

**BROWN CITY COUNCIL MEETING**  
**February 13, 2006**

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

**PRESENT:** Mayor Laura Carpenter, Councilmembers: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

**ABSENT:** None

Pledge of Allegiance led by Councilman Leon Blatt.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:**

City Manager requested that under Resolutions portion of agenda - add Resolution 06-02.

**CORRECTION AND APPROVAL OF MINUTES:**

Moved by CM Miller, second by CM McIvor, to accept the January 23, 2006 minutes as presented. Motion Carried.

Moved by CM Miller, second by CM Lee, to accept the minutes from the February 8, 2006 work session as presented. Motion Carried.

**PAY THE BILLS:**

CM Lee addressed a bill should be deleted from the packet because it had already been approved at a previous City Council meeting. The corrected General Fund expense dollar figure was provided to Councilmembers.

Moved by CM Lee, second by CM Blatt to pay the bills in the following funds: General - \$27,747.51, Payroll - \$13,748.78, Major Streets - \$750.89, Local Streets - \$750.90, Sanitary Sewer - \$3,600.00, Water - \$34,088.37, Equipment - \$4,610.35, Investment - \$51,886.79. Motion Carried.

**PUBLIC QUESTIONS & COMMENTS:**

Ray Dupie questioning his water bills. He has a meter on his shop, which is required on all commercial businesses by City Ordinance. Mr. Dupie presented a drawing to the City Council that showed his water line goes from the City water main on Maple Street to his residence and then continues to his shop. He is asking for the existing water meter be moved so that the house and business are both on the meter so that he will receive only one utility bill. City Manager highlighted several situations in town where a commercial property is attached or adjacent to a residence. In some cases one utility bill is sent and in others two or more.

Attorney opinion is that everyone must be treated the same as required by the Equal Protection Clause of the United States Constitution. Policy needs to be set now and taken care of. Policy that one owner who has a business and a residence he lives in on the same property shall pay only one bill would be established by having Mr. Dupie pay only one bill.

Moved by CM Wood, second by CM Lents, to move Mr. Dupie's water meter and send only one water bill beginning with the next utility billing cycle. Motion carried.

Larry Steigerwald questions ambulance service, and the availability of an ambulance and timeliness. Questions the procedure of ambulance sitting at Highway Host when a Marlette ambulance is called out. City Manager states that a verbal agreement exists between the Fire Authority and Marlette Hospital. This issue will be brought up at the next Fire Authority meeting.

Larry Bullock questioning a gas line that needs to be moved regarding his ditching project. City Manager states that the gas line is not going to be a problem, due to its depth, should not impede with ditching project. Mr. Bullock also questions whether this ditch will be open or closed. City Manager states that City wishes to see what the volume of water ditch will be carrying before open or closed ditch is decided, also noting that a closed ditch will be easier to maintain.

#### **PERSONAL APPEARANCES:**

Kimberly Dailey, 4317 Maple Street is requesting a Kennel License. She provided Council with a letter explaining her intentions. Mayor Carpenter questioned whether a Public Hearing needs to be held regarding this issue. City Manager has researched. Holmes reviewed Ordinance 4305 and Chapter 8 points. A Special Land Use Permit or variance is required in this situation. Mrs. Dailey explained her intentions and possible future plans. Council consensus to send this issue to the Planning Commission to determine best course of action and whether to schedule a Public Hearing.

Moved by CM Miller, second by CM Blatt, to forward the kennel license request for 4317 Maple Street over to the Planning Commission for action. Motion carried.

#### **POLICE REPORT:**

Review of written report, no questions or comments.

#### **OLD BUSINESS:**

1. Bullock Project – Gene Burgess will complete when able to get heavy equipment onto property.
2. Codification of City Ordinances – under review.

Moved by CM Miller, second by CM McIvor, to schedule the next Ordinance Work Session for February 20, 2006 at 6:30 pm. Motion carried.

3. Appointment of a business owner or resident on the DDA – pending.
4. Appointment of a resident to the Cemetery Board – pending.
5. Response to DEQ concerning arsenic abatement option selected by the City. See Committee Reports.

#### **PETITIONS & COMMUNICATIONS:**

1. Gary Abel, 4237 Main Street, pre-application building permit for work to be done inside of this planned store: plumbing, wiring, and structural changes.

Moved by CM Miller, second by CM Lee, to approve the pre-application building permit for Gary Abel, 4237 Main Street, to complete necessary inside work to store (wiring, plumbing, structure changes). Motion carried.

2. Gary Abel, 4237 Main Street, pre-application building permit for temporary handicap access ramp and platform.

Moved by CM Wood, second by CM McIvor, to approve the pre-application building permit for Gary Abel, 4237 Main Street, for a temporary handicap ramp and platform, also that Mr. Abel will be responsible for all snow removal in front of his store for the life of the ramp. Motion carried.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None.

#### **RESOLUTIONS:**

Moved by CM Miller, second by CM Lee, to adopt Resolution 06-01, *A Resolution Allowing The Board Of Review To Act Upon Written Requests From Taxpayers*. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lee-yes, Lents-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

Moved by CM Miller, second by CM Lee, to adopt Resolution 06-02 *A Resolution To Reimburse The City's Major Street Fund And Local Street Fund For Overpayment Of Employee Benefits*. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

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

1. **Community Development Block Grant (CDBG):** No information concerning the status of this request (Notice of Intent) has been received from Lansing. A letter was sent to the Michigan office of Housing and Urban Development asking why Brown City is not on the HUD Low and Moderate Income Community list, and how we may correct this oversight. No response from HUD at this time.

- 2. Small Drinking Water Systems:** There have been at least two bills introduced to the US Senate, S698 by Senator Domenici (R/NM) and S2161 by Senator Inhofe (R/OK) concerning small water systems such as ours. Both would require that the federal government provide more dollars and expertise concerning arsenic and other issues. I contacted Senator Stabenow's office to request the status of these two bills and if any similar bills are in the Senate. I also asked what additional support may be available for arsenic abatement. This letter also requested she intercede with HUD to address the Low and Moderate Income issue detailed above. No response at this time.
- 3. Park Master Plan:** The Park Board held a Public Hearing during their regular meeting on February 9<sup>th</sup>. Discussion included two representatives from Fleis & VandenBrink - the company hired to develop the Community Recreation Plan, representatives from the Summer Recreation Program, Youth Soccer, two local residents and eight members of the Park Board. Attached is a copy of the eleven-page Action Plan reviewed at the Public Hearing. The Park Board will be refining the list of proposed projects and improvements during their next couple of monthly meetings. If either the City Council or individual Councilmembers wish to recommend changes to the Action Plan, please let either Ron Campbell or me know. The next Park Board meeting is at 7 PM on March 9<sup>th</sup>.
- 4. Park Lease:** The 20-year lease the City has with the Brown City Park Association, the non-profit corporation that owns the Park, expired on December 31, 2005. The Park Association's attorney presented a draft lease to the City on February 9<sup>th</sup>. A copy of the draft lease was provided to the City Attorney for his review. Once the two attorneys reach a consensus on the draft lease, the City Council will receive a copy for review, possibly as soon as February 27<sup>th</sup>. Once the City Council agrees to the language, it will then go to the Park Association for approval and then back to the City Council for final approval and signature.
- 5. Sanilac County EDC:** The EDC Board met in Sandusky on February 9<sup>th</sup>. A copy of the agenda is attached. County Commissioners Nort Schramm and Donnie Hunt attended the meeting. Focus of the discussion was the \$495,000 Revolving Loan Fund and potential uses. (See the second half of the enclosed Sanilac County News article.) The Commissioners recommended, and the Board agreed, to table the recommendation to do a Target Industry Study and Business Incubator Study. This action could make funds available for use by Snover on their sewer project.
- 6. STELLER Fundraising Executives, Inc.:** The Sanilac County EDC hired STELLER to conduct a feasibility study to determine if EDC can raise \$1,500,000 from Sanilac County businesses and governments for local economic development. They sent letters to various Sanilac County businesses and governments (see attached copy). A representative from STELLER (Chad Durham) will be at City Hall on Friday, February 17<sup>th</sup> at 2 PM for a 45 minute interview concerning this feasibility study. Does the Mayor or any of the Councilmembers wish to participate in this interview?

7. **Tree Trimming:** The City received notice from Kappen Tree Service of Cass City that they will be trimming various trees throughout Brown City under contract with Detroit Edison. They plan to start behind the school around March 1, 2006.
8. **MLGMA Conference:** I attended the Michigan Local Government Manager Association Winter Conference in Kalamazoo 24-27 January. Approximately 114 city and village managers, in addition to several county and township supervisors, from throughout the state were there. A copy of the presentation on Michigan's economy, and a list of legislative issues being addressed by the Michigan Municipal League are in your Council packet. The conference also gave me an opportunity to talk to several companies that facilitate municipal finance for capital improvement projects. I appreciate the opportunity to receive this valuable training.
9. **TEA 21:** The Sanilac County Road Commission will host a Public Hearing concerning Sanilac County Projects under the Federal Transportation Act (TEA 21) at 10 AM on Thursday, February 16 at the Road Commission Office in Sandusky. Unfortunately, the only road within the City Limits that qualifies for this program is Maple Valley Road, a portion of which was recently replaced using TEA-21 funding. I will be attending the meeting as the Rural Task Force community representative. There will be a pre-meeting for Sanilac County cities and villages at 10 AM on Wednesday, February 15<sup>th</sup> in the Brown City Library.
10. **SEMCO Energy Lawsuit:** A copy of the final consent judgment is attached. The cost to the City is approximately \$2,700. The cost to Brown City Schools will be slightly higher. Sanilac County will make the full tax reimbursement to SEMCO and will then bill us and the school for our share of the reimbursement.
11. **DEQ Financial Assessment:** The DEQ has requested various documents to include budgets, audits, ordinances and resolutions, water rates, service agreements and rate or feasibility studies performed by the City. This information will be forwarded to the DEQ Revolving Loan and Operator Certification Section in Lansing as soon as it is assembled.
12. **Brown City Veterans of Foreign Wars Post 2943:** The agenda for the VFW meeting on February 8<sup>th</sup> was to determine ways to keep the Post operational they only have enough funds to last for a few more months. The Post is planning a roast beef dinner (\$7 per ticket) on June 6<sup>th</sup> (52<sup>nd</sup> Anniversary of D-Day in Europe) as a fundraiser. Any ideas for helping the Post to stay open, and allow the VFW Hall to remain available for various local social functions should be directed to Post Commander Bill Pepper at (810) 346-2600.
13. **Water Meters:** A local resident has his business located adjacent to his home. The water line goes from the City main to the house and then across the driveway to the business. The business had a water meter installed by the City DPW in the recent past. The owner has requested that the water meter be moved from the business to the house so he only has to pay one utility bill. There are examples in the City where an attached building or apartment pays a separate utility bill for the home and the business

(Lehotan's, Brown City Income Tax and apartments). There are a couple of others where it is not possible to separate the business from the residence (Timeless Creations, Carman's). What is the City Council's decision concerning moving the water meter and sending a single utility bill for both the residence and the business? See Personal Appearances above.

**14. City Hall:** City hall will be closed for President's Day on February 20, 2006.

**ATTORNEY'S REPORT:**

1. Proposed Park Lease received and will review along with Attorney Ron Shamblin who is representing the Brown City Park.
2. Stated that the City Manager had requested he review Section 4.01 (c) of the City Charter and provide a legal opinion.

**COMMITTEE REPORTS:**

1. Police – Review of February 2, 2006 Committee Meeting Minutes.

CM Wood questioned a past incident where police car was driving down a one way street the wrong way with no flashing lights on. CM Wood states his concerns regarding the driving habits of some police officers and the need to exercise caution.

2. Water and Sewer – Review of 1-30-06 Committee Minutes.

Discussion regarding the desire to use local contractors for arsenic project when possible.  
Discussion regarding arsenic system that was inspected in Memphis and how it functions.  
Discussion regarding possible financing options for this project.

Moved by CM Lents, second by CM McIvor, to accept Option 1, regarding Arsenic Abatement, and notice of this decision be communicated to the DEQ. Motion carried.

3. Tax and Finance – CM Lee posed question to Council regarding payment of Work Sessions to Councilmembers. Payroll staff is questioning rates, if any, to be paid to members (committee or council meeting rates).

Moved by CM Lee, second by CM Miller, that council meeting wages be paid for all in attendance at Work Sessions. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-no, Lents-no, Lee-yes, Blatt-no, Mayor Carpenter-yes. 4-yes, 3-no, 0-abstain. Motion carried.

4. Streets and Sidewalks - none
5. Building and Grounds - none
6. Personnel - none
7. Homecoming – cookbooks are still available

**GENERAL CONCERNS OF THE COUNCIL:** None.

**MAYOR'S REPORT:** None.

Moved by CM Miller, second by CM McIvor, to adjourn at 8:37 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk