

**BROWN CITY COUNCIL MINUTES
MARCH 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, Ross McIvor, Mike Lents, Christine Lee. City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Kelly Pavel.

ABSENT: Council member Ken Brown.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of March 12, 2007 as presented. Motion carried.

Motion by CM Miller, second by CM McIvor, to accept the Special Budget Work Session Minutes of March 19, 2007 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Miller, to pay the bills in the following funds: General - \$17,353.80, Sewer - \$427.00, Payroll - \$14,440.90, Water - \$1,674.97. Motion carried.

PUBLIC QUESTIONS AND COMMENTS:

Sanilac County Commissioner Bill Walters wanted to set the record straight regarding rumors about his pay. He stated that he is paid a \$6,000.00 base salary which includes attending 24 Brown City Council Meetings amongst numerous other meetings throughout the County. He wants it noted that he is not paid any additional fees to attend Brown City Council Meetings.

Also, the Sanilac Economic Alliance (SEA/EDC) Agreement was tabled at the County Commissioners Meeting and since further review is required. The City Manager stated that until the agreement with the County is complete, the City's Agreement with SEA/EDC will remain pending.

PERSONAL APPEARANCES: None scheduled.

DPW REPORT: Written report reviewed. No questions or comments.

OLD BUSINESS:

1. Bullock Project – essentially completed – no update.

2. Arsenic Abatement – Construction must begin by August 1, 2007.
 - a. Bid documents – Bid openings are scheduled for Thursday, March 29th at 2 PM at City Hall.
 - b. Bond Issues – A proposed schedule was provided to the City Council.

PETITIONS AND COMMUNICATIONS:

1. Michigan Agricultural Commodities (MAC) – 7115 Maple Valley Road: Construction of two 72' x 94' circular steel grain bins on a 5' foundation. Approved by Planning Commission on March 21, 2007.

Motion by CM Lee, second by CM Wood, to accept the preapplication building permit for Michigan Agricultural Commodities (MAC) to construct two (2) 72' x 94' circular steel grain bins on a 5' foundation. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Brown-absent. Motion carried.

MANAGER'S REPORT:

1. **Brown City Lanes:** MDOT requested a meeting at 8 AM on March 23rd concerning the bowling alley barricade encroaching onto M-90/Main Street. MDOT, the City, the bowling alley's owners, Harrington Inn owner and the insurance company attended. Plan is to shore up the walls and move the barricade back closer to the property line. The contractor is suppose to move the barricade facing Main Street back about four feet as soon as possible to open up a lane of traffic. The work to temporarily shore up the walls and adjust the location of the barricade probably does not require any permits from the City or Sanilac County.
2. **DEQ Inspection:** The DEQ conducted a semi-annual inspection of the City's water system on March 20th. No concerns or issues were reported; however, the City has not yet received a copy of the report. A copy of the City's Capital Improvement Plan for the water system was requested and provided to DEQ.
3. **Employee Health Care Benefits:** A review of available health care plans has been requested from the Michigan Employee Retirement System (MERS) and for Blue Cross/Blue Shield from the J.S. Collins Agency in Southfield. The available plans and their associated cost should be available for your review at the April 9th City Council meeting.
4. **Mayor Exchange:** The Clerk/Administrator of Columbiaville, Denise Dupack, was contacted concerning having Mayor Exchange and if the proposed dates of June 21st and 22nd are acceptable. She will confer with the Village Council.
5. **Brown City Days – Burnout Competition:** T&R Tire has volunteered to sponsor a burnout competition during Brown City Days as they did last year. The competition would be on Industrial Drive on Friday June 8th beginning at 6 PM. T&R would provide

the prizes and supervise the competition. Because it would take place on a City street, City Council permission is required to close the street for the duration of the competition. **REQUIRES MOTION.**

Motion by CM Miller, second by CM McIvor, to grant permission to close Industrial Drive on Friday, June 8, 2007 for the Brown City Days Burnout Competition. Motion carried.

For the past few years, the City has contributed toward the cost of the fireworks display for Brown City Days. The Festival Commission is requesting \$2,000. **REQUIRES MOTION.**

Motion by CM McIvor, second by CM Lee, to contribute \$2,000.00 for the Brown City Days fireworks display. Motion carried.

- 6. 2007-2011 Capital Improvement Plan:** A copy of the CIP was presented to the City Council at the special March 19th meeting. The recommended changes were incorporated. Requires approval by the City Council. **REQUIRES MOTION.**

Motion by CM McIvor, second by CM Miller, to approve the 2007-2011 Capital Improvement Plan as presented. Motion carried.

- 7. Replacement of Plates on City Vehicles:** The State of Michigan required that the municipal plates on the City's vehicles be replaced. The new plates were ordered and have arrived. The registration forms for the vehicles require a signature. Who does the City Council want to sign these documents.

Council consensus that Mayor is to sign necessary paperwork required for new vehicle plates.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing at 7:15 p.m.

City Manager presented background information regarding proposed repeal of three paragraphs of Section 152.111 (C) of Title XV Land Usage of Said Code.

Question concerning where exits would be for potential apartment tenants. Exit doors would need to exit to the outside of the building, versus through a store.

Mayor Carpenter closed Public Hearing at 7:18 p.m.

Discussion regarding tenant parking issues that would be required.

Motion by CM Miller, second by CM Lents, to adopt an Ordinance to Amend the Brown City Code by Repealing Paragraphs 2, 3 and 5 of Section 152.111 (C) of Title XV Land Usage of Said Code. **ROLL CALL VOTE:** Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Brown-absent. Motion carried.

MANAGER'S REPORT CONTINUED:

- 8. Brown City Downtown Development Plan:** At a previous City Council meeting, the creation of a Master Plan for the Downtown Business District was discussed. The owner of Campbell Architects Associate in Sandusky has submitted a proposal for the creation of this plan.

Council consensus to forward the Brown City Downtown Development Plan proposal to the DDA for review and action.

- 9. Railroad Ties at City Dump:** An Amish gentlemen wishes to purchase the pile of railroad ties which have been disposed at the old City Dump for the price of \$100.00. He will be responsible for removing them. How does council wish to proceed with this request?

Motion by CM Lee, second by CM Wood, to sell the railroad ties which are piled at the City Dump to the gentleman interested for \$100.00. Motion carried.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing at 7:30 p.m.

No public questions or comments. Public Hearing closed at 7:31 p.m.

Motion by CM Miller, second by CM Lee to approve Resolution 07-05: *A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2007-2008 Budget.* ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Brown-absent. Motion carried.

MANAGER'S REPORT CONT.:

- 10. Culvert Installation for Park Drainage:** There is a problem in the Community Park with storm water flowing across the road north of the pond. The best solution would be to install a culvert across the road to the south to divert this water directly toward the pond. The cost of a twelve inch (12") tube that is 120' long is about \$500. Installation of the culvert and improving the ditch by the City DPW would about double the cost. How does the City Council want to address this?

RESOLUTIONS:

- 1.** Motion by CM Miller, second by CM McIvor, to adopt Resolution 07-05 as corrected: *A Resolution Adopting the Sanilac County Chiefs of Police Association Mutual Assistance Agreement.* ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Brown-absent. Motion carried.

ATTORNEY’S REPORT:

Correspondence received today regarding the beer and wine license for Bud’s Corner Restaurant. An ALJ hearing was held. License has been suspended for 15 days and the owner fined \$300.00. Then the license was suspended indefinitely until further action is taken by the Liquor Commission. The Brown City Chief of Police was required to confiscate the license, and mail it to Lansing, which has been done.

TREASURER’S REPORT:

Tax collection complete and correct. A very few personal property taxes are yet to be collected.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL:

CM Wood continued discussion of culvert ditch to be installed at the park and improving the existing ditch. He has concerns for parking not being interrupted along the north/south road. This needs to be addressed with the Park Board.

Consensus of the City Council is to proceed with this project following discussion with the Park Board.

Motion by CM Miller, second by CM Lee, to reschedule the April 9, 2007 Regular Meeting to April 16, 2007, due to the fact that some members will be unavailable on the original date. Motion carried.

MAYOR’S REPORT:

1. Mayor Exchange Day – Columbiaville – nothing to report at this time.
2. City Council Meeting Rules of Procedure – Tabled.

PUBLIC QUESTIONS AND COMMENTS:

Bill Walters stated that it needs to be considered that human nature will most likely have tenants parking as close as they can to their downtown apartments, along the street. No parking is allowed on City street between April and November between 2:30 a.m. and 6:00 a.m. for snow removal. Allowing tenants above City businesses could create parking issues. It will need to be monitored closely. Discussion regarding snow plowing in public parking lots that may be occupied by downtown apartment tenants.

Motion by CM McIvor, second by CM Miller, to adjourn at 7:50 p.m. Motion carried.

Respectfully submitted:

Kelly Pavel
City Clerk