

# **BROWN CITY COUNCIL PROCEEDINGS**

**June 8, 2009**

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

Pledge of Allegiance led by Mayor Carpenter.

**PRESENT:** Mayor Laura Carpenter, Council Members: Pat Jacobson, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, and Ken Brown. City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Kelly Pavel.

**ABSENT:** None.

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

## **CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Brown, second by CM McIvor, to accept the Regular Meeting Minutes of May 18, 2009 as presented. Motion carried.

## **PAY BILLS:**

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General-\$18,040.09 (3627-3654), Payroll-\$24,655.72 (4141-4155), Major Street-\$694.50 (3647-3649), Local Street-\$1,171.73 (4112-4113), Sanitary Sewer-\$3,057.23 (2923-2930), Water-\$1,500.63 (1641-1648), Storm Sewer-\$63.26 (1049), Equipment-\$208.27 (1188). Motion carried.

**PERSONAL APPEARANCES:** None scheduled.

## **PUBLIC QUESTIONS & COMMENTS:**

County Commissioner Daws provided an update to the City Council on two items:

- 1) The County Commissioners approved a local purchasing policy and set a percentage;
- 2) A design has been selected for the addition to the jail. A final decision on the project is pending.

## **POLICE REPORT:**

Written report reviewed. No questions or comments. Chief Smith also noted that Brown City Days was uneventful regarding arrests.

**UNFINISHED BUSINESS:** None.

## **PETITIONS & COMMUNICATIONS:**

Motion by CM Brown, second by CM Lents, to accept the pre-application building permit for 6905 Cade Road to construct a 16' x 24' storage shed. Motion carried.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None scheduled.

**RESOLUTIONS:** None scheduled.

## **MANAGER'S REPORT:**

1. **Brown City Street Project:** Coordination with the City's (acting) engineer revealed that Lapeer County still has not finalized their 2009 roads projects. Once they are closer to releasing an RFP, the City should be able to tie in with their contract.

CM Brown asked if other streets are being considered such as John and Walter. CM will investigate. He stated that that Cade Road should be an acceptable choice since it is within the Lapeer County area of responsibility, but is not sure if streets directly within Sanilac County can be considered.

2. **Windmills:** A resident is interested in putting a windmill on his property for generation of electric power for his house. Currently, the City has no Ordinances governing this type of windmill. However, the Ordinance for cell towers requires that if the tower falls, it stays on the owner's property. Does the City Council have any objections to the installation of electric-generating windmills on private property within the City?

After some discussion, it was the consensus of the Council that further research on windmill installation requirements needs to take place. City Attorney also offered that he has a sample ordinance available pertaining specifically to windmill installation for the Council to review.

3. **Sewer Project:** A letter was sent to DEQ detailing the completion of each of the three phases of the City's sewer project. The letter detailed pre-sewer cleaning and video inspection of approximately 26,180 feet, lateral cutting of about 5,605 feet of roots, calcium and debris, the pressure grouting of 2,371 joints and abandoned connections, and post-cleaning of 22,982 feet of main. Total cost of the project, including borrowing fees, was \$267,735.79. All of the City's sewer mains are grouted with the exception of that north of First Street and east of St Marys Street.
4. **Dangerous Buildings:** Letters and sample contracts (orange) were sent to the owners of the three houses identified as possibly being Dangerous Buildings. Owners were asked to contact City Hall within 14 days, or the City would begin the process to have the buildings demolished. To date, only one property owner has contacted City Hall. Council consensus that the process would begin on the two questionable homes that no response was received from. One home owners responded with an update to the City Manager regarding interior updates and will follow up with information pertaining to the completion of the outside of the structure.
5. **Tall Grass:** The City has mailed letters to several property owners that have grass in excess of eight-inches tall. As of June 5<sup>th</sup>, most had complied. For those that still have not cut their grass, the City will contract with a private company to have the grass cut.

6. **DPW Garage:** The DPW Foreman received three bids for the installation of a 24' X 36' concrete slab in the front of the salt bin. These were: Flynn & Sons Custom Concrete - \$2,650; Tom's Ultimate Concrete Finish - \$3,440; and Tony's Custom Concrete - \$2,700. A bid from McPhail's out of Imlay City was also received late today at the price of \$2,600.00. How does the City Council wish to proceed?

A price will be negotiated also for hired contractor to complete the filling of holes where trees were removed on Main Street at this time. It will be cheaper for the cement to arrive on the truck that is arriving for work at the DPW garage

Motion by CM Mclvor, second by CM Lents to accept the bid of \$2,600.00 from McPhail's Concrete in Imlay City to complete slab work at the DPW garage. Motion carried.

7. **Library Contract:** The five-year contract the City has with the library expired March 31<sup>st</sup>. A new contract (green), identical to the previous ones, except with the dates and rent amounts changed, has been forwarded to the Library Board for action. Expect the contract to be ready for City Council action sometime in July.

8. **MDOT Annual Maintenance Contract:** The City received the annual MDOT contracts. There are two requirements: 1) Appoint a Street Administrator (REQUIRES MOTION); and 2) Authorize the Mayor and City Clerk to sign the contract (REQUIRES MOTION). There is no apparent change from last year's contract.

Motion by CM Lee, second by CM Mclvor, to appoint City Manager as the Street Administrator on the Annual MDOT Maintenance Contract. Motion carried.

Motion by CM Lee, second by CM Brown, to direct the Mayor and City Clerk to sign the Annual MDOT Maintenance Contract. Motion carried.

9. **City Police Car:** The Chief is in the process of acquiring additional cost figures for a replacement police car.
10. **MERS Resolution:** Of the five City employees who are eligible, two have elected to switch from Amerisure to MERS for retirement accounts. A meeting with the MERS representative revealed that the City Council must formally approve three documents: 1) MERS Uniform Defined Contribution Program Adoption Agreement; 2) MERS Membership Agreement; and 3) MERS Revised Uniform Defined Contribution Program Resolution. The City Council also needs to authorize the Mayor and City Clerk to sign the contracts and appoint a program administrator. Since the City Manager is the program coordinator for the Amerisure program, recommend appointing the City Manager to also administer the MERS program. (REQUIRES MOTION)

CM Miller arrived at this point, 7:21 p.m.

Motion by CM Jacobson, second by CM Mclvor, to appoint the City Manager as the administer for the MERS program and to authorize the Mayor and City Clerk to sign the associated documents. Motion carried.

11. **Economic Development Course:** The Michigan Economic Development Association is offering a four day course on Economic Development in East Lansing in September. Course includes strategic planning, business attraction and marketing, business retention and expansion and various other classes. This is the first in a multi-part program; however, this is probably the course most relevant to the City of Brown City at this time. Total cost for the course is about \$1,180. Does the City Council think the City should participate?
12. **2009 Tax Rate Request:** As a part of the budget process completed last March, the City Council approved the City's property tax rate, keeping it the same as it has been since 2001. The State of Michigan requires that approved tax rates be transmitted to the County Clerk using the L-4029 form. Separate forms are required for Lapeer and Sanilac Counties. Both the Mayor and City Clerk are required to sign these forms.

13. **Traffic Control Signs:** A Vine Street resident has requested that "Slow Children At Play" signs be erected at each end of Vine Street due to the increase of small children living on this street as well as the high speeds of vehicles traveling on this street. Signs have been ordered as well as 25 mph speed signs to be erected on these same street sign posts. City Manager also recommends that 25 mph signs also be placed on the end of St. Marys Street, Second Street and Lincoln Street for the same reasons.
14. **Annual Audit:** City Manager reported that the auditors are here this week conducting audit for the City of Brown City, the BC Library and the fire department.

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

City Attorney explained that he has reviewed his current fees for clients with an average being \$135 per hour. Brown City's current rate is \$115 and Attorney Stremers would like Council to consider an agreement with the \$135 hourly rate, he will answer any questions or concerns and would prefer a decision by July, 2009.

**TREASURER'S REPORT:** None.

#### **COMMITTEE REPORTS:**

1. Police (Miller) – none.
2. Water & Sewer (Lents) – none.
3. Tax & Finance (Lee) –none.
4. Streets & Sidewalks(Jacobson)- none.
5. Buildings & Grounds(Brown) – none.
6. Personnel(Mclvor) – none.

#### **GENERAL CONCERNS OF THE COUNCIL:**

CM Jacobson on behalf of the Festival Committee thanked City Manager, Council, DPW, Chief Smith, Brown City Park and Office Staff for all their cooperation and dedication in making Brown City Days successful.

City Manager Holmes also commended CM Jacobson for all of her personal time and devotion and being very visible and available during the festival.

**MAYOR'S REPORT:** None.

#### **PUBLIC QUESTIONS & COMMENTS:**

County Commissioner Daws asked for any comments regarding the proposed jail renovation from Council. City Clerk Pavel stated that Sanilac County is one of the poorest counties in the state and many households are having to cut back on a large scale and she questions why County Government does not feel they need to cut back as well. Pavel stated that she is not necessarily opposed to this renovation; she feels that the timing is not appropriate.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM McIvor, to adjourn at 7:38 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk