

BROWN CITY COUNCIL PROCEEDINGS

AUGUST 23, 2010

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

Pledge of Allegiance led by Mayor Laura Carpenter.

PRESENT: Mayor Laura Carpenter, Councilmembers: William Walters, Julie Miller, Pat Jacobson, Chris Lee and Dan Loutzenhiser, 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 Walters, second by CM Jacobson, to accept the Regular Meeting Minutes of August 9, 2010 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$7,196.19 (4277-4289), Payroll - \$11,062.96 (4659-4658), Major Street - \$45.00 (3689), Local Street - \$479.53 (4143), Sanitary Sewer - \$9,193.00 (3061-3064), Water - \$2,373.22 (1839-1843), Arsenic Abatement - \$4,453.08 (1133-1135), Storm Sewer - \$1,074.00 (1068-1069). Motion carried.

Motion by CM Lee, second by CM Loutzenhiser, to pay the Sanilac County Treasurer \$807.50 toward the 2002 Water Tower Rehab Project Bond Interest. Motion carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None

DPW REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS: Draft Ordinance Section 95.70: An Ordinance to regulate those individuals within the City of Brown City, Michigan that are qualified patients or acting as primary caregivers pursuant to the provisions of the Michigan Medical Marihuana Act.

Moved to Ordinance section of the Agenda.

PETITIONS & COMMUNICATIONS: None Scheduled.

RESOLUTIONS: None Scheduled.

PUBLIC HEARING: None Scheduled.

City Clerk Kelly Pavel arrived at 7:02 p.m.

ORDINANCES: (A Public Hearing is required for an Introduced Ordinance.)

1. **Section 152.300:** An Ordinance of the City of Brown City amending the City of Brown City Title XV Land Usage Code by adding Section 152.300 by providing for Medical Marijuana Dispensaries, their location, definitions, conditions and standards, and civil forfeiture, to provide for violations and penalty, severability, and effective date.

City Manager discussed various options pertaining to ordinances regulating medical marihuana dispensary operations within the City, to include Ordinances 95.70 and 152.300.

Introduction of Ordinance 152.300 by CM Walters – *An Ordinance of the City of Brown City amending the City of Brown City Title XV Land Usage Code by adding Section 152.300 by providing for Medical Marijuana Dispensaries, their location, definitions, conditions and standards, and civil forfeiture, to provide for violations and penalty, severability, and effective date.*

Motion by CM Walters, second by CM Loutzenhiser, to schedule a Public Hearing concerning Ordinance 152.300 on September 13, 2010 at 7:15 p.m. Motion carried.

MANAGER’S REPORT:

1. **Well #4 Media Replacement:** The arsenic absorption replacement media is scheduled to arrive August 23rd. Equipment will then arrive to replace the existing media. The DPW Foreman pulled seven pound media samples from each of the four vessels and they were mailed to Pennsylvania for testing. If the level of absorbed arsenic is as expected, the old media can be disposed of at a licensed waste management facility. During the change-out Well #4 will be off-line, but this should present no problems with the City’s water supply.
2. **Renaissance Zone:** Two local contractors have inspected the site where the barn was demolished on the east side of the City’s Renaissance Zone. In each case, debris would be loaded on City trucks and disposed of at the City disposal facility. The concrete cannot be recycled easily due to the extensive steel reinforcement. Trombley will do the work for “about \$5,000”, and Burgess estimates the cost at \$2,280. In either case, if the City Council approved this

project work could be completed sometime in September. How does the City Council wish to proceed? Requires Motion.

Motion by CM Walters, second by CM Miller to hire Gene Burgess to remove debris at the Renaissance Zone with costs to not exceed \$2,280.00. Motion carried.

3. **Hogtown, Inc.:** The Hogtown Run on August 14th was very successful and apparently there were no significant problems. The group did an excellent job cleaning up both the Southwest Pavilion and the Park. Proceeds from the Run benefited United Hospice.
4. **IRS Investigation:** The City's lease agreement for the new police car was the subject of an investigation by the IRS. The City of Brown City was one of a number of communities that was studied. The investigation has since been closed and the City received a letter to that effect on August 18th.
5. **City Hall phones:** The City contacted multiple vendors concerning upgrading our telephone system. Verizon's bid (Denver office) was \$2,800 (with an optional 5-year maintenance contract for \$1,400). Other companies were only able to provide Internet Protocol (IP) systems that I am not confident can be supported by the local broadband infrastructure. The final bid (from Pontiac, Michigan) is \$2,606 and is the closest to the original request for proposals. Neither bid includes installation; however, the company in Pontiac does have (relatively) local installers available. How does the City Council wish to proceed? Requires Motion.

Motion by CM Walters, second by CM Loutzenhiser, to purchase an upgraded telephone system from Telesource of Pontiac, Michigan for \$2,606.00, and the City Manager to contract with local installer for installation of the system. Motion carried.

6. **Dr. Seager:** The medical equipment used by Dr. Seager was left over when the museum closed. No family has ever stepped forward to claim it. The gear consists of two medical bags, two optician sets and some miscellaneous equipment. During the Mayor Exchange visit to Capac, members of the museum board said they would be happy to accept it. However, a Sanilac County museum is apparently now open. How does the City Council wish to dispose of this stuff? Requires Motion.

Mrs. Cellani, current owner of Dr. Seager's former residence stated that she would be interested in purchasing some or all of the above discussed equipment for memorabilia in her home as she already possesses various old pieces of his equipment, if the Council would agree to this. Council discussion pertaining to the sale of items as well as proper display and of this equipment.

Council consensus that the Sanilac County Historical Museum be contacted about their interest in housing any of Dr. Seager's old medical bags/equipment.

7. **CLOSUP Report:** The University of Michigan's Center for Local, State and Urban Policy (CLOSUP) recently surveyed local governments from over 1,300 Michigan jurisdictions (counties, cities, townships, and villages – the include the City of Brown City) concerning fiscal, service and staffing pressures. A copy of the executive summary is enclosed (lavender); the full report is available for review at City Hall.
8. **STORM SEWER PROJECTS:** Response to the City's request for pricing for pipe for the Lincoln Street project is pending but should be available soon. The 4th Street work is tentatively resolved and was significantly below budget.

ORDINANCES CONT:

2. **Section 92.06:** An Ordinance to Amend the Brown City Code by Repealing Section 92.06 and adding New Section 92.06 Prohibited Animal; General Regulations.

CM Loutzenhiser introduced Section 92.06, *An Ordinance to Amend the Brown City Code by Repealing Section 92.06 and adding New Section 92.06 Prohibited Animal; General Regulations.*

Motion by CM Miller, second by CM Loutzenhiser, to schedule a Public Hearing concerning Ordinance 92.06 on September 13, 2010 at 7:30 p.m. Motion carried.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT: None.

MAYOR'S REPORT:

Mayor Carpenter reported on the success of Mayor Exchange Day with the Village of Capac this year.

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water and Sewer (Walters) – none.
3. Tax and Finance (Lee) – none.
4. Streets and Sidewalks (Jacobson) – Can the patch in the road near the European Deli be repaired and smoothed out? City Manager stated that it would be costly to make this area smoother because it would have to be dug out, the valve cover reset, and then be repaved.
5. Building and Grounds (Loutzenhiser) – none.
6. Personnel (Mclvor) – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Walter informed Council that a ceremony honoring Veterans of various wars took place at the Hogtown Kick Off and was a very honorable recognition of these service people.

CM Walters requested that the graffiti on the old fire hall wall possibly be painted out. City Manager most likely has community service people still in need of hours that can complete this task.

CM Loutzenhiser questioned why the cleanup of the Renaissance area cannot be completed by the DPW. City Manager stated that an excavator is necessary for the movement of heavy concrete.

PUBLIC QUESTIONS & COMMENTS:

Sanilac County Commissioner Daws provided a County update to Council.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

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

Respectfully submitted,

Kelly Pavel
City Clerk