

**BROWN CITY COUNCIL PROCEEDINGS
MAY 23, 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: Pat Jacobson, Dan Loutzenhiser, Ross McIvor, Julie Miller, Alecia Parks, and William Walters; City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: City Clerk Juanita Smith.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: Add building permit request for 4456 Belview Drive under Petitions and Communications.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Loutzenhiser, to accept the Regular Meeting Minutes of May 9, 2016 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$6,357.50 (7423-7436), Payroll - \$12,126.35 (7427-7443 plus EFT), Major Street - \$135.00 (3889), Sanitary Sewer- \$2,172.03 (3549-3553), Water - \$1,802.35 (2647-2650), Arsenic Abatement - \$13.60 (1325), Storm Sewer - \$1,097.00 (1196-1197). Motion carried.

DPW REPORT: Report reviewed. CM Jacobson asked about the condition of the ditch adjacent to Vine Street near Cade Road on the south end of the parking lot at the Faith Lutheran Church. City Manager stated that a volunteer, not the City, had attempted to clean that section of ditch with indifferent results.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None.

ORDINANCES: None Scheduled.

PUBLIC HEARING: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

RESOLUTIONS: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. **6827 Cade Road** – 15' X 17' pole barn. Requires Sanilac County permit.

Motion by CM Miller, second by CM Parks, to approve the application for building permit for a 15' X17' pole barn. The owners will then have to go to the Sandusky Court House to buy the building permit. Motion carried.

- 2. 4456 Belview Drive – ~130' of Back- and Side Yard Privacy Fence. No Sanilac County Building Permit required.**

Motion by CM Parks, second by CM Walters, to issue a building permit for constructing approximately 130' of 6'-tall wood slat privacy fence to enclose the side and backyards. No Sanilac County Building Permit required. Motion carried.

MANAGER'S REPORT:

- 1. Union Negotiations:** The Union that represents the DPW met with the Mayor and City Manager along with the DPW Foreman (Shop Steward) at City Hall on May 10th. The meeting went very well. The request from the Union included six items (lavender): two dealt with making the dates of the contract current, and having the correct signatures; one to bring it into compliance with the Affordable Care Act (Obamacare); slight increase in health care (\$7 for 2016); no wage increase for 2016 but the option to negotiate for 2017 and 2018 remains open; and a 10¢/hour increase for retirement. Recommend motion to approve.

City Council consensus is to approve the contract updates requested by the Union; however, they require that the City Attorney review the updated contract prior to approval.

- 2. Main Street Sewer Issue:** The reimbursement for the cost of repairs to the sewer lead on Main Street is pending completion of the project. The infill must continue to settle and the sidewalk replaced before a final amount is determined.
- 3. Water Quality Report:** The Consumer Confidence Report (CCR) is the annual report required by the state and federal governments summarizing information about drinking water quality provided during calendar year 2015 (yellow). The document must be posted on the City's website; should be printed in the local newspaper on May 30th; and copies mailed to MDEQ and the Sanilac / Lapeer County Health Departments once approved by the City Council. The City met or exceeded all water quality requirements in 2015.

There was no objection by the City Council to release of the 2015 Consumer Quality Report. The City Manager will ensure the document is distributed as required by state law and MIDEQ Regulations.

- 4. Infrastructure Issues:** The Brown City DPW has been busy repairing major water leaks on Thelman Avenue and Cade Road (2). Late on May 19th, a small sinkhole opened up in the intersection of Maple and Lincoln Streets. The cause remains under investigation. Also, there was a significant stoppage in the sewer main on north St Marys Street on May 20th, which the DPW was able to quickly resolve.
- 5. RICOH Scan Project:** The City contacted the RICOH representative requesting an update on the project on May 19th. The immediate response from RICOH stated that the

scanning was complete and the DVDs containing all the City's meeting records should be received soon. They arrived on May 23rd, and are still being reviewed for accuracy and completeness.

6. **City Lawsuit:** The lawsuit pending against the City and stemming from an incident that took place on May 31, 2013, has been resolved and the case was formally dismissed by Judge Donald A. Teeple at a session of the Sanilac County Circuit Court on May 9th, 2016. Anticipate no additional action on this issue.
7. **Brown City Cleanup Days:** With the consent of the City Council, this annual event will be scheduled for Tuesday, June 21st and Wednesday, June 22nd. All appliances and scrap metal will be picked up on the 21st and non-metal eligible items on the 22nd. The proposed notice is attached (orange). Plan to run the notice in *The Banner* on June 6th and 13th.

Motion by CM Loutzenhiser, second by CM Walters, to schedule Brown City Cleanup Days for Tuesday, June 21st and Wednesday, June 22nd. Motion carried.

8. **Fire Hydrant Flushing:** The DPW is completing spring hydrant flushing. No low water pressure was noted; however, the hydrant on the corner of Main Street and Cade Road will require replacement. Letters will be sent to property owners on North Cade Road, Belview and Autumn Gold Drives and Thelman Avenue, plus Exchange State Bank and Family Health Care of Brown City that they will lose water service while the hydrant is being replaced on or about June 14th, and will have to boil drinking water until water testing is complete – generally three days.
9. **Annual Audit:** The accounting firm of King and King of Marlette is scheduled to conduct the annual audit of the City, Library and Fire Authority beginning on May 31st. The City Hall portion of the audit should take two or three days. A final report to the City Council should be presented in late-June or early-July. No issues are anticipated.
10. **Memorial Day Ceremonies:** Due to the dwindling number of active members, Brown City VFW Post 2943 will regretfully no longer be able to sponsor and participate in the Memorial Day parade on Main Street in Brown City, and the services at Brown City Evergreen Cemetery and Peck Omand Cemetery. Currently, the Marlette VFW Post is organizing a brief ceremony at the Brown City Evergreen Cemetery that will take place about 2:00 PM on Sunday, May 29th. City Hall and the DPW will be closed on Monday, May 31st in honor of Memorial Day.

ATTORNEY'S REPORT:

1. **City Litigation:** The lawsuit against the City has been resolved and finalized. Coordination with the attorney representing the City in this case, Robert Seibert of Seibert and Dloski, revealed that the final documents were complete.
2. **Insurance waiver for Brown City Soybean Festival Events:** Two representatives from the Festival Commission presented a copy of a hold harmless and indemnification waiver for approval concerning Michigan

Agricultural Commodities for use of their land for an ATV Pull and for Bluebird Enterprises for use of their parking lot for the scheduled “burnout.” There followed an extended discussion concerning these two events and required insurance coverage. City Manager tasked to coordinate with the ParPlan – the City’s primary insurance carrier – concerning insurance coverage levels, associated indemnification concerns, and issuing of insurance certificates to MAC and Bluebird.

Motion by CM Loutzenhiser, second by CM Parks, to approve use of Corn and Soybean Drives for the “burnout” scheduled for June 10th from 5:00-8:30 PM if there are no issues with the primary insurance carrier. Motion carried.

TREASURER’S REPORT: None.

CLERK’S REPORT: None.

MAYOR’S REPORT: None.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL:

1. CM Jacobson asked if Crop Production Services had their own well. City Manager stated that since they are out of the City Limits, they have a shallow well for their office building.

PUBLIC QUESTIONS & COMMENTS:

1. Art and Joann Potts – 7214 Lincoln Street raised some concerns about the sidewalk. Specifically, they wanted to know if they would be charged for the two sections of sidewalk that sank probably as a result of repairs to their water line by the City some years ago. The City will investigate. They also asked if the concrete curb and gutter would be extended from Grant Street, across the front of their house, to the end of the pavement. The City Council will look into including that as part of the project. They also wanted to know the potential cost to them for the sidewalk replacement. The City Manager stated that until the contract was finalized, that amounts were unknown but that their cost would probably be between \$480 and \$640 to be paid over three years.
2. Ross Mclvor – Requested approval for an Application for Building Permit to replace the garage door with a smaller one at 6924 Walter Street.

Motion by CM Miller, second by CM Parks, to approve the application for building permit to replace garage door at 6924 Walter Street. The owners will then have to go to the Sandusky Court House to buy the building permit. Motion carried.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Jacobson, to adjourn at 7:56 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Clinton K. Holmes". The signature is written in a cursive style with a large initial 'C' and 'H'.

Clinton K. Holmes
City Manager
for
Juanita Smith
City Clerk