

**BROWN CITY COUNCIL PROCEEDINGS**

**AUGUST 10, 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, Councilmembers: Pat Jacobson, Julie Miller, Mike Lents, Christine Lee, Ken Brown and City Manager Clint Holmes, City Attorney Gregory Stremers and 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 Jacobson, to accept the Regular Meeting Minutes of July 27, 2009 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$10,583.23 (3729-3751), Payroll - \$11,987.55 (4212-4222), Major Street - \$760.00 (3660-3661), Local Street - \$500.00 (4120), Sanitary Sewer - \$919.51 (2952-2954), Water - \$2,635.97 (1671-1678), Equipment - \$266.30 (1197-1198). Motion carried.

**PERSONAL APPEARANCES:** None scheduled.

**PUBLIC QUESTIONS & COMMENTS:** None.

**POLICE REPORT:**

Written report reviewed. No questions or comments.

**UNFINISHED BUSINESS:** None.

**PETITIONS & COMMUNICATIONS:**

1. 4322 Main Street – install 6’ privacy fence on west property line

CM Brown stated that this project was started without City approval and Mayor Carpenter asked that it be removed over this past weekend. Discussion regarding placement of fence pertaining to property lines.

Motion by CM Brown, second by CM Lee, to table the pre-application building permit request for 4322 Main Street to install a 6' privacy fence on west property line until the next Regular scheduled council meeting to allow the Buildings and Ground Committee of the City Council to inspect the property. Motion carried.

Motion by CM Brown, second by CM Lee, to accept the pre-application building permit for 4397 Main Street to replace 6' chain-link fence with wood as the Planning Commission recommended. Lents-abstain - Motion carried.

### **MANAGER'S REPORT:**

- 1. Brown City Street Project:** The City sent out six Requests for Proposals (RFP) and received bids from four companies, (in alphabetical order), they are: 1) Boddy Construction (Port Huron) - \$113,588.19; 2) DLF Trucking (Riley) - \$126,443.10; 3) James P Contracting (Washington Township) - \$102,940.65; and 4) Pro-Line Asphalt Paving (Washington Township) - \$96,851.90. How does the City Council wish to proceed? **REQUIRES MOTION.**

Motion by CM Miller, second by CM Jacobson, to award to contract to Pro-Line Asphalt Paving for the 2009 Brown City Street Project. Motion Carried.

- 2. Thumbworks! Summer Youth Employment:** The program that provides the two youth workers for DPW was scheduled to end at the end of August. However, the program has been extended, and the City has requested they remain until the end of September. To date, they have done a very good job painting curbs and fire hydrants, cleaning-up the Park and clearing weeds from the City's drains and ditches.
- 3. Fourth Street Storm Drain:** The City's (acting) engineer is currently drawing up the formal easements for the Fourth Street Project. Once signatures are obtained, the work can be contracted.
- 4. Main Street Repairs:** The contractor who installed the concrete fillers in the holes left by trees will be replacing them to better insure they meet with City specifications. The work is scheduled for completion the week of August 10<sup>th</sup>.
- 5. Hilltop House:** As a part of the addition being built on Hilltop House, there is a requirement for the installation of fire suppression sprinklers. This requires that the water lead to the house be replaced with one at least two inches (2") in diameter. The water main is located on the north side of Main Street. This will require digging down to the main, replacing the saddle, boring under the street and installing a shut-off valve south of the curb. The contractor will then install the lead into the house. The estimated cost for doing this work by the DPW is just over \$8,500. The contractor will be responsible for this cost. Expect the work to begin the week of August 17<sup>th</sup> and take two or three days.

**PUBLIC HEARING: 7:15 PM – 4397 Main Street – Request for on-premises liquor license – Linda Lou's, LLC.**

At 7:15 p.m., Mayor Laura Carpenter opened the Public Hearing regarding a request for an on-premises liquor license for Linda' Lou's, LLC.

No public questions or comments.

Mayor Carpenter closed the Public Hearing at 7:16 p.m.

**RESOLUTIONS: 09-05** – MLCC Resolution for License Ownership Transfer.

Council discussion regarding proposed business site for Linda's Lou's as well as owner's future intentions and design of existing store.

Discussion regarding past denials of beer and wine requests from previous store owners, in particular Bud Welch's past request for Bud's Corner Restaurant.

Motion by CM Brown to approve Resolution 09-05 with the requirement also that the City write a letter to LCC to assist Bud Welch in obtaining licensure again if he so wishes. Motion dies because of lack of support.

Further discussion regarding licensure and requirements pertaining on-premises liquor license.

Motion by CM Brown, second by CM Miller, for City to prepare and send a letter to the Michigan LCC supporting a beer and wine license at Bud's Corner Restaurant if Mr. Welch so chooses to resubmit a request to the LCC. Motion carried.

Motion by CM Brown, second by CM Jacobson, to adopt Resolution 09-05 as presented. ROLL CALL VOTE: Jacobson-yes, Miller-no, Mclvor-absent, Lents-abstain, Lee-yes, Brown-yes, Carpenter-yes. Motion carried.

**ORDINANCES:** None scheduled.

**MANAGER'S REPORT CONTINUED:**

6. **European Deli:** The building on the northwest corner of St. Marys is also interested in installing fire suppression sprinklers and requires the water be increased to two inches (2"). The DPW will work up an estimate. The Planning Commission and City Council must approve a building permit prior to any work taking place on the building.
7. **Windmills:** The Planning Commission continues to evaluate the proposed windmill ordinance. They tabled the issue at their August 6<sup>th</sup> meeting and will resume work on it at their next meeting on September 3<sup>rd</sup>.
8. **Hogtown, Inc.:** The group is scheduled to have their annual fundraiser for the Marlette Hospice in the Park on Saturday, August 8<sup>th</sup>. The organization will provide security for the festivities; however, the Brown City Police Department will have an extra officer on duty.
9. **MML Conference:** The annual MML Conference is scheduled for September 22-25 at the Radisson Hotel in Kalamazoo. A copy of the brochure is available for your review. Are any members of the City Council interested in attending?

**10. Trees:** Raymond's Tree Service has completed the project.

**11. Comcast Cable:** The City sent an e-mail to the manager of Comcast asking the status of digital cable for the City of Brown City. A copy of the response was provided to the City Council.

**ATTORNEY'S REPORT:**

City Attorney reported that the barking dog issues that were being investigated was resolved for a period of time and all tickets were paid. The Police Chief has recently stated that he is again having issues with this particular property owner and his dog.

**TREASURER'S REPORT:** None.

**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-(Mclvor) – none.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Brown discussed that procedures for clean up or repairs of houses on Maple Street as well as home on Vine Street begin. Administrative inspection papers need to be obtained and process followed.

CM Jacobson discussed the need of brick work and flashing work that needs attention on the City Hall and Library building.

**MAYOR'S REPORT:**

1. Proclamation for Mary Gunn: Thirty years service as a City Librarian.

**PUBLIC QUESTIONS & COMMENTS:**

**EXECUTIVE SESSION:** None scheduled.

Motion by CM Miller, second by CM Jacobson, to adjourn at 7:53 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk