

**BROWN CITY COUNCIL MINUTES  
JULY 24, 2006**

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

Pledge of Allegiance led by Mayor Carpenter.

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

**ABSENT:** Councilmember Ron Wood.

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

Moved by CM Miller, second by CM Lee, to accept the July 10, 2006 Regular Meeting Minutes as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$13,849.36, Major Street - \$10,539.51, Local Street - \$664.00, Payroll - \$16,238.79, Sewer - \$38,908.48, Water - \$16,044.41, Arsenic Abatement - \$4,500.00. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:** None.

**PERSONAL APPEARANCES:** None scheduled.

**DPW REPORT:**

Written report reviewed with no questions or comments.

**OLD BUSINESS:**

1. Bullock Project – nearing completion.
2. Codification of City Ordinances – Final draft received. City Manager continues review.
3. Arsenic Abatement – The review of preliminary plans by DEQ is still pending.

**RESOLUTIONS:** None.

**TREASURER'S REPORT:**

Written report reviewed with no questions or comments.

## MANAGER'S REPORT:

- 1. East Main Street:** MDOT responded to our request for assistance in resolving the storm water drainage issue on East Main Street. They have agreed to pay for lowering of catch basins and the installation of two additional ones. MDOT completed the survey work and provided the results during an unscheduled meeting on July 11<sup>th</sup>. A copy of the survey is in the packets of the members of the Streets and Sidewalks Committee. The associated milling work requires two or three weeks to schedule. Costs would be on a reimbursement basis. An attempt during the meeting to determine alternative courses of action revealed that a rebuild can not be placed on the MDOT budget until at least 2012, and because other areas have higher priorities would likely be some years after that. If the City was to undertake the responsibility and cost to replace the curbs and gutter, MDOT could possibly fund some small percentage but not within the next couple of years, and would require starting the grant process. How does the City Council wish to proceed?

Council consensus that City Manager will continue discussions with MDOT.

- 2. Sidewalk Bills:** The City mailed out the final bills for the 2003 Sidewalk Project (\$1,382.32) and second payment for the 2005 Sidewalk Project (\$5,601.12), with money due by August 18<sup>th</sup>. Information concerning the sidewalk portion of the 2006 Streetscape Sidewalk Project was received from Spicer Engineering. Cost was \$106,536.20 with the City owing \$22,230.95. The City's share is \$13,315.96, and bills for a total of \$8,914.99 were sent to the owners of the 17 buildings on Main Street included in the project with money due by August 21<sup>st</sup>. Unpaid amounts will be added to the Winter Property Taxes. A copy of the spreadsheet with all of the sidewalk costs (yellow), and a sample of the bill sent to merchants (green), is in your packets.
- 3. Park Master Plan:** The Brown City Park Board of Directors is working with Fleis & Vandenbrink Engineering to develop a new 5-year Park Recreation Plan. The Michigan Department of Natural Resources requires a current copy of this plan before they accept an application for recreation grants. The final draft of this Plan should be completed by August 3<sup>rd</sup> and reviewed by the Park Board of Directors at their August 10<sup>th</sup> meeting. After this final review, the Board is expected to schedule a Public Hearing for September 14<sup>th</sup> and approve the Plan. Once approved, the Plan will be submitted to the City Council for review and approval then forwarded to various planning organizations at the county, regional and state level for their review and approval. As a part of this process, the Board plans to provide Burnside and Maple Valley Townships with a copy of the final draft of the Plan and request they approve it by Resolution.
- 4. Park Electrical Repairs:** The transformer in the Brown City Park responsible for supplying electricity to the lights for night baseball games failed. The City contracted with Rhode Electric to replace this piece of equipment as well as doing

some related work. The total cost for this completed repair was \$2,200. The Brown City Summer Recreation / Little League agreed to pay for half of this expense. The City of Brown City and the Park Board of Directors sincerely thank them for helping to pay for these critical repairs.

5. **Parkside Snow and Ice Removal:** On November 28<sup>th</sup>, 2005 the City Council authorized the DPW to remove snow and ice from Parkside Drive on an emergency basis. A letter sent to the owner of the street and subdivision said that the City would temporarily conduct emergency snow removal on Parkside Drive, but would charge any associated costs and fees to the owner (Northwood Development). The costs for the City to accomplish this during the winter of 2005/2006 included Equipment (vehicles and blades), Salt, Labor (Wages plus Benefits), and a 10% Administration Fee for a total of \$2,128.48. Payment is due on or before August 18, 2006. If not paid on time, this amount goes on his 2006 Brown City property tax bill.
6. **City Assessor:** About 28 requests for proposals (RFP) for City Assessor services were mailed to city, village and township assessors in western Sanilac County and eastern Lapeer County. Responses are due August 10<sup>th</sup>, for action by the City Council on August 14<sup>th</sup>.
7. **Metro Environmental Services, Inc. - Walled Lake:** The City received the final report and DVD (6 disks) from Metro. The final cost was \$19,550.12 or about \$944.12 over the estimate. The one page list of potential problem areas is enclosed (brown). The DPW Supervisor was tasked to determine if an attachment to the City's sewer jet is available or if Metro must be hired to remove areas of heavy calcification. A copy of the full report and DVD's are available for your review.
8. **Elections Coordinator:** An advertisement was placed in the *Banner* for a contract employee to assist the City Clerk in the conduct of all elections held by the City. Duties include preparing legal notices, publications, advertisements; testing and trouble shooting voting equipment; ordering supplies, supervising and scheduling election set up, and recommending individuals to the Election Commission for appointment as precinct workers. Anticipate no more than 35 hours work per election. Wage is \$10 per hour. Applicants must be a Brown City registered voter (elector).

#### **PUBLIC HEARING:**

Mayor Carpenter opened the Public Hearing at 7:15 p.m. for the Sacred Heart Catholic Church, 7050 Cade Road. Public Hearing concerned the transfer of property (PA 425) at said address, from Burnside Township to the City of Brown City for the purpose of constructing a new church and hospitality center.

No public questions or comments.

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

City Manager provided background concerning PA 425.

Moved by CM Lee, second by CM McIvor, to approve the presented contract which is a *Joint Agreement For Conditional Transfer Of Property Between Burnside Township And The City Of Brown City, Lapeer County, Michigan*. Council authorizes Mayor and City Clerk to sign said agreement. ROLL CALL VOTE: Wood-absent, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

#### **MANAGER'S REPORT CONTINUED:**

- 9. Noxious Weeds and Grasses:** The City apparently owns the two barns on the east side of the Renaissance Zone next to Prosperity Drive. The owner of the property in the northeast corner (3949 Burnside Road) is complaining about the condition of these two structures as well as the weeds and retention pond on this portion of City property. Does the Council have any recommendations concerning these two buildings?

CM Miller suggests that the Amish be contacted for possible removal of barns and/or a controlled burn be considered for these structures. City Council consensus that City Manager proceed in normal fashion of contracting mowing to be completed.

- 10. City Attorney Contract:** The City Council requested that the two firms in Port Huron that were interviewed last year again submit proposals. A response was received from Touma, Watson, *et al.* and Fletcher, Clark, *et al.* The qualifications matrix (blue) has been updated and is in your packets for reference.

Moved by CM Miller, second by CM Lee, to send interview questions to Touma, Watson, Whaling, Coury & Castello, P.C as well as Fletcher Clark Tomlinson Fealko & Monaghan, P.C. Selection will result in one year contract. Interview questions will be identical to last year's, using questionnaire interview form. Motion carried.

- 11. Tree Removal and Trimming:** A request for bids was sent to local tree service companies. Estimates are due to City Hall by close of business on Monday, July 24<sup>th</sup>. The list of bids was presented to the City Council at the meeting for review and action.

Moved by CM Lents, second by CM Miller, to hire The Tree Doctor for tree removal and trimming, contingent on the fact that boom truck, stump grinding and topsoil are included in the submitted bid. Motion carried.

**PUBLIC HEARING:**

Mayor Carpenter opened Public Hearing at 7:30 p.m. for Mr. & Mrs. Tony Calabro, 7097 Cade Road, whom are requesting a variance to the 10' set-back requirement for construction of an addition to their attached garage.

Mr. Calabro was present and explained his situation requiring him to build this addition.

No further public questions or comments.

Mayor Carpenter closed the Public Hearing at 7:31 p.m.

City Manager provided review of setback requirements as well as Planning Commission findings regarding this variance request. Planning Commission is in favor of granting this request as long as required hardship can be proven.

Moved by CM Lents, second by CM Blatt, to deny variance request for Tony Calabro, 7097 Cade Road due to the lack of hardship in his situation. ROLL CALL VOTE: Wood-absent, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

Fire Chief Jim Groat Jr., discussed proposed Ordinance 8400 concerning reflective house numbers being present and visible for all residences and business within the City. Chief Groat discussed the necessity of reflective house numbers being visible to assure accurate response times for local EMS, police and fire departments.

Council consensus that Ordinance require house numbers be mounted on green reflective signs with residents having the following options for placement of signs 1) adjacent to driveway, 2) right side of door front or porch front, 3) mailbox placement, 4) front yard placement near the road. Letters of recommendation received from area EMS, Fire Authority and Chief of Police accompany Ordinance 8400. City Manager to make necessary changes to Ordinance 8400 reading.

Ordinance 8400 introduced by CM Blatt.

Moved by CM Blatt, second by CM Miller, to schedule a Public Hearing on August 14, 2006 at 7:15 regarding Ordinance 8400. Motion carried.

**ATTORNEY'S REPORT:** None.

**COMMITTEE REPORTS:**

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.

6. Personnel – City Manager evaluation is required in September.

**GENERAL CONCERNS OF COUNCIL:**

CM Lee will be absent at the August 14, 2006 Regular meeting.

**MAYOR'S REPORT:**

1. Sanilac County EDC Third Annual Partner's Meeting attended on 7-19-06.
2. Deckerville Community Wide Assisted Living Survey – council consensus not to participate.

**PUBLIC QUESTIONS & COMMENTS:** None.

Moved by CM Miller, second by CM Lee, to adjourn at 8:00 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk