

BROWN CITY COUNCIL PROCEEDINGS SEPTEMBER 22, 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.

GUESTS: Representatives from Emterra (waste disposal) and Knox's Disposal, Larry Steigerwald, and Alicia Parks.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA. None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM McIvor, second by CM Miller, to accept the Regular Meeting Minutes of September 8, 2014 as presented. Motion carried.

PAY BILLS:

Motion by CM Pat Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$18,373.00 (6496-6513), Payroll - \$14,236.80 (6614-6631 plus EFT), Major Street - \$90.00 (3840), Local Street - \$4,225.00 (4220), Sanitary Sewer - \$951.25 (3419-3421), Water - \$2,723.12 (2420-2424), Arsenic Abatement - \$47.75 (1257-1258), Storm Sewer - \$3,800.00 (1163). Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Steigerwald of 4083 Second Street inquired about the situation with the Amish. He questioned, "What has been going on with the horse manure deposited on the streets?" and "What has been done about the steel wheels on the Amish buggies?"

City Manager Clint Holmes replied that he had been in contact with Bishop Yoder who stated that a series of meetings with the local Amish was scheduled for the week of September 15th, and that he would bring up the issue and get back to the City Manager. As of today, September 22, 2014, he has not contacted City Manager Holmes.

DPW REPORT: Report reviewed. No questions or concerns.

PERSONAL APPEARANCES:

1. **Robert Bossman – Parkside Drive:** Request for Buildings & Grounds Committee meeting concerning need for swale construction in Parkside Subdivision.

Robert Bossman did not attend the City Council Meeting. He has been in touch with City Manager Clint Holmes and stated his belief that the swales are not needed in Parkside Drive. The City Council Members were adamant that they do need to be built as the original agreement stated. They again voiced that they had asked the County not to issue an occupancy permit without the swales in place.

UNFINISHED BUSINESS: None Scheduled.

RESOLUTIONS: None Scheduled.

ORDINANCES: None Scheduled.

PUBLIC HEARING: None Scheduled.

PETITIONS & COMMUNICATIONS: None Scheduled.

MANAGER'S REPORT:

1. **Garbage Disposal Contract:** Requests for Proposals (RFPs) were opened at 4:00 PM on Thursday, September 18, 2014 at City Hall. The City received four responses (in the order received and opened) with bids for 2014/2015 | 2015/2016 | 2016/2017: Knox Disposal (Brown City, MI) - \$9.50 | \$9.50 | \$9.50; Midway Disposal, Inc. (Brown City, MI) - \$12.35 | \$12.65 | \$12.95; Waste Management (Wixom, MI) - \$10.75 | \$11.07 | \$11.40 plus fuel surcharge for diesel above \$4.00/gallon; EMTERRA (Flint, MI) - \$9.40 | \$9.40 | \$9.40 plus fuel surcharge for diesel above \$4.50/gallon. The current contract expires September 30th. How does the City Council wish to proceed?

The Councilmembers voiced their satisfaction with the work done by Knox's Disposal in the past. They also looked at the bids received and the bid they submitted was lower than the other bids received with the exception of one that had also requested a fuel surcharge above \$4.50 a gallon for diesel. Based on these facts a Motion was made by CM Miller, second by CM Pat Jacobson, to award the Garbage Disposal Contract to Knox's Disposal of Brown City for the 2014/2015, 2015/2016, and 2016/2017 years for \$9.50 each year. 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. **4211 Vine Street:** The City Attorney forwarded the four citations written against 4211 Vine Street to Sanilac County District Court for action. The owner of the property has retained a lawyer, and a court date of October 8th at 10 AM has been set.
3. **MDOT M-90 Contract:** The City has a contract with MDOT to perform maintenance and snow removal on M-90. The contract calls for a payment of \$9,900 per year. However, since winter maintenance costs were significantly higher than usual, the City

submitted a payment request for our costs and MDOT paid the full amount requested of \$13,588.

4. **Welles and Main Fire Hydrant Repair:** The DPW located and repaired the water main leak adjacent to the fire hydrant at the corner of Welles and Main Streets. Due to the location and depth of the break, the project ended up being quite extensive.
5. **Brown City Tree Project:** The contractor, JP's Tree Removal, has completed the trimming of multiple trees and the removal of two. He recommends removal of an additional two trees on Welles Street. Recommend delaying this until next year. The project went very well with no significant issues.
6. **Horse Manure:** The City sent a letter to the leader of the local Amish community concerning failure to clean-up horse manure on City streets and parking lots. Bishop Yoder responded by telephone on September 11th. He stated that a series of meeting with local Amish was scheduled for the week of September 15th, and that he would bring up the issue, try and determine some alternatives, and respond back to the City.
7. **Steel Rimmed Wheels:** The City Attorney and City Manager continue to research the issue. An ordinance banning the use of steel rims and cleats that damage streets could face legal challenges. However, Michigan Vehicle Code Section 257.710 may cover this issue. Also, discussion with the Sanilac County Road Commission Engineer Rob Falls revealed that marks left on asphalt by steel rims was mostly superficial, but that cleats can cause more severe damage.
8. **Fire Hydrant Flushing:** The DPW will conduct hydrant flushing September 22-26. Notices were published in *The Banner* and on the City's website identifying the dates and reminding residents to avoid washing white and light-colored clothes while hydrants are being flushed.
9. **Park Loan:** The Brown City Park account is essentially exhausted. This was due to greater than anticipated expenses resulting from vandalism in the Park, clean-up of the horse shoe pit area and the increased use of a dedicated park employee. Recommend the City Council authorize a loan of at least \$3,000 from the General Fund to the Park until December tax revenues become available.

**Motion by CM Walters, second by CM Loutzenhiser to loan \$4,000 from the General Fund to the Park until the December tax revenues become available.
Motion carried.**

10. **City Hall Columns:** The cast iron columns and new wood cladding have been installed. City staff will ensure the new wood is painted. Mrs. Ann Kromer, who donated the columns and whose husband rescued them, is working to schedule a group picture with her family and the Mayor with the columns. The 100+ year old cast iron columns were cut to the necessary size by George Emmie at Emmie Die and Engineering, welded by Greg Wilcox, sandblasted by Joe Berry, were painted by Rick Swoish at Great

Reflections, and installed by Bryan's Carpentry, making this project a true community effort.

The City Manager, Clint Holmes, would like to thank those involved with the City Hall Columns. Those people involved include George Emmie at Emmie Die and Engineering and Rick Swoish at Great Reflections who did so with no charge to the City, Greg Wilcox, Joe Berry, and Bryan's Carpentry all did a super job! Mrs. Ann Kromer donated the columns to the city and a very special Thank You goes out to her.

ATTORNEY'S REPORT:

The City Attorney, Gregory Stremers, recommended that we wait to take any action concerning the Amish issues of horse manure and the steel rimmed wheels on their buggies until we hear back from Bishop Yoder and the Amish community.

A court date of October 8th at 10:00 a.m. has been set on the property at 4211 Vine Street. The true owner of this property will try to be determined. At this court date we will also try to see if we can get the owner to clean up the property.

TREASURER'S REPORT: None.

CLERK'S REPORT: Freedom of Information Act Request concerning absent ballot requesters information. Response sent September 17th, FOIA request closed September 18th.

The City Clerk, Juanita Smith, stated that a MOVE Compliance Report for the November 4, 2014 Election was sent on September 20, 2014 as required in accordance with state law.

A letter acknowledging receipt of a resolution of the City of Brown City regarding a proposed underground nuclear waste repository in Ontario was read by the City Clerk. The letter was from the Office of the Prime Minister in Ottawa, Canada.

MAYOR'S REPORT:

1. Semi-Annual City Manager Evaluation – Mayor Christine Lee reported that our City Manager received an outstanding evaluation. Out of a possible 1,155 points Manager Clint Holmes received 1,048 points. This is 91% out of a possible 100%.

Mayor Christine Lee conducted a wedding on September 13, 2014 for Ashley Morse and Jeffrey Jones.

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 Loutzenhiser questioned why the owner of the property at 4211 Vine Street would retain a attorney if they say they don't own the property.

CM Pat Jacobson reported that a tree on Second and James Street has a large hanging branch that should be looked at.

CM Pat Jacobson said that there were huge thistles in the Park situated between the old pharmacy building and Liebler's building. City Manager Clint Holmes replied that they would be taken care of tomorrow.

PUBLIC QUESTIONS & COMMENTS:

Alicia Parks commented that the tree that was cut up at 4211 Vine Street by a private citizen left her yard torn up. They left a mess!

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Mclvor, to adjourn at 7:41 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk