

**BROWN CITY COUNCIL PROCEEDINGS
SEPTEMBER 24, 2007**

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

Pledge of Allegiance led by Mayor Carpenter.

PRESENT: Mayor Laura Carpenter, Council members: Ron Wood, Julie Miller (7:03 arrival), Mike Lents, Ross McIvor (7:20 arrival) Christine Lee, Ken Brown. City Attorney John A. Coury, City Manager Clint Holmes, City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

Motion by CM Brown, second by CM Lee, to accept the Regular Meeting Minutes from September 10, 2007 as presented. Motion carried.

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$17,531.70, Payroll - \$11,239.79, Major Streets - \$60.00, Sanitary Sewer - \$1,865.91, Water - \$1,785.71, Equipment - \$1,628.40. Motion carried.

Motion by CM Lee, second by CM Brown, to pay Water Treatment Facility bills in the amount of \$48,555.92, as presented. Motion carried.

Motion by CM Lee, second by CM Brown, to pay Trombley Excavating in the amount of \$1,237.50 for work completed for catch basin installation on west Main Street adjacent to the BP Station. Motion carried.

CM Miller arrived at 7:03 p.m.

PUBLIC QUESTIONS AND COMMENTS:

Bill Walters, County Commissioner updated council regarding county events.

Larry Steigerwald stated that junk vehicles are still present throughout the community. He has discussed this issue in the past and was told that citations have been issued, although the vehicles have not been removed. City Manager will task Chief Smith to address the issue.

John Bell discussed the alley behind the old bowling alley and asked when it will be opened up. He has concerns about the ability of fire vehicles to pass through. A resident stated that the floor of the bowling alley is significantly lower than the adjacent alley and moving the existing barricade and opening the alley may not be possible before the floor is raised or fill is added.

PERSONAL APPEARANCES: None scheduled.

DPW REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS:

1. Arsenic Abatement – Treatment Plant must be fully operational by 2-1-08. See Manager's Report.

PETITIONS AND COMMUNICATIONS:

1. Exchange State Bank – 4462 Main Street – Site plan review continued from September 10, 2007 council meeting.

(Acting City Engineer) Cory Mabery stated that the bank plans have been reviewed again and the two main drainage issues have been addressed. He discussed Thelman Avenue drainage as well as having an outlet for storm water for the property owners directly to the north.

CM Mclvor arrived 7:20.

Mr. Mabery addressed drainage issues for this area of town at the request of bank architect Dennis Phelan.

Kelly Pavel (property owner to the north) asked that the past agreement that she and her husband had signed in July, 2007 be redrafted to specify that this agreement is reflecting the latest set of plans presented that are dated 9-18-07. Mr. Phelan agreed to this redrafting of an agreement.

Kelly Pavel also asked if the latest set of plans still included dual rows of trees being planted for a green belt. Mr. Phelan stated that two rows of tree plantings are still included in the plans and at the time of plantings, the landscaper will consult with the Pavels for planting positions.

Motion by CM Brown, second by CM Lee, to approve the pre-application building permit for Exchange State Bank provided that all 4 items on the 9-24-07 letter from Cory Mabery are addressed and that the plans dated 9-18-07 are considered the final set of plans. ROLL CALL VOTE: Brown – yes, Lee-yes, Wood-yes, Lents – no, Mclvor – yes, Miller –yes. Motion carried.

Motion by CM Miller, second by CM Lee that Mr. Phelan provides amended work agreement letter to Jeff and Kelly Pavel. Motion carried.

CONTINUED PUBLIC HEARING:

City Manager reviewed Resolution 07-08 regarding the vacating of alley located between McMorran and Reed Streets.

City Attorney addressed the process of vacating the proposed alley.

CM Lents questioned the possibility of a quick claim deed being conducted if there are some issues regarding property or building questions for lot owners involved. This may be a possibility for lot owners to investigate.

John Bell asked if the alley had been vacated in the past. City Attorney stated that a record should be available if this was done. City Manager states that he has not been able to locate any past vacating of this alley.

City Manager asks if the City is interested in paying for a title search to determine if this alley has already been vacated. Council states that they would prefer that the homeowner requesting this vacating pursue a title search if he so wishes.

RESOLUTIONS:

Motion by CM Brown, second by CM Wood, to adopt Resolution 07-08, *A Resolution To Vacate The City Of Brown City Public Property Rights For An Alley Located Between McMorran And Reed Streets*. ROLL CALL VOTE: Brown – yes, Lee-yes, Lents-yes, Mclvor-yes, Miller-yes, Wood-yes. Motion carried.

Motion by CM Miller, second by CM Wood, to adopt Resolution 07-09, *A Resolution Formally Causing to be Levied A Special Tax or Assessment to Recover Monies Owed the City of Brown City*. ROLL CALL VOTE: Miller-yes, Mclvor-yes, Wood-yes, Lents – yes, Lee-yes, Brown – yes. Motion carried.

ORDINANCES: None.

MANAGER'S REPORT:

- 1. Water Treatment Facility:** The concrete block work should be completed September 21st with clean-up on September 24th. The filtration material and equipment are on site as well as the roof support beams and plywood sheathing. The roof should be completed by the end of the month and the building closed in soon after. A copy of the minutes from the September 10th meeting with the contractor and engineer is enclosed (lavender) along with the most recent construction update from the contractor (orange). Additionally, the contractor reinstalled Well #3 piping so water is theoretically available from that well. However...

The DPW is required to pull water samples for DEQ testing and have them fully tested prior to September 30th. They do not have confidence that the auxiliary

motor will work. Discussion with the contractor revealed that a temporary 230 volt/3-phase electric power line could be installed to provide power to the pump. Initial start up requires 300 amps. Estimate the cost to run this line is at \$990 (blue). Recommend approval. **REQUIRES MOTION.**

Motion by CM Lents, second by CM Wood, to purchase and install temporary 230 volt/3-phase electric power line at the estimated cost of \$990.00. Motion carried.

- 2. Vine Street Flooding:** The project to install three storm water catch basins on Main Street on the west side of the BP Gas Station, as well as to the south and southeast continues. The DPW has completed the installation of the piping and the Main Street catch basin should be done by late on September 21st. Anticipate project completion the week of September 24th. The property owner was on site and I had a lengthy discussion with him concerning the project. He is pleased with the progress and expects the project to make a significant improvement in storm water removal from the area. The DPW is also continuing work on the berm on the north side of the Park when time is available.
- 3. MML Annual Conference:** The 109th Annual MML Conference in Traverse City 18-21 September was an excellent learning opportunity. The six-hour class provided on employment law was particularly informative including: personnel files, collective bargaining, law enforcement issues, hiring and firing decisions. I also received training in risk management (transfer), eminent domain, and water/sewer rate analysis. A copy of the handouts for rate reviews is enclosed (white). Other information is available for your review at City Hall.
- 4. Hydrant Flushing:** If there is no objection from the City Council, the City plans to do hydrant flushing the week of October 8th. Residents are advised not to wash white or light colored cloths during this week.
- 5. Income Survey:** The City has not received any additional surveys. We need a minimum of 250 completed surveys in order to have a valid sample. A reminder that the survey envelopes are remaining sealed until the results are ready to be tabulated, so there is no way to tell at this point if all of the surveys received have been completed.
- 6. Halloween Hours:** In years past, the City sets Halloween hours from 5:30 to - 7:30 PM by motion. What hours does the City Council wish to set for this year? **REQUIRES MOTION.**

Motion by CM Miller, second by CM Wood to set Halloween hours from 5:30-7:30 p.m. Motion carried.

- 7. Burger Building:** Work has been completed on the Burger building. I showed the property to party that is interested in purchasing and discussed possible prices. They appear interested and I am waiting to hear back from them.

8. **Fire Truck:** The Fire Chief invited the councilmembers to look at a new fire truck he will have on display at the fire station. The truck is similar to one that the Department is interested in purchasing in 2008 at the estimated cost of \$320,000.
9. **Thelman Avenue Easement:** The City does not have an easement for the storm water culvert located on the east side of Thelman Avenue just north of Main Street. Does the council wish for me to obtain an easement for the site before the improvement work is begun?

Motion by CM Lee, second by CM Brown, to direct the City Manager to begin the process of obtaining an easement for Thelman Avenue property for culvert expansion work. Motion carried.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT: None.

City Manager asked CM Mclvor to research the possibilities of the barricades for the alley behind the bowling alley being moved.

COMMITTEE REPORTS:

1. Police – none.
2. Water and Sewer – none.
3. Tax and Finance – none.
4. Streets and Sidewalks – none.
5. Buildings and Grounds – none.
6. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Lents asked if an update from County Drain Commissioner regarding ditch behind Ben's has been received. City Manager is calling for an update.

MAYOR'S REPORT:

1. City Manager's Semi-Annual Evaluation

Council evaluation totals are as follows: Mclvor-102, Brown – 129, Carpenter –165, Lents – 102, Lee – 159, Miller – 165, Wood-107. Total 928 of 1155 with a total rating of 80.43%.

PUBLIC QUESTIONS AND COMMENTS:

Mike Frey discussed failing and rotting culverts along the county drain.

Bill Walters asked that the council draft a letter to Ken Welch addressing his long term service on the Council of Aging.

Motion by CM Miller, second by CM Lee, to adjourn at 8:05 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk