

**BROWN CITY COUNCIL MINUTES
SEPTEMBER 11, 2006**

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

Pledge of Allegiance led by CM Ron Wood.

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

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Add Sanilac County Drain Commissioner Jim Bowerman to Personal Appearances at the request of the Water and Sewer Committee.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM McIvor, to approve the Regular Meeting Minutes of August 26, 2006 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$8,567.90, Payroll - \$13,584.35, Major Street - \$830.16, Local Street - \$28.49, Sewer - \$1,585.83, Water - \$376.21, Arsenic Abatement - \$500.00, Equipment - \$74.17. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: Mr. Jim Bowerman, Sanilac County Drain Commissioner.

Mr. Bowerman appeared before the City Council at the invitation of the Sewer and Water Committee. He explained that he has been working closely with the Department of Agriculture and the Lapeer Drain Commissioner regarding local county drains, to include those within the City. He stated that he toured these drains in the City earlier today along with the Sanilac County Drain Engineer and the City Manager. Discussion regarding drainage under RR tracks. Other area drains were also been inspected, including Setter Drain at various points in the City. The drain between Cade Road and Vine Street was also carefully inspected. Mr. Bowerman stated a September 20, 2006 meeting will be held to discuss drainage issues with the Lapeer County Drain Commissioner and others. He plans to engage an engineering firm as soon as possible to determine the repairs and maintenance required on the entire drain.

Nancy Ernst asked if all of Setter Drain is included in investigation, particularly by her home. Mr. Bowerman stated that area on Vine Street is included.

POLICE REPORT:

Written report reviewed, no questions or comments.

OLD BUSINESS:

1. Bullock Project – nearing completion. Davis Engineering has taken grade shots of work, per Water and Sewer Committee request. Awaiting results.
2. Codification of City Ordinances - American Legal Publishing is completing the book.
3. Arsenic Abatement – The review of preliminary plans by DEQ is complete.

RESOLUTIONS:

Motion by CM Miller, second by CM Lee, to accept Resolution 06-07, a *Resolution Formally Causing To Be Levied A Special Tax Or Assessment To Recover Monies Owed The City Of Brown City*. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

PUBLIC HEARING

Continuation from August 14, 2006. Instructed changes have been made per the August 28, 2006 Regular Meeting.

Mr. Jack Bell has concerns for home owner's being responsible if EMS is unable to see their house numbers in an emergency situation.

Motion by CM Lents, second by CM Wood , to accept Ordinance 8400. *An Ordinance for Display Of A Street Address Number On Homes And Business In The City*, with the deletion of "with a reflective background" in Sec. 8400.2.3. Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

PETITIONS & COMMUNICATIONS:

Motion by CM Blatt, second by CM Miller, to approve the pre-application building permit for 6930 Maple Valley Road for a permit modification to increase the square footage of a planned detached garage from 1,200 to 1,620 square feet. Motion carried.

Motion by CM Lee, second by CM McIvor, to schedule a Public Hearing on September 25, 2006 at 7:15 p.m. for 6883 Thelman Avenue, a Child Daycare Request. Motion carried.

Motion by CM Blatt, second by CM Miller, to approve the pre-application building permit for 4347 Main Street to change the roof angle and replace shingles. Motion carried.

Moved by CM Blatt, second by CM McIvor, for 6866 Walter Street to install footings, landing and stairs to enclosed addition. Motion carried.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – CM Lents discussed 9-5-06 committee meeting. Next meeting is scheduled for 9-18-06.
3. Tax & Finance – Committee meeting scheduled for 8-18-06 at 7:00 p.m.
4. Streets & Sidewalks – CM Wood questions action on street sweeping. City Manager stated that it has been added to the DPW work list. Also, CM Wood wants to discuss snow removal time for the upcoming winter. He prefers that plowing start earlier to have snow removed before most traffic begins and cars parked on Main Street. CM Lents has concerns for the budget being looked at before a decision on snow removal be made. Council consensus that DPW hours not be extended, that DPW workers come in early and leave early when heavy snowfall throughout the night requires this.
5. Buildings & Grounds – none.
6. Personnel – none.

Mayor Carpenter reopened the Public Hearing at 7:34 p.m. regarding Ordinance 8400.

Continuation of Mr. Jack Bell's concerns for house addresses, concerns for vertical displays and script displays not being in compliance. Mr. Bell addresses his concerns again for homeowner responsibility for not being located by the EMS.

Various discussions regarding possible scenarios that may exist.

Council consensus that the intent of this phrase in 8400.3.1 is to reduce the potential liability of the City and Emergency Service if delayed or unable to find the building due to missing or noncompliant house numbers.

Mayor Carpenter closed the Public Hearing at 7:49 p.m.

MANAGER'S REPORT:

1. **August 3-4 Flood:** The Sewer and Water Committee recommended immediately releasing a request for proposals (RFP) to determine how to lessen the risk of stormwater damage to three areas in the City: North of Vine Street, South of Vine Street, and the block bounded by 2nd/4th and James/Walter Streets. Attached is a copy of the RFP is along with the list of engineering firms that were sent the request (blue). The RFP advertisement is now on the City's website. Responses are due Thursday, September 21st for action at the September 25th City Council meeting. Additionally,

the Committee requested that the Sanilac County Drain Commissioner be invited to attend the September 11th City Council meeting (brown) to provide an update on the local drains.

Sanilac County Drain Commissioner Jim Bowerman and I met with the Road Manager for the Huron & Eastern Railroad early on September 8th to discuss replacing the culvert under the tracks north of the elementary school. Both replacing the 31" culvert and boring under the tracks to install a larger or second culvert were discussed. Consensus was to replace the culvert using an open cut. The results of this discussion were encouraging. The County will provide detailed measurements of the area; the City will identify a way to get heavy equipment to the area – and get any access permission from the school that might be required; and the railroad will provide an engineering review of the proposed culvert, remove and replace the tracks, and provide any additional ballast (crushed limestone) required. The railroad will also provide an on-site inspector during construction. Drain Commissioner Bowerman recommended replacing the 31" culvert with one that is 60" rather than 48". Subject to approval of the City Council, the City would provide the new corrugated steel culvert. Who would pay of removing and replacing the dirt overburden was not resolved but cost sharing between the three participants is possible.

The Sanilac Drain Commissioner, County Engineer and I are scheduled to physically inspect the County Drain on Monday, September 11th. Drain Commissioner Bowerman continues to coordinate with the Department of Agriculture, Lapeer County and Lansing. When approved, the County will release bids for required work. The county is aware that the City wants the work done as soon as possible. Also mentioned is that the Drain Commission is partnering with the Road Commission to repair Brooks Road.

2. **East Main Street:** The DPW completed lowering two catch basins and installing an additional one on East Main Street. I contacted MDOT to inspect the work then schedule the associated milling.
3. **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 and installation at the lagoon.
4. **ECMPDR:** The East Central Michigan Planning & Development Region economic development coordinator, Kathleen TenWolde, met with me on September 7th to discuss the role of this organization. Apparently, I have been assigned to represent Sanilac County communities on the ECMPDR Commission. She agreed to research the availability of grants for stormwater infrastructure improvements. The next meeting of the group is Friday, September 15th at 10 AM at the Midland City Hall. If there is no objection by the City Council, I plan to attend.

5. **City Attorney Contract:** The amended contract was reviewed by Mark Clark of Fletcher, Clark, Tomlinson, Fealko & Monaghan of Port Huron, and a letter confirming the review was filed with the City (gold). Attached is a copy of the proposed contract (gold). Contract approval and signatures by the Mayor and Clerk REQUIRES MOTION.

Motion by CM Miller, second by CM McIvor, to direct the Mayor and City Clerk to sign the amended contract for hiring of the City Attorney. ROLL CAL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Le-yes, Blatt-yes. Motion carried.

6. **City Assessor:** The City Attorney reviewed the proposed contract with the new City Assessor and forwarded with the recommended changes (green). Contract approval and signatures by the Mayor and Clerk REQUIRES MOTION.
7. **2006/2007 Budget Amendment:** A copy of the proposed mid-fiscal year budget amendment was provided to the members of the Tax and Finance Committee. Some of the funds and accounts, particularly the Equipment Fund, are seriously out of balance. Request a meeting of the Tax and Finance Committee to review the amendment prior to City Council action on September 25th.
8. **DEQ:** The City received a letter from the DEQ Water Bureau on September 6th concerning the results of the "Reconnaissance Inspection" conducted on July 7th. Several issues were raised, and the DEQ requires a letter, within 30 days, detailing the City's planned and completed actions to resolve these issues. The proposed response will be provided to the Sewer and Water Committee for review and approval at their September 18th meeting. Primary issue continues to be Intrusion and Infiltration (I&I) of stormwater into the sanitary sewer system.
9. **DPW Worker:** Gary Gorsline whom has been on a 3 month medical leave has been instructed by his physician to continue his medical leave. Earlier today he submitted a copy of the disability certificate, and a letter requesting a retirement date of September 21, 2006, to the City Manager. The City Council received a copy of these documents at the beginning of the meeting.

Motion by CM McIvor, second by CM Lee, to approve the retirement of Gary Gorsline from the City DPW effective September 21, 2006. Motion carried.

ATTORNEY'S REPORT:

Communication with City Manager continues on a regular basis.

TREASURER'S REPORT:

Written report reviewed no questions or comments.

GENERAL CONCERNS OF THE COUNCIL: None.

MAYOR'S REPORT:

Review of City Manager evaluation with an average rating of 135 out of a possible 165.

PUBLIC QUESTIONS AND COMMENTS:

Pam Abel questioned how many full time DPW employees will be employed after Gary Gorsline's retirement. City Manager states two (2).

Motion by CM Miller, second by CM McIvor, to adjourn at 8:03 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk