

**BROWN CITY COUNCIL MEETING
JUNE 12, 2006**

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

Pledge of Allegiance led by Clint Holmes.

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

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Mayor Carpenter requested that Mr. King's presentation follow the Public Hearing.

CORRECTION AND APPROVAL OF MINUTES

Moved by CM Miller, second by CM Blatt, to approve the minutes of the May 22, 2006 Regular Council Meeting as presented. Motion carried.

PAY THE BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$14,824.13, Payroll - \$27,933.65, Major Street - \$440.00, Local Street - \$1,260.00, Sewer - \$1,686.29, Water - \$1,986.59, Equipment - \$454.66. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

POLICE REPORT:

Review of written report by the City Council, no comments or questions. City Manager stated there were very few incidents during the Brown City Day that required police response. Only two traffic citations were issued.

OLD BUSINESS:

1. Bullock Project – nearing completion. Comcast responded on 5-25-06 with a request for a letter from the City concerning the field tile before they can consider the purchase. Letter Mailed 5-25-06, no response at this time.
2. Codification of City Ordinances – pending receipt of draft. Discussion with the company revealed the draft should be available “around July 4th.”
3. Appointment of a resident or business owner to the DDA (until 12-31-08).
4. Appointment of a resident to the Cemetery Board (Pam Abel until 12-31-10).

Moved by CM Miller, second by CM Lee, to appoint Pam Abel to the Cemetery Board for a term ending 12-31-10. Motion carried.

Council consensus to remove Item #4 from the Old Business portion of the agenda.

5. Arsenic Abatement – preliminary plans forwarded to DEQ.

RESOLUTIONS:

Moved by CM Miller, second by CM McIvor, to adopt *Resolution Designating Public Depository and Authorizing Withdrawal of Municipal Public Moneys. Needed by Tri-County Bank to Change Signature Card for the DDA checking account. Resolution will remove Raymond Kraft and add Chairman Jim Zyrowski and Council Representative Christine Lee.*
ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-abstain, Blatt-yes.
Motion carried.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to approve the pre-application building permit for 4057 Main Street for demolition and construction of residence. Motion carried.

Moved by CM Wood, second by CM McIvor, to approve the pre-application building permit for 4238 Main Street to remodel the interior of the Old BC Pharmacy. Motion carried.

Moved by CM Blatt, support by CM Lee, to approve the pre-application building permit for 7050 Cade Road for the new Sacred Heart Catholic Church Site Plan for one year. Lents-abstain. Motion carried.

TREASURER'S REPORT:

City Treasurer Carol Walters stated she will be attending additional training on the new software on June 14th in Sandusky.

MANAGER'S REPORT:

1. **2006 Streetscape:** The project is complete with the exception of the installation of two benches that are apparently on backorder. Detroit Edison completed the wiring replacement and filled holes with concrete; however, a small section of new sidewalk (SE corner of Welles and Main Streets) was broken and they were contacted to repair the damage. This will conclude the Streetscape Project, which officially began with the submission of the first grant application in 1998. The total cost, including the work on M-90 outside the City Limits, is \$2,269,522.44.

The head of the Croswell DDA, Joyce Smith, met with me on June 1st. Croswell is finalizing their own Streetscape Project application and plans, hoping for MDOT approval in 2007 or 2008. We discussed lessons learned from our experience and recommendations for improvements of their project. Of particular interest to them was how we worked with merchants before and during the project, and the level of success we had getting input from residents on the design of the project.

- 2. East Main Street:** Since the resurfacing of East Main Street, the problem with storm water has increased. On June 6th, CM Wood, Chairman of Streets and Sidewalks, and I met with MDOT Regional Director Doug Wilson and one of his engineers to discuss the issue. The City agreed to put together an estimate on the cost of lowering two of the three storm-water catch basins and determine the cost of adding one or two additional structures. MDOT agreed to discuss sharing the cost of this, as well as providing a survey crew and engineer to determine the various repair options. DPW was tasked to develop the estimates.

CM Wood is concerned that all findings are reviewed before any commitments are made with MDOT, he has concerns for who is responsible for this work to be done and payment responsibilities.

PUBLIC HEARING

Mayor Carpenter opened Public Hearing, held jointly with the Planning Commission, regarding Ordinance 8300 – A Conditional Zoning Ordinance at 7:15 p.m. Chairman Ken Brown, and Commissioners Gary Abel and Todd Vanderwarker were in attendance representing the Planning Commission.

City Manager reminded the City Council that reference to Public Act 110 was added to this Ordinance per the City Attorney's recommendation.

No public comments.

Mayor Carpenter closed the Public Hearing at 7:16 p.m.

Moved by CM Miller, second by CM Lee, to adopt Ordinance 8300 a Conditional Zoning Ordinance. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

PERSONAL APPEARANCES:

Mr. Lehn King presented the Brown City Audited Financial Report to the City Council. He stated that the City is in "good financial condition."

MANAGER'S REPORT CONTINUED:

- 3. City Web Page:** The initial information for the City's web page is on-line and is the result of two meetings with the designer at Great Lakes Internet in Crosswell. The City's world-wide address is www.ci.brown-city.mi.us. A print copy of the Home Page and some links are attached. Colors are green and white. What additional information or sections does the City Council wish to include?

4. **Tree Removal & Survey:** The tree on Maple Street was removed. Former City Council Member Frank Lukacs inspected all of the trees in the City's right-of-way. He recommends removal of about 16 trees and extensively trimming another 14 or so. Estimated cost is about \$24,000. Suggest that DPW marks the trees and that the City Council schedule a public hearing concerning their removal. Other alternatives include proceeding with this project following receipt of bids or having the work done over a period of years. Does the Streets and Sidewalk Committee wish to schedule a meeting to discuss and inspect trees?

Streets and Sidewalks Committee meeting scheduled for Tuesday, June 27 at 2:00 p.m. to review proposed tree removals.

5. **DPW Crew Leader Surgery:** Gary Gorsline scheduled hip surgery for June 13th. He filed a formal grievance with the Union when the City did not immediately approve this request for a 90-days sick leave. The cost to the General Fund for this absence will be about \$10,625.34. The City filed a counter-grievance. Medical-leave was granted, but the individual must have all required licenses current by the end of October, or will no longer be qualified for employment with the City.
6. **DEQ Water Rate Review:** A representative from the Michigan DEQ met with me on June 9th to discuss their review of our rates and projected expenses. This review is one step in applying for funding through the Drinking Water Revolving Fund (DWRF). Information concerning the City's Water Fund budgets for the past three years as well as copies the formal audits were provided some months ago. Discussion included the City's Ordinances and arsenic abatement loan sources. DEQ's recommendation is to set up an economic "Action Plan" that will use provided templates and spreadsheets to better anticipate costs. This information will be provided by CD sometime in the next month or so. A representative from DWRF will contact me to explore options.
7. **Severn-Trent:** City Staff met with representatives of Severn-Trent. This is the company that provided the arsenic abatement system for Well #4, and can install the system proposed for Well #3. We discussed timelines and costs. The required units will be available for installation next fall, as required by the DEQ Administrative Consent Order.
8. **Blight, Tall Grass and Abandoned Vehicles:** The City mailed a second series of letters to local residents concerning violations of the City's blight, weed and tall grass, and abandoned vehicle ordinances. First set of letters will result in the issuing of four civil infraction tickets, and the City will contract to cut the grass and bill the property owners.
9. **Sewer System TV Inspection and Cleaning:** Metro Environmental Services of Walled Lake plans to begin inspection and cleaning of the sewer main north of Main Street starting at about 9:00 AM on June 12th. The DPW will provide system blue prints and assistance if required. Project should be completed by the end of the week. Video will then be available for review at City Hall.

10. **Sewage Lagoon Treatment:** Technichem plans to deliver the biologics for the lagoons on Tuesday, June 13th. The DPW was supplied with a “Sludge-Judge” to determine the average depth of sludge in Cells #1 and #2 before the bugs are added. Also, they will test the temperature of the water since it should be above 50° F. Initial treatment must be followed by weekly treatments for the next few months.
11. **Cold Patching and DPW Hours:** At the last City Council meeting, there were questions concerning cold patch street repair work done by the DPW. The DPW Supervisor was tasked to write a report detailing the work completed. His response is attached (cream color).
12. **City Manager Vacation:** I will be out of town June 20-26.
13. **Kohler Propane Tank:** The City received a copy of the contract we sign with Kohler to provide propane for Well #4. In the fine print it said that there was a \$.12 per gallon discount if we own the storage tank. Cost of the tank is \$980.50. The City uses about 1,600 gallons per year. City could save about \$190 per year and the tank would pay for itself in less than 5-years. Is there any objection to purchasing the tank?

Moved by CM McIvor, second by CM Wood, to purchase a new propane tank for \$980.50 for Well #4. Motion carried.

14. **City Attorney Contract:** The contract with Rickard, Denney and Garno expires at the end of the month.
15. **EPA Arsenic Conference:** The EPA requested that the DPW Supervisor attend this conference in Cincinnati, Ohio on August 22-24 to discuss the Brown City arsenic abatement facility. The EPA will pay all of the expenses.

ATTORNEY’S REPORT:

1. **New Public Act 110 of 2006:** City Attorney gave a brief overview of the law, anticipates little change in the current usual procedure, but recommends that City Council members review the new PA 110.
2. **Review of City Council Minutes:** Reminder that review of minutes has been done via email over the past year. City Manager emails minutes to attorney for review and this is a smooth process. City Attorney asked if the City Council had any suggestions or alternatives for review of the minutes. City Council consensus that current procedure continue.
3. **Conflict of Interest:** Article 7 of the Charter explains conflict of interest situations regarding voting situations of Council members. City Attorney reviewed the section for the Council.

4. City Attorney Contract: Thanked the Council for the opportunity to represent the City of Brown City over the past years and asked the Council to renew the contract with the City.

CM Miller questioned past month's billing for review of firework's contract. City Attorney stated that the high liability involved with fireworks as well as there being two various contracts presented required detailed review. A year to year contract was reviewed as well as a long term contract.

Moved by CM Miller, second by CM Wood, for the City Manager to send out bid packets for legal services. Motion carried.

COMMITTEE REPORTS:

1. Police – none.
2. Water and Sewer – CM Lents suggesting that trip to Pigeon be postponed until monies are available for larger windmill project.

Moved by CM Lents, second by CM Lee, to purchase Koender Windmill for the lagoon system. Motion carried.

Discussion regarding Second and James Street. Bodde Construction has made some repairs, DPW needs to monitor that the problem is fixed permanently before final pavement repair work is done.

3. Tax & Finance – none.
4. Streets & Sidewalks – discussion regarding street sweeping.

City Manager has sent letter to MAC and Llink Technologies making them aware that Opportunity Drive would be discussed at tonight's meeting. No representatives were present. Council discussion regarding the length of time parking will be allowed on Opportunity Drive for Llink Technologies.

5. Buildings & Grounds – none.
6. Personnel – none.
7. Homecoming – Next scheduled meeting is Sept. 5, 2006 at 6:30 p.m.

Ken Brown from the Brown City Masons reported on the success of the Child Identification Program during Brown City Days.

GENERAL CONCERNS OF THE COUNCIL:

CM Lee discussed her presentation to the 3rd grade class in Brown City concerning her various city responsibilities and answered questions. She received thank you letters from the class and has them available in case anyone wants to read them.

MAYOR'S REPORT:

Read thank you note from Elementary Principal Doug Muxlow regarding the successful completion of the Streetscape Project.

PUBLIC QUESTIONS & COMMENTS:

Gary Abel wanted to know if the leaning fire hydrant on the corner of Lincoln and Main Streets could be fixed. Mr. Abel also questioned watering schedule of new trees that were planted on Main Street, they are lacking water and need to be better maintained.

County Commissioner Bill Walters stated that all Sanilac County children's services have been consolidated into a new office called "Kid's Connection" in Sandusky.

Moved by CM Miller, second by CM Lee, to adjourn at 8:21 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk