

**BROWN CITY COUNCIL PROCEEDINGS**  
**February 11, 2013**

**MEETING CALLED TO ORDER BY MAYOR CHRISTINE LEE AT 7:00 PM.**

**PLEDGE OF ALLEGIANCE LED BY MAYOR CHRISTINE LEE.**

**PRESENT:** Mayor Christine Lee, Councilmembers: Pat Jacobson, Robert Jacobson, Ross McIvor, Julie Miller, and Bill Walters. City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

**ABSENT:** Councilmember Dan Loutzenhiser.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA.**

Additions and Corrections to the Agenda under Personal Appearances.

1. Sheriff Garry M. Biniecki, Sanilac County Sheriff
2. Chuck Kunisch – M.A.C. – Purchase Agreement  
– Abandon City/Kohler Railroad Easement  
– Permit for M.A.C.

**CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Robert Jacobson, to accept the Regular Meeting Minutes of January 28, 2013 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Pat Jacobson, second by CM Walters, to pay the bills in the following funds: General - \$12,908.14 (5613-5640), Payroll - \$11,797.92 (5834-5848 plus EFT), Local Street - \$307.02 (4184), Sanitary Sewer – \$100.00 (3285), Water - \$2,015.27 (2176-2183), Arsenic Abatement - \$5.30 (1206), Equipment - \$148.02 (1369-1370).

**PUBLIC QUESTIONS & COMMENTS:** None.

**POLICE REPORT:** Report reviewed. No questions or comments.

**PERSONAL APPEARANCES:** .

1. Sanilac County Sheriff Garry M. Biniecki presented the 2012 Sanilac County Central Dispatch All Calls For Service to the City Council for both the City of Brown City and for Sanilac County. This is the 3<sup>rd</sup> annual statistic Central Dispatch report.

Sheriff Biniecki also reported that the Sanilac County jail project is ahead of schedule and below cost at this time.

2. Chuck Kunisch – M.A.C. – Purchase Agreement  
-- Abandon City/Kohler Railroad Easement.

Chuck Kunisch of M.A.C. questioned if any of the Councilmembers had any questions pertaining to the Purchase Agreement that is being prepared for the property that M.A.C. is purchasing from the City. City Attorney Gregory Stremers stated that some changes came in this afternoon concerning the berm. He would like to write it up and present it to the Councilmembers to review.

M.A.C. has received a release from Mrs. Kohler concerning the railroad easement that is on their property – jointly owned by the City and Kohler. M.A.C has requested the City also release their portion of the easement. The City Attorney is researching the situation and will determine the best procedure for the City to follow. He will provide a report at the next meeting concerning how the City can release this easement.

3. Chuck Kunisch of M.A.C. requested a permit to build a 46' by 96' silo next to their existing silo. The Planning Commission recommends approval.

**Motion by CM Walters, second by CM McIvor, to allow M.A.C. to construct a 46' by 96" silo next to their existing silo. Motion carried.**

#### **UNFINISHED BUSINESS:**

1. Dumpster Parking – City North Parking Lot.

**City Manager Clint Holmes stated that the bank had no additional information available yet concerning the ownership of the area where the dumpster is placed. They are still working on obtaining this information.**

**PETITIONS & COMMUNICATIONS:** None Scheduled.

**PUBLIC HEARING:** None Scheduled.

**RESOLUTIONS:** None Scheduled.

#### **ORDINANCES:**

1. **Introduce an amendment to Chapter 52: Water Distribution and Sewer System of the City Ordinances - Appendix 1 and 2 (Utility Rate Tables):** To reflect a necessary increase in the monthly utility fees and subsequently adjust rates annually for inflation on April 1<sup>st</sup> based on the consumer price index (CPI) published by the United States Government and adjusted to the nearest whole dollar; and schedule a Public Hearing for **7:15 PM** during the regularly scheduled City Council meeting on **Monday, February 25<sup>th</sup>**.

**CM Robert Jacobson introduced an amendment to Chapter 53: Water Distribution and Sewer System of the City Ordinances – Appendix 1 and 2 (Utility Rate Tables)**

**Motion by CM Miller, second by CM McIvor, to schedule a Public Hearing concerning an increase in the monthly utility fees and subsequently adjust the rates annually for inflation on April 1<sup>st</sup> based on the consumer price index published by the United States Government and adjusted to the nearest whole dollar. The Public Hearing is**

**to take place at the next regularly scheduled City Council meeting on Monday, February 25, 2013 at 7:15 p.m. Motion carried.**

## **MANAGER'S REPORT**

1. **EVIP II C3:** The Department of Treasury requested additional information associated with the City's Certification of Consolidation Services. The information was provided.
2. **Mandated hydraulic analysis (due January 2016):** DEQ, under Rules 1601-1606, is requiring that community water systems that provide fire protection must complete a hydraulic analysis of the distribution system showing pressure contours under peak demands; provide an inventory of water main by size and material and age; and create service area maps including existing and future service area boundaries by January 1, 2016. The Committee recommended the City Council authorize the City Manager to write and release a Request for Proposals (RFPs) for this study. The proposed RFP is enclosed. How does the City Council wish to proceed?

**The City Council authorizes the City Manager to write and release a Request for Proposals (RFPs) for this study.**

3. **Proposed water tower painting and maintenance:** The water tower is due for repainting. Utility Services, Inc. has proposed a maintenance contract that would start with the painting of the water tower, allow the City to pay interest free over five years, and continue the maintenance contract for annual inspections so that when the tower was again due for repainting or maintenance the cost would be covered. A copy of the presentation is enclosed. Consensus of the Committee was to forward this to the City Council for action. How does the City Council wish to proceed?

**The City Council authorizes the City Manager to proceed with obtaining more information for the Council to review.**

4. **Possible antenna placement:** Thumb Cellular wishes to replace their existing antennas on the water tower with new ones to allow them to upgrade to 4G service. The Committee believes the City Council should allow this upgrade. How does the City Council wish to proceed?

**The City Council has no objection to this upgrade.**

5. **Back-up Pump for Well #4:** The DPW requests that the City consider replacing the gasoline-powered auxiliary motor on Well #4 with one that uses propane. The current motor is believed to have come off of a 1927 tractor. Parts are very difficult to find, and gasoline must be poured by hand into the tank attached to this motor. The City already owns the propane tank located next to Well #4 and used to heat the pump and arsenic abatement equipment located in Well #4. Does the City Council have any objection to contacting Kohler Propane and determining the potential cost of a replacement motor?

**The City Council has no objection in contacting Kohler Propane to determine the potential cost of a replacement motor.**

6. **Air Advantage antenna and generator placement:** Air Advantage purchased Great Lakes Internet in March 2012. They have requested permission from the City to replace their

antennas on top of the water tower; remove the existing equipment installed by Great Lakes Internet; install a back-up generator on a concrete pad, and reroute electrical power directly to their substation; and drill a 1.6” hole to run cables. A drawing noting potential placement is enclosed. Does the City Council have any objection to allowing Air Advantage to proceed with this project?

**The City Council has no objection in allowing Air Advantage to proceed with this project.**

- 7. Water Main Replacement:** The Sewer & Water Committee discussed potential infrastructure improvement projects for 2013. Recommendation was to release RFPs to determine the cost to replace the water main north and south of Central Main Street with the approval of the City Council.

**The City Council gives their approval to go ahead and release an RFP for this project.**

- 8. Utility Bill Payment Drop Box:** The current box, located in the northeast corner of the entryway to City Hall, is suffering from severe corrosion. Emmie Die & Engineering cannot provide this product in a reasonable timeframe or below the current cost. How does the City Council wish to proceed?

**The City Council wishes the City Manager to order a box to place in the entryway to City Hall and determine the approximate cost to have it installed.**

- 9. International Union of Operating Engineers Local 324:** The City received a certified, return receipt requested, letter from the union. The letter stated: “This is to advise you that we wish to open our Agreement for the purpose of negotiating for wages only.” The Personnel Committee should schedule a meeting to determine if there should be any wage adjustments for City employees for 2013 – to include both union and non-union.

**Personnel Chairman, CM McIvor, scheduled a meeting date for Thursday, February 21, 2013 at 7:30 p.m. in the Brown City Library.**

- 10. National Flood Insurance Program:** Last year the City registered for the NFIP since a portion of the southeast corner of the City lies in an area identified by the federal government as a flood plain. The City received a notice stating that there were multiple changes made to the program as a result of passage of the Biggert-Waters Flood Insurance Reform Act of 2012. The primary change is that rates for certain types of structures “will increase 25 percent a year until they reflect a flood insurance rate based on the actuarial flooding risk of the structure.” Whether this would affect property owners in the City was not a subject of this letter.

- 11. Police Computer:** The computer currently being used by the police in City Hall is no longer functioning properly and should be replaced. Town & Country / Radio Shack has provided two bids: \$634.99 for a quad-core with 6GB of RAM, and \$889.99 for a faster quad-core and 8GB of RAM. Also being researched is possible replacement of the police printer since it is very expensive to operate. Does the City Council have any objections to replacing some or all of this equipment?

**The City Council has no objection to replacing the equipment used by the police in the City Hall.**

- 12. Bank Interest Rates:** The interest rate that Tri-County Bank pays on our municipal accounts dropped from .11% in December to .06% in January. The City has noticed a steady decline in interest payments for a considerable amount of time. Exchange State Bank is currently paying up to .45% for a municipal investment account, and Independence bank in North Branch is paying .15% to .20% based on type of deposit. Does the City Council wish to consider moving the water reserve funds to a different bank? Neither of these two accounts is a checking account.

**The City Council would like to leave the money in the Tri-County Bank providing that they would match the interest payment quoted by Exchange State Bank of .45%.**

- 13. Even Year Elections:** The City can decide to hold elections only in even years by passing a resolution following a public hearing. In compliance with MCL 168.642. This would save on election costs. The City Charter would not be an issue. The City has sent a letter to the Bureau of Elections requesting a sample resolution. The same letter also asked for alternative to essentially holding a separate election for the residents of the duplex on Cade Road. A copy of the letter was also sent to the Secretary of State since the previous email to the Bureau received no response. Does the City Council wish to pursue just holding even year elections?

**The City Council wishes to pursue holding even year elections if it could be worked out with a resolution following a public hearing.**

- 14. City Hall Closure:** The City Hall, police and DPW offices will be closed on Monday, February 18<sup>th</sup> for President's Day.

**ATTORNEY'S REPORT:**

1. Land Sale to MAC – Review of Purchase Agreement.

**City Attorney, Gregory Stremers, will get a copy of the changes he has on the Purchase Agreement with MAC so the Councilmembers may look it over.**

**City Attorney, Gregory Stremers, reported that by law Medical Marijuana dispensaries are illegal. They may not be allowed in Brown City.**

**TREASURER'S REPORT:** None.

**MAYOR'S REPORT:** None.

**COMMITTEE REPORTS:**

1. Police (Miller) – None.
2. Water and Sewer (R. Jacobson) – Included in the minutes.
3. Tax and Finance (P. Jacobson) – None.
4. Streets and Sidewalks (Loutzenhiser) – None.
5. Building and Grounds (Walters) – None.
6. Personnel (Mclvor) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Walters questioned where the extra money collected each month on the garbage fund is being kept. He wanted to make sure that it was not going into the general fund and that it would be available when needed for garbage rate increases.

CM Pat Jacobson stated that the sidewalk outside of the City Hall should be salted as it was very slick.

**PUBLIC QUESTIONS & COMMENTS:** None.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Miller, second by CM Pat Jacobson, to adjourn at 8:14 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk