in Sanilac County has a turn as a member of the EDC Governing Board representing all of the county’s cities and villages. Brown City is the designated representative for 2006 and 2007. The City Council should select and approve the appointment of a representative for either a one- or two-year term. Meetings are at noon on the second Thursday of each month in Sandusky. The next meeting is Thursday, January 12<sup>th</sup>. **REQUIRES MOTION.**

Moved by CM Lee, second by CM Miller, to appoint the City Manager as EDC Representative to represent Brown City and the other cities and villages Sanilac County. Motion carried.

10. **Sidewalk Snow Removal:** The Port Huron Times-Herald listed sidewalk shoveling rules for various communities. A copy of the article is enclosed. Does the City Council wish to address this issue?

CM Wood stated he has viewed small children walking in the streets when sidewalks are snow covered. His opinion is that a policy may need to be developed to assist in obtaining necessary safety for pedestrians. He feels it may be in the City’s best interest to plow City sidewalks.

CM Miller suggests that the Streets & Sidewalk Committee meet to discuss this issue.

Moved by CM Wood, second by CM McIvor, that all sidewalks in Brown City are plowed by the City DPW. 3-year, 3-day. Mayor Carpenter – no. Motion not carried.

Streets & Sidewalks Committee to meet and discuss sidewalk snow removal on January 18, 2006 at 4:00 p.m. Mayor Carpenter suggests that DPW Supervisor be invited to this meeting as well.

11. **Mailboxes:** Each winter several mailboxes are damaged or knocked down by either a City snowplow or the snow moved by that plow. Generally, if the truck hits the mailbox directly, the DPW repairs or replaces the mailbox. If the box is damaged by snow piled against it by the snowplow (but not touched directly by the truck) then the City does not do repairs but leaves that to the property owner. Does the City Council wish to set a policy on this?

Council consensus to remain with the same procedure that has been used in the past regarding mailbox replacements.

- 12. Handouts:** A copy of the City Charter, Employee Handbook and DPW Union Agreement will be provided at the meeting. A copy of the BCPD Policy and Procedures Manual will be made available to members of the Police Committee. The blue codified City Ordinances arrived. This document must be adopted and the current ordinances repealed for it to take effect. Please review these ordinances and identify any typos, mistakes or required changes to the document so it can be finalized. When does the City Council wish to schedule a Public Hearing concerning this version of the code?

Council members will review the Ordinances on their own at this time. Discussion at next Regular Meeting to determine if a work session is necessary. Item to be placed on agenda under Old Business.

- 13. City Council Priorities:** Three of the seven worksheets have not yet been received.
- 14. City Website:** A digital camera will be available at the January 23<sup>rd</sup> meeting to take individual and group pictures of elected officials for the City web page. Sample biographies are available if you want to write yours to go with your picture.
- 15. Verizon Phone Contract:** Annual maintenance contract is \$620.28. The last time maintenance was needed was approximately two years ago. City Manager suggests not renewing this contract and paying for maintenance when necessary. Council consensus to not renew into this annual maintenance contract with Verizon at this time.

#### **ATTORNEY'S REPORT:**

- Cemetery plot issue has been reviewed. Information has been given to the City Manager, and will then be forwarded to the Cemetery Board for their review.
- Originating Agency Identifier information has been reviewed. Findings at this time are that it is not necessary for City to pay fees associated for City Attorney access.
- Mr. Ed title clearing has been addressed.
- Leak on a common wall has been reviewed (Mr. Ed's and City). City does not know actual cause of this leak and has no obligation to make repairs. Recommendation to fix the wall, if City so wishes, in doing so, get a release signed that the business will not hold the City liable in any future instances regarding this leak. Release was drafted and given to City Manager who turned it over to the prospective owners of Mr. Ed's Variety Store.
- Ordinances to be reviewed, Charter states that City Attorney needs to review these ordinances. City Attorney needs to receive his copy of ordinances. If an attorney has already reviewed ordinances, this attorney needs to contact Attorney Garno.

#### **COMMITTEE REPORTS:**

- Police – none.
- Water & Sewer – none.
- Tax & Finance – update on workshop regarding wages, hours and pay for public agencies.
- Streets & Sidewalks – none.
- Buildings & Grounds – none.
- Personnel – none.
- Homecoming – next meeting for 1/10/06 at 6:30 p.m.

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

CM Wood has concerns that he wishes to discuss with City Council as follows:

Hiring and Firing of Police Officers. Discussion regarding Charter regulations regarding this issue. City Manager is not required to, but always has, presented this information to the City Council. CM Wood is purposing a one

year hiring freeze on police officers at this time. He has concerns regarding costs related to police coverage as well as the increase in the police budget. Mayor Carpenter suggests that this item be turned over to the police committee.

CM Lee discussed past proposal that Council was considering to be placed on the City ballot regarding police coverage. Council at that time voted to not place this item on the ballot.

CM Wood is suggesting that police officers begin punching a time card. CM Lee asks about the DPW punching a time card. Wood states that time cards should be punched by all employees.

CM Wood states that he has concerns with police cars leaving town, other than for conducting City business, especially due to the increase in fuel costs.

CM Wood has concerns regarding Chief Smith delivering issued tickets to the Magistrate Office in Sandusky on a daily basis. Wood states that tickets should be mailed to Sandusky versus police car use and gas expense to transport tickets.

CM Wood states concerns for City employees using City computers for personal business. If employees are caught using the computer for personal use, he is proposing a \$100.00 per hour charge.

**MAYOR'S REPORT:**

Appointment of JoAnn Potts to the DDA (12-31-08).

Moved by CM Miller, second by CM Lee, to appoint JoAnn Potts to the DDA, term expiring 12-31-08. Motion carried.

Appointments need to be made to the Cemetery Board as well as the appointment of a business owner to the DDA to complete the term of Ed Pieters, term ending (12-31-08). No recommendations at this time.

City Treasurer gave a brief update on tax collections thus far.

Moved by CM Miller, second by CM Lee, to adjourn at 8:34 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk