

BROWN CITY COUNCIL PROCEEDINGS

SEPTEMBER 13, 2010

Meeting called to order by Mayor Laura Carpenter at 7:00 p.m.

Pledge of Allegiance led by Mayor Carpenter.

PRESENT: Mayor Carpenter, Councilmembers: Bill Walters, Julie Miller, Ross McIvor, Christine Lee, Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

ABSENT: Councilmember Patricia Jacobson.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM Loutzenhiser, to accept the Regular Meeting Minutes from August 23, 2010 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Loutzenhiser, to approve the bills in the following funds: General - \$57,212.84 (4290-4324), Payroll - \$24,387.36 (4672-4702), Major Street - \$182.46 (3700-3702), Local Street - \$300.59 (4144-4145), Sanitary Sewer - \$9,728.75 (3065-3072), Water - \$9,474.05 (1844-1855), Arsenic Abatement - \$235.36 (1136-1139), Equipment - \$2,006.31 (1251-1254). Motion carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

POLICE REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

Motion by CM Loutzenhiser, second by CM Lee, to accept the pre-application building permit for 6976 George Street to build a 250 square foot porch on the SE corner of the house. Motion carried.

Building permit for 4205 Vine Street to install a 6' fence on the south side of the property along the alley. Resident was asked to supply a drawing for council review at this meeting. This drawing was not received so this request will be tabled.

RESOLUTIONS: None Scheduled.

MANAGER'S REPORT:

1. **Well #4 Media Replacement:** The arsenic absorption replacement media was completed on August 24th. Both wells are now fully operational. Required reports were forwarded to MDEQ. The final invoices are still pending.
2. **Operating Engineers Local 324:** The City received notification that the Local 324 pension fund (which represents the City's DPW employees) "is in critical status for the plan year beginning May 1, 2010." As a result, Local 324 may eliminate benefits such as disability, early retirement, and others. According to the union, federal law requires the City to pay a surcharge of 5% the first year and 10% for subsequent years on currently required pension payments. This will add a cost of about \$200 to the City's budget this year and about twice as much in the future.
3. **Skateboard Park:** The Brown City Park Board has completed construction of the first piece of major equipment for the new skateboard facility. The carpentry work was completed by Chris Madia, a member of the Park Board representing Hogtown, Inc. Cost for this initial work was about \$3,500. Additional equipment will be added as funds become available. Safety signs stating that helmets and safety equipment are mandatory and "Skate at your own risk" have been ordered and should be installed by the end of the week.
4. **Tri-County Bank Alley:** As discussed last spring, Tri-County Bank acquired an estimate for resurfacing the alley leading to the bank from James Street to their drive-thru. Estimated cost to resurface the alley is \$4,950 with the bank agreeing to pay half. The bank also plans to do an additional \$6,500 of work on their front parking lot and the drive-thru. Does the City Council wish to contribute \$2,500 toward resurfacing the alley? Requires Motion.

Motion by CM Walters, second by CM Loutzenhiser, to contribute \$2,500.00 toward resurfacing the alley leading to Tri-County Bank. Motion carried.

5. **City Hall phones:** The City received the hardware associated with the new telephone system for City Hall. A contractor is scheduled to inspect City Hall and generate an estimate for the required work. Initial discussion indicates that the installation costs should be less than \$1,000.
6. **Dr. Seager:** The medical equipment used by Dr. Seager, with the exception of one optical kit, was turned over to the Sanilac County Historical Society in Port Sanilac, and a receipt was provided. The second optical kit was turned over to an organization that sends them to third world nations (probably Chile) for use by local opticians.
7. **Brown City Library Grant:** The Brown City Library received a grant for two new computers and monitors. The University of Michigan paid for 90% of the \$2,400 cost with the Library Board paying the remainder. The computers are being installed by staff and are currently available for use.

8. **Storm Drainage:** The DPW completed the storm drain work in 4th Street during the end of August. The project was considerably smaller than the original plan resulting in a savings to the City of at least \$10,000. The estimate for the cost of pipe for the Lincoln Street Project was received on September 9th (the request was made by the City in July). The quote was for \$12,141.06. How does the City Council wish to proceed? Council consensus to proceed with this project.
9. **Maple Valley Estates:** The seven houses in Maple Valley Estates were each built with two water meters, one for household use and one for lawn sprinklers. Staff recommends charging these customers at the same rate as other City residences. If approved by the City Council, a letter has been generated to inform these residents of the policy change. Some of their utility bills will increase and others decrease. Estimate overall revenue will remain about the same (including meter reading costs). How does the City Council wish to proceed? Requires Motion.

Motion by CM Loutzenhiser, second by Miller, that the water meters on the (seven) houses in Maple Valley Estates no longer be read, instead residents will be charged the same rate as other City residences. Motion carried.

10. **Old Fire Hall graffiti:** The graffiti on the wall of the old fire hall and the Burgess building was painted out by a community service worker last week. Since the wall is now primed, if a similar problem occurs, a darker color will be used.
11. **Stop Sign Request:** A resident has requested that the corner of 4th and Walters Streets change from a 2-way to a 3-way stop due to traffic entering the street with little regard to other traffic. City Manager stated that the cost of a sign is approximately \$49.00 plus installation costs. Council consensus to table this request at this time and it may be reconsidered at a later time.
12. **Resolution 10-07:** The City Council can expect to receive for action Resolution 10-07 at the next meeting. This is the annual resolution of Special Assessments so that money owed to the City can be added to winter property taxes.
13. **Beer and Wine License request:** Bud Welch is considering seeking a beer and wine license again and is requesting council support if he proceeds. Council consensus that council would support this request.
14. **Flushing of Fire Hydrants:** DPW has requested that fire hydrants be flushed the week of October 11, 2010.

Motion by CM Miller, second by CM Lee, to flush fire hydrants the week of October 11, 2010. Motion carried.

PUBLIC HEARING 7:15 p.m.

Mayor Carpenter opened the Public Hearing at 7:15 p.m. for the discussion of City Ordinance Section 152.300 – Regulation of Medical Marijuana Dispensaries.

City Manager provided appropriate background concerning this ordinance.

Christie Trombley questioned where desired location of dispensaries would be and discussed various types of dispensaries that are in operation and what type the City is considering allowing.

Mayor Carpenter closed the Public Hearing at 7:22 p.m.

ORDINANCES:

Section 152.300: An Ordinance of the City of Brown City amending the City of Brown City Title XV Land Usage Code by adding Section 152.300 by providing for Medical Marihuana Dispensaries, their location, definitions, conditions and standards, and civil forfeiture, to provide for violations and penalty, severability, and effective date.

Motion by Walters, second by Loutzenhiser, to adopt Section 152.300 *An Ordinance of the City of Brown City amending the City of Brown City Title XV Land Usage Code by adding Section 152.300 by providing for Medical Marihuana Dispensaries, their location, definitions, conditions and standards, and civil forfeiture, to provide for violations and penalty, severability, and effective date.* **ROLL CALL VOTE:** Walters-yes, Mclvor-yes., Miller-yes, Lee-yes, Loutzenhiser-yes, Jacobson-absent. Motion carried.

CM Loutzenhiser questioned Operating Engineers Local 324 surcharge rates and what this may mean for the City in the future.

MAYOR'S REPORT:

City Manager read a thank you letter from the Village of Capac regarding their visit to Brown City for Mayor Exchange Day.

PUBLIC HEARING 7:30 p.m.

Mayor Carpenter opened the Public Hearing at 7:30 p.m. for the discussion of City Ordinance Section 92.06 – Regulation of Animals.

No public questions or comments.

Mayor Carpenter closed the Public Hearing at 7:31 p.m.

Council discussion regarding regulating viscous and/or attack dogs.

Motion by CM Walters, second by CM Miller, to adopt Section 92.06: *An Ordinance to Amend the Brown City Code by Repealing Section 92.06 and adding New Section 92.06 Prohibited Animal; General Regulations.* **ROLL CALL VOTE:** Walters-yes, Mclvor-yes, Miller-yes, Lee-yes, Loutzenhiser-yes, Jacobson-absent. Motion carried.

ATTORNEY'S REPORT: None

TREASURER'S REPORT: Written report reviewed. No questions or comments.

COMMITTEE REPORTS:

1. Police – none.
2. Water and Sewer – read letter from citizen concerning for storm water.
3. Tax and Finance – none.
4. Streets and Sidewalks – none.
5. Buildings and Grounds – none.
6. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Loutzenhiser questioned if a citizen complaint regarding dogs was reported by Imogene Sealey. She indicated that it was. Chief Smith stated that Hilltop House has been informed that no dogs will be allowed in Hilltop House at any time or their license will be terminated.

City Treasurer stated that while in the office and citizens complain regarding viscous dogs and a City police officer is not available, Sanilac County Sheriff's Department is not assisting/responding.

CM Miller stated that Halloween is on a Sunday this year and wondered if it should be moved to another day. Following a discussion, to include input from Chief Smith, the consensus of the City Council was that hours remain the same and remain on Sunday.

CM McIvor questioned the status for Henry Owens. City Manager stated that he recently received a letter stating that Mr. Owens will be moving to permanent disability.

City Manager is currently discussing with DPW Supervisor the necessity of replacing Henry Owens.

CM McIvor apologized for missing two meetings, he had an opportunity to work extra hours and took advantage of that.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Lee, to adjourn at 7:57 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk