

BROWN CITY COUNCIL PROCEEDINGS
APRIL 11, 2011

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

PRESENT: Mayor Christine Lee, Council members: Bill Walters, Julie Miller, Ross Mclvor, Eugene Navock, and Pat Jacobson. City Manager Clint Holmes, City Attorney Gregory Stremers, and City Clerk Kelly Pavel.

ABSENT: Councilmember Dan Loutzenhiser.

Pledge of Allegiance led by Mayor Lee.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: Representative Paul Muxlow requested to speak during Public Questions and Comments.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM Navock, to accept the Regular Meeting Minutes from March 28, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Navock, to pay the bills in the following funds: General - \$35,815.47 (4606-4624), Payroll - \$13,870.95 (4960-4982), Major Street - \$235.82 (3713), Local Street - \$244.80 (4153-4155), Sanitary Sewer - \$10.58 (3117), Water Fund - \$171.64 (1920), Storm Sewer - \$825.00 (1091), Equipment - \$767.31 (1280-1282). Motion carried.

Motion by CM Jacobson, second by CM Walters, to make the USDA loan payment of \$7,736.25. Motion carried.

Motion by CM Jacobson, second by CM Walters to pay Touma, Watson, Whaling, Coury, Castello and Stremers \$236.25. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Representative Paul Muxlow gave a briefing on activities in Lansing and stressed that the State Budget is a big issue as well as taxing pensions.

POLICE REPORT:

Written report reviewed. No questions or comments.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC HEARING: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. **4256 Main Street – former Teen Center:** add interior cubical walls, ADA Ramp, ADA restroom. Planning Commission recommends approval.

Motion by CM Walters, second by CM Navock, to accept the Pre-application building permit for 4256 Main Street to add interior cubical walls, ADA Ramp and ADA restroom. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-absent. Motion carried.

2. **4090 Main Street – Fire Hall:** Construct 9/11 Firefighters' Memorial to include 4' X 4' X 19' artifact of the World Trade Center; flagpoles; markers; with a base made of pavers. Planning Commission recommends approval.

Motion by CM Walters, second by CM Navock, to accept the Pre-application building permit for 4090 Main Street (Fire Hall) to construct 9/11 Firefighters' Memorial to include 4' x 4' x 19' artifact of the World Trade Center, flagpoles, markers, with a base made of pavers. ROLL CALL VOTE: Navock-yes, Jacobson-yes, Mclvor-yes, Miller-yes, Walters-yes, Loutzenhiser-absent. Motion carried.

ORDINANCES: None Scheduled.

RESOLUTIONS:

1. **Resolution 11-06 – A RESOLUTION AFFIRMING MEMBERSHIP IN MICHIGAN TOWNSHIP PARTICIPATING PLAN COOPERATIVE ACTION AGREEMENT AND CONFIRMING APPOINTMENT OF MEMBER REPRESENTATIVE.** The City received notice that Board of Directors elections for Zone 7, which includes Sanilac County, is approaching. If the City Council wishes to nominate someone to run in this election, they must pass a Resolution identifying the individual and that person must complete and submit a disclosure statement. Nomination must be received by May 6th. How does the City Council wish to proceed?

Motion by CM Mclvor, second by CM Navock, to adopt Resolution 11-06, *A Resolution Affirming Membership In Michigan Township Participating Plan Cooperative Action Agreement And Confirming Appointment of William Walters as Member Representative*. ROLL CALL VOTE: Navock-yes, Jacobson-yes, Mclvor-yes, Miller-yes, Walters-yes, Loutzenhiser-absent. Motion carried.

MANAGER'S REPORT:

1. **Spring 2011 Work Experience / Employment Project (SWEEP):** The two workers from Thumbworks! reported for work on April 4th and should continue through the end of June. They are currently working to reconcile the City's

database with markers in Evergreen Cemetery. Plan is to have them begin work on parking lots and curbs as the area continues to dry out.

2. **Title VI:** The City was notified by MDOT that a Title VI Plan (Civil Rights and non-discrimination), that incorporates Executive Orders 12898 (Limited English Proficiency) and 13166 (Environment Justice) must be submitted to MDOT along with Sub-recipient Application for Certification of Title VI and EEO Compliance and Assurances (Form 0106); and Title VI Sub-recipient Annual Certification Form (Form 0179); and to incorporate Appendices A-D into any future road construction contracts. Otherwise, the City may not be reimbursed for road work such as plowing and repairing M-90. Anticipate this plan, and sundry attachments, will be ready for City Council action at the next regular meeting.
3. **Cade Road:** An individual submitted a letter of complaint concerning the condition of South Cade Road (gold). Once the City receives County Road Millage Funds, the Streets & Sidewalks Committee should meet to identify what street(s) can be included in the Brown City 2011 Street Improvement Project.

Various discussions pertaining to Lapeer Counties willingness to participate in resurfacing of Cade Road. City Manager has made initial contacts with Lapeer County. Discussion regarding the heavy school bus traffic on North Cade Road and the school's refusal to contribute to any costs associated with repairs.

4. **Maple Valley Lift Station:** Huron Consulting provided a series of options, and Hydrodynamics made available some specifics, for resolving potential sewer back-ups at the school (yellow). A copy of the Huron Consulting Report was provided to the Brown City Schools Superintendent during a one-hour meeting to discuss this and related issues. The Superintendent's position is that he wants "a permanent solution to the problem." Estimated cost is up to \$250,000. How does the City Council wish to address this issue?

Water and Sewer Committee Meeting scheduled for 4-18-11 at 9:00 a.m. to further discuss options for the Maple Valley Lift Station.

5. **US Census:** The City was notified that the 2-year 2010 Census Count Question Resolution (CQR) Program will begin in June. This is an opportunity for the City to contest the 2010 Census counts of housing units and group quarters. Current data shows the City has 524 housing units (and that the population is only down a little since the 2000 Census (1,334 to 1,325)). Does the City Council wish to challenge the housing data? Council consensus to not challenge this data.
6. **Ben's Supercenter:** The Supercenter, doing business as Ben's Great Lakes Sales, LLC, received a Class A license (New Vehicle Dealer) in order to sell trailers. They are now requesting to add a Class B license (Used Vehicle Dealer) so they can "take in a used vehicle on trade" (lavender)." Now, as then, the City has no municipal requirements for dealer classification. If there is no objection from the

City Council, the appropriate paperwork will be forwarded to Ben's. City Council consensus that paperwork be filed.

7. **Brown City Sunoco:** The City received notice from the Michigan Liquor Control Commission that the Sunoco station is now licensed to sell alcohol from 7 AM to noon on Sundays in addition to their regularly licensed hours.
8. **Operating Engineers Pension Plan:** The City was notified by letter that the Union will require the payment of a pension surcharge if the City does not sign an agreement adopting the Preferred Schedule of the Operating Engineers Local 324 Pension Fund Rehabilitation Plan (orange). Adoption would have a direct effect on type of, and eligibility for, retirement benefits available to members of Local 324 to include the City DPW employees. Recommend authorizing the Mayor to sign the agreement on behalf of the City of Brown City. **REQUIRES MOTION.**

Motion by CM Walters, second by CM Mclvor to direct the Mayor to sign the Preferred Schedule of the Operating Engineers Local 324 Pension Fund Rehabilitation Plan as requested. Motion carried,

9. **City Webpage:** Updates, to include pictures, addresses, a biography, budget, budget letter and various other information have been submitted to Great Lakes Internet, Incorporated, to update the City's webpage (www.ci.brown-city.mi.us).
10. **Good Friday:** The City Hall and DPW will be closed on April 22nd in observance of Good Friday.

ATTORNEY'S REPORT: None

TREASURER'S REPORT: None

MAYOR'S REPORT:

Mayor Lee has collected data from council members for the City Manager's Evaluation and a 92.5% rating was given. This figure does not include Councilmember Loutzenhiser's evaluation.

City Council consensus to use the quote "Brown City Remembers 9/11" on the City's purchased paver for the Fireman's Memorial.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – none Thumb Area Soybean Festival – meeting 4-12-11 at 6:30 p.m. in the Library.
4. Streets & Sidewalks – none.

5. Buildings & Grounds – none.
6. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Jacobson questions the motor cycle and 4-wheeler activity in town. City Manager states that Chief Smith is aware of this activity and will be reminded that it is beginning with nice weather approaching.

CM Jacobson questions the status of the burnt out garage on the Bender property on Maple Street and what the future plans are for this building. City Manager will investigate.

CM Jacobson suggested that if any additional tasks are needed for SWEEP workers that a large amount of debris is behind the bank.

PUBLIC QUESTIONS & COMMENTS:

Representative Muxlow shared that a new real estate office will be replacing his former Red Carpet Keim office. Town & Country Reality from Port Sanilac will be coming to Brown City with an additional office.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

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

Respectfully submitted,

Kelly Pavel
City Clerk