

# BROWN CITY COUNCIL PROCEEDINGS

## AUGUST 28, 2014

**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 reported that there would be two additional items to the Manager's Report.

### **CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of August 11, 2014 as presented. Motion carried.

### **PAY BILLS:**

Motion by CM Pat Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: Payroll - \$13,682.33 (6581-6598 plus EFT), General - \$20,996.22 (6457-6476), Major Street - \$543.30 (3835-3836), Sanitary Sewer - \$1,709.58 (3412-3415), Water - \$3,204.24 (2404-2410), Arsenic Abatement - \$40.00 (1255), and Equipment - \$1,507.65 (1444-1446). Motion carried.

### **PUBLIC QUESTIONS & COMMENTS:**

Larry Steigerwald of 4083 2<sup>nd</sup> Street reported that the blacktop on 2<sup>nd</sup> Street was just completed today (August 28<sup>th</sup>) and cars and Amish buggies were driving on it before it was completely dry which results in the new blacktop being torn up. City Manager Clint Holmes replied that he had talked to the police officer on duty and he was patrolling the area averting the traffic away from the new blacktop.

**DPW REPORT:** Report reviewed. No questions or concerns.

**PERSONAL APPEARANCES:** None Scheduled.

**UNFINISHED BUSINESS:** None Scheduled.

**RESOLUTIONS:** None Scheduled.

**ORDINANCES:** None Scheduled.

**PUBLIC HEARING: 7:10 PM**

1. **6897 Walter Street:** The owner is requesting a zoning variance to construct a 28' X 36' garage on the east side of the existing house. Note that the proposed plan is 936 square feet and has a 19' peak. The ordinance limits structures to 18' and 750 square feet (Appendix K (1))

**A Public Hearing was opened at 7:10 p.m. for the purpose of considering a zoning variance to construct a 28' x 36' garage on the east side of the existing house at 6897 Walter Street. The City Ordinance limits structures to 18' and 750 square feet while this proposed plan is 936 square feet and has a 19' peak. No adjacent property owners presented any arguments for or against this zoning variance.**

2. **4104 Third Street:** New 30' X 40' pole barn on the lot north of the existing structure. Note that the proposed barn 1,200 square feet on an unoccupied but contiguous lot. The ordinance limits structures to 750 square feet (Appendix K (1)) so a variance would be necessary. The Planning Commission recommends the City Council approve the building permit application and variance. This Public Hearing was properly noticed and letters sent to adjacent property owners.

**A Public Hearing was opened at 7: 10 p.m. for the purpose of considering a zoning variance to construct a pole barn that would be 1,200 square feet on an unoccupied but contiguous lot to 4104 Third Street. The ordinance limits structures to 750 square feet so a variance would be necessary. Ileen and Bob Meeks appeared before the council to state their concerns about the noise level that may be coming from this building if it were to become a business. The owner assured the Council and the Meeks that he had no intention for this building being used as a business but was rather to be used for storage of several cars and his own "work" area that he owns. The Public Hearing was closed at 7:20 p.m.**

**PETITIONS & COMMUNICATIONS:**

1. **6897 Walter Street:** New 28' X 36' garage.

**Motion by CM Walters, second by CM R. Jacobson, to grant a zoning variance and building permit application to the owners of the property at 6897 Walter Street to construct a 28' x 36' garage on the east side of the existing house at given address. The proposed plan for this 28' x 36' garage is 936 square feet with a 19 foot peak. Motion carried.**

2. **4104 Third Street:** New 30' X 40' pole.

**Motion by CM Walters, second by CM R. Jacobson, to grant a zoning variance and building permit application to the owner of the property at 4104 Third Street for the purpose of constructing a pole barn that would be 1,200 square feet on an unoccupied but contiguous lot to 4104 Third Street. The zoning variance is necessary as the City ordinance limits structures to 750 square feet and this proposed pole barn would be 1,200 square feet. However, all other ordinances will remain in effect—the 18' peak limit must not be exceeded. Motion carried.**

## MANAGER'S REPORT:

- 1. City Street Renovation Project:** Astec Asphalt essentially completed Second Street and the multiple patches on St Marys and First Streets on Thursday, August 28<sup>th</sup>. The City also expressed a concern about the less than smooth section of North Cade Road in the northbound lane near Exchange State Bank. Astec was aware of the issue and will address it when doing the rest of the street work.
- 2. 4211 Vine Street:** Sanilac County issued an administrative search warrant on August 15<sup>th</sup>, and on August 21<sup>st</sup> the Building Inspector evaluated the dwelling at 4211 Vine Street. His report (white) stated that “the original home, if the interior is repaired and maintained, it may be allowed to stay in place”; however, “All structures attached to the original structure need to be removed.” This would include the front and back porch as well as the garage and outbuilding. The City contacted the owner. Apparently, there was some confusion as to who actually owns the structure. The results of the title search were shared with the owner who promised to soon contact the City with a proposed remediation plan.
- 3. Winter Salt Contract:** The Michigan procurement office recently completed a contract with The Detroit Salt Company for winter road salt under the state purchasing plan. Cost for the City will increase \$21.67 to \$62.88 per ton. Total contract cost will be \$6,288 for the 2014/2015 winter season.
- 4. Parkside Subdivision Entrance:** The Spicer Group completed the survey and engineering of the ditch on the east side of South Cade Road from the county drain south past the driveway to Parkside. The final report should be received prior to the City Council meeting and should be made available at that time.

**The report was received in time for the City Council meeting from the Spicer Group. It is recommended that the ditch needs to be cleaned out. Also the swales have not been completed in Parkside Drive as they had said they would be. The City will object to the issuance by Sanilac County of an occupancy permit for the new home until the drainage system is completed in accordance with the existing building permit. CM Walters recommended getting with the owners and the three people living there and sharing information. The DPW should be able to jet out the tubes.**

- 5. Knox Disposal Contract:** The City contract with Knox expires on September 30<sup>th</sup>. Since the City received a request from another company to bid, the staff plans to release a Request for Proposals on August 29<sup>th</sup>. Bids will be due to the City not later than 4:00 PM on Thursday, September 18, 2014 (blue).
- 6. Tree Trimming:** The contractor has begun the tree trimming project. Work will continue on a time-available basis.

7. **King and King:** The City received today a corrected 2013-2014 annual audit. Cover letter stated that the new report had updated verbiage but no changes were made to the financials. A copy is available for review.

8. **Health Insurance Policy:** The Brown City health care policy through Blue Cross/Blue Shield is being cancelled effective November 30<sup>th</sup> because it does not meet the requirements of the Affordable Care Act (Obamacare). Additional issues concern Michigan Public Act 152. The staff is working with Blue Cross/Blue Shield concerning alternatives. Recommend a meeting of the Personnel Committee to discuss options.

**Personnel Committee Chairman Ross Mclvor scheduled a meeting for 7:00 PM on Friday, August 29<sup>th</sup> at City Hall.**

**ATTORNEY'S REPORT:**

Municipal Citations written on the house at 4211 Vine Street were forwarded to Sanilac County District Court for action. He affirmed that the house is in poor shape following a personal inspection with the city manager immediately prior to the meeting tonight.

**TREASURER'S REPORT:** None.

**MAYOR'S REPORT:**

1. Letter to Mayor of Tokyo, Japan.

Brown City's Mayor Christine Lee sent a Thank You letter to Mayor Otsubo of Tokyo, Japan for having the opportunity to visit with Takeru Shirai from Tokyo, Japan as part of the 4-H Labo International Exchange Program. She thanked him for the wonderful chance to exchange gifts and information.

Mayor Lee also informed the City Council that she had had a good week on Mackinac Island as a Leader for the Girl Scouts for the week.

**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) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Miller asked what was happening at the Faith Baptist Church on Cade Road concerning the culvert and driveway expansion.

City Manager replied that the church has requested permission to expand their driveways as their busses were having trouble making the turns as they now stand.

CM Miller asked if we had a guarantee from Astec Asphalt for the blacktop work they are doing within the City. She registered her disappointment in the work they have

done. City Manager Clint Holmes said that he will get something in writing from them to guarantee their work.

CM Miller also questioned if there was anything to stop the owner of 4104 Third Street in starting a business in the new pole barn he is building. City manager replied that the property is zoned residential and if the ordinance is violated a municipal citation would result.

**PUBLIC QUESTIONS & COMMENTS:** None.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Miller, second by CM Pat Jacobson, to adjourn at 7:46 p.m. Motion carried.

Respectfully submitted,

Juanita M. Smith  
City Clerk