

BROWN CITY COUNCIL PROCEEDINGS

JULY 11, 2011

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

Pledge of Allegiance led by Mayor Christine Lee.

PRESENT: Mayor Christine Lee, Council members: Bill Walters, Julie Miller, Ross McIvor, Pat Jacobson, Eugene Navock and Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Motion by CM Miller, second by CM McIvor, to add to the agenda, under Petitions and Communications: 1. 4156 Maple Street and 2. 7201 Maple Valley Road. Motion carried.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Navock, to accept the Regular Meeting Minutes from June 27, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Loutzenhiser, to pay the bills in the following funds: General - \$19,752.85 (4736-4762), Payroll - \$13,286.78 (5071-5084), Major Streets - \$90.00 (3723), Sanitary Sewer - \$5,175.86 (3140-3144), Water Fund - \$85.92 (1953-1957), Arsenic Abatement - \$39.00 (1167), Storm Sewer - \$46.44 (1100), Equipment Fund - \$662.98 (1296-1298). Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Ellen Brown reported that she called City Hall approximately 1 week ago regarding the removal of couches on Maple Street. She states that this request was ignored and the couches were set on fire last evening. She would like to see the DPW be more proactive in these situations. Chief Smith reported that he did have suspects in the couch fire.

POLICE REPORT:

Written report reviewed. No questions or comments.

PERSONAL APPEARANCES:

1. Presentation to Matt Proctor of a Proclamation by the Mayor and City Council for outstanding performance as a member of the Brown City Track Team.

Mayor Christine Lee presented Proclamation to graduating senior Matt Proctor for his outstanding performance as a member of the Brown City Track Team.

PUBLIC HEARING: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

ORDINANCES:

1. **7201 Maple Valley Road** – The owner of this building is petitioned the Planning Commission to change the current zoning of the property 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 Planning Commission recommends the City Council approve this change to the Appendix J Zoning Map and that the apartments meet the square footage requirements set forth in paragraph (6) Appendix K – Yard and Bulk Requirements of Chapter XV – Land Usage. Also requests approval of the required building permits

Motion by CM Walter, second by CM Navock, to approve to change the current zoning of the property, 7201 Maple Valley Road, from High Density Single Family Residential to Mixed Use District. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

2. **Ordinance 15.025** – An Ordinance repealing the City of Brown City Medical Marijuana Dispensaries Zoning Ordinance §152.300; and adding §15.025 Prohibited Land Uses. The Planning Commission recommend the City Council repeal the City of Brown City Medical Marijuana Dispensaries Zoning Ordinance §152.300 and adopt §15.025 Prohibited Land Uses.

City Attorney Stremers provided current updates and findings with the ongoing debate pertaining to marijuana dispensaries and recommends the repeal of Ordinance 152.300 and the addition of Ordinance 15.025.

Motion by CM Walters, second by CM Navock, to adopt Ordinance 15.025 – *An Ordinance repealing the City of Brown City Medical Marijuana Dispensaries Zoning Ordinance §152.300; and adding §15.025 Prohibited Land Uses.* ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

PETITIONS & COMMUNICATIONS:

1. **4119 Main Street – Maple Valley Plastics** – Requesting foundation, building and electrical building permits to construct a 64' X 124' addition in the lot immediately east of the existing building; to demolish the garage at 4105 Main Street and replace it with an 8' X 12' skid shed (pink). The Planning Commission recommends approval. The owner is also requesting a tax abatement. How does the City Council wish to proceed?

Property owner was present and corrected that the 8' x 12' skid shed is actually a 12' x 12' skid shed.

Motion by CM Walters, second by CM Mclvor, to accept the pre-application building permit for 4119 Main Street to add a foundation, building and electrical building permits to construct a 64' X 124' addition in the lot immediately east of the existing building; to demolish the garage at 4105 Main Street and replace it with an 12' X 12' skid shed. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

Motion by CM Walters, second by CM Loutzenhiser, to schedule a Public Hearing on August 8, 2011 at 7:15 p.m. pertaining to IFT request from Maple Valley Plastics. Motion carried.

2. **4156 Maple Street:** A request to remove a chain link fence and install a 6' wooden fence not to block view from Merrill Street to Maple Street.

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4156 Maple Street to remove a chain link fence and install a 6' wooden fence not to block view from Merrill Street. ROLL CALL VOTE: Walters-yes, Miller-yes, Mclvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

3. **7201 Maple Valley Road** – a request to remodel property into 4 apartments with a possible commercial section.

Motion by CM Loutzenhiser, second by CM Navock, to accept the pre-application building permit for 7201 Maple Valley Road to remodel property into 4 apartments with a possible commercial section with the condition that all occupied units are metered for water as well as shut offs being present for City access and that all square footage requirements are met. ROLL CALL VOTE: Loutzenhiser-yes, Navock-yes, Jacobson-yes, Mclvor-yes, Miller-yes, Walters-yes. Motion carried.

RESOLUTIONS: None Scheduled.

MANAGER'S REPORT:

1. **2011-13 Street Projects:** Huron Consulting created plans and estimates for the Cade Road, Walter and Lincoln Streets projects. They are due to be delivered to City Hall on July 8th. Does the City Council wish to schedule a Streets and Sidewalks Committee meeting to triage the Street Renewal Plan?

Council discussion regarding possible costs and priority of street repairs as well as appropriate preparation to some local streets before paving.

Motion by CM Loutzenhiser, second by CM Walters, to authorize City Manager to request that Huron Consultants release RFP for work on North Cade Road. ROLL CALL VOTE: Walters-yes, Miller-yes, McIvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

Motion by CM Navock, second by CM Walters, directing City Manager to gather estimated costs for water line replacement on Walter Street to prepare for future paving. Motion carried.

2. **Four-Way Stops:** The signs have been ordered for Fourth and Walter Streets and Second and St. Marys Streets. The Police Chief and City Manager conducted an inspection of all 76 stop signs and intersections in Brown City on June 23rd. The City Council may wish to consider adding stop signs at Maple and McMorrans Streets, Corn Drive, Slaughterhouse Road and Belview Drive. Recommend adding "Stop Ahead" signs north and south of Second Street on St Marys Street.

Council discussion regarding need for various Stop signs in various high traffic areas of town.

Motion by CM Walters, second by CM Loutzenhiser, to install 1 (one) Stop sign on Corn Road as well as 2 (two) Stop Ahead signs on North and South Bound St. Mary's Street. Motion carried.

3. **MML Workers' Compensation Fund:** The representative from the Fund visited the City on July 6th. The annual rate will increase about \$200 due to the long-term claim concerning the former DPW employee. The representative also reviewed policies and procedures with the Chief of Police. No significant issues were noted.
4. **Mapleview Estates:** As a result of the tentative agreement reached with the Park owner on June 27th, the City DPW shut-off water to five units in the Park that were in arrears on their utility payments. Currently, all occupied units are paid in full. Several issues were resolved and the Park Manager and DPW have a sound understanding of the current policy concerning shut-offs. The Park has agreed to replace the valves under some units to facilitate any future shut-offs. The City will continue to closely monitor the situation.
5. **Alley Easement Abandonment:** The owner of 4287 Main Street has requested that the City abandon the alley easement on the south boundary of his property. If the City Council wishes to proceed, additional research is required concerning procedures and to determine if this particular section of easement may have already been abandoned. How does the City Council wish to proceed?

Council discussion with homeowner pertaining to the alley abandonment as well as concerns homeowner has for adjacent properties and their current use of the alley.

Homeowner has a current survey which he will provide a copy of to the City for City Attorney review and abandonment recommendation.

6. **City Hall Windows:** The City requested estimates from three local companies to replace the windows in the Chief's, Treasurer's and Manager's offices. The current windows are leaking and have lost their insulating ability. The estimates will be presented to the City Council for action when available.
7. **Lincoln Street Storm Drain:** The DPW continues to grade the area disturbed by the installation of the new storm drain. The Area south of the last house on Welles Street is shaping up nicely. The area to the north of that point still requires work since the area has only recently dried enough to work the ground. The City DPW will cut the catch basin pipes to the correct height and seed the area later this summer.
8. **George Street Shut-Off:** The City is in the process of getting additional estimates from local and area contractors concerning adding reinforcement and a dry basin to the George Street shutoff.
9. **Maple Valley Lift Station:** The alarm company completed the installation of the high water and lost power system at the Maple Valley Lift Station. Should one of these events happen, the system will call system operators until one acknowledges. This should significantly reduce notification and response time. Information concerning pump status, flow and capacity is available to both City Hall and at the DPW garage.
10. **City Trees:** Frank Lukacs conducted a survey of all the trees in the City right-of-way. He has recommended that 13 trees be removed and 11 trimmed. Does the City Council wish to request estimates for this work to be done? Council consensus that cost estimates be sought.
11. **Private Swimming Pools:** As required by City Ordinance, the Police Chief inspected all of the swimming pools in the City. Nine owners were found to be in violation of the Ordinance either because they did not get a permit, need to remove the ladder when not in use, or need a self closing and locking gate on the pool. The notices were sent out and pool owners have 14 days to correct the problem before a re-inspection is done.
12. **Park Board Meeting:** The regular monthly meeting of the Brown City Park Board has been rescheduled from July 14th to July 21st – a one week delay.
13. **Wells Street Drainage:** Currently water that is being channeled to the new storm sewer is partially pooling into homeowners yard. It has been considered that a 41' curb be installed to redirect that water for a price of approximately \$2,100.00. Council consensus that bids be sought for this possible work and preferably a cheaper solution be sought.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT: None

MAYOR'S REPORT: None

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water and Sewer (Navock) – none.
3. Tax and Finance / Thumb Soybean Festival (Jacobson) – Festival Mtg. 7-12-11 @ 6:30 p.m.
4. Streets and Sidewalks (Loutzenhiser) – none.
5. Building and Grounds (Walters) – none.
6. Personnel (Mclvor) – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Navock questioned the possibility of a part time police officer being added to the force to better cover shifts when full time officers are on vacation. Council discussion pertaining to this need.

Ellen Brown also discussed her concern for groups of teenagers that are present on the streets after curfew.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Mclvor, to adjourn at 8:37 p.m. Motion carried.

Respectfully submitted:

Kelly Pavel
City Clerk