

**BROWN CITY COUNCIL MINUTES
AUGUST 14, 2006**

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

Pledge of Allegiance led by CM McIvor.

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

ABSENT: Councilmember Christine Lee.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Under Petitions and Communications add building permit request for 4278 Maple Street.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of July 24, 2006 as presented. Motion carried.

PAY THE BILLS:

Motion by CM Blatt, second by CM Wood, to pay the bills in the following funds: General-\$17,084.87, Payroll - \$13,774.20, Major Street - \$154.86, Local Street - \$39.93, Sewer - \$4,092.62, Water - \$7,995.43, Arsenic Fund - \$2,300.00, Equipment - \$1,325.36.

Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Jim Seidell, Vine Street, discussion regarding water situation and continuous flooding for residents along this street. Mr. Seidell is looking for a solution and he has concerns when we have 1.5 – 2 inches of water, not just 9” of rain.

Gary Dennis, Vine Street, concerned about major water damage to his property, including basement walls caving in. He is confident that he is receiving runoff water from the park directly behind his property. Explained that years ago water used to run to the south through the park.

Nancy Ernest, Vine Street, concerned about water damage to her property from recent rains. Her property receives rain from the Sutter Drain and runoff from Tri-County Bank, BP Station and J&J Party Store.

Larry Bullock, Third Street, explains concerns that he has had continuous water issues with the City and continues to fight with the City to get his work accomplished. Mr. Bullock discussed concerns he has with work on his property being completed.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing at 7:15 regarding Ordinance 8400, an Ordinance Requiring Street Address Numbers On Homes And Businesses in the City.

John Bell, 4297 Main Street, stated his concerns about the requirement for green house number signs possibly taking away from the character of some homes within town. He feels that homes within town are close enough to the street that house numbers of the home owner's choice be allowed. Stating that if numbers are visible from the street that should be sufficient. Requesting that language be changed in Section 8400.2.6 to not allow the Fire Chief the sole authority to make determinations.

Mayor Carpenter closed Public Hearing at 7:21 p.m.

Motion by Lents, second by CM McIvor, to table Ordinance 8400 for further review. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-yes, Lents-yes, Lee-absent, Blatt-yes. Motion carried.

CM Lents suggests that City Manager contact Gene Burgess and request a finish date for Bullock ditching. Council consensus that if Mr. Burgess can not get in to finish the job soon, that Ron Trombley be contacted for services.

Tony Zimmerman, Walter Street, questioned new home owner's ability to build up property grades and allow water to drain onto others.

Phyllis Bissett, Vine Street, stated concerns about water damage to her property and the continuing water drainage from Tri-County Bank as well as the gas station and party store property onto her property.

Tammy Seigler, daughter of Phyllis Bissett, stated her concerns about water damage and drainage issues to her parent's property. She would like to know what pro-active approach is going to be taken to solve these issues.

Tammy Seigler read a letter dated August, 2000 from Tri-County Bank, signed by President Ric Bucklew. The City Council requested a copy of the letter.

Judy Murray, Vine Street, stated her concerns about the water damage that occurred to her property during recent flooding. She also has concerns for additional water being added to the Sutter Drain by construction on the west side of Cade Road.

Bill Walters, County Commissioner, discussion regarding current FEMA information available. Tony Zimmerman stated that FEMA assisted people within the City during the past flood. CM Lents stated that during the previous flood the County was declared a disaster area that may have led to assistance in the past. The City Manager reported that in a discussion earlier in the day

with Sanilac County Emergency Manager Todd Hillman, that FEMA/Michigan required that at least 25 houses have suffered 40% damage for the City to qualify for disaster relief funds.

Jack Bell recommended that monies need to be spent to conduct an engineering study to solve drainage problems for this community.

Jim Seigler agrees with Jack Bell that an engineering study needs to be completed or the water problems are not going to be solved for the City.

Judy Murray asks if the County Drain Commissioner has been out to investigate situation. City Manager stated that they have visited and conversations continue and reports are expected.

Larry Bullock questions how the City Engineer is chosen. City Manager states that Corwin Mabry, Professional Engineer (PE) of Davis Land Surveying and Engineering has been used in the past and continues to work for the City regarding engineering on an as required basis. The City has no engineer under contract at this time.

Nancy Ernest, asked if a bumper could be constructed behind the bank so that water can be routed to the Sutter Drain. Gary Abel explained how drainage should be routed to the county ditch from a parking lot.

PERSONAL APPEARANCES: None scheduled.

POLICE REPORT: Written report reviewed by City Council, no questions or comments.

OLD BUSINESS:

1. Bullock Project – nearing completion.
2. Codification of City Ordinances – Final draft received. City Manager review is complete. City Attorney review required. Response due to American Legal Publishing by September 2nd.
3. Arsenic Abatement – The review of preliminary plans by DEQ is still pending.

Motion by CM Miller, second by CM McIvor, that recommended final changes to the Codification of Ordinances be approved and forwarded to American Legal Publishing with legal review by the City Attorney as soon as possible. Motion carried.

RESOLUTIONS: None scheduled.

PETITIONS & COMMUNICATIONS:

Child Daycare Center Request for 6883 Thelman Avenue.

Motion by CM McIvor, second by CM Wood, to schedule a Public Hearing on August 28, 2006 at 7:15 p.m. regarding Daycare Center request for 6883 Thelman Avenue. Motion carried.

Motion by CM Blatt, second by CM McIvor, to accept the pre-application building permit for 4278 Maple Street for re-shingling and roof repair. Motion carried.

Gary Abel suggests that the daycare request be sent to the Planning Commission first.

Motion by CM McIvor, second by CM Miller, to rescind above motion regarding scheduling a Public Hearing for August 28, 2006 for a Daycare request for 6883 Thelman Avenue. Motion carried.

MANAGER'S REPORT:

- 1. August 3-4 Flood:** Liaison with the DEQ District Floodplain Engineer revealed no records of Special Flood Hazard Areas in the City (see attached letter - blue). The City is not on a designated floodplain. Coordination with Knox Disposal resulted in an agreement to pick up as much trash as possible on Monday August 7th and to make a special pick up on Friday, August 11th. Estimated cost for this extra service is less than \$1,400. The DPW will pick up appliances with Freon on August 11th. City Hall received over 200 Notice of Claim Forms (khaki) either directly or through the Brown City Fire Department. These forms were consolidated into a ten page spreadsheet (yellow). This damage list was emailed to Sanilac County Emergency Manager Todd Hillman on Tuesday August 8th for review and forwarding to Lansing (green). I had contacted the City's insurance company (Midwest Claims) on Thursday August 3rd and had a follow-up conversation with them on August 7th to ensure they would be expecting claims. A second copy of the damage list, with property outside the City removed, was forwarded on August 8th to Midwest Claims along with a cover letter and claim form. Midwest Claims called on August 10th requesting a copy of each of the 200+ individual claim forms. Also on August 8th, an MDOT engineer, Sanilac County Road Commissioner and Sanilac County Drain Commissioner inspected the damage to the culvert under Main Street for the Lapeer-Sanilac Drain. The force of the water had shifted the concrete on the north side and caused holes to form up to the surface on both sides of the street. MDOT is getting bids and will repair the damage. On August 9th, the Acting City Engineer and I looked at various areas in the City to determine what improvements are possible and the associated cost estimates. Areas inspected included the north and south sides of Vine Street, Cade Road, the Park, the length of the Lapeer-Sanilac Drain to include where it goes under the railroad, the area between James and Walter and Second and Fourth Streets, to name some highlights. Pictures of Sutter Drain where it exists the City at Maple Valley Road were forwarded to the Sanilac County Drain Commissioner. The Engineer's report should be available soon for City Council review. The nine to eleven inches (9"-11") of rain that fell on the City on August 3&4 was between 157,971,110 and 193,075,801 gallons. The amount of water that came into the City by the Lapeer-Sanilac Drain is unknown but substantial. (The Brown City water system normally pumps about 72,000,000 gallons per year.)
- 2. Sanitary Sewer System:** The storm also caused a lightning strike to the transformer that supplies power to the Thelman Avenue Lift Station. A generator was leased to power the pumps until Detroit Edison could repair the transformer and restore power (which took about 24 hours). There was no damage to the lift station itself. Cost of the generator was approximately \$2,500. The pumps at the Maple Valley Lift Station worked continuously for

several days. The recent overhaul of the pumps was fortunate. Normally the lift station pumps between 160,000 and 180,000 gallons of sewage per day. On Wednesday August 2nd, it pumped 700,000 gallons; on Thursday August 3rd, the amount was 1,400,000 gallons, the next day the gauge malfunctioned at 500,000 gallons, Saturday saw about 220,000 gallons and Sunday saw a return to normal levels. Much of this additional water is believed to be from basement sump pumps illegally connected to the City's Sanitary Sewer System (Ordinance Section 5314.27 [53.08(A)]). There were seven reported sewage back-ups into homes: two on Lincoln Street, and one each on Thelman Avenue, Vine, First, Main, and St Marys Streets. These were reported to the insurance company as a separate part of the damage list (yellow).

City Manager reports that residents at 4440 Vine Street have requested City reimbursement for a dumpster rented to dispose of debris during the recent flooding. How does the Council wish to proceed?

Motion by CM McIvor, second by CM Blatt, to reimburse \$450.00 to residents at 4440 Vine for dumpster costs. Motion carried.

3. **East Main Street:** The DPW was tasked to lower the catch basins on East Main Street and install the two additional ones. Plans were for the work to be completed by August 14th. Due to the flood and other emergent tasking, work on that project should begin the week of August 14th.
4. **Downtown Business District:** The City requested a speed study along Main Street/M-90 with the hope of having the speed limit on the east end of the City reduced from 55 to 40. However, the Michigan State Police and MDOT, in accordance with their policy, conducted a study that included the entire distance between the east and west boundaries of the City along M-90. The study revealed that in the downtown area, where the current speed limit is posted as 30 MPH, that 85% of drivers were traveling at 35 MPH. The individual who completed the study and wrote the report recommended that, "It is the joint recommendation of the Michigan State Police and Michigan Dept. of Transportation that the current traffic control order remain unchanged." Unfortunately, Lansing decided to raise the speed limit from the current 30 MPH to 35 MPH "from George Street to 800 feet east of James Street." A copy of the original report and final determination letter from MDOT are enclosed (gold).
5. **Park Master Plan:** The Brown City Park Board of Directors reviewed the final draft of the new 5-year Park Recreation Plan at their meeting on August 10th and recommended minor changes. The Board then scheduled a Public Hearing for September 14th and following that plan to 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. Draft copies of this plan were provided to the representatives from Maple Valley and Burnside Townships for presentation to their trustees with a request they approve it by Resolution prior to the Public Hearing. A copy of the plan is available for public review at City Hall.

6. **U.S. Department of Labor:** The DOL Bureau of Labor Statistics selected Brown City to provide data used to determine the Employment Cost Index, similar to the Consumer Price Index but specific for business. The detailed and extensive submission of information was followed up with a 45 minute phone call to provide additional required details. Anticipate that the DOL will contact the City annually to provide updated information forever.
7. **Avian Flu:** As reported at the July 10th City Council Meeting, a letter was sent at the end of June to the Sanilac County Health Department asking what the County's planned response would be in the event of a pandemic and offering assistance. The response was received August 4th. Both letters are attached (purple).
8. **Statewide Ballot Proposals:** Attached is the list of approved and disapproved ballot initiatives for the November 2006 General Election (pink). Does the City Council wish to go on record concerning any of these issues?
9. **City Attorney Contract:** The two firms that provided written follow-up answers at the request of the City Council returned the forms. A copy of each is in your packet Touma, Watson, *et al.* (light yellow) and Fletcher, Clark (light gold). How does the City Council wish to proceed with the appointment of a City Attorney?

Motion by CM Miller, second by CM Wood, to enter into a one year contract with Touma, Watson, Whaling, Coury & Castello, P.C. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-absent, Blatt-yes. Motion carried.

10. **City Assessor:** The City received five responses out of the 29 requests for proposals (RFP) for City Assessor services were mailed to city, village and township assessors in western Sanilac County and eastern Lapeer County. I have not completed my review, requesting that this item be tabled until review is complete.

Council consensus to table review of City Assessor RFPs per City Manager's request.

11. **Detroit Edison Consent Judgment:** Detroit Edison has agreed to a consent judgment concerning the class action suit against taxing authorities in Michigan. The agreement is to use the 2005 State Tax Table for this and the next three years. If agreed, the lawsuit will be resolved with no requirement for the City to make a payment to Detroit Edison and unlike the agreement with SEMCO. Copies are available for Council review. How does the Council wish to proceed?

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 – none.

GENERAL CONCERNS OF THE COUNCIL:

Personnel Committee meeting scheduled for August 21, 2006 at 7:00 p.m. to review City Assessor RFP information.

Fire Chief Jim Groat requested City assistance to pay for man hours accrued during the recent flood.

Motion by CM Wood, second by CM Blatt, to pay for the man hours accrued by the fireman during recent flood totaling 360 hours x \$10.00 per hour, totaling \$3,600.00. Motion carried.

Water and Sewer Committee meeting scheduled for August 18, 2006 at 4:00 p.m. to discuss recent flood damage and review the associated engineering report.

MAYOR'S REPORT:

1 Selection of Voting Representative for the 2006 MML Conference

No members will be attending therefore no person needs to be appointed.

2 Election of MML Worker's Compensation Fund Trustees – No interest.

PUBLIC QUESTIONS & COMMENTS:

Tammy Seigler thanked the City Council for taking the time to listen to everyone's concerns and comments. Thank you to Councilmembers who were around to look at damage and property drainage situations.

Gary Abel suggests that easements be carefully looked at before any solutions are decided on to correct drainage problems.

Motion by CM Miller, second by CM McIvor, to adjourn at 8:25 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk