

**BROWN CITY COUNCIL PROCEEDINGS**  
**JUNE 13, 2011**

Meeting called to order by Mayor Christine Lee at 7:00 p.m.

Pledge of Allegiance led by Mayor Lee.

**PRESENT:** Mayor Christine Lee, Councilmembers: Bill Walter, Julie Miller, Pat Jacobson, Eugene Navock and Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

**ABSENT:** Councilmember Ross McIvor.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:** None.

**CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Walters, second by CM Jacobson, to accept the Regular Meeting Minutes from May 23, 2011 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Jacobson, second by CM Navock to pay the bills in the following funds: General - \$23,879.02 (4687- 4724), Payroll - \$12,075.93 (5034-5052), Major Street - \$593.95 (3717-3729), Local Street - \$488.88 (4157-4158) Sanitary Sewer - \$2,515.05 (3130-3134), Water Fund - \$1,602.54 (1928-1945), Arsenic Abatement - \$150.38 (1163), Storm Sewer - \$37.01 (1096), and Equipment Fund - \$468.45 (1290-1293). Motion carried.

**PUBLIC QUESTIONS & COMMENTS:** None.

**POLICE REPORT:**

Written report reviewed. No questions or comments. Chief Smith provided a brief overview of activity during a busy Soybean Festival Weekend.

**PERSONAL APPEARANCES:** None Scheduled.

CM Miller arrived at 7:02 p.m.

**PUBLIC HEARING:** None Scheduled.

**UNFINISHED BUSINESS:** None Scheduled.

## **PETITIONS & COMMUNICATIONS:**

1. 3950 Burnslane Road – Bluebird Enterprises is requesting a building permit to construct a 16' X 32' loading dock on the rear of the building; replace ~150' section of fence.

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 3950 Burnslane Road to construct a 16' x 32' loading dock on the rear of the building as well as replacing 150' of chain link fencing. ROLL CALL VOTE: Walters yes, Miller-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes, Mclvor-absent. Motion carried.

**ORDINANCES:** None Scheduled.

**RESOLUTIONS:** None Scheduled.

## **MANAGER'S REPORT:**

1. **Maple Valley Lift Station:** One of the two pumps at the lift station failed catastrophically the last week of May. The contractor pulled the unit the day it was discovered. Repairs are ongoing and should be completed by June 17<sup>th</sup>. Cost for repairs is estimated at about \$3,500. The contractor is trying to expedite repairs since they usually take five to six weeks. They plan to install the SCADA system at the same time they replace the pump. The City also requested a quote for a spare pump. Because the impellers go in opposite directions on the two pumps, a second impeller would have to be available also. The estimated cost for the spare unit is about \$8,400. Does the City Council wish to invest in a spare pump unit?

Motion by CM Navock, second by CM Walters, to purchase a spare pump for the Maple Valley Lift Station at a price of about \$8,400.00. ROLL CALL VOTE: Loutzenhiser-yes, Navock-yes, Jacobson-yes, Miller-yes, Walters-yes, Mclvor-absent. Motion carried.

2. **2011-13 Street Projects:** The City released a request for proposals (RFP) for City streets projects through MML to ensure distribution to engineering firms throughout the state. Request is for engineered plans for North Cade Road (to include addition of a turn lane at M-90); South Cade Road; Lincoln Street south of Maple; and Walter Street south of First Street. Sealed bids were due at 11:00 AM on June 9<sup>th</sup> at City Hall. The City received three bids: Davis Land Survey - \$84,180; Fleis & Vandenbrink - \$59,600; and Huron Consulting - \$40,035. Primary criteria for selection included in the RFP included cost and previous projects completed. The City Council also may interview the top two firms prior to selection. Once an engineering firm is chosen, they have until July 9<sup>th</sup> to complete the work. Does the City Council wish to proceed with this project?

Motion by CM Walters, second by CM Navock, to ACCEPT the bid for the 2011-2013 Street Projects from Huron Consulting at a cost of \$40,035.00. ROLL CALL VOTE: Walters yes, Miller-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes, Mclvor-absent. Motion carried.

3. **Sanilac County Development Plan:** The Sanilac County Planning Commission has developed proposed amendment to the Sanilac County General Development Plan. A Public Hearing is scheduled for 5:00 PM on July 12 in Room 212 of the Sanilac County Courthouse concerning the amendments. The proposed amendments and the address to submit written comments Treasurer notified the City that three properties will be auctioned off on September 14<sup>th</sup>. Properties are located on Maple Valley Road, Main Street and John Street.
4. **City Trees:** The City received a complaint about a drying Ash tree. Frank Lukacs has volunteered to survey all of the trees in the City and develop a list of those that need to be cut down or trimmed. Once the list is received, recommendations will be presented to the City Council for action.
5. **2010 Census:** The US Department of Commerce sent the City a thank you letter for our help and assistance in the 2010 Census. The letter stated that current census data for the City of Brown City is available at <http://factfinder2.census.gov>. The City's population dropped nine people to 1,325.
6. **4227 Main Street:** This building reverted to the DDA in 2010. An individual appeared before the DDA Board to inquire about leasing the building for use as a restaurant. However, the next day he called to withdraw his application. The building is still available for lease or purchase through Mike Patterson at Red Carpet Keim in Sandusky.
7. **City Hall Electrical Upgrades:** The work is scheduled to begin a Tuesday, June 14<sup>th</sup> and should take at least two days. City Hall will be open during these renovations.
8. **MTPP Board:** The City Council received a ballot to elect a representative to the Michigan Township Participating Plan Board of Directors. A copy of the ballot is included in your packet (orange). Brown City Councilmember William H. Walters IV is the only person on the ballot. How does the City Council wish to vote?

Motion by CM Miller, second by CM Loutzenhiser, to cast a vote for CM Walters as a representative to the MTPP Board of Directors. Motion carried.

9. **Public Hearings:** The Planning Commission has scheduled two Public Hearings for July 7<sup>th</sup> at 7:15 and 7:30 PM. The first to consider a zoning change for 7201 Maple Valley Road from High Density Single Family Residential to Mixed Use District. The owner's intent is to remodel the building into four apartments with a possible commercial section. The second is to repeal the City of Brown City Medical Marijuana Dispensaries Zoning Ordinance 152.300; and add 15.025 Prohibited Land uses. The required letters have been mailed and notice submitted to the *Banner*.
10. **Title VI Plan:** The City submitted the City of Brown City Title VI Non-Discrimination, Environmental Justice and Limited English Proficiency Plan to meet an MDOT requirement. The Plan was reviewed and requires the addition of the phrase, "***Complaints must be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know that the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.***" Additionally, the plan and associated complaint form must be more prominently displayed on the City's website. The change was made to the plan and the City is working with Great Lakes Internet to update the City website.
11. **MAMA:** The Michigan Association of Municipal Attorneys is requesting nominations for Distinguished Attorney Award Nominations. Recommend the City Council nominate Greg Streamers, the Brown City Municipal Attorney for this award.

Motion by CM Walters, second by CM Jacobson, to nominate Attorney Gregory Stremers for the Distinguished Attorney Award. ROLL CALL VOTE: Walters-yes, Miller-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes, Mclvor-absent. Motion carried.

12. **2011 Tax Rate Request:** As a part of the budget process completed last March, the City Council approved the City's property tax rate, keeping it the same as it has been since 2001. The State of Michigan requires that approved tax rates be transmitted to the County Clerk using the L-4029 form. Separate forms are required for Lapeer and Sanilac Counties. Both the Mayor and City Clerk are required to sign these forms. Request the City Council authorize the Mayor and Clerk to sign these forms. Council has no objections to signatures by Mayor and City Clerk.
13. **Garbage Pickup Day:** Due to apparent confusion concerning when garbage needs to be placed next to the road for regular pickup, the City is sending a postcard to each residence that receives City garbage collection service stating garbage must be set out by the side of the road prior to 5:30 AM on Monday to ensure collection.
14. **Brown City Cleanup Days:** This annual event is scheduled for Wednesday June 22 and Thursday, June 23. all non-metal eligible items will be picked up on the 22<sup>nd</sup> and appliances and scrap metal on the 23<sup>rd</sup>.

#### **ATTORNEY'S REPORT:**

1. Maple View Estates delinquent utility bills. City Attorney discussed various problems and possible solutions pertaining to delinquent water bill collection and shut off policies pertaining to Maple View Estates. Council consensus to direct City Attorney to draft an ordinance for council review.

**TREASURER'S REPORT:** None.

#### **MAYOR'S REPORT:**

1. Thumb Area Public Officials Conference – Emergency Management – June 7<sup>th</sup>.

Mayor Lee attended the Thumb Area Public Officials Conference and shared various items of interest with the Council. She was very pleased with material and quality of information that was presented.

Mayor Lee thanked the Festival Committee, Police, Fireman, DPW, Council, City Manager and all others involved in making the Soybean Festival a success this year.

#### **COMMITTEE REPORTS:**

1. Police (Miller) – none.
2. Water and Sewer (Navock) – none.
3. Tax and Finance / Thumb Area Soybean Festival (Jacobson) – CM Jacobson, on behalf of the Soybean Festival Committee thanked all persons, organizations and City personnel for their involvement in making the Soybean Festival a success.
4. Streets and Sidewalks (Loutzenhiser) – none.
5. Building and Grounds (Walters) – none.
6. Personnel (Mclvor) – none.

**GENERAL CONCERNS OF THE COUNCIL:** None.

**PUBLIC QUESTIONS & COMMENTS:**

County Commissioner Jamie Daws provided a brief update pertaining to County Commissioner activities/meetings.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Miller, second by CM Jacobson, to adjourn at 7:46 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk