

BROWN CITY COUNCIL PROCEEDINGS

for
MONDAY, JULY 23, 2018

.....

MEETING CALLED TO ORDER BY MAYOR JULIE MILLER AT 7:00 PM.

PLEDGE OF ALLEGIANCE LED BY MAYOR JULIE MILLER.

PRESENT: Mayor Julie Miller, Councilmembers: Patricia Jacobson, Gerald Kosal, Christine Lee, Ross Mclvor, Alecia Parks, and William Walters; City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: City Clerk Juanita Smith.

GUESTS: David R. Van Cura, Steven Kovac representing the Brown City Banner, Mike Vislosky, Harold Detzler, the Brown City Girls Track and Field Team and their parents, and Coach Don Twiss.

PRESENTATION OF BROWN CITY GIRLS TRACK AND FIELD PROCLAMATIONS:

Alexandra Hanson received special recognition for setting new school records in the 100 meter run (12.7) and 4 X 400 relay (4:11.42), and placing 4th in the 200 meter run and 5th in the 400 meter run at state.

Juliana Hanson was recognized for setting new school records in the 200 meter run (25.76) and 4 X 400 meter relay (4:11.42), and placing 3rd in the 300 meter run at state.

Amethyst Millsap's citation noted her school-wide recognition for setting the new school record in the 100 meter hurdles (15.9) at the Caro Meet of Champions.

The Mayor and City Council also recognized the Brown City High School Girls 4 X 400 Relay Team for winning the 4 X 400 meter relay race at the Thumb Meet of Champions while shattering, by a full four seconds (4:11.42), the previous school record set back in 1991. The team included: Sarah Woodall, Amethyst Millsap, Juliana Hanson, and Alexandra Hanson.

The Brown City High School Green Devils Girls Track and Field Team was presented a proclamation by the Mayor and City Council for being undefeated in the regular season for the first time in school history, and victorious in winning the league championship, and taking the regional title for the first time since 1995.. The Team includes: Whitley Blake, Corinne Bunyan, Olivia Bovenschen, Chelsey Daws, Allisyn Fortune, Maranda Fortune, Kaitlyn Fletcher, Savannah Goddeeris, Juliana Hanson, Alexandra Hanson, Morgan Kaufman, Lindsey Kaufman, Angelina Martinez, Amethyst Millsap, Jorja Mancha, Payton Nagle, Carleigh Randolph, Haley Smith, Amber Spudowski, Jenna Titcombe, Megan Vislosky, Mikaylyn Vislosky, Sarah Woodall, Isabel Woodall.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

City Manager Clint Holmes stated that there would be one additional bill to be paid under "Pay Bills" and one additional item under the "Manager's Report".

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM Mclvor, to accept the Regular Meeting Minutes of July 9, 2018 as presented. Motion Carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Lee, to pay the bills in the following funds plus one additional bill under General account for \$859.57 to Deluxe:

General - \$25,982.71 (8694-8712), Payroll - \$16,146.43 (8531-8547 plus EFT), Major Street - \$4,230.00 (3963-3964), Local Street - \$12,795.27 (4298), Sanitary Sewer - \$900.27 (3742-3745), Water - \$1,428.92 (2945-2949), Arsenic Abatement - \$7.25 (1407), Storm Sewer - \$2,033.00 (1268), Equipment - \$1,038.31 (1617-1619).

Motion Carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: The report was reviewed. No questions or comments.

UNFINISHED BUSINESS: None Scheduled.

PUBLIC HEARING: None Scheduled.

RESOLUTIONS:

- 1. **Resolution 18-08:** A Resolution Closing The City Library On Election Day; Appointing Election Workers; And Sealing The Modem Access Door On The Ballot Tabulator.

Motion by CM Walters, second by CM Lee, to adopt Resolution 18-08: Closing the City Library on Election Day; Appointing Election Workers; and Sealing the Modem Access Door on the Ballot Tabulator.

ROLL CALL VOTE: CM Jacobson – Yes, CM Kosal – Yes, CM Lee – Yes, CM Mclvor – Yes, CM Parks – Yes, CM Walters – Yes. 6 YES Votes, 0 NO Votes, 0 – ABSENT, 0 – ABSTAINING. Motion Carried.

ORDINANCES: None Scheduled.

PETITIONS & COMMUNICATIONS (pink):

- 1. **Michigan Agricultural Commodities (MAC) – 7115 Maple Valley Road:** Requesting a building permit for construction of a new 48’ X 99’ grain dryer and 15’ X 30’ metal grain storage bin. The Planning Commission recommends approval.

Motion by CM Lee, second by CM Kosal, to approve the application to construct a new 48’ X 99’ grain dryer and a 15’ X 30’ metal grain storage bin. A Sanilac County permit is REQUIRED for this project. Motion Carried.

- 2. **Banks Chiropractic – 4444 Main Street:** Requesting a building permit to install a 4’ X 6’ unlighted sign between two brick pillars. The Planning Commission recommends approval.

Motion by CM Walters, second by CM Parks, to approve the application to install a 4’ X 6’ unlighted sign between two brick pillars. A Sanilac County permit is NOT REQUIRED for this project. Motion Carried.

3. **6943 Thelman Avenue:** Install new driveway, replace culvert under covered ditch and refill ditch.

Motion by CM Walters, second by CM Mclvor, to approve the application to install a new driveway, replace the existing culvert under the covered ditch and refill ditch. A Sanilac County permit is NOT REQUIRED for this project. Motion Carried.

Mr. Detzler asked if he could continue the covered ditch to the north end of his property. The City Council denied that request, allowing only the re-covering of that portion of the ditch that is currently covered.

MANAGERS REPORT (gray):

1. **Thelman Avenue Project:** The City will release a request for cost estimates and proposed scheduling in December 2018 with bids due at the City by 2:00 PM on Thursday January 10th. The City Council will review and act on the bids at the regular meeting on January 14th. If approved, expect the work to begin in the May/June timeframe. Property owners on Thelman Avenue, Belview and Autumn Gold Drives were sent letters explaining the delay (purple).

2. **Thelman Avenue culvert replacement:** The culverts for the six driveways that the owners agreed to pay the cost of replacement culverts are in the process of being installed. The DPW has completed about half of this project to date.

3. **Maple Valley Road Project:** The City received the contracts from MDOT for the South Maple Valley Road Project. The new contract amount shows an increase in the City's share of this \$200,800 project of \$200, bringing our cost to \$40,200. Request motion to allow the Mayor and City Clerk to sign the contract on behalf of the City (lavender).

Motion by CM Jacobson, second by CM Mclvor, to authorize the Mayor and City Clerk to sign the contract with MDOT for the South Maple Valley Road Project on behalf of the City. Motion Carried.

4. **Elk Creek Intercounty Drain:** Notices were sent to the City, all City Boards and Commissions, the Fire Authority and all area residents. Lapeer County was recently added to the Elk Creek Intercounty Drainage District and the new borders are available for review at the County Drain Commissioner's Office on July 25th. City residents will not be individually charged; the City pays the annual assessment which will remain about \$1,855.

5. **Lift Station Engineering:** The draft report was provided to the City late on July 23rd. A meeting is set with Spicer Group and the City for July 24th at 2:00 PM to review the report. Recommend a meeting of the Water and Sewer Committee to review the report prior to the next City Council meeting.

The Sewer and Water Committee Chairman Walters set a Committee meeting for Monday, August 13th at 6:00 PM, immediately prior to the regular City Council meeting.

6. **Smoke Testing:** MRWA and the City DPW conducted a smoke test of the City's sanitary sewer system on Wednesday, July 11th. The test resulted in the detection of several minor leaks. Nine of these potential storm water infiltration points were on private property. Letters were sent to the property owners on July 16th identifying the problem and requiring repair by August 1st. The City DPW will be responsible for repairing a couple of cracked catch basin rings and a short section of pipe on Vine Street.

No cross connection with the City's storm water system and the sanitary sewer system was detected.

- 7. Lead and Copper in Drinking Water Rule:** The new MDEQ Lead and Copper Rules (LCR) for municipal drinking water were implemented on June 14, 2018. The City received official notification on July 19th (blue). The MML put together a PowerPoint presentation with some of the highlights (white). MDEQ is on record as stating that no state funds will be available to communities for repair and abatement. Additionally, MDEQ will begin testing all Michigan public water supplies for possible Perfluoroalkyl and Polyfluoroalkyl (PFAS) contamination. MDEQ has contracted to have samples drawn and tested throughout Michigan by December 15, 2018. The City's test is not yet scheduled. Any lead pipes found require replacement and the associated mains and leads. Removal of PFAS requires multistage OzoFractionation columns to remove these contaminants from the delivery water. Costs to the City for engineers, contractors, and for City employees and equipment to meet these new requirements is expected to be epic, and may require the City to sell bonds to raise the necessary funds.
- 8. Blight and Tall Grass:** The City sent out another round of blight, and tall weeds and grass letters. Property owners must meet ordinance requirements by June 22nd or will be charged to have the City contract the work to be completed.
- 9. 4387 Main Street:** An application for building permit was issued to 4387 Main Street for the replacement of the existing porch. No permit is required to replace vinyl siding. A permit from Sanilac County is required.
- 10. Hazard Mitigation Plan:** The Sanilac County Advisory Committee met again on July 12th in Sandusky to review the next steps in the County-wide Plan Update.
- 11. Dark Store Theory:** The City of Escanaba is suing Menard, Inc., over the "dark store theory" which reduces the assessed value of "big box" stores in Michigan far below any assessed values elsewhere in the United States or Canada. This court decision could affect any Michigan community with a large retail store building. The estimated cost of the lawsuit is \$200,000. Escanaba is getting some financial assistance from the MML and Department of Treasury. Other local units have contributed about \$30,000. The City of Escanaba is asking for financial assistance in this lawsuit from all other Michigan local governments. Does the City Council wish to contribute to this legal defense fund?

The consensus of the City Council was to table the request pending legal guidance.

- 12. Crop Production Services, Inc.:** Effective July 1st, CPS changed its name to Nutrien Ag Solutions, Inc.
- 13. City Hall Tile Replacement:** City Hall is scheduled to have the old tile and carpets removed and replaced with new floor tile the week of August 20th. Recommend that the City hire American Moving Partners to load, store and return the City Hall furniture, desks and boxed records. Estimated cost is \$1,848.87 (based on 23¢ per pound). Storage for up to 30 days is free. Company policy requires 1/3 in advance, 1/3 at time of pick-up and 1/3 at the time of delivery. If there is no objection from the City Council, staff will finalize the details, and forward a check for \$616.

Motion by CM Jacobson, second by CM Parks, to hire American Moving Partners to load, store and return the City Hall furniture and records while the offices are retiled. Also to make the down payment, and have checks ready for when service is begun and completed. Councilmember Alecia Parks wanted to verify that the company was licensed and insured.

ATTORNEY'S REPORT:

1. The Michigan Municipal Attorneys Association is continuing to monitor the implementation of Michigan's new Lead and Copper Rule. Multiple lawsuits, especially from Michigan's largest cities, are anticipated. He will continue to keep the City Council informed on the legal aspects of these regulations.
2. A Michigan court determined that the new law concerning the regulation of marihuana growing facilities does not affect caregiver grow operations within a city. The City of Brown City cannot regulate home caregiver grow operations.
3. Still waiting for Tri-County Bank's legal team to complete the legal description and transfer of the alley associated with the new bank building complex.

TREASURER'S REPORT: None.

CLERK'S REPORT: None.

MAYOR'S REPORT:

1. **S.A.V.E. Partnership:** The Sanilac Area Violence Elimination and Education (S.A.V.E.) millage is up for renewal to provide continued funding for programs and their operating costs related to preventing child abuse, domestic violence and other programs. They are asking for your support to renew this millage at the Primary Election on August 7th.

The City Council supports the renewal of this millage.

2. **MML Training:** The Village of Ubyly is hosting training for city council members on August 1st from 6-9 PM. Anyone interesting in attending, please let the City Manager know by tomorrow.
3. **MML Conference:** The annual MML Conference is in Grand Rapids – September 20-22.

Motion by Walters, second by Mclvor, to approve having Mayor Miller, Councilmember Parks, and City Manager Holmes attend the MML Conference in September.
Motion Carried.

COMMITTEE REPORTS:

1. Tax and Finance (Jacobson) – None.
2. Streets and Sidewalks (Kosal) – None.
3. Police / Fire Authority (Lee) – None.
4. Building and Grounds (Mclvor) – None.
5. Personnel (Parks) – None.
6. Water and Sewer (Walters) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Mclvor has received multiple citizen complaints regarding the tall grass and weeds in the vacant area that is the site for the new Tri-County Bank. CM Lee has also received similar concerns. City Manager to send formal letter to Tri-County Bank requiring compliance with the City's blight ordinance.

CM Mclvor asked if a retention pond is needed on the new bank site as was required for Exchange State Bank. The City Manager stated that the plans had already been approved by the Planning Commission and City Council. Because of the availability of storm drains in that area of the City, a retention pond was not required.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Lee, second by CM Mclvor, to adjourn the meeting at 7:58 P.M.
Motion Carried.

Respectfully submitted,

David R. Van Cura
for Juanita M. Smith, City Clerk