

BROWN CITY COUNCIL PROCEEDINGS

February 25, 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, Dan Loutzenhiser, Ross McIvor (arrived at 7:31 p.m.), Julie Miller (arrived at 7:03 p.m.), and Bill Walters. City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA.

Chuck Kunisch – M.A.C. was scheduled to attend the Council Meeting in regard to the Purchase Agreement between the City and MAC. He was absent as he was at a convention.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Loutzenhiser, second by CM Walters, to accept the Regular Meeting Minutes of February 11, 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 - \$16,663.82 (5642-5654), Payroll - \$13,688.66 (5849-5866 plus EFT), Major Street - \$1,293.37 (3781), Local Street - \$1293.38 (4185), Sanitary Sewer - \$378.45 (3286-3287), Water - \$1358.05 (2184-2185). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Report reviewed. No questions or comments.

PERSONAL APPEARANCES:

1. Chuck Kunisch – M.A.C. – Purchase Agreement

Chuck Kunisch was absent due to a prior commitment; however, City Attorney Gregory Stremers reported that he had gone over the Purchase Agreement with MAC prior to the City Council Meeting. The City has received the Purchase Agreement and a good faith check for \$1000 from MAC. The name of Mohr is spelled incorrectly (Moore) on the Purchase Agreement. The agreement will be revised with the name of Mohr spelled correctly.

Motion made by CM Walters, second by CM Robert Jacobson, to authorize the Mayor, City Clerk, City Manager, and City Attorney to sign the Purchase Agreement between the City of Brown City and M.A.C. Motion carried.

A Motion was made by CM Walters, second by Robert Jacobson, to put the money from the sale of this property into a Retiree Health Care Reserve Fund in the local Exchange State Bank. Motion carried.

UNFINISHED BUSINESS:

1. Dumpster Parking – City North Parking Lot.

In researching the issue of ownership of disputed dumpster parking, it was found that the City of Brown City purchased Lot 8 from Helen Lints for \$25,000 in 1986. The deed was never registered so therefore the title search was prolonged. The City Manager will have the deed recorded with the county.

The City Attorney suggested that the City not have the dumpster on city property. The Council authorized the City Manager to send a letter to the three individuals leasing the dumpster asking them to please come to an agreement to have the dumpster moved within the next two weeks.

PETITIONS & COMMUNICATIONS:

1. 4888 Autumn Gold: Request permit to re-shingle roof and replace siding
Motion by CM Walters, second by CM Loutzenhiser, to issue a permit to re-shingle the roof and replace the siding at 4888 Autumn Gold. Motion carried.

PUBLIC HEARING: 7:15 PM—Ordinance Chapter 52 Appendix 1 and 2 Utility Rate Tables.

Public Hearing on Ordinance Chapter 52 Appendix 1 and 2 Utility Rate Tables was opened at 7:15 p.m. There were no questions or comments. The Public Hearing was closed at 7:16 p.m.

RESOLUTIONS:

1. **Resolution 13-02: *A Resolution to Authorize Inter-Local Cooperation, Collaboration and Consolidation Plan Agreements with the City of Sandusky.***

Motion by CM Miller, second by CM Pat Jacobson, to authorize Inter-Local Cooperation, Collaboration and Consolidation Plan Agreements with the City of Sandusky. Motion carried.

ORDINANCES:

1. **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 1st based on the consumer price index (CPI) published by the United States Government and adjusted to the nearest whole dollar .

Motion by CM Robert Jacobson, second by CM Loutzenhiser, to amend 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 1st based on the consumer

price index (CPI) published by the United States Government and adjusted to the nearest whole dollar.

Discussion: CM Walters spoke against this amendment.

ROLL CALL VOTE: CM Loutzenhiser – yes, CM Pat Jacobson – yes, CM Miller – yes, CM Robert Jacobson – yes, CM McIvor – absent, CM Walters – no. 4 yes votes, 1 no vote, 1 absent. Motion carried.

MANAGER’S REPORT

- 1. EVIP II C3:** The Department of Treasury requested additional information (again) associated with the City’s Certification of Consolidation Services. The information was provided and the City received notification that the application was finalized.
- 2. Request for Proposals:** The City released Requests for Proposals for engineering services for the two projects discussed at the last meeting: The Hydrology Study and the replacement of water mains north and south of Main Street. Sealed bids are due to the City by 11:00 AM on Thursday, March 21st.
- 3. Utility Services:** The representative from Utility Services provided signed copies of the proposed 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. The City Attorney has reviewed the contract and coordinated changes with the company. A copy of the contract is enclosed. How does the City Council wish to proceed? **REQUIRES MOTION.**

Motion by CM Walters, Second by CM Pat Jacobson, to do some further checking on this contract and get back to the Council at a later date. Motion carried.

- 4. Antenna placement:** Thumb Cellular provided a second amendment to the current lease agreement to allow the replacement of their antennas on the water tower with more capable ones. The contract would also increase payments from \$13,850 to \$18,000 per year. Discussion with Utility Services revealed a requirement that cables be installed in “messenger tubes”. Both Thumb Cellular and Air Advantage were notified of this requirement. The City Council may wish to add this requirement to the proposed amendment. How does the City Council wish to proceed? **REQUIRES MOTION.**

Motion by CM Walters, Second by CM Loutzenhiser, to table this until next Council Meeting. They would like to include a requirement for an engineering drawing before they move on this. Motion carried.

- 5. Back-up Pump for Well #4:** The City had a discussion with Kohler Propane concerning replacing the gasoline-powered auxiliary motor on Well #4 with one that uses propane. The result was a recommendation that rather than replacing the motor, the City should consider installing a generator since this would allow the heating and arsenic abatement equipment to be powered along with the pump. The recommendation was also to consider installing a variable frequency drive (VFD) unit which would allow both the installation of a smaller

generator and would help reduce energy costs overall for the well. Does the City Council have any objection to researching the costs and advantages associated with a VFD?

The Council has no objections to researching the costs and advantages associated with a VFD.

6. **Understanding Obamacare:** Thumbworks! is providing a free panel discussion on February 27th called Understanding the Requirements and Implications of the Affordable Care Act (Obamacare) in Marlette. Representatives from the healthcare, finance and benefits sectors will be providing information concerning implementation, implications and potential penalties for non-compliance. I have registered for this two-hour training session.

7. **Cell Tower:** The owner of the cell tower, SBA, contacted the City and requested a 65-year extension on the existing lease. The current lease was signed August 17, 2001 for five years with automatic five-year renewals times five for a total lease length of 30-years running through 2031. A copy of the requesting email is enclosed. City Attorney recommends limiting the lease to 30-years. How does the City Council wish to proceed?

The City Council does not wish to grant an extension for the requested 65 years. A maximum of 30 years would be the most that they would extend the lease.

8. **Utility Bill Payment Drop Box:** The new box has arrived. The City is getting an estimate for the cost of installation.

9. **Police Computer:** The computer has arrived and is fully operational. The Chief wants to extend his thanks to the City Council and say he is very happy with the new computer.

10. **Bank Interest Rates:** The interest rate that Tri-County Bank pays on our municipal accounts has been adjusted to the prevailing rate.

ATTORNEY'S REPORT:

1. Abandon City/Kohler Railroad Easement at M.A.C.

The City Attorney stated that he has been working on the Purchase Agreement and there have been no problems.

The City Attorney recommends that there should be an ordinance to release rights to this property. The City Manager was asked to work up an Ordinance to abandon the railroad easement. This would need to be introduced at the March 11, 2013 Council Meeting.

MAC will be asked to pay for the costs associated with the Ordinance and abandonment of the railroad easement.

TREASURER'S REPORT: None.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

1. Police (Miller) – None.
2. Water and Sewer (R. Jacobson) – None.

3. Tax and Finance (P. Jacobson) – None.
4. Streets and Sidewalks (Loutzenhiser) – None.
5. Building and Grounds (Walters) – None.
6. Personnel (Mclvor) – Meeting February 21 minutes.

CM Mclvor reported that the Personnel Committee met on February 21, 2013. The committee recommended the City Council grant a one-time bonus to all City employees in the amount of one-week's pay in lieu of a pay increase. They also recommended that a mid-year review of employee wages take place in conjunction with the budget amendment.

Motion by CM Mclvor, second by CM Walters, to give a one-time bonus to all City employees in the amount of one-week's pay. Motion carried.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Pat Jacobson, to adjourn at 7:43 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk