

BROWN CITY COUNCIL PROCEEDINGS

NOVEMBER 28, 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, and Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers.

ABSENT: Councilmember Eugene Navock and City Clerk Kelly Pavel.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM McIvor, to accept the Regular Council Meeting Minutes of November 14, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Walters, to pay the bills in the following funds: General - \$13,066.64 (4967-4979), Payroll - \$13,503.74 (5247-5264 plus 1 EFT), Major Street - \$323.67 (3742-3743), Local Street - \$368.50 (4167-4168), Sanitary Sewer - \$224.16 (3180), Water - \$9,714.13 (2008-2010). Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Resident Ed Smith asked about flooding. The City Manager explained that the flooding issue mentioned in the local newspaper dealt with the Federal Flood Program rather than specific issues in the City. Mr. Smith stated that during heavy rains the area in front of his house on Main Street flooded. The City Manager stated that he would coordinate with the DPW Foreman and City Engineer to determine available options to reduce storm water in this area.

DPW REPORT: Written report reviewed. No questions or comments.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC HEARING:

1. **7:10 PM - Ordinance Section 31.045** – The Mayor opened the Public Hearing at 7:10 PM. The City Manager explained the reason for the Ordinance. Questions were asked by Residents Jay Berry and Ed Smith concerning the Thumb Soybean Festival. Councilmember and Festival Chairperson Pat Jacobson answered those questions. The Mayor closed the Public Hearing at 7:17 PM.

2. **7:20 PM - Ordinance Section 154** - The Mayor opened the Public Hearing at 7:20 PM. The City Manager explained the reason for the Ordinance. There were no questions. The Public Hearing was closed at 7:21 PM.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS: None Scheduled.

ORDINANCES:

1. **Ordinance Section 31.045:** An Ordinance establishing the Thumb Soybean Festival Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the annual summer festival.

Motion by CM Miller, second by CM Mclvor, to approve Ordinance Section 31.045 – Thumb Soybean Festival Commission. Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – Yes; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

2. **Ordinance Section 154: City of Brown City Floodplain Ordinance.** An Ordinance to amend the Brown City Code by adding Section 154 to Chapter Title XV – Land Usage: To designate an enforcing agency to discharge the responsibility for floodplain management of the City of Brown City located in Sanilac County, and to designate regulated flood hazard areas under the provisions of the state construction code act, Public Act 230 of 1972, as amended.

Motion by CM Walters, second by CM Miller, to approve Ordinance Section 154 – City of Brown City Floodplain Ordinance. Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – Yes; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

RESOLUTIONS:

1. **Resolution 11-13 - RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM.**

Motion by CM Walters, second by CM Miller, to approve Resolution 11-13 – Resolution to Manage Floodplain Development for the National Flood Insurance Program. Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – Yes; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

2. **Resolution 11-14 – RESOLUTION TO FORMALLY APPLY FOR ASSISTANCE FROM THE MICHIGAN TOWNSHIP PARTICIPATING PLAN (Par Plan) RISK REDUCTION GRANT PROGRAM (RRGP).**

Motion by CM Walters, second by CM Navock, to adopt Resolution 11-14 – Resolution to Formally Apply for Assistance from the Michigan Township Participating Plan (Par Plan) Risk Reduction Grant Program (RRGP). Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – Yes; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

MANAGER’S REPORT:

- 1. Cade Road:** The project is completed. The City received a letter and updated punch-list from the engineer. The final cost is \$99,532. Based on his calculations, “the 10% retainer, \$9,930.55 should be sufficient. James P Contracting, Inc. has conveyed that they will stand behind their 2-year guarantee, and if there are any areas requiring repair, they will repair the damages.” How does the City Council wish to proceed?

Motion by CM Walters, second by CM Loutzenhiser, to approve payment of 90% of the total invoice amount of \$99,532; and the City to retain 10% or \$9,953.20 pending final inspection and approval of the Cade Road Project in the Spring of 2012. Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – No; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

- 2. DEQ Violation:** To help insure the high quality of our water supply, the City of Brown City is required to send water samples to a laboratory in Lansing for testing each month. Two of the routine October 17th water samples tested positive for a certain type of bacteria. New water samples were immediately tested and these easily met state standards. The DPW believes that the sample bottles, rather than the water, were contaminated. However, due to state requirements, the City was required to send a standard notice, which was prepared by the Michigan Department of Environmental Quality (DEQ), to every water customer in the City of Brown City. The letters to the City’s 618 water customers were mailed or hand delivered on November 22, 2011.
- 3. Maple Valley Lift Station:** The City is still waiting on a response from DTE concerning the lift station claim.
- 4. November 8 Election:** The City’s cost to hold the municipal election was approximately \$2,500. Exactly 68 people cast votes, to include absentee ballots, for a cost of about \$36.76 per vote.
- 5. Beer and Wine Tasting Permit:** The Michigan Liquor Control Commission has issued an annual beer and wine tasting permit to Ben’s Supercenter. A copy of the notification letter sent to the Brown City Police Department was provided to the City Council. Otherwise, the City was not notified of this additional alcohol dispensing license granted to Ben’s.
- 6. Channel 6:** Town and Country TV provided the computer and monitor necessary to power Channel 6. The cost, including a flat screen TV as a monitor was \$1,026.25. Once the new computer is set up and operational, Comcast should provide a technician to allow the system to broadcast.

Motion by CM Jacobson, second by CM Loutzenhiser, to approve the payment of \$1,026.25 for the new computer and monitor. Roll Call: CM Walters – yes; CM Navock – absent; CM Miller – yes; CM Mclvor – yes; CM Jacobson – yes; CM Loutzenhiser – yes. Motion Carried.

7. **Summer Wind Farms Sanctuary:** The owners of this wild animal sanctuary want to work with the City and area businesses to help improve knowledge of their facility and location while also using their sanctuary to promote the City and local area. Discussion included adding the Sanctuary to advertising the City does in the *WMIC Blue Water Guide* and the *Official Vacation Planner for the Sanilac County Area*. The City Council briefly discussed the request and had no objection to including the Sanctuary in the City's advertising.
8. **Training Opportunity:** Thumbworks! in Marlette is offering a free class concerning Intellectual Property and copyright laws on Wednesday, November 30th from 10 AM to noon. I plan to attend. Also, EMCOG will be having their quarterly meeting on Friday, December 2nd where I will represent the City and Sanilac County.

ATTORNEY'S REPORT: Discussion concerning the proposed City Council Rules of Procedure. The City Attorney recommended a change to Page 5 Paragraph 2 concerning required majorities. CM Walters opened a discussion concerning revising or updating the City Charter. The City Attorney provided a couple of options concerning revisions. Changes to the Charter would have to be approved by the voters. The City Council will look into appointing a Committee to recommend changes to the voters for approval in the November election.

TREASURER'S REPORT: Written report reviewed. No questions or comments.

MAYOR'S REPORT:

1. The Mayor reported attending an MML Workshop on November 22nd in Marlette for individuals newly elected to local government. She participated in the panel discussion along with the Mayors of Marlette and Imlay City.

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water and Sewer (Navock) – none.
3. Tax and Finance / Thumb Soybean Festival (Jacobson) – none.
4. Streets and Sidewalks (Loutzenhiser) – none.
5. Building and Grounds (Walters) – none.
6. Personnel (Mclvor) – none.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM McIvor, to adjourn at 7:50 PM. Motion carried.

Respectfully submitted,

Clinton K. Holmes
City Manager