

**BROWN CITY COUNCIL PROCEEDINGS
MAY 24, 2010**

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: Bill Walters, Julie Miller (arrived 7:05 p.m.), Ross McIvor, Pat Jacobson, Dan Loutzenhiser, and Christine Lee. City Manager Clint Holmes and City Attorney Gregory Stremers.

ABSENT: City Clerk Kelly Pavel.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM Jacobson, to accept the minutes of the regular Council Meeting of May 10, 2010 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$51,565.74 (4140-4154), Payroll - \$12,434.40 (4557-4573), Major Street - \$60.00 (3687), Sanitary Sewer - \$1,533.83 (3031-3035), Water Fund - \$1,070.79 (1793-1796), Arsenic Abatement - \$88.04 (1122-1123). Motion carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Written report reviewed.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. 4109 Main Street – Request to install 8' X 16' playhouse.
Motion by CM Loutzenhiser, second by CM Walters, to accept the pre-application building permit for 4109 Main Street to install a non-permanent foundation 8' X 16' playhouse subject to written approval by the landlord. Motion carried.

2. 4397 Main Street – Request to install temporary fence to extend customer area 16' north of the building. City Council tasked City Manager to ensure there was no problem with MDOT concerning right-of-way.

Motion by CM Loutzenhiser, second by CM McIvor, to accept the pre-application building permit for 4397 Main Street to expand the outdoor customer area during summer months if there is no objection from MDOT. Motion carried.

RESOLUTIONS: None Scheduled.

PUBLIC HEARING: None Scheduled.

ORDINANCES: None Scheduled.

MANAGER'S REPORT:

1. **MML Region 5 Seminar:** The MML hosted the annual Region 5 meeting in Marlette on May 21st. Presentations included a Census and Legislative Update. A copy of the handouts is available for your review.
2. **EMCOG:** The Eastern Michigan Council of Governments met in Gladwin on May 7th. The meeting included an update from USDA Rural Development; an overview of the reorganization of the office; and distribution of the 147-page 2010 Comprehensive Economic Development Strategy (CEDS) and MDOT Bay Region Non-Motorized Plan. The next meeting is scheduled for June 18th.
3. **Hydrant Flushing:** The DPW completed the semi-annual hydrant flushing with no reported problems.
4. **Downtown Street Cleaning:** The Brown City Fire Department is scheduled to clean the streets and sidewalks in the downtown area during the early evening hours of Thursday, May 27th. Letters were sent to downtown business owners to let them know that fire hoses will be used for the cleaning. An additional police officer is scheduled to be on duty to assist with traffic control during this operation.
5. **John Street:** The (acting) City Engineer and the City Manager inspected John Street on May 19th to determine if the funds being held by the City could be released to the contractor. The inspection revealed that additional fill is required immediately behind some of the new curbs. An employee from the contractor was completing the deficiencies on May 20th. Otherwise the contractor seems to have done an excellent job.
6. **Marijuana Ordinance:** The Michigan Legislature has a couple of bills that would refine the Michigan Medical Marijuana Law by adding some definitions and procedures. Recommend waiting until the Legislature has acted before presenting a draft Ordinance to the City Council. How does the City Council wish to proceed?
City Manager reported that the Michigan Legislature has before it a couple of bills designed to better define the Michigan Medical Marijuana Law. Following his recommendation, the consensus of the City Council is to wait for the Legislature to resolve some of the confusion in the law before addressing a new City Ordinance.
7. **Nextel Cell Tower:** The company that wishes to buy the easement for the Nextel cell tower is affiliated with Nextel and has been responsible for monthly payments for the past couple of years. They are making this offer in order to lower their long-term debt. From August 2001 to August 2011 the City (water fund) will have take in \$129,000. Based on built-in increases, between August 2011 and August 2021, the City can expect \$170,601.60; and between August 2021 and August 2032 an additional \$225,619.80. How does the City Council wish to proceed?
Consensus of the City Council is to continue with the lease rather than sell the easement at this time.
8. **Consumer Confidence Report:** The CCR (blue) is the annual report required by the state and federal governments summarizing information about the drinking water quality served during calendar year 2009. The document is posted in the City's website and printed in the local newspaper. The City met or exceeded all water quality requirements in 2009.

9. **Unoccupied Houses:** The DPW (we have a community service person available) began the process of cutting the grass on the unoccupied/abandoned houses in the City. Time and costs are being recorded and a tax lien will be used to reimburse the City for associated costs and penalties. Currently, the number of houses being serviced is about 11.
10. **May Utility Bills:** This was the first time (ever) residents received a utility bill in May. Possibly as a result, there was some confusion, some of which was due to the wording on the front of the utility bill itself. The City will make the wording clearer on the next print run of the bills (due in July). Also, we mailed out about 113 late notice postcards and ultimately shut the water off at two residences. A problem remains with collecting from certain residents of Mapleview Estates. This will be discussed in more detail during the Attorney's Report.
11. **City Financial Audit:** The annual audit of the City's financial records began on May 19th with the preliminary collection of records. A number of individuals will be in the City offices to continue the audit May 24th through the 27th. The audit will include a review of all of the City's financial records for 2009.
12. **Well #4:** Well #4 is due for overhaul and having the absorption media replaced. Plan for this to take place after Brown City Days. The estimate for the overhaul is the same as last time – about \$27K. Contact with Layne Northern revealed they have a similar product for arsenic absorption and are providing a cost estimate that should be available prior to the next meeting of the City Council.
The Sewer & Water Committee scheduled a meeting for Tuesday, June 1st at 7:30 PM to discuss and prioritize summer improvement projects concerning Well#4, storm sewer and other potential undertakings.
13. **Memorial Day:** The VFW is scheduled to lead a parade from the Sunoco station to the Veteran's Memorial on Main Street beginning at 10:00 AM. Following that, there will be ceremonies at Evergreen and Peck Cemeteries. Also, City Hall will be closed in observance of that holiday.
14. **Brown City Days:** This annual event is scheduled for June 3-6. The final meeting of the Festival Commission is scheduled for Tuesday, June 1st at 6:30 PM. Both the Fire and Police Chiefs are scheduled to attend this meeting to discuss coordination of security and traffic control.

ATTORNEY'S REPORT:

1. 4437 Vine Street: The City Attorney is assisting the Police Chief and City Manager to address the blight issue with 4437 Vine Street. The City Attorney outlined several options, to include: Using a public hearing and civil infraction procedures; taking the issue to District Court; or filing a suit with Circuit Court. Using the civil infraction method may have some enforcement problems. Circuit Court could take several months. Going to District Court would probably be the quickest since action could be taken within a few weeks.

Motion by CM Walters, second by CM Miller, to task the City Attorney to take the issue to District Court for the quickest resolution possible. Motion carried.

2. Mapleview Estates utility billing: Lengthy discussion concerning collection of utility bills in arrears. The City Attorney is trying to contact the lawyer for the trailer park. Primary problem is that unlike elsewhere in the City, the water mains and leads in Mapleview are owned not by the City but by the park. No curb-stops exist to turn off water, only hand operated taps under the individual trailers. The search for a resolution continues.

TREASURER'S REPORT: Written report reviewed.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL:

1. CM Loutzenhiser asked why the City had switched from quarterly to monthly billing on utility bills and if doing so has it caused a significant increase in cost and workload by City Staff? City Manager explained that the City went to monthly billing to make the increase in sewer rates easier to pay for residents.
2. CM Walters stated that he had a water leak at his home. The DPW, particularly Phil Bartle, did an excellent job.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Lee, to adjourn at 7:56 p.m. Motion carried.

Respectfully submitted,

Clinton K. Holmes
City Manager