

BROWN CITY COUNCIL PROCEEDINGS
September 23, 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, 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.

City Manager Clint Holmes stated that there would be one addition to the agenda under the City Manager Report.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Pat Jacobson, to accept the Regular Meeting Minutes of September 9, 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 - \$14,518.07 (5941-5956), Payroll - \$13,909.90 (6125-6143 plus EFT), Major Street - \$517.50 (3803-3804), Sanitary Sewer - \$10,150.95 (3335-3339), Water - \$3,712.38 (2272-2281), Storm Sewer - \$516.00 (1149), Equipment - \$242.19 (1393-1394). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Report reviewed. CM Walters questioned if the water tower was done yet. City Manager Clint Holmes replied that it was not finished but hopefully by the end of the week it would be. It was also brought up that several shrubs by Liebler's Insurance building needed to be trimmed.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. **6872 St. Marys Street:** The owner of the property is requesting a permit to replace the fuse box with a circuit breaker box and increase the size of the service to 200 amps, recommend approval

Motion by CM Walters, second by CM R. Jacobson, to grant a permit to the owner of the property at 6872 St. Marys Street to replace the fuse box with a circuit breaker box and increase the size of the service to 200 amps. Motion carried.

PUBLIC HEARING: None Scheduled.

ORDINANCES:

1. **City Fireworks Ordinance:** Sanilac County has provided a uniform fireworks ordinance for cities and townships. They have requested notification by mail whether or not the ordinance is passed. If the City Council wishes to proceed, the ordinance will need to be introduced and a Public Hearing scheduled for October 14th at 7:10 PM.

The City Council wishes to proceed with a uniform fireworks ordinance provided by Sanilac County for the cities and townships in Sanilac County.

CM Walters introduced an Ordinance to adopt a new chapter to the Brown City Code to provide for the Regulation of the Ignition, Discharge, and use of Consumer Fireworks as allowed under the Michigan Fireworks Safety Act, Act 256 of 2011, MCL 28.451 et seq., which shall be known as Chapter 98—City Fireworks Ordinance.

Motion by CM Walters, second by CM R. Jacobson, to schedule a Public Hearing for 7:10 p.m. on Monday, October 14, 2013 concerning a uniform fireworks ordinance for Sanilac County's cities and townships. This Ordinance shall be known in Brown City as Chapter 98 – City Fireworks Ordinance. Motion carried.

RESOLUTIONS: None Scheduled.

MANAGER'S REPORT:

1. **Water Tower Project:** Workers have completed sandblasting and painting the interior and exterior of the water tower. Paint in the wet cell will have completed curing on September 22nd. A team is scheduled to arrive the next day to complete electrical hookups and begin the purification process. If the water purity tests are completed on time, the water tower should be fully on-line by September 27th. The City received a call from an employee in the industrial park east of the water tower. He stated that the painters had asked they move their cars to prevent paint drips. However, they still had paint fall on their vehicles. Utility Service, the water tower contractor, was notified and is resolving the issue.
2. **2013 Water Main Project:** The mains and taps should be completed by late on September 20th. Installation of asphalt and final clean-up should be completed by September 27th or before. The contractor has requested an interim payment of \$42,622 or slightly less than half of the projected cost of \$93,540. This is primarily due to the fact that the City Council will

not meet again until October 14th, and is recommended by the Project Engineer. How does the City Council wish to proceed?

Motion by CM Walters, second by CM Pat Jacobson, to authorize an interim payment of \$42,622 to Cassino Building & Development for the 2013 Water Main Project.

ROLL CALL VOTE: CM Miller – yes, CM Walters – yes, CM Pat Jacobson – yes, CM R. Jacobson – yes, CM Loutzenhiser – yes, CM McIvor – yes. 6 Yes votes, 0 No votes. Motion carried.

3. 2013 Streets Project: The City met with the contractor late in the afternoon of September 20th. The work is scheduled to begin on Monday, September 23rd. The City also discussed repairing a section of asphalt around a sewer manhole adjacent to the railroad tracks just northeast of Tri-County Bank. Also discussed was a large repair to the City parking lot just north of Liebler's Insurance.

4. Motor Sale: The City contracted with Albrecht Auction Service to sell the auxiliary motor and power takeoff from Well #3. The City received \$650. The individual that purchased the motor has made an offer of \$450 for the motor in Well #4. How does the City Council wish to proceed?

The City Council wishes to proceed with the sale of the motor in Well #4 for a purchase price of \$450.

5. City Office Clerk: The current City Office Clerk has resigned effective September 23rd. She has accepted a full-time position with a CPA firm in Port Huron. The City is advertising the position in the Banner and Sanilac County News. Cover letter, resume and applications are due by October 3rd. A copy of the advertisement is enclosed.

6. NPDES Permit Inspection: On May 15th, MDEQ inspected the City's water, wastewater, storm water and arsenic abatement systems to ensure continued compliance with our National Pollutant Discharge Elimination System (NPDES) Permit. The report was received on September 20th and stated "The lagoons and WTP appeared in good condition."

7. Audit of Minimum Assessing Requirements: The State Tax Commission notified the City that they are planning reviews for any local unit that has not recently been reviewed. Contact with the organization revealed that the plan was to review tax parcels in Lapeer County. When told there were only four, they stated that the City will get evaluated when they schedule audits in Sanilac County. The City Assessor stated that we are well within the new guidelines and does not anticipate any concerns being raised when we are audited.

8. Myron Pocket Calendars: The 2014 pocket calendars were recently received. Unless otherwise directed, plan to distribute them to the Councilmembers at the second meeting in November. Does the City Council wish to order these for 2015?

The City Council would like to order the pocket calendars for the 2015 year.

9. **Mapleview Estates:** The City has not received a monthly report identifying which trailers are occupied since April 2013. As a result, we potentially do not have an accurate understanding of which units are occupied. Second, the park owner agreed to retrofit trailers with a water shut-off valve that would allow us to place a padlock on the water line for non-payment of utility bills. 7176 Mapleview West Lot 56 was supposed to be shut-off on March 6, 2013 for non-payment of a \$149.00 utility bill. The same situation exists with 7136 Mapleview West Lot 65 which has an outstanding utility bill of \$139.00. The valves were never changed, per our agreement, and therefore could not be secured. They have since rented Lot 56. Also, 4100 Mapleview East Lot 85 is apparently still occupied even though the water supply was locked out March 27, 2012. The amount owed is \$98.40. A letter was sent to the owner expressing these facts, with a copy sent to the City Attorney, and asking how they plan to resolve this continuing issue.

On September 23rd, the Park manager came to City Hall and provided a list of currently occupied trailers, and stated lockabe valves are on order and will be installed. A lien will be placed on Mapleview Estates' Winter Tax bill for outstanding utility bills.

10. **Facebook:** The City has set up an account and begun placing information on a Facebook page. The address is City of Brown City, Michigan. This factoid was included in the September 16th edition of the Banner.
11. **Sanilac County Community Foundation:** This organization provides small grants for community projects. Attendance at a training class is required prior to applying for a grant. The Mayor will attend the next available class on Wednesday, September 25th at 4 PM in Sandusky.
12. **City Police Car:** The final paperwork to close out the claim was submitted to the City's insurance carrier on September 18th. The total was \$229.10. They are still evaluating waiving the \$500 deductible.
13. **Permit notice from DEQ:** The City received a Public Notice from MDEQ that Michigan Agricultural Commodities (MAC) has requested a permit to move a section of county drain and extend the existing bridge east of their facility on Maple Valley Road. Does the City Council wish to send MDEQ a letter from the City recommending approval?

Motion by CM Walters, second by CM Loutzenhiser, to send a letter to MDEQ stating that the City of Brown City has no objection to them issuing a permit for Michigan Agricultural Commodities (MAC), here in the City of Brown City, to relocate 800 feet of the Lapeer-Sanilac Intercounty Drain and to install a 16-foot extension to an existing bridge in accordance with File Number 13-76-0008-P. Motion carried.

ATTORNEY'S REPORT:

1. City Attorney Gregory Stremers has a change of wording in the Fireworks Ordinance under discussion that he would like addressed before the Council acts on it. He gave his suggestion to City Manager Clint Holmes to review.
2. City Attorney Gregory Stremers is looking into the Mapleview Estates outstanding utility bills and offered his suggestions on handling this issue.

TREASURER'S REPORT: None.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

- Police (Miller) – None.
- Water and Sewer (R. Jacobson) – None.
- Tax and Finance (P. Jacobson) – None.
- Streets and Sidewalks (Loutzenhiser) – None.
- Building and Grounds (Walters) – None.
- Personnel (Mclvor) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Walters commented on his conversation with Comcast Cable Company about the many television channels that are not being received by numerous Brown City customers.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Mclvor, to adjourn at 7:33 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk