

**BROWN CITY COUNCIL PROCEEDINGS
MAY 9, 2016**

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, and Bill Walters; City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: Councilmembers Pat Jacobson and Alecia Parks

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA. None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of April 25, 2016 as presented. Motion carried.

PAY BILLS:

Motion by CM Loutzenhiser, second by CM Walters, to pay the bills in the following funds: General - \$20,448.32 (7394-7422), Payroll - \$13,709.54 (7409-7426 plus EFT), Major Street - \$77.49 (3887-3888), Local Street - \$834.27 (4244-4245), Sanitary Sewer- \$1,282.50 (3548), Water - \$952.21 (2643-2646), Arsenic Abatement - \$72.00 (1324), Equipment - \$1,982.75 (1512-1516). Motion carried.

POLICE REPORT: Report reviewed. No questions or concerns.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None.

ORDINANCES: None Scheduled.

PUBLIC HEARING: 7:05 PM – A Public Hearing for the purpose of gathering public comments and recommendations concerning renovating Lincoln Street from Maple Street south to the end of the existing pavement sometime this summer.

Motion by CM Miller, second by CM McIvor, to open the Public Hearing at 7:05 p.m. for the purpose of gathering public comments and recommendations concerning renovating Lincoln Street from Maple Street south to the end of the existing pavement sometime this summer.

Many residents attended the meeting with questions, comments, suggestions, complaints, and compliments. Many wanted to know more about what was being discussed by the Council to happen to the road and sidewalks. City Manager

Clint Holmes addressed the crowd and explained why the sidewalks were being considered for removal. After much discussion from many of the audience it was determined that everyone in attendance wanted the City to consider repairing just the broken or heaved sidewalk sections instead of replacing all of the sidewalks. No one wanted to replace all of the sidewalk nor did they want them taken out completely. Water drainage problems were discussed in great lengths. Many of the residents are having water problems in their yards and feel that the sewer/water situation needs to be dealt with before a new road and sidewalks are put in.

Motion by CM Miller, second by CM McIvor to close the Public Hearing at 7:28 p.m.

PUBLIC QUESTIONS & COMMENTS: None.

RESOLUTIONS:

1. **Resolution 16-04:** A Resolution To The Michigan Public Service Commission Expressing The Brown City Council's Concern With The Installation Of DTE Energy Smart Meters And A Request To Explore The Health And Safety Effects.

Motion by CM Walters, second by CM Loutzenhiser, to adopt Resolution 16-04: A Resolution To The Michigan Public Service Commission Expressing the Brown City Council's concern With The Installation of DTE Energy Smart Meters And A Request To Explore The Health and Safety Effects. ROLL CALL VOTE: CM Loutzenhiser - yes, CM McIvor - yes, CM Miller - yes, CM Walters - yes, CM Jacobson - absent, CM Parks - absent. 4 Yes Votes, 0 No Votes, 0 Abstained, 2 Absent. Motion carried.

2. **Resolution 16-05:** A Resolution To Formally Apply For Assistance From The Risk Reduction Grant Program (RRGP) To Enhance Security At The Brown City Community Park

Motion by CM Miller, second by CM McIvor, to adopt Resolution 16-05:.A Resolution To Formally Apply For Assistance From The Risk Reduction Grant Program (RRGP) To Enhance Security At The Brown City Community Park. ROLL CALL VOTE: CM McIvor - yes, CM Miller - yes, CM Walters - yes, CM Jacobson – absent, CM Parks - absent, CM Loutzenhiser - yes. 4 Yes Votes, 0 No Votes, 0 Abstained, 2 Absent. Motion carried.

PETITIONS & COMMUNICATIONS:

1. **6777 Cade Road – 24' X 30' pole barn.** Requires non-conforming use permit due to decreased set-back on the north side. Requires Sanilac County permit. Planning Commission recommends approval.

Motion by CM Walters, second by CM Loutzenhiser, to issue a Non-Conforming Use Permit to construct a 24' x 30' pole barn at reduced set back distances. The variance for the pole barn would be 5 feet from the side property and 10 feet from the back property line. The building permit may be picked up at the City Hall on Tuesday, May 10, 2016 after 10:00 a.m. by the owners of the property at 6777

Cade Road. The owners will then have to go to the Sandusky Court House to buy the building permit. Motion carried.

- 2. 7029 Cade Road – Trinity Lutheran Church. Construct 8' X 16' extension on the east side that includes a small hallway and a handicap accessible bathroom. Requires Sanilac County permit. Planning Commission recommends approval.**

Motion by CM Miller, second by CM Walters, to issue a building permit for an 8' x 16' building extension on the east side that includes a hallway external door and a 7' x 9" handicap accessible bathroom. The permit to erect the building addition may be picked up on Tuesday, May 10, 2016 after 10:00 a.m. at the City Hall by representatives from the Trinity Lutheran Church at 7029 Cade Road or Scott Keys from Keys Construction, Inc. They must go to the Sandusky Court House to buy the building permit. Motion carried.

- 3. 4345 Second Street – 24' X 32' pole barn. Requires Sanilac County permit. Motion by CM Walters, second by CM Miller, to issue a building permit to the owners of the property at 4345 Second Street to construct a 24' x 32' pole barn which is not to exceed 18' tall at the peak. The permit may be picked up at the City Hall on Tuesday, May 10, 2016 after 10:00 a.m. A building permit must then be obtained from Sandusky at the Court House. Motion carried.**

- 4. 6872 St. Marys Street – Construct 6' wood slat fence to enclose back yard. Motion by CM Loutzenhiser, second by CM Walters, to grant a building permit to the owners of 6872 St. Marys Street to construct a 6' wood slat fence to enclose their back yard. Motion carried.**

- 5. 4030 Main Street – demolish 20' X 30' barn. Construct 20' X 20' pole barn on the same location. Requires Sanilac County permit.**

Motion by CM Miller, second by CM Loutzenhiser, to grant a building permit to the owners of 4030 Main Street to demolish a 20' x 30' barn and then construct a 20' x 20' pole barn on the same location. The permit may be picked up at the City Hall in Brown City on Tuesday, May 10, 2016 after 10:00 a.m. This project also requires a Sanilac County building permit which may be purchased at the Sanilac County Court House in Sandusky, Michigan. Motion carried.

- 6. 7126 Lincoln Street – Erect 18' X 33' aboveground pool with ladder entry to be removed when not in use.**

Motion by CM Walters, second by CM Miller, to grant a permit to the owners of the property at 7126 Lincoln Street, to erect an 18' x 33' aboveground pool. This pool is to have a removable ladder entry which is to be removed when not in use. Permit may be picked up at the City Hall after 10:00 a.m. on Tuesday, May 10, 2016. Motion carried.

7. **7180 Lincoln Street** – 12' X 20' in-ground pool. Requires Sanilac County permit.

Motion by CM Miller, second by CM McIvor, to grant a building permit for a 12' x 20' in-ground pool to the owners of the property at 4180 Lincoln Street. This also requires a permit from Sanilac County. The approved permit application may be picked up at the City Hall in Brown City after 10:00 a.m. on Tuesday, May 10, 2016 and then the owner(s) must acquire a permit from Sanilac County at the Sandusky Court House. Motion carried.

MANAGER'S REPORT:

1. **Union Negotiations:** The Union that represents the DPW will be meeting with the City and DPW Foreman (Shop Steward) at City Hall on May 10th at 10 AM. Members of the City Council Personnel Committee are welcome to attend.
2. **Main Street Sewer Issue:** The owner of a property on East Main Street has been having issues with the sewer. The owner paid a plumber to clear the line, but instead located an obstruction about three feet (3') from the main. The Marlette DPW tried to locate the pipe using their sonar scanner but was unsuccessful. The City contracted with Michigan Pipe which located the lead opening in the main. The DPW excavated the lead and determined that the broadband fiber optic cable had been installed through the center of the ceramic pipe. Infiltration had subsequently sealed the pipe. Air Advantage, the owner of the cable was notified, sent out an inspector, and is awaiting an invoice for the cost of this repair.
3. **Sewer Valve:** The City DPW received the check valve for installation near the school. Plan is to complete the work after school lets out for the summer.
4. **ICE Grant:** The City sent informal requests for proposals to four firms concerning the engineering costs associated with replacing about 1,600 feet of six inch pipe and 876 feet of eight inch pipe. The recommendation was to replace all cast iron pipe with eight inch. Spicer Group did not respond; Fishbeck, Thompson, Carr & Huber said they were unable to assist at this time; Fleis & Vandenbrink's can do the engineering for approximately \$52,300; and Williams and Works estimated the project cost at \$560,000, plus associated engineering costs of \$68,000 to \$78,000. Unfortunately, when the requirements for the grant were published, which was after this request was sent out, requirements were more stringent than provided in the initial report. There is also some speculation within the professional engineering community that this is a program solely designed to be another funding source for Flint. How does the City Council wish to proceed?

The Brown City Councilmembers did not make any recommendations at this time.

5. **Fireworks Permit:** The Brown City Soybean Festival fireworks display requires a permit. The form was received and requires the signature of the City Clerk. Request a motion to approve the permit and authorize the City Clerk to sign the document. **REQUIRES MOTION.**

Motion by CM Loutzenhiser, second by CM McIvor, to approve the Fireworks Permit for the Brown City Soybean Festival fireworks display. Approval also to authorize the City Clerk to sign the necessary document. Motion carried.

- 6. MDOT Performance Resolution:** MDOT requires that the City Council periodically approve a resolution identifying those City employees authorized to apply for “the necessary permit to work within State Highway Right of Way” to include road closure permits. Request a motion to approve the resolution and authorize the City Clerk to sign the document. **REQUIRES MOTION.**

Motion by CM Walters, second by CM Miller, to approve a resolution identifying those City employees who are authorized to apply for “the necessary permits to work within State Highway Right of Way” which would include road closure permits. The Brown City Council also authorizes the City Clerk, Juanita Smith, to sign the document on behalf of the City. Motion carried.

- 7. Lincoln Street Sewer Repair:** A resident came into City Hall to discuss a potential issue with a sewer lead. An agreement was reached that if the homeowner paid to have the pipe inspected by video camera, and the problem turned out to be by the Main, the City would make the appropriate repair and reimburse the homeowner for the \$225 cost of the video. The problem is apparently located in the street right-of way, and the City will do the repair and reimburse for the cost of the video.
- 8. RICOH Scan Project:** The scanning of the City’s meeting minutes should have been completed by the end of March. On April 22nd, an email was sent asking the status of the project. Some drama ensued. The new representative will provide a test copy on May 9th. If acceptable, the project should be completed within a couple of weeks.
- 9. Sale of Dump Truck:** The City has successfully registered on the Publicsurplus.com website. The site is located in Utah. A review of similar dump trucks currently for sale on the site indicated price ranges in the \$1K to \$3K range. A local truck expert that inspected the truck at the request of the City thought the price should be in the low five-figure range. How does the City Council wish to proceed?

The City Council would like to have the dump truck advertised locally also.

- 10. MML Annual Convention:** The annual convention for the Michigan Municipal League will be held September 14-16 at the Grand Hotel on Mackinac Island. Details concerning the theme and speakers are pending.

ATTORNEY’S REPORT: None.

TREASURER’S REPORT: None.

CLERK’S REPORT:

Expenses were turned into the State in the amount of \$3,164.68 for the March 8, 2016 election. I’m not sure just how much of that amount will be approved. Of that amount, \$848.42 was related just to Lapeer County’s portion of the election.

MAYOR'S REPORT: None.

COMMITTEE REPORTS:

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

A Committee of the Whole, rather than a joint meeting of the Water and Sewer Committee and the Streets and Sidewalks Committee, is scheduled for 6:15 p.m. on Monday, May 23 at the City Library just before the regular City Council Meeting to discuss the comments and suggestions that came from the Public Hearing meeting of May 9, 2016.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS:

Brock Millard of Columbiaville, Michigan, spoke about the “Smart” meters being installed by DTE. He handed out an informational article discussing the “Smart” meters. Mr. Millard also briefly discussed the 49-16 House Bill that is being considered but is not yet passed into law. Brock Millard first attended our Council Meeting on April 11, 2016 to present his concerns about DTE’s Smart meters that are being installed around the country.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Mclvor, to adjourn at 8:00 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk