

BROWN CITY COUNCIL PROCEEDINGS JUNE 22, 2015

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: Dan Loutzenhiser, Ross McIvor, Julie Miller, Alecia Parks, and Bill Walters; City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: CM Pat Jacobson.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA.

Sanilac County Sheriff Garry M. Biniecki will be added under Personal Appearances.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Parks, to accept the Regular Meeting Minutes of June 8, 2015 as presented. Motion carried.

PAY BILLS:

Motion by CM Loutzenhiser, second by CM Walters, to pay the bills in the following funds: General - \$9,987.83 (6904-6918), Payroll - \$13,187.21 (6984-7002 plus EFT), Major Street - \$90.00 (3859), Sanitary Sewer - \$1,033.27 (3471-3473), Water - \$1,216.29 (2517-2520), Arsenic Abatement - \$72.00 (1286), Storm Sewer - \$1,345.00 (1177-1178), Equipment - \$965.65 (1482). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Report reviewed. No questions or concerns.

PERSONAL APPEARANCES:

Garry M. Biniecki, Sanilac county Sheriff: Sheriff Biniecki presented the City Council with reports of the Sanilac County Annual Statistics for 2014 and the 2014 Sanilac County Central Dispatch All Calls For Service. He reviewed the handouts with the Council and answered questions from the City Councilmembers.

UNFINISHED BUSINESS: None.

PUBLIC HEARING: None Scheduled.

RESOLUTIONS: None Scheduled.

ORDINANCES: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. 7126 Lincoln Street – add 12' X 28' exterior non-attached wooden deck to the north side of the house.

Motion by CM Miller, second by CM Parks, to grant a building permit to the owners of the property at 7126 Lincoln Street to add a 12' x 28' exterior non-attached wooden deck to the north side of their house. Motion carried.

2. 4211 Vine Street – 4' tall fence on rear and west sides of property.

Motion by CM Parks, second by CM Miller, to grant a building permit to the owners of the property at 4211 Vine Street to erect a 4' tall fence on the rear and west sides of their property. Motion carried.

MANAGER'S REPORT:

1. **School Utility Issues:** At the School's request, the DPW and School personnel shut off various water valves as an informal test of the meter on the morning of June 19th. The water is to remain off all weekend to determine if there is any movement on the meter. The technician from SLC Meter is scheduled to conduct a full inspection and test of the School's master water meter on June 23rd.

2. **Comcast Cable TV Lease:** The new agreement was received by the City on June 16th. The City Attorney has reviewed the document with no issues noted. The fact that the document was received a couple of days after the City sent a "Letter of Concern" to the Comcast vice-presidents for Heartland Region and Midwest Division was probably coincidental. Of note, Comcast agreed to the City's counter-offer even though it was higher than the original proposal. Recommend approval and authorizing the Mayor and Clerk to sign this 10-year agreement.

Motion by CM Walters, second by CM Loutzenhiser, to approve the agreement between Comcast and the City of Brown City for the amount of \$1500 per month being paid to the City of Brown City by Comcast for Comcast Cable TV to continue leasing property for their downlink location in Brown City. Authorization given to the Mayor and Clerk to sign the agreement between Comcast and the City of Brown City. Motion Carried.

3. **New DPW Vehicles:** The City is getting prices for a new dump truck and backhoe to replace the City's current vehicles. Informal discussions have also taken place with the bank and truck supplier concerning loans and leases. A formal request for proposals has been prepared to learn what rates are being charged by area banks. With the City Council's permission, plan to continue researching vehicle costs and payment mechanisms with a view toward replacing these vehicles within the next couple of months.

The consensus of the City Council was to continue researching vehicle costs and payment mechanisms toward replacing the old dump truck and the old backhoe.

- 4. FOIA Policy:** A series of new laws and regulations will change the aspects of the Freedom of Information Act (FOIA) beginning July 1st. The City's current policy and procedures have been updated to meet the new requirements. If there are no recommended changes or corrections, recommend approval.

Motion by CM Loutzenhiser, second by CM Miller, to adopt the updated City of Brown City Freedom of Information ACT (FOIA) Policy and Procedures. Motion carried.

- 5. Tax and Assessing Software:** BS&A is the company that provides the software currently used by the City Treasurer and Assessor and most of those in the rest of Sanilac County. BS&A, like Microsoft did with Windows XP, will stop supporting their software. The new programs are \$2,890 each (\$5,780 total) and the annual service fee is \$1,160 for both.

Motion by CM Walters, second by CM Parks, to buy the new Tax and Assessing Software at \$2,890 each for a total of \$5,780 with an annual service fee of \$1,160.00. ROLL CALL VOTE: CM Walters – Yes, CM Jacobson – Absent, CM Parks – Yes, CM Loutzenhiser – Yes, CM McIvor – Yes, CM Miller – Yes. 5 Yes Votes, 0 No Votes, 0 Abstained, 1 Absent. Motion Carried.

- 6. Rental Inspections:** The City met with Martin Structural Consultants, Inc., an inspection company, on June 11th. A proposed ordinance and contract are available for your review. Does the City Council wish to proceed?

The City Council does not wish to proceed with the Rental Inspection Ordinance.

- 7. Permit and Ordinance Enforcement:** The City continues to send letters requiring grass to be kept below 8" and to remove cars with expired plates or are inoperable. A civil infraction ticket was also written for 4190 Maple Street for failure to get a building permit. Also, the Brown City police have issued warnings and required removal of chickens, which are not allowed by City ordinance. Police completed mandatory annual inspections of swimming pools. Six pool owners failed to meet City safety minimums and were notified of the need to make repairs.

- 8. Proposed Land Donation:** The owner of the 66' X 264' lot on the southwest corner of Maple Valley Road and Main Street has expressed an interest in donating the property to the City. How does the City Council want to proceed?

The City Council has no interest in accepting this property at this time.

- 9. Brown City Clean-Up Days:** The annual Clean-Up Days are scheduled for the 30th of June and July 1st. Metal and appliances will be picked up on Tuesday and the remainder on Wednesday. The event was delayed a week due to scheduling issues.

- 10. Worker Injury:** An individual doing community service for the City DPW was slightly injured on June 16th. The injury was not serious and the City provided treatment.

11. **Well #4 Bypass:** Coordination with MDEQ Drinking Water Department revealed that a permit was required prior to installing the planned water bypass on Well #4. The forms were completed and forwarded to MDEQ for approval. Once the permit is received, the work can be scheduled.
12. **Maple View Estates:** The long-time owner of the local manufactured home park passed away last February, and the estate has been settled. The new owners, who took over on June 17th and also own a park in Dryden, provided contact information and indicated a willingness to make improvements to the facility.
13. **Engineering for Maple Valley Road:** The City was able to have the Rural Task Force add Maple Valley Road from the railroad tracks south to the City Limits to the Sanilac County list of road repairs. The project should reach to top of the list in about four or five years. This project will be paid for with federal and state funds and a small match from the City. However, the City needs to provide a completed MDOT Form 1799, which requires an engineering inspection and estimate for repairs to the road and bridge. Contact with the engineering firm recommended by the County Road Commission revealed that they can do the estimate and complete the form for \$1,700. Recommend the City Council approve getting Form 1799 completed and submitted by R.S. Scott Associates, Inc.
The City Council approved having the MDOT Form 1799 completed (includes engineering inspection and an estimate for repairs to the road and bridge) and submitted to Sanilac County for the sum of \$1,700 by R.S. Scott Associates, Inc.
14. **Independence Day:** City Hall, Police and DPW will be closed on Friday, July 3rd in honor of Independence Day.

ATTORNEY'S REPORT:

City Attorney Gregory Stremers briefly discussed the pending lawsuit.

On June 19th, the US Supreme Court released a ruling concerning how governments could regulate signs through zoning ordinances. City Attorney Gregory Stremers and City Manager Clint Holmes will review and update the City Sign Ordinance (§152.173) to bring it in line with this new ruling. A Public Hearing will be required prior to adoption of an amended ordinance.

CLERK'S REPORT:

Electronic Pollbook Grant Agreement:

We would like to apply for an Electronic Pollbook Grant from the State of Michigan.

This Grant will allow us to receive one laptop computer, case, USB flash drive, mouse and magnetic stripe reader free of charge to our jurisdiction. This electronic pollbook would be used for every election in our jurisdiction after acquiring the equipment. Our council would need to approve the Grant and authorize the Clerk to sign the Agreement.

Motion by CM Walters, second by CM Miller, to approve applying for the Electronic Pollbook Grant from the State of Michigan and authorize the City Clerk to sign the agreement. Motion carried.

MAYOR'S REPORT:

1. Proclamation Alexandra Hanson – Brown City School Track Champion.
Mayor Christine Lee presented Alexandra Hanson with a Proclamation for her achievement as a Brown City School Track Champion. Alexandra was recognized by Mayor Christine Lee as she read her Proclamation aloud for all the Councilmembers and visitors to hear. Pictures were taken of Alexandra and Mayor Christine Lee as she received the signed, sealed and framed document.

COMMITTEE REPORTS:

1. Police (Miller) – None.
2. Water and Sewer (Loutzenhiser) – None.
3. Tax and Finance (Jacobson) – Absent.
4. Streets and Sidewalks (Walters) – None.
5. Building and Grounds (Parks) – None.
6. Personnel (Mclvor) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Miller reported that she had been approached about a Stop Sign at the corner of Walter and First Streets. Consensus of the City Council was to install the stop signs.

CM Miller also wanted to know the outcome of the sign in front of Ben's Supercenter being too close to the road that was questioned at the last council meeting. Police Chief Ron Smith checked into this measurement and found that it indeed was 6' on the right of way. It has been moved back 6' onto Ben's property.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Mclvor, to adjourn at 8:05 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk