

BROWN CITY COUNCIL PROCEEDINGS
FEBRUARY 14, 2011

Meeting called to order by Mayor Christine Lee at 7:00 pm.

Pledge of Allegiance led by Mayor Lee.

PRESENT: Mayor Christine Lee, Councilmembers: Bill Walters, Julie Miller, Ross McIvor, Pat Jacobson, Eugene Navock and Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Jacobson, second by CM McIvor, to accept the Regular Meeting Minutes of January 24, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM McIvor, to pay the bills in the following funds: General - \$21,781.25 (4513-4544), Payroll - \$24,248.74 (4877-4908), Major Street - \$1,580.54 (3706-3707), Local Street - \$1,531.92 (4147-4148), Water - \$10,430.03 (1902-1905), Arsenic Abatement - \$42.56 (1155), Equipment Fund - \$1,762.24 (1274-1275). Motion carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

POLICE REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS: None Scheduled.

PUBLIC HEARINGS: None Scheduled.

ORDINANCES: None Scheduled.

MANAGER'S REPORT:

1. **Medical Marijuana Dispensary:** The Planning Commission is scheduled to review three requests for a Special Land Use Permit at their meeting on February 17th. A memo was prepared by both the City Manager and City Attorney (orange). Based on input from City Managers throughout the state and the City Attorney; and that neither the Michigan Medical Marijuana Act nor the Administrative Rules allow for a dispensary, the City Council may wish to enact a moratorium until the ACLU lawsuit is settled (Resolution 11-02).
2. **Municipal Bonds:** The City currently has four municipal bonds outstanding: Water Tower Rehabilitation (2012) - \$40,000; Renaissance Zone (2014) - \$31,000; Arsenic Removal Project (2027) - \$635,000; and Sewer Rehabilitation (2018) - \$167,000. An interest and principal payment for the Water Tower is due this month. Staff checked on paying off the bond early, but it is not "callable." Therefore all payments will be made as scheduled.
3. **MLGMA Conference:** The conference in Detroit was helpful. Information available included union negotiations; the new health care law; revenue sharing and property taxes. If Statutory Revenue Sharing is reduced the City could lose as much as \$47,700. If Personal Property Tax goes away the City stands to lose \$22,725. This is on top of the \$11,503 expected to be lost for 2011 from property taxes.
4. **TheMOREProgram:** This organization provided an overview of their operation during the MLGMA Conference (green). They exist to provide information and assistance to prospective business owners through a software system called the Statewide Entrepreneur Support System (SESS). They are operating on grants from Michigan charitable organizations, businesses and the US Department of Commerce. In order to become a member of this organization, the City must sign a Memorandum of Understanding and allow them to list us on their webpage. There is no cost. This might be a helpful resource for area residents who are thinking about starting or growing a local business. Does the City Council wish to have me research this further? Yes.

CM Miller arrived at 7:07 p.m.

5. **Parkside Drive:** The policy for Parkside Drive is that the City has not plowed or salted that private road since January 2009. I apologize for giving the City Council inaccurate information. Letters were sent to the three households on Parkside Drive detailing the situation. A copy of the letter is enclosed (lavender).
6. **Ben's Trailers:** MDOT was contacted on January 25th about equipment encroaching or crossing the M-90 right-of-way. An inspector was sent out the following Friday. The right-of-way in that area is 33' and MDOT reported that equipment was north of that line.
7. **EMCOG:** I received a letter on February 2nd notifying me that I had been appointed to represent Sanilac County at the East Michigan Council of Governments. They meet every other month. The next meeting is scheduled for March.
8. **Thumb Area Broadband Project:** The Sanilac County Information Technology Director sponsored a meeting in Sandusky on January 27th. This \$74,000,000 project is scheduled to be completed within three years. The project will provide optic fiber connectivity to the schools in Sanilac County. Connectivity to government offices and libraries will be available at a 25% discount (duration unknown). Anticipate that the City will be contacted to either enter into a franchise agreement or cede right-of-way for transmission lines or possibly a broadcast tower. A copy of the presentation is attached (blue).
9. **Mail Boxes:** There were a couple of mailbox casualties caused by snow plow operations during the last storm. The Brown City policy, established February 22, 2010 is that the DPW will repair or replace the box and post with the most inexpensive one available, or if the property owner wants either a more elaborate mail box or wishes to install it themselves, the City will reimburse

them a set amount. The approximate cost for a mail box and 4" X 4" post is \$15. Does the City Council wish to modify this policy? No.

10. **Building Repairs:** The outside lights on the City Hall Building have been replaced and are working. There was a water leak in the Library over the Librarian's desk. There was some damage to the ceiling. The DPW checked the roof on the inside and it is intact. Apparently, some blowing snow came in through the roof vents during the storm on February 1st.
11. **Union Proposal:** The City received a copy of the proposal on February 9th. A copy was provided to the three members of the Personnel Committee. Recommend meeting later this week and then setting up an appointment with the Union for the week of February 21st.

Personnel Committee Meeting to be held immediately following this Regular Meeting.

12. **President's Day:** City Hall will be closed on Monday, February 21st for President's Day.

ATTORNEY'S REPORT:

Attorney Stremers provided updates pertaining to recent Medical Marijuana legal opinions from various meetings he has attended as well as conversations with other municipal attorneys.

He provided background details pertaining to a proposed Moratorium for Medical Marijuana Distribution Establishments if the City Council so chooses to enact.

CM Loutzenhiser asked the City Attorney's opinion of the State Attorney General's position regarding Medical Marijuana Dispensaries. Attorney Stremers sees no action on this subject by the Attorney General's office at this time.

RESOLUTIONS:

1. **Resolution 11-01** - A Resolution allowing the Board of Review to act upon written requests from taxpayers.

Motion by CM Walters, second by CM Navock, to adopt Resolution 11-01 - *A Resolution Allowing The Board Of Review To Act Upon Written Requests From Taxpayers*. **ROLL CALL VOTE:** Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

2. **Resolution 11-02** – A Resolution to Establish a Temporary Moratorium on Medical Marijuana Distribution Establishments.

Motion by CM Walters, second by CM Loutzenhiser, to adopt Resolution 11-02 - *A Resolution To Establish a Temporary Moratorium on Medical Marijuana Distribution Establishments*. **ROLL CALL VOTE:** Loutzenhiser-yes, Navock-yes, Jacobson-yes, Mclvor-yes, Miller-yes, Walters-yes. Motion carried.

TREASURER'S REPORT: None.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance- none.
4. Festival Commission – Committee has decided to change the festival name to the “Thumb Area Soybean Festival” in hopes of generating new participation and attendance. Committee is also seeking their annual donation from the City in the amount of \$2,500.00 to be used to assist with the fireworks display.

Motion by CM Loutzenhiser, second by CM Navock, to donate \$2,500.00 to the Soybean Festival Committee to assist in the fireworks display for the 2011 Festival. Motion carried.

5. Buildings & Grounds – none.
6. Personnel – Committee meeting to be held immediately following tonight's meeting.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS:

City Manager reported that Sanilac County Commissioner Daws sent an email to report that there is no update on the County Jail Project and that the Commissioners are waiting to see what Lansing proposes before addressing the County Budget.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Walters, second by CM Mclvor, to adjourn at 7:37 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk