

**BROWN CITY COUNCIL PROCEEDINGS
OCTOBER 13, 2008**

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

Pledge of Allegiance led by Mayor Carpenter.

PRESENT: Mayor Laura Carpenter, Councilmembers: Pat Jacobson, Julie Miller, Mike Lents, Christine Lee, Ken Brown. City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Kelly Pavel.

ABSENT: Councilmember Ross McIvor.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA - None

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Brown, second by CM Jacobson, to accept the Regular Meeting Minutes of September 22, 2008 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$14,132.60, Payroll - \$27,538.52, Major Street - \$209.20, Local Street - \$596.80, Sanitary Sewer - \$5,789.97, Water - \$22,600.46, Storm Sewer - \$106.02, Equipment - \$24,857.23. Motion carried.

Motion by CM Lee, second by CM Brown, to pay USDA interest for the Renaissance Zone in the amount of \$1,068.75. Motion carried.

Motion by CM Lee, second by CM Brown, to pay interest and principal on the Arsenic Abatement Facility bond in the amount of \$35,050.00. Motion carried.

PERSONAL APPEARANCES:

Mary Madia of Hog Town MC, Inc. requested approval of a Non-Profit Organization Resolution.

Motion by CM Lents, second by CM Brown, to approve the Non-Profit Organization Resolution for Charitable Gaming Licenses for Hog Town MC. ROLL CALL VOTE: Jacobson-yes, Miller-yes, Lents-yes, Lee-yes, Brown-yes, McIvor-absent. Motion carried.

Susan Wieland from Maple Valley Estates requested De-Annexation from the City of Brown City, specifically for Maple Valley Estates to be returned to Maple Valley Township. She stated that residents are not convinced that their tax dollars are benefiting Maple Valley Estates residents properly. Her particular concerns centered on the City not maintaining their streets as far as repairs and snow removal.

City Manager Holmes clarified that the streets within Maple Valley Estates are not City owned and therefore are private property. Discussion regarding the fact that these streets were not built to City specifications, therefore the City refused ownership of them. City Manager Holmes also explained that if this area was returned to the township its residents would no longer be eligible for City water and sewer services.

City Attorney Stremers also explained that the process for de-annexation is very lengthy and complicated and suggested that Maple Valley Estates may want to review this procedure.

PUBLIC QUESTIONS & COMMENTS:

Sheryl Collins, a Democratic candidate for Sanilac County Drain Commissioner discussed her bid for this position and asked for support in the upcoming election.

POLICE REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS: None.

PETITIONS & COMMUNICATIONS:

Motion by CM Brown, second by CM Lee, to accept the pre-application building permit from Summer Recreation to install a fence in the community park on the new baseball field being erected in the south west corner of the park. Motion carried.

PUBLIC HEARING: None scheduled.

ORDINANCES:

- 1. Introduce Proposed Ordinance §152:** AN ORDINANCE TO AMEND THE BROWN CITY CODE BY ADDING A NEW SECTION WHICH SHALL BE KNOWN AS SECTION 152.020 AND 152.120 OF TITLE XV OF SAID CODE – CREATING A MIXED USE (MU) ZONING DISTRICT ON MAPLE VALLEY ROAD. {(pink) / plus map}
- 2. Schedule Public Hearing:** Recommend October 27 @ 7:15 PM.

CM Lee introduced proposed Ordinance 152 as listed above.

Motion by CM Lee, second by CM Miller, to schedule a Public Hearing on 10-27-08 at 7:15 p.m. regarding proposed Ordinance 152. Motion carried.

RESOLUTIONS: None scheduled.

MANAGER'S REPORT:

- 1. Phase III Sewer Rehabilitation Project:** The Qualifying Statement for Sanilac County was approved, and the letter was received September 25th. Coordination with the bond attorney and Tri-County Bank resulted in a closing date of October 23rd. Michigan Pipe was contacted and told to expect a "Notice To Proceed" subsequent to that date. Enclosed is a copy of the rather blunt email from DEQ, the City's reply, and the DEQ response (lavender).
- 2. 2008 Street Rehabilitation Program:** The project has begun with the usual issues. Specifically, there have been four change orders recommended by the (Acting) City Engineer:
 - #1. Lincoln Street – Additional sidewalk removal and replacement - \$10,560.
 - #2. Welles Street – Install new catch basins – frame and cover - \$3,600.
 - #3. Welles Street – Install bollards (2) in front of fire hydrant - \$1,000.
 - #4. Lincoln Street – Install geotextile fabric under curb - \$400.Recommend approval of #1, #2, and #4. DPW can take care of #3. A copy of the schedule provided by the contractor is attached (purple). **REQUIRES MOTION.**

Motion by CM Jacobson, second by CM Miller, to implement change orders #1, #2 and #4 per City Manager's recommendation for the 2008 Street Rehabilitation Program with #3 construction to be completed by the DPW. Motion carried.

- 3. Mapleview Estates Water Meter:** Letters were sent to the owner and manager of Mapleview Estates notifying them of the City's intent to install a single water meter for the entire facility (blue). Layne Northern was contacted to determine the cost associated with constructing a meter pit to hold the required 8-inch water meter. The estimated cost for the project should be available from Layne Northern by October 13th. If approved, the meter would be installed and meter monitoring would begin January 1st. How does the City Council wish to proceed? **REQUIRES MOTION.**

CM Lents questioned if the proposed meter pit installation at Mapleview Estates would be located on private property or an easement. City Manager is confident that the meter pit would not be installed on private property.

Council consensus that City Manager proceed with cost finding information to install water meters at Mapleview Estates.

- 4. Maple Valley Road Lift Station:** The City has a program to overhaul wells and lift stations on a regular schedule. The Maple Valley lift station is due for overhaul. A preliminary inspection by Hydro-Dynamics revealed that one of the valves has failed. A replacement valve has been ordered and the costs for the valve and motor rebuild should not exceed \$8,000. Council consensus for City Manager to proceed with lift station overhaul.
- 5. Tree Removal/Trimming:** Requests For Proposals for the City's 2008 Tree Program were released following the last City Council meeting. The four bids received were opened on Thursday, October 9th at 4:00 PM. They are as follows:

Kappen Tree Service, LLC, Cass City	\$9,500
Owen Tree Service Inc., Attica	\$8,455
Raymond's Tree Service, Inc., Brown City	\$6,325
Tree Doctor, Brown City	\$7,450

However, this bid does not include one tree and two stumps that should also be removed. Does the City Council wish to proceed with a 2008 Tree Project to include the two additional items? **REQUIRES MOTION.**

Motion by CM Brown, second by CM Lents, to accept the low bid of \$6,325.00 from Raymond's Tree Service, Inc. of Brown City to complete the 2008 Tree Program, also to include additional tree and stump removal. Motion carried.

- 6. House Joint Resolution III:** A copy of the approved resolution is enclosed (tan). Research by the City Assessor revealed that if this proposed constitutional amendment is approved by voters "at the next general election," the City will lose about \$20,000 per year in property taxes. This amount is cumulative.
- 7. Red Flag Policy:** The Federal Government is requiring that any institution that provides credit (to include City utility billing) must have a "Red Flag Policy" to prevent identify theft in place by November 1, 2008. A proposed policy is enclosed (gold) and is in accordance with those of other communities like the City of Brown City. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Lee, to adopt a "Red Flag Policy" as required by the Federal Government. Motion carried.

- 8. Sanilac County Vacation Planner:** The Sanilac County Tourism Council has asked the City of Brown City if we want to place an ad in their annual publication. The cost varies from a full page ad for \$1,185, to a 1/8 page ad for \$295. Last year the City Council declined to place an ad since the City advertises in the WMIC Blue Water Guide. How does the City Council wish to proceed? No council interest in participation this year.
- 9. Hydrant Flushing:** If there is no objection from the City Council, the City plans to do hydrant flushing the week of October 20th. Residents are advised not to wash white or light colored cloths during this week. **REQUIRES MOTION.**

Motion by CM Lee, second by CM Brown, to flush hydrants the week of October 20, 2008. Motion carried.

- 10. Halloween Hours:** In years past, the City set Halloween hours from 5:30 to -7:30 PM by motion. What hours does the City Council wish to set for this year? **REQUIRES MOTION.**

Motion by CM Brown, second by CM Jacobson to set Halloween hours from 5:30 – 7:30 p.m. on Friday, October 31, 2008. Motion carried.

- 11. USDA Community Programs:** The USDA is hosting a workshop to discuss Community Development Programs and infrastructure grants and loans in Standish on Thursday, October 23rd. If there is no objection by the City Council, I plan to attend this training.
- 12. Contract for Solid Waste Removal:** The contract with Knox Disposal expired on September 30th. Contact with the owner revealed that they thought the contract expired in January. They were requested to provide any recommended changes – to include rate increases – to the City by October 9th. Anticipate two changes: (1) including Brown City

Clean-Up Days in the contract; and (2) an increase from the current rate of \$7.90 per household per month.

Motion by CM Jacobson, second by CM Brown, to re-enter contract with Knox Disposal for three years. Motion carried.

13. **DPW Truck:** The DPW picked up their new (red) truck on October 8th from Tubbs Brothers. The DPW Foreman installed the yellow light bar and has received the door decals from Flying Colours. A discussion with T’N’R Tire revealed that the scrap value of the old truck is about \$180. They have offered to pay \$200 for the truck, remove it from the DPW and return the tires (which are in good shape and should fit on the blue truck). The DPW Foreman thinks this is the best way to dispose of the old truck. **REQUIRES MOTION.**

Motion by CM Brown, second by CM Lents, to sell the old DPW truck to T ‘N’ R Tire for scrap at the price of \$200.00 with T ‘N’ R Tire being responsible for removing the truck as well as returning the tires. Motion carried.

14. **October Budget Amendment:** Copies of the proposed mid-year budget amendment were provided to members of the Finance Committee for their review. Recommend scheduling a meeting of the Finance Committee to review the proposed budget amendment prior to submission to the full City Council for action at the next regular meeting on October 27th. Council consensus to wait to discuss October budget amendments until sometime in November, waiting for the Street Project bills to be complete.
15. **Fourth Grade Water Facility Visit:** On Friday, October 17th the local fourth graders will be touring the City water facilities. This takes approximately 1.5 hours.
16. **Vine Street Property Owners:** I received a phone call today from the property owners located directly south of the Tri-county Mortgage Center’s property. This homeowner has received previous flooding in their yard and home which they feel is contributed to by the Tri-County Mortgage Center property. It was explained that the City can not complete work on private property and therefore will be doing no additional work to correct drainage issues.

ATTORNEY’S REPORT:

City Attorney Stremers discussed research findings regarding Multi-Use Ordinances.

TREASURER’S REPORT: Written report reviewed. No questions or comments.

COMMITTEE REPORTS:

1. Police (Miller) – None.
2. Water and Sewer (Lents) – None.
3. Tax and Finance (Lee) – None.
4. Streets and Sidewalks (Jacobson) – None.
5. Building and Grounds (Brown) – None.
6. Personnel (McIvor) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Miller inquired if an increase in garbage collection fees would need to be considered at this time due to the increase in Knox's fees. Agreement that this issue could be revisited when the new budget is put in place.

CM Lents discussed his desire for the old Brown City Lanes property to be cleaned up. He feels there are potential hazards there as well as the property being somewhat of an eyesore. Council consensus that City Manager contact the property owner Mr. Kautz regarding cleanup of the property.

City Clerk Pavel inquired about Exchange State Banks progress on correcting their holding pond in the front of their property as well as tree placement on the north side of their property. City Manager stated that survey work was completed and proposes that the corrections will be completed soon.

MAYOR'S REPORT: None.

PUBLIC QUESTIONS & COMMENTS: None.

ADJOURNMENT:

Motion by CM Miller, second by CM Lee to adjourn at 8:06 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk