

BROWN CITY COUNCIL PROCEEDINGS

August 12, 2019

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: Stacy Biel, Patricia Jacobson, Christine Lee, Ross McIvor, Eugene Navock and Walter Robison; City Manager Clint Holmes, City Clerk Juanita Smith and City Attorney Gregory Stremers.

ABSENT: None.

GUESTS: Bonnie Hayes, Pastor Pat Robbins, Police Chief Ron Smith, Judy Murray, Ray Dupuie

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM McIvor, second by CM Navock, to accept the Regular Meeting Minutes of July 22, 2019 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Lee, to pay the bills in the following funds: **General - \$34,407.27** (9354 – 9393), **Payroll - \$15,056.53** (9034 – 9049 plus EFT), **Major Street - \$270.45** (4004 – 4006), **Local Street - \$126,941.07** (4326 – 4328), **Sanitary Sewer - \$1,295.00** (3828 – 3829), **Water - \$532.55** (3098 – 3104), **Arsenic Abatement - \$820.99** (1455 – 1457) and **Equipment - \$3,247.49** (1679 – 1686). Motion carried.

PERSONAL APPEARANCES:

1. United Methodist Church Parsonage – 6931 George Street:

Bonnie Hayes spoke to the Councilmembers about the sewer issue at the Church and adjacent house near 1st and George Streets. The address of the parsonage being 6931 George Street. Before Bonnie Hayes spoke, Mayor Julie Miller read a City ordinance regarding the fees to be paid by the City and individual property owners. The issue is who is responsible for the moneys owned to companies hired to fix the sewer issues encountered by the home owner and the Church. A large tree had to be cut down and the roots removed as it was determined the main line would be under this tree. The Church is asking the City to pay for the removal of the tree and possibly some of the excavating costs and the plumbing costs. The excavating cost is \$2204.00, Tree removal at \$1000.00, and the plumbing at \$1,473.50. The Councilmembers agreed that the City should pay for the tree and root removal. The other costs should be checked into with the contractors and insurance companies. It was tabled until the next Council meeting on August 26th.

Motion by CM Lee, second by CM Navock, to pay for the tree removal at 6931 George Street for \$1,000 (One Thousand Dollars) to Trombley Excavating at 1931 Wilcox Road, Brown City. ROLL CALL VOTE: CM Navock – Yes, CM Robbins –

Yes, CM Mclvor – Yes, CM Lee – Yes, CM Biel – Yes, CM Jacobson – Yes. 6 Yes Votes, 0 No Votes, 0 Absent, 0 Abstaining. Motion carried.

2. Brown City DDA – Informational Update:
City Manager Clint Holmes spoke to the Councilmembers about the Brown City DDA. This was an informational update required by law. Two informational meetings are required each year. One was held on June 22, 2019 and this meeting was presented to the Council on August 12, 2019 to complete our requirement of a second meeting.

PUBLIC QUESTIONS & COMMENTS: None.

POLICE REPORT: Report reviewed. No questions or concerns. Police Chief Ron Smith said that the Hogtown Motorcycle Run ran smoothly. Only one accident involving a motorcycle was reported.

UNFINISHED BUSINESS: None Scheduled.

PUBLIC HEARING: None Scheduled.

RESOLUTIONS: None Scheduled.

ORDINANCES: None Scheduled.

PETITIONS & COMMUNICATIONS:

1. 4101 Maple Street – Construct ~80’ of wood fence:
Motion by CM Navock, second by CM Mclvor, to construct 80’ of 6’ wood slat fence running east and west of 4113 Maple Street. The fence will enclose the existing fenced property. Motion carried. The owner of 4101 Maple Street property may pick up the building permit at the City Hall on Tuesday, August 13, 2019 after 10:00 a.m.

2. 6931 George Street – Construct ~33’ of wood fence:
Motion by CM Navock, second by CM Mclvor, to construct 33’ of 6’ wood fence to finish enclosing the back yard at 6931 George Street. Motion carried. The owner of 6931 George Street property may pick up the building permit at the City Hall on Tuesday, August 13, 2019 after 10:00 a.m.

3. 6929 Cade Road – Install ~9’ X 16’ skid shed:
Motion by CM Mclvor, second by CM Jacobson, to grant a permit to install a 9’ x 16’ skid shed with no concrete and no electricity at 6929 Cade Road. This skid shed installation must meet all required City setbacks. Motion carried. The City building permit may be picked up at the City Hall after 10:00 a.m. on Tuesday, August 13, 2019. A Sanilac County building permit is not required for this project.

MANAGER’S REPORT:

- 1. Canada Geese Hunt:** The official season for goose hunting begins on September 1st. Last year, the City Council authorized three individuals to hunt in the lagoon area after signing a waiver of liability: Brooks, West and West. So far, three additional individuals

have requested this opportunity: Coddeeris, Jenkins and Wilkins. During the April 22nd meeting, the Councilmembers discussed various ways to choose the individuals to hunt in the lagoon area after signing a waiver of liability. It was decided to advertise in the newspaper that people were needed to hunt in the lagoon area to keep the geese population down. Individuals to be provided access to the lagoons to hunt geese would be selected by putting names in a hat and drawing the winners. This drawing should take place at the next meeting on August 26th. How does the City Council wish to proceed?

A lengthy discussion ensued as to how to handle the hunting in the lagoon area. The season officially opens on September 1st and continues until February 10th. It was decided that each individual that entered the lagoon area to hunt the geese must have signed a waiver at the City Hall. It was finally decided that all applicants will be invited to the next Council Meeting where all names will be put in a hat and Mayor Julie Miller will draw the winners. The hopeful applicants must be at the Council Meeting to put their own name in the hat. There will be definite rules and regulations given to those who wish to hunt.

2. **AT&T Contract:** The law firm representing AT&T for installation of cell phone antennas on the City water tower and the placing of a ground station has requested that certain sections of the contract be re-signed due to a “formatting error.” Copies of the “reformatted pages” will be presented at the meeting to the Mayor, City Clerk and City Attorney for signature. There were no substantive changes to the document.
3. **Lead and Copper Rule Implementation:** One section of the new State Lead and Copper Rule requires water system operators (such as Brown City) to replace the pipe from the main to structures if they are found to be connected to a lead or galvanized pipe. Generally, state law, municipal ordinances and water system policies only require that the water system maintain up to the curb shutoff, and that pipes from the shutoff to the structure were the responsibility of the property owner. In 2018, various water systems sued the state to remove this requirement from the Lead and Copper Rule. The Michigan Court of Claims in late July dismissed the lawsuit. As a result, the cost to comply with the Rule will be substantially higher. Residents can expect a significant increase in their water rates, possibly as soon as next year, and the need for the DPW to access the space where the water line enters their home.
The DPW is continuing to make excavations in carefully selected areas around the City to gather the information necessary to write the report due to Michigan EGLE by the end of December identifying the scope of water main replacement. When completed, a copy of the report will be provided to the City Council prior to its submission to Lansing.
4. **Water Purification:** The City operates two arsenic abatement facilities using technology that absorbs arsenic out of the City’s drinking water. As this absorption media becomes saturated, it must be removed and replaced. The City contracted De Nora Tetra Well #4 and they expect to complete the media exchange on Tuesday, August 13th.
5. **Police Car:** During the evening police patrol on June 20th, the Ford Explorer police car struck a deer. Great Reflections completed the repairs to the vehicle (less the grill which is on backorder) and the vehicle is available for patrol duties.

6. **Lift Station Replacement:** Spicer Group has recommended that the City replace the Maple Valley Road lift station. Required sewer main repairs are estimated at about \$100,000. Spicer Engineering proposed to design a new lift station for \$73,500, bringing anticipated lift station costs to about \$600,000. The current Sewer Fund Reserves are about \$116,305. Coordination with Tri-County Bank revealed they can do a lease-purchase agreement for between 2% and 3% interest. A municipal bond through Sanilac County would be about the same plus legal and bonding fees. A meeting with the USDA Rural Development representative on July 6th revealed the process by which funding could be obtained through them. How does the City Council wish to proceed?

City Manager will continue to do some additional checking to see how much information he can obtain before further recommendations can be made by the Council.

7. **Junk Car and Blight Letters:** The City sent out six letters requiring that owners either license vehicles on their property or remove them. The City also sent out seven letters telling residents that they were in violation of the City Blight Ordinance and that they had to clean up their property by August 14th or receive civil infraction citations.
8. **Brown City Schools:** Brown City High School suffered a sewer backup possibly as a result of the heavy rain storm on May 25th which dropped approximately 2½ inches of rain within half an hour. They said the cost for the clean up by staff totaled \$857.32 which they wanted the City to pay. As reported in the City Council minutes from June 10th, “The consensus of the Councilmembers was to have our City Manager Clint Holmes fill out and file insurance papers and see how the insurance company plans to proceed.” The City received a copy of the response from the insurance company sent to the school on August 5th reporting that the claim was denied.
9. **Kilpatrick Apartments:** At the end of July, the apartment owners replaced the sidewalks at the facility. The contractor disposed of the old concrete in the site dumpster. As a result, Knox Disposal could not lift the dumpster to empty it, all the trash deposited over the weekend overflowed the concrete filled dumpster, and the resulting blowing trash had a predictable effect on the neighbor. Police investigation, coordination with the apartment owner (Management Resources Development in East Lansing) and a FOIA response resulted in the concrete being removed separately and the garbage picked up. Fine example of the wide range of duties involved with small community policing.
10. **City Hall Flagpole:** As a result of the mass shootings in El Paso and Dayton, POTUS ordered flags be flown at half-staff from July 6th to the 8th. However, the City Hall flag rope had separated from the upper pulley and could not be moved. Michigan Agricultural Commodities was kind enough to make available their lift truck so the Brown City DPW could repair the problem.

ATTORNEY’S REPORT:

The Attorney said that the Lead-Copper issue is not over yet as to deciding who has to pay for what part of it. He also warned that we cannot spend money on private property issues (speaking of the Church issue and how to handle it).

TREASURER'S REPORT: None.

CLERK'S REPORT: None.

MAYOR'S REPORT:

Mayor Miller wanted to know what was happening with the sidewalk issue of Wendy Horn of 4221 Second Street. Has a new sidewalk been put in or if bids had been received. City Manager said he had received one bid that seemed high and was waiting for another bid to come in.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL:

The question was raised if the sidewalk by the school was going to be repaired before school. City Manager Clint Holmes replied that he was told by MDOT not to repair it at this time as MDOT would be redoing sidewalks entryways next year. However, the Councilmembers felt they would like something done at this time so no one would trip and fall. City Manager Clint Holmes is going to check into putting cold patch on this area.

CM Robbins had been approached by a local resident who wanted to know why the streets were only swept once a year. (They are presently done at the beginning of summer before the Brown City Festival Days and also in the fall so the dust and debris would not get pushed into the sewer drains).

The question was asked regarding crack fillers for the streets. Clint Holmes, City Manager, will talk to our DPW Foreman Phil Bartle regarding this issue.

Mayor Miller asked City Manager Clint Holmes if we had ever received a final report from our Lincoln Street work that was to be forthcoming from Huron Consulting. We have not received a report, replied Clint Holmes. He was instructed to contact Huron Consulting regarding this issue.

PUBLIC QUESTIONS & COMMENTS: None.

CLOSED SESSION: None Scheduled.

ADJOURNMENT:

Motion by CM Lee, second by CM McIvor, to adjourn at 8:36 p.m. Motion carried.

Respectfully submitted,

Juanita M. Smith
City Clerk