

**BROWN CITY COUNCIL PROCEEDING  
AUGUST 28, 2006**

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

Pledge of Allegiance led by CM Miller.

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

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

Motion by CM Miller, second by CM McIvor, to approve the August 14, 2006 Regular Council Meeting Minutes as presented. Motion carried.

Motion by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$15,727.94, Payroll - \$14,306.46, Major Street - \$15.00, Local Street - \$31.25, Sewer - \$11,237.89, Water - \$3,211.53, Arsenic - \$500.00. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:**

Larry Steigerwald, questioned whether a GPS system has ever been considered for emergency vehicles, feels this may be worthwhile.

Manhole behind his home at 4083 Second Street was not taking in water during the recent heavy rains. A lot of water from apartments behind his home flows into backyards along his street.

Tony Zimmerman, catch basin north of his home needs to be fixed. While mowing he sunk in and it needs to be looked at for repairs. Catch basin area on Second Street needs to be cleaned out for proper drainage.

Joe Murray questioned if County Drain Commissioner is being included in solving our water problems in Brown City. City Manager states that the County has been involved and appears willing to work with the City. Mr. Murray also stated that a sinkhole in front of his home has been filled in by the DPW, but the dirt has settled and now needs more attention.

Larry Bullock is not pleased with ditching work completed by the City's contractor. Guards on tiles are still not installed on culverts as well, mud is plugging culverts. Mr. Bullock feels ditch behind his home needs to be deeper to drain properly.

Larry Steigerwald questions why only two drainage problems are listed on email report from City Engineer. CM Lents explained that things are being added to the list of work that needs to be done in town. It is going to take time to develop a complete list of water work to be completed in town, there are isolated areas in town that also need to be addressed and the Council's intentions are to address all problem areas.

**PERSONAL APPEARANCES:** None Scheduled.

**DPW REPORT:** Written report reviewed, no questions or comments.

**OLD BUSINESS:**

1. Bullock Project – nearing completion
2. Codification of City Ordinances - American Legal Publishing is completing the book.
3. Arsenic Abatement – The review of preliminary plans by DEQ is still pending.

**RESOLUTIONS:** None scheduled.

**PUBLIC HEARING:** Continuation of Public Hearing regarding Ordinance 8400.

Mayor Carpenter opened the Public Hearing at 7:21 p.m.

City Manager discussed requested changes for Ordinance 8400.

No Public questions or comments regarding Ordinance 8400.

CM Wood stated that he feels Ordinance 8400 should require that house numbers be present. Currently it reads that house numbers “can” be present. CM Lents suggests that “can be present” be changed to “will be present” in the Ordinance reading.

Council discussion regarding necessity of house numbers being present but allowing citizens to determine the number type and color is also necessary.

Council consensus for City Manager to redraft Ordinance 8400 to read that house number “will” be required and that the style should be determined by property owner and that a civil infraction be penalty for non-compliance.

**ORDINANCES:** - None.

**PETITIONS AND COMMUNICATIONS:**

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

Motion by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4292 Wood Street for an 8’ x 22’ addition. Motion carried.

Motion by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4437 Vine Street for roof sheathing repair, replace shingles and damaged drywall. Motion carried.

## MANAGER'S REPORT:

- 1. August 3-4 Flood:** The City's insurance company has begun sending out letters concerning the 200+ claims we sent to them for resolution. To date, apparently all of the letters state "Midwest Claims Service will be unable to pay for your property damage." (blue)  
The staff is looking for ways to reduce, and potentially prevent, the water problems on Vine Street. The City Engineer was tasked to determine the necessary dimensions for the installation of a storm water catch basin, piping to the Drain, and a 24"X6" concrete retaining wall approximately 250' long on the property line and going east from Tri-County. However, easements would be required from the seven property owners. Also, the City Engineer will determine the elevations on the north border of the City Park to determine the required dimensions for a 350' (more or less) dirt retaining wall (berm). Additionally, Judy Murray has requested reimbursement of \$81.80 (cream) that was their cost to take flood damaged items to the landfill – REQUIRES MOTION.

Motion by CM Blatt, second by CM Miller, to reimburse Joe & Judy Murray \$81.80 for flood damaged items they took to the landfill. Motion carried.

- 2. East Main Street:** The DPW is in the process of lowering the catch basins on East Main Street and installing the required new one. Once this is complete, I will contact MDOT to schedule the associated milling work.
- 3. Brown City Web Page:** The City's web page is fully operational, and the address is [www.ci.brown-city.mi.us](http://www.ci.brown-city.mi.us). The webpage is updated at least weekly to ensure that it includes the same notices and announcements as Channel 6. If there are any recommendations for additions or changes, please let me know.
- 4. Park Master Plan:** The Brown City Park Board of Directors scheduled a Public Hearing for September 14<sup>th</sup> to approve the Plan. The Plan will next go to the City Council for review and approval then be forwarded to various planning organizations at the county, regional and state level for their examination. The updated plan is available for public review at City Hall.
- 5. Lagoon Windmills:** The windmill ordered to pump air into Cell #2 of the City's Sewage Lagoon arrived. The DPW has almost completed assembly of the derrick and associated pump system. Anticipate the windmill will be on-site and operational by the end of the month.
- 6. Identity Theft:** Apparently the City can also fall victim to identity theft. One of the cell phones for the account provided by Thumb Cellular was "cloned." As a result the City received a bill for \$5,965.06. However, since fraud was involved, they reduced the amount by \$5,961.81 resulting in an adjusted bill of \$3.25.
- 7. City Attorney Contract:** The firm of Touma, Watson, *et al.* has provided a very basic contract for the City's approval (cherry). I will meet with Mr. Gregory Stremers in Port Huron on August 28<sup>th</sup> to review City legal issues. A letter providing an overview of these issues was mailed to him on August 22<sup>nd</sup> in preparation of the meeting. Contract approval REQUIRES MOTION.

Motion by CM Wood, second by CM Miller, to allow City Manager to sign City Attorney Contract. Motion carried.

**8. City Assessor:** The two finalists selected by the Personnel Committee were contacted by email to provide additional information. They were also provided with a copy of the proposed 2-year contract (yellow). Contract requires City Attorney review prior to approval. Appointment of a City Assessor REQUIRES MOTION.

Motion by CM McIvor, second by CM Wood, to enter into proposed 2 year contract with Sanilac Appraisal for City Assessor services. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

**9. Special Assessments:** Each year the City Council is requested to adopt a resolution listing the special assessments that should be added to the Winter Taxes - for mowing, sidewalk replacement, snow removal (Parkside), or outstanding utility bills. This routine formal resolution will be presented at the next City Council meeting for your action.

**10. Labor Day:** A reminder that City Hall will be closed on Monday, September 4<sup>th</sup>.

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

Mr. Gregory Stremers was present, thanked the City Council for the opportunity to represent the City of Brown City. He has been communicating with City Manager Holmes to become familiar with ongoing Council and City business.

#### **COMMITTEE REPORTS:**

1. Police- none.
2. Water & Sewer – Discussion regarding past committee meeting minutes.
3. Tax & Finance – none.
4. Streets & Sidewalks – CM Wood recommend that various catch basins in town still covered with grass be cleaned as well as sand that has been washed down around catch basins be removed.
5. Buildings & Grounds – none.
6. Personnel – none.

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

#### **MAYOR'S REPORT:**

Mayor Carpenter requested that all Council Members turn in City Manager Evaluation Forms.

#### **PUBLIC QUESTIONS AND COMMENTS:**

Bill Walters questions if contracts that were approved tonight have been reviewed by the City Attorney and asked if the City Attorney can review his own contract.

Gary Abel questions if the entire Council voted on the hiring of legal representation. Council voted and approved the hiring of Touma, Watson, et al at the 8-14-06 Regular Council Meeting.

Gary Abel asked if bids will be requested if various work needs to be completed for large water drainage problems in town. He questions if Davis Land Surveying & Engineering has been hired already for completing work. City Manager stated that the Davis engineer Cory Mabery has only walked through problem areas, no firm has been hired.

Gary Abel suggested that any plans for work to be done for drainage problems be reviewed by the Planning Commission.

Gary Abel has looked at the ditching work at Larry Bullock's property and states that this ditching work is not accurate and should be investigated before payment to contractor is made. It does not appear that any grades have been shot for this ditching project.

Larry Steigerwald questioned why current street sweeper is not being used, he has concerns that DPW Supervisor doesn't like the current sweeper and is not using it.

Carol Walters stated that all contracts must be signed by the Mayor and the Clerk according to the Charter.

Motion by CM Wood, second by CM Miller, to rescind previous motion to allow City Manager to sign City Attorney contract. Motion carried.

Joe Murray questions payment of water projects and how costs will be absorbed. City Manager states that this has not been determined, special assessment area, general fund, bonds etc., will all be considered.

Nathan Hager, who applied for the City Assessor position, asked what qualifications that the City and Personnel Committee were looking for.

CM Miller stated that minutes need to reflect that the City Attorney will review City Assessor contract, and that the City Attorney Contract will be reviewed by an independent attorney.

Motion by CM Miller, second by CM McIvor, to adjourn at 8:17 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk