

**BROWN CITY COUNCIL MINUTES
FEBRUARY 26, 2007**

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

Pledge of Allegiance led by Mayor Carpenter.

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

ABSENT: CM Ross McIvor (arrived at 7:04 p.m.).

ADDITIONS, CORRECTIONS & DELETIONS TO AGENDA:

Under Old Business, Item #3 to be added, reading Beer and Wine request from Kohler Convenience Store, per CM Lee.

PROCLAMATION HONORING BOB LINTS – EMU Hall of Fame Inductee

Mayor Carpenter presented Bob Lints with framed proclamation honoring him as an EMU Hall of Fame Inductee.

Correction to 2-12-07 minutes, page 6, paragraph #2 in Roll Call Vote change Mayor “Brown” to read Mayor “Carpenter”.

Motion by CM Miller, second by CM Brown, to accept the Regular Meeting Minutes of 2-12-07 as corrected. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$24,927.02, Payroll - \$12,929.73, Major Street - \$200.64, Local Street - \$273.20, Sewer - \$469.52, Water - \$1,548.00, Arsenic Abatement - \$1,209.00, Equipment - \$1,438.02. Motion carried.

CM McIvor arrived at 7:04 p.m.

PUBLIC QUESTIONS & COMMENTS:

Frank Lukacs questioned recent quotes he has read in local papers. He is questioning comments made regarding the proposed building of Exchange State Bank, specifically that it “would be a detriment to this community”. CM Lents responded that he feels that sufficient reasons for stopping this project were brought up at the past Planning Commission Meeting and suggested that Mr. Lukacs refer to those minutes. Mr. Lents states he has concerns that site plans are

lacking grades, traffic flow information and drainage specifications. Mr. Lents feels that information is lacking in order to make sufficient decisions.

Larry Bullock questions City Manager's comments stating that he doesn't feel that the City was in contempt of court regarding work done on his property. Work on his property was to be completed by 12-31-05, weather permitting. He states that work was progressing so he didn't complain that an extension was not requested. Mr. Bullock read various letters he has received regarding the project and discussed the work done over the course of time.

Todd Vandewarker, Planning Commission member stated that at the last Planning Commission Meeting no permission was being asked from Exchange State Bank, they were simply seeking information, had not pulled a pre-application building permit, nor were they requesting permission to build at that time. Mr. Vandewarker's opinion is that the Planning Commission did not vote on the Exchange State Bank Project because there was nothing to vote on at that time, and additional information was requested for any future reviews of the proposed project.

Frank Lukacs stated his concerns for the negative comments that were made in the local papers. He feels that these comments are not positive for Brown City. Mr. Lents states that he feels it is his duty to not vote for Exchange State Bank to come to this town if he feels that it is a possible detriment for this town. He is sorry that Mr. Lukacs does not agree with him but he feels that it is his duty to protect the safety, and welfare of this community.

Art Potts, Planning Commission Member, states that he has concerns that we are sending a message that we don't want people in this town. He also agrees with Mr. Vandewarker's remarks regarding no site plan being available at last month's Planning Commission Meeting from Exchange State Bank and that this was simply a fact finding meeting for Exchange State Bank.

PERSONAL APPEARANCES: None scheduled.

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

OLD BUSINESS:

1. Bullock Project – essentially completed
2. Arsenic Abatement – Construction must begin by August 1, 2007.
3. Beer and Wine request from Kohler Convenience Store

CM Lee suggests that a vote needs to be taken regarding Kohler Convenience Stores recent beer and wine request. Precedent has been set in the past with other requests and a vote needs to be taken on this particular request as well.

Motion by CM Lee, second by CM Brown to deny the beer and wine request for Kohler Convenience Stores. **ROLL CALL VOTE:** Wood-no, Miller-yes, McIvor-abstain, Lents-no, Lee-yes, Brown-yes. Motion carried.

Water and Sewer Committee Meeting scheduled for 2-28-07 at 8:00 a.m.

PUBLIC HEARING: None scheduled.

ORDINANCES: None scheduled.

RESOLUTIONS: None scheduled.

PETITIONS & COMMUNICATIONS: None scheduled.

MANAGER'S REPORT:

- 1. DPW Vehicle Accident:** On February 16th, the DPW dump truck was making a left-hand turn onto Slaughter House Road when a car tried to pass. The front bumper of the truck stripped the side of the 1999 Saturn causing significant damage to it, but the vehicle was still able to drive from the scene. The damage to the City's truck was a bent front bumper that can be repaired by the DPW. Chief Smith was on the scene and a police report has been filed. An incident report was forwarded to the City's insurance carrier. Telephone calls to Choicepoint, the City's Compliance Manager, revealed that since there were no injuries or citations issued, the City's driver did not require a drug/alcohol test.
- 2. Sanilac County Economic Development Corporation:** The EDC and Sanilac County have drawn up a Memorandum of Understanding concerning their respective responsibilities and the amount of dues paid by the County. A similar document, for Brown City has been created and sent to the EDC for review. When returned from EDC, it will be forwarded to the City Attorney for his analysis before being presented to the City Council for action.
- 3. Lagoon Training Class:** I attended the day-long course on sanitary sewage lagoon operations and maintenance on February 3rd, in East Lansing. The training included an update from MDEQ and information concerning the disposal of biosolids (sludge), required water testing and maintenance recommendations. The DEQ apparently plans to increase the items the City must test for, such as heavy metals, and has reduced the allowable height of grass adjacent to the lagoon from 24 inches to 6 inches. Various types of aeration systems were also explained.
- 4. City Economy:** A memo listing the number of homes for sale in Brown City and other Sanilac County communities is enclosed (orange). The City is working with other communities in Michigan to develop a survey for our residents to gain a better understanding of the City's economic situation and potentially become qualified for various state and federal grants. When assembled, the proposed survey will be provided to the City Council for review and approval. Plans include working with Brown City Schools students for the distribution and collection of the surveys.

City Manager has sought possible survey types for a community our size and has received various responses. Council consensus that City Manager obtains these survey tools.

5. **Rotary State of the City:** At the request of the Brown City Rotary, I gave them a talk on the State of the City at the February 22nd meeting. They were provided with a copy of the *Banner* article from January 1st detailing the City's planned projects for 2007. Also discussed were the mechanics of the City's Budget, both the proposed final 2006-2007 Amendment and what is required to develop the 2007-2008 Budget.
6. **Ben's Supercenter:** A letter (buff) was sent stating that blocking a county drain was a violation of state law (Act 40) and requesting they stop pushing snow from the parking lot into the drain. A copy of the letter was provided to the Sanilac County Drain Commissioner.
7. **2007-2008 Budget:** The City Council should schedule Sewer & Water, Streets & Sidewalks, and Personnel Committee meetings to identify projects and funding for the 2007-2008 Budget.

Streets and Sidewalks Committee meeting scheduled for 3-6-07 at 8:00 a.m.

Tax and Finance Committee meeting scheduled for 3-8-07 at 1:00 p.m.

Personnel Committee meeting scheduled for 3-6-07 at 1:00 p.m.

ATTORNEY'S REPORT:

Attorney Stremers will be out of the office and absent for the 3-12-07 meeting, but will have an associate sitting in during his absence. He will be reachable by telephone if necessary.

TREASURER'S REPORT:

Carol Walters needs signatures from City Officials implementing the 2007 Agreement for Data Base Management/Printing Services.

Motion by CM Wood, second by CM Brown to enter into the 2007 Agreement for Data Base Management/Printing Services. Motion carried.

COMMITTEE REPORTS:

1. Police - none
2. Water and Sewer – Review of committee minutes. CM McIvor suggests that a cap be set on this work. McIvor suggests that cap be set at \$25,000.00.

Motion by CM McIvor, second by CM Wood that the Lane Northern work on Well #3 is not to exceed \$25,000.00. Motion carried.

Committee suggests that a new confined space gas detector be purchased. CM Lents provided City Manager with companies who sell these products to investigate. City Manager will present information regarding a purchase price.

Phase II of sewer camera work and cleaning is proposed to be done this year. CM Lents suggests that this topic be discussed at upcoming committee meeting so that joint repair can also be discussed.

3. Tax and Finance – Review of Committee Minutes. Discussion regarding a once per year oil and grease job on the DPW dump trucks. CM Brown suggests that this work be done in town if at all possible. Monies would be utilized from the equipment fund.
4. Streets and Sidewalks – none.
5. Buildings and Grounds – none.
6. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

CM McIvor states that Clean Up Days be held before Brown City Days. Council agrees.

CM McIvor will not be attending the 3-12-07 council meeting. He will be out of town.

MAYOR'S REPORT:

Motion by CM Brown, second by CM Lee, to appoint Al Teryek to the Brown City Board of Review. Motion carried.

Mayor Carpenter read a letter that was delivered to her home regarding the positive qualities and assistance from the City Manager to the Brown City Public Library, received from Shirley Wood.

A letter of support for the City Manager was also read from the Brown City Fire Authority Board.

Mayor Carpenter called for a 5 minute recess.

CITY MANAGER SEMI-ANNUAL EVALUATION:

Mayor Carpenter read individual council scores for the City Manager review. Mayor – 165, Wood – 72, McIvor – 99, Brown – 127, Lee – 165, Miller – 165, Lents – 53, totaling 846 out of a possible 1155 or 73%.

CM Lents questions if the City Manager is due for a raise this year. City Manager states that the budget needs to be reviewed first.

CM Miller discussed various dates that the City Manager was approached with discussion regarding his dismissal. A Letter of Separation was offered to the City Manager on 2-12-07 by CM Lents in City Manager's office.

CM Lents asked if the City Manager wished to have his job performance discussed in Executive Session. City Manager declined Executive Session. Mayor Carpenter expressed her concerns that she was not initially notified of concerns from CM Lents. She states that the two female council members and herself were not informed of concerns for City Manager's performance. CM Lents stated that those that were not informed were the ones who just gave a high performance evaluation to City Manager. He stated that he didn't want to beat around the bush and knew nothing would get done by those people he didn't inform.

CM Lee questions if ordinances and City Charter were reviewed regarding the concerns addressed toward City Manager. CM Wood and McIvor state that they did not review policies and/or charter or ordinances regarding these issues. CM Miller, Lee and Brown state that they have researched these topics.

Discussion regarding particular written concerns presented by CM Lents. See attached responses from City Manager.

CM Lents discussed his various concerns with City Manager's job performance, written concerns are also attached.

CM Brown suggests the possibility of combining the DDA and the Planning Commission, and meeting at the same time, which the law allows. He feels this would assist in providing more clarity to both boards.

CM Miller asked who gave CM Lents the authority to offer the City Manager a Letter of Separation. CM Lents states that he didn't need anyone's authority to offer this option to the City Manager.

Motion by CM Miller, second by CM McIvor to extend the meeting beyond the 9:00 p.m. hour. Brown –no. Motion carried.

Discussion regarding lack of funds available as well as budget cuts that took place last year.

CM Lents states his concerns for lack of planning for the future for the city. He feels that reserve monies are being used for too many miscellaneous things, which is going to become a financial detriment very soon.

CM Wood has concerns for the DPW using the small bucket for snow removal and how time was utilized, as well as other job duties and how they are carried out. CM Wood has concerns that employees may be insubordinate and feels they need to be written up for these issues.

CM Brown suggests that DPW Supervisor may need to be in attendance at some meeting or classes in the future pertaining to carrying out his duties. Consensus that this be left to the City Manager's discretion.

PUBLIC QUESTIONS & COMMENTS:

Frank Lucas questioned further comments that CM Lents has made. He questions CM Lents lack of trust in other council members. Discussed chairman position on the DDA. States that he feels CM Lents may not be following the Charter, stressing that the powers lie with the council as a whole, not individuals.

Gary Abel agrees with Ken Brown on the DPW Supervisor attending necessary meetings and trainings that pertain to his work performance.

Stan Lints states that he has always been very proud of Brown City and is now very disappointed in the comments that were made in the newspaper and is disappointed in the council at this time.

Darrell Schlabach, Park Board Representative, expressed his approval and appreciation of what the City Manager provides to the Park Board. He also agrees that difficult topics are often hard to deal with but that it is important to stand united and have a team approach. Finger pointing and using the City Manager as a scapegoat is not going to solve problems.

Larry Bullock expresses his concerns that there is not enough accountability for things that happen in this town.

Jim Groat states that he has concerns that personal feelings need to be put aside. This town needs all the businesses that we can get, and council needs to work together to help this town prosper.

Carol Walters is concerned that council doesn't investigate where monies come from and make sure monies are available before it is spent. Council members need to take more responsibility themselves.

Todd Vandewarker discussed DDA and Planning Commission decisions that have taken place.

Motion by CM Miller, second by CM McIvor, to adjourn at 9:37 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk