

BROWN CITY COUNCIL PROCEEDINGS
June 10, 2013

MEETING CALLED TO ORDER BY MAYOR CHRISTINE LEE AT 7:01 PM.

PLEDGE OF ALLEGIANCE LED BY MAYOR CHRISTINE LEE.

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

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA. None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM P. Jacobson, to accept the Regular Meeting Minutes of May 20, 2013 as presented. Motion carried.

PAY BILLS:

Motion by CM Pat Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$28,542.15 (5777-5805), Payroll - \$13,854.85 (5985-6002 plus EFT), Major Street - \$851.25 (3788-3790), Local Street - \$2,580.75 (4192-4195), Sanitary Sewer -\$3,745.21 (3304-3308), Water - \$1,323.80 (2219-2228), Arsenic Abatement - \$200.00 (1214), Storm Sewer – \$1,241.08 (1139-1141), Equipment - \$2,452.24 (1381-1385). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

POLICE REPORT:

Police Chief Ron Smith stated that it was a fairly quiet weekend during the Brown City Soybean Festival. A few tickets were issued and one assault case was reported but otherwise rather calm.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None

PETITIONS & COMMUNICATIONS:

1. **4222 Main Street** – Tri-County Bank: Replace existing sign with a 3' X 8' electronic messaging sign added to existing post with decorative shroud (see attached drawings). Planning Commission recommends approval.

Motion by CM Walters, second by CM R. Jacobson, to approve Tri-County Bank's request to replace their existing sign with a 3' x 8' electronic messaging sign added to the existing post with decorative shroud. ROLL CALL VOTE: CM Loutzenhiser – yes, CM McIvor – yes, CM Miller – yes, CM Walters – yes, CM Pat Jacobson – yes, CM R. Jacobson – yes. 6 Yes votes, 0 No votes, 0 absent. Motion carried.

2. **6921 George Street:** Add 8' X 22' section to existing deck on rear of house.
Motion by CM Walters, second by CM R. Jacobson, to approve the addition of an 8' x 22' section to the existing deck on the rear of the house at 9621 George Street. ROLL CALL VOTE: CM Miller – yes, CM Walters – yes, CM P. Jacobson – yes, CM R. Jacobson – yes, CM Loutzenhiser – yes, CM McIvor – yes. 6 Yes votes, 0 No votes, 0 absent. Motion carried.

PUBLIC HEARING: 7:15 PM – Resolution 13-07: Even Year Elections.

A Public Hearing on Ordinance 13-07: Even Year Elections, was opened at 7:15 p.m. There were no questions or comments. Ordinance 13-07 was scheduled for a Public Hearing by CM Miller, second by CM Loutzenhiser, at the last regular Council Meeting on May 20, 2013. The Public Hearing was closed at 7:16 p.m.

ORDINANCES: None Scheduled.

RESOLUTIONS:

1. **Resolution 13-07:** Even-Year Elections

Motion by CM Walters, second by CM R. Jacobson, to change the City of Brown City's regular election for local offices from both the even- and odd- year November election date to holding its regular election for local offices to the even year November election date. ROLL CALL VOTE: CM R. Jacobson – yes, CM Loutzenhiser - yes, CM McIvor - yes, CM Miller - yes, CM Walters - yes, CM Pat Jacobson - yes. 6 Yes votes, 0 No votes, 0 absent. Motion carried.

MANAGER'S REPORT:

1. **City Police Car:** The 2005 City police car was involved in an accident with a bicyclist near 4281 Main Street at about 9:35 PM on Friday, May 31st. The Michigan State Police Accident Investigation Team is the agency designated to analyze the incident. Their report is still pending. The initial paperwork was filed with the insurance company. Repairs to the police car are completed. The insurance company waived the deductible.

No report from the Michigan State Police Accident Investigation Team as of today, June 10, 2013. Report is still pending.

2. **Annual Audit:** The regular annual audit of the City, Library and Fire Department was conducted by King and King on May 15th and 16th. No discrepancies were noted during the City's portion of the audit. The City Council will receive a formal presentation on the results at the July 8th regular meeting. A copy of the audit will be distributed to each City Councilmember at that time; however, a review copy is available at City Hall.

3. **King & King CPAs Contract:** The City's contract is due to expire this year. King & King has submitted a new contract for 2014-2016. The cost will be \$6,750 per year, the same as under the current contract. Recommend the City Council renew the contract and authorize the Mayor and Clerk to sign the document.

Motion by CM Miller, second by CM McIvor, to renew the City's CPA contract with King & King for the 2014-2016 years at a cost of \$6,750 per year with authorization given to the Mayor and Clerk to sign the document for the City of Brown City. ROLL CALL VOTE: CM

Walters – yes, CM P. Jacobson – yes, CM R. Jacobson – yes, CM Loutzenhiser – yes, CM McIvor – yes, CM Miller – yes. 6 Yes votes, 0 No votes, 0 absent. Motion carried.

4. **Water Tower Antennas:** Utility Service has recommended that they work around the antennas and cables rather than design and install a corral and cable tubing. A representative from Thumb Cellular notified the City that Family Health Care at 4472 Main Street has requested connection to their fiber optic network. Plans will be provided for City review when completed. Also, Thumb Cellular has requested a minor modification to the contract amendment approved by the City Council on March 11th. They have requested a minor change; specifically, the brand of antenna. How does the City Council wish to proceed?

The City Council wishes to have them proceed.

5. **L-4029:** The City received a request from the Sanilac County Clerk for a copy of the City's L-4029. This is the document used to identify the millage rate for City Winter Taxes. Two copies must be signed by the Mayor and Clerk for both Sanilac and Lapeer Counties. Of note, the City's current Total Taxable Value in 2007 was \$25,687,860, and in 2013 is \$19,066,449, a decrease of \$6,621,411 or about 26%.

Motion by CM Walters, second by CM Miller, to release a copy of the City's L-4029, which is the document used to identify the millage rate for the City Winter Taxes, to the Sanilac and Lapeer County Clerks. The Mayor and Clerk are to sign this document on behalf of the City of Brown City. Motion carried.

6. **Retiree Health Care Reserve Fund:** The proceeds from the land sale have been deposited – a total of just under \$50K. The bank requires a resolution identifying those individuals authorized to access the account. Recommend Mayor Christine Lee, Treasurer Carol Walters, Clerk Juanita M. Smith and Administrative Assistant David R. Van Cura. Also, by adding \$600 to the account, it will bring the balance above \$50K and will receive a (slightly) higher interest rate. **REQUIRES MOTION.**

Motion by CM Miller, second by CM McIvor, to authorize access to the new Retiree Health Care Reserve Fund account at the Exchange State Bank to Mayor Christine Lee, Treasurer Carol Walters, City Clerk Juanita Smith, and Administrative Assistant David R. VanCura. The motion also includes adding an amount, approximately \$600, to bring the balance above \$50K so that the City will qualify for a slightly higher interest rate. ROLL CALL VOTE: CM P. Jacobson – yes, CM R. Jacobson – yes, CM Loutzenhiser – yes, CM McIvor – yes, CM Miller – yes, CM Walters – yes. 6 Yes votes, 0 No votes, 0 absent. Motion carried.

7. **Federal No Lead Law 111-380:** This new law takes effect on January 4th and requires that all valves associated with a drinking water system be appropriately stamped. This only affects valves that are less than two inches in diameter (2"). The City will be required to replace some of the (new) valves in our inventory. Estimated cost is unknown but should not be a large amount of money.

8. **MML Risk Management Inspection:** As part of our Workers Compensation Insurance policy with the MML, the City Hall and Police Department were inspected on May 30th. The procedure included an interview with the City Manager and the Police Chief. The inspection resulted in several recommendations all dealing with training and implementation of a

trenching policy, and adoption of the “Globally Harmonized System” (GHS) for hazardous chemical containers. Once implemented, and within 30-days, a written report must be filed with MML.

9. **MDOT Traffic Counts:** MDOT notified the City that traffic counts are required for each intersection with railroad tracks. The DPW Foreman contacted Sanilac County to borrow the necessary equipment. The County has agreed to conduct the traffic counts when their operator and equipment is available which should be within the next few weeks. There should be no cost to the City
10. **Brown City Clean-Up Days:** The annual Clean-Up Days needs to be scheduled. The DPW is recommending the 25th and 26th of June. If the City Council has no objections, the proper notices will be placed in the newspaper and on the City’s website.

The Council has no objection with scheduling the Clean-Up Days on June 25th and June 26th. Proper notices will be placed in the newspapers and on the City’s website by the City Manager.

11. **Well #3 Overhaul and VFD:** Northern Pump & Well is ordering the parts and equipment to overhaul Well #3 and install VFDs on Wells #3 & #4. Anticipate the work to begin the week of June 10th. Residents should not notice any decrease in the availability or pressure of water.

Work began today, June 10, 2013 on installing the VFDs on Well #4. Work to overhaul and install VFDs on Well #3 will begin once Well #4 is completed. Anticipate it may take about two weeks to get Well #3 back up and running again.

12. **Hydrant Flushing:** The DPW conducted hydrant flushing May 20-24. One hydrant near the Kilpatrick Apartments requires repair. No other problems or issues were noted
13. **Michigan House Bills 4593-4594-4595:** Representative Paul Muxlow’s Office contacted the City concerning bills he is sponsoring concerning the sale of scrap metal. The proposed laws would better define scrap metal; strengthen reporting requirements; and increase criminal penalties for the sale/purchase of stolen property. A copy of the City’s response is enclosed.
14. **2013 Street Project:** The City met with Huron Consultants to finalize plans for the replacement of Walter and East Maple Streets. The plans are being completed and bids should be available for release in the near future. Huron reps asked if the City requires bids or if a contract can simply be awarded. (PAs 167 & 168 which required municipalities to seek competitive bids for purchases over \$20,000 in order to receive state shared revenue money, were repealed in 1996).

CM P. Jacobson stated that she would like to have bids go out for this project.

15. **MML Annual Conference**
The MML Annual Conference is scheduled for September 17 – 20, 2013. Is anyone on the Council interested in attending?

At this time there is no interest in attending the MML Annual Conference by any of the Councilmembers.

16. **Park Project:** There have been a couple of issues resulting from the engineering and construction work associated with the Park Pond Grant Project. The City has reached an understanding with Huron Construction and the contractor regarding the Park Project. The results will be presented to the Park Board on June 13th.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT: The Treasurer is working on the Summer Taxes.

MAYOR'S REPORT:

1. Soybean Festival.

Mayor Christine Lee reported that the Soybean Festival seemed to go very well. The Fireworks were very nice, lasting approximately 25 minutes. Many positive comments were given by numerous people in the community. The parade was also given many positive reviews.

2. Sanilac Tourism Association.

The Mayor reported that the Sanilac Tourism Association is well represented by our area. Jamie Daws and Mayor Christine Lee are part of the committee.

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 (McIvor) – None.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM P. Jacobson, to adjourn at 7:31 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk