

BROWN CITY COUNCIL PROCEEDINGS

MARCH 26, 2012

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

Pledge of Allegiance led by Mayor Lee.

PRESENT: Mayor Christine Lee, Councilmembers: Bill Walters, Julie Miller, Ross Mclvor, 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:

Knox Disposal Contract will be added under Manager's Report.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Mclvor, to accept the Regular Meeting Minutes from March 12, 2012 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$15,400.82 (5140-5158), Payroll - \$14,517.57 (5417-5433), Sanitary Sewer - \$377.15 (3205), Water - \$1,573.83 (2046-2050), Arsenic Abatement - \$39.00 (1182), Equipment - \$2,449.73 (1331-1332). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT:

Written report reviewed. City Manager reported that due to the early warm weather and yard debris accumulating, brush pick up will begin on Friday, March 30th.

CM Walters requested the amount of water shut offs that were issued. City Manager estimated about 25 were issued today.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

- 1. 4119 Main Street:** Replace approximately 30' of sidewalk with an increase in elevation of about 4" (must meet ADA requirements); install storage tank on east side of building to intercept rain water from the roof to use as cooling during the manufacturing process– also requires Sanilac County Permit.

Motion by CM Walters, second by CM Mclvor, to accept the pre-application building permit for 4119 Main Street to Replace approximately 30' of sidewalk with an increase in elevation of about 4" (must meet ADA requirements); install storage tank on east side of building to intercept rain water from the roof to use as cooling during the manufacturing process– also requires Sanilac County Permit. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

- 2. 4046 Main Street:** Construct 20' X 20" extension to rear (north side) of existing garage – also requires Sanilac County Permit.

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4046 Main Street to Construct 20' X 20" extension to rear (north side) of existing garage – also requires Sanilac County Permit. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

ORDINANCES: None Scheduled.

MANAGER'S REPORT:

- 1. Knox Disposal Contract:** It was discovered that the contract with Knox Disposal is due for renewal if the City Council so wishes. The new contract is purposing a 75¢ increase per household per month for this new 3 year contract. Council can renew this contract or request bids for services. Few bids, if any, have been received in the past. Council discussion regarding the purposed contract as well as the costs associated with the City for Clean Up days etc. Discussion pertaining to increasing this fee to an even \$1 per household per month to make funds more avaiable for the future since the City is at a breakeven point currently.

Motion by CM Walters, second by CM Navock, to enter into a new 3 year contract with Knox disposal for garbage pickup services at a rate increase of 75¢ per household. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

Motion by CM Loutzenhiser, second by CM Walters, to increase garbage pickup fees in the amount of \$1.00 per household, per month. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

2. **Michigan Department of Transportation:** MDOT is hosting their regional Transportation Summit to update elected and appointed officials. As part of MDOT's consolidation efforts, this years' Summit will be held in Davison on Friday, March 30th at 9:00 AM. Presentations will focus on the 2012 construction program, the 2012-2016 Five Year Program, 2012-2016 federal and state funding expectations and its impact on project delivery. I plan to attend. Are any of the City Councilmembers interested in also attending this Summit? Mayor Lee and the City Manager will attend.
3. **Master Plan:** The City's Master Plan is overdue for updating or replacement. Since the plan was adopted by the Planning Commission and City Council, the City's ordinances have been codified and a substantially revised land and zoning ordinance enacted. The question for the City Council is whether to contract with an engineering firm to revise the Master Plan; or extend the existing plan and incorporate Title XV – Land Usage ordinance.

Discussion regarding extending the Master Plan versus an update as well as cost associated.

Motion by CM Walters, second by CM Navock, to extend the current Master Plan to also incorporate the Title XV Land Usage Ordinance. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

PUBLIC HEARING: 7:15 PM– A Public Hearing for the purpose of gathering public comments on the proposed Brown City Fiscal Year 2012-2013 Budget. The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

Mayor Lee opened the Public Hearing at 7:15 p.m.

No public questions or comments.

Mayor Lee closed the Public Hearing at 7:16 p.m.

Council discussion regarding proposed amendments to the 2011-2012 budget.

1. **Resolution 12-04** – Resolution of the City of Brown City to Amend the City's 2011-2012 Budget to Better Reflect Revenues and Expenditures.

Motion by CM Walters, second by CM Miller, to adopt Resolution 12-04, *A Resolution of the City of Brown City to Amend the City's 2011-2012 Budget to Better Reflect Revenues and Expenditures*. ROLL CALL VOTE: Walter-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

2. **Resolution 12-05** – A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and the Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2012-2013 Budget.

Council discussion pertaining to the City and Park Millage Rate for fiscal year 2012-2013.

Motion by CM Jacobson , second by CM Loutzenhiser, to adopt Resolution 12-05 *A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and the Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2012-2013 Budget.* ROLL CALL VOTE: Walters-yes, Miller-yes, McIvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

3. **Resolution 12-06** – A Resolution to Authorize Sanilac County Municipality Mutual Assistant Agreement between Marlette PD and Brown City PD.

City Manager discussed the development of Resolution 12-06 which has been tailored after other municipal agreements.

Motion by CM Miller, second by CM Navock, to adopt Resolution 12-06 *A Resolution to Authorize Sanilac County Municipality Mutual Assistant Agreement between Marlette PD and Brown City PD.* ROLL CALL VOTE: Walters-yes, Miller-yes, McIvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

MANAGER'S REPORT CONTINUED:

4. **School Building Project:** The City was contacted to assist a contractor with the permit process for the construction of two buildings (10' X 12' Storage / Press Box for Baseball Field) by Brown City Community Schools. A copy of the letter from the state delegating inspection responsibility to Sanilac County and the City response to the request for assistance are enclosed.
5. **Cade Road:** The contractor for the Cade Road project has requested an appointment with City staff and the project engineer to inspect work done last fall. They want to complete whatever repairs need to be done, close the project, and get their last payment. How does the City Council wish to proceed? Council consensus that this appointment be scheduled ASAP and Mayor Lee requested to be informed of when this takes place so that she may attend.
6. **Walter Street Water Main Replacement:** The City was able to find four contractors that can do this type of work. Requests for proposals were mailed, and bids are due April 19th at 2:00 PM at City Hall.
7. **Thumbworks! Youth Work Experience:** The City was contacted and offered the opportunity to apply for the same program that provided workers, at no

charge to the City, last year. Apparently, the program is smaller this year and may be limited to one individual per community. Plan, if a worker is assigned to the City, to have them work in the Park four days a week and on day in the cemetery.

8. **Comcast Franchise Agreement:** The franchise agreement with Comcast is due for renewal prior to January 21, 2015. Since there is some confusion as to whether this agreement is actually required following the passage of PA 480 of 2006, and apparently to keep their options open, Comcast sent the following by certified mail: "Accordingly, Comcast hereby gives notice that it seeks renewal of its cable television franchise pursuant to the provisions of 47 U.S.C 546 and requests commencement of renewal proceedings pursuant to 47 U.S.C 546(a) should a change in the State law or other circumstances necessitate doing so."
9. **City Hall Closure:** The City Hall and DPW will be closed on April 6th for the Good Friday holiday. (City Officials can expect to receive their meeting packets for the April 9th meeting on Thursday, April 5th).

ATTORNEY'S REPORT:

City Attorney states that the Municipal Agreement Contract between Marlette and Brown City PD be also signed by the Mayor and City Clerk as required by the City Charter.

City Attorney reported that the City of Livonia did win their lawsuit against the ACLU concerning the MMMA but did incur large legal fees. He is pleased that the City of Brown City was able to avoid these types of expenses.

TREASURER'S REPORT: None.

MAYOR'S REPORT:

Mayor Lee reported that Councilman Navock has been nominated for a "*STRIPES*" Award through the Sanilac County ISD.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – none.
4. Thumb Soybean Festival

CM Jacobson requests, on behalf of the Thumb Soybean Festival Committee that the City participate in deferring costs for the festival's firework display in the amount of \$2,500.00 as traditionally has taken place.

Motion by CM Loutzenhiser, second by CM Navock, to allocate \$2,500.00 to assist with the firework display for Thumb Soybean Festival. ROLL CALL VOTE: Walters-yes, Miller-yes, McIvor-yes, Jacobson-abstain, Navock-yes, Loutzenhiser-yes. Motion carried.

The next scheduled Thumb Soybean Festival Committee Meeting will be Tuesday, April 17th at 6:30 p.m.

5. Streets & Sidewalks – none.
6. Buildings & Grounds – none.
7. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Loutzenhiser enquired about scheduling of Clean-Up Days relative to the Thumb Soybean Festival. Discussion of the pros and cons regarding holding Clean-Up Days before or after the festival.

Council consensus to schedule Clean Up Days on or about June 18 and 19, 2012.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Loutzenhiser, second by CM McIvor, to adjourn at 7:34 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk