

**BROWN CITY COUNCIL MEETING  
OCTOBER 10, 2005**

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

Pledge of Allegiance led by City Clerk Pavel.

**PRESENT:** Mayor Laura Carpenter, Councilmembers: Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt; City Attorney Gerard Garno, City Manager Clint Holmes, City Clerk Kelly Pavel.

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

**CORRECTION & APPROVAL OF MINUTES:**

Correction to September 26, 2005 minutes: Page 3 of 5, paragraph 2, add to motion "Resident was provided with Ordinance Section 5603, procedure for filling in ditch was discussed."

Moved by CM Miller, second by CM Lee, to accept the September 26, 2005 Minutes as corrected. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$14,171.29, Payroll - \$19,134.98, Major Street - \$793.18, Local Street - \$1,055.69, Water - \$7,143.38, Sewer - \$3,616.68, Equipment - \$798.22, Investment - \$40,199.72. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:**

Jack Dempsey, Burnside Township discussed various arsenic removal options and his concerns about the City spending large amounts of money to correct arsenic problems.

County Commissioner Bill Walters updated the City Council on happenings within Sanilac County.

Bill Grace commented on his concerns with Bud's Corner Restaurant adding on to building, as well as concerns he has for parking at this location.

**PERSONAL APPEARANCES:** None.

**POLICE REPORT:**

Council review of written report. Chief Smith also reported that there has been some inquiries regarding part-time police officer positions with the City.

## **OLD BUSINESS:**

1. Bullock Project – pending, a cost estimate of \$6,834.00 has been received. Awaiting response from Bullock attorney regarding a release so work can begin.
2. International Union of Operating Engineers Local 324 – pending outside legal review, see below.
3. Status of Llink Technologies Contract – Sanilac County EDC finalizing.
4. Cemetery Water – see Manager’s Report.

## **PETITION’S AND COMMUNICATIONS:**

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4270 Maple Street to construct a 22’ x 37’ home addition. Motion carried.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None scheduled.

## **RESOLUTIONS:**

Moved by CM Miller, second by CM Lee, to accept Resolution 05-17: *A Resolution Recognizing Domestic Violence Awareness Month – October, 2005*. ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

## **CITY MANAGER’S REPORT:**

1. **2005 Street Program:** Boddy Construction continues work on James and First Streets. Completion could be as soon as October 14<sup>th</sup>. So far only two minor problems have been encountered. A storm drain had to be rerouted to across the street at Third and James. Additionally, some drainage tile needs to be installed at the north end of James Street for proper installation of curbs and gutters. These have resulted in a change order that will add about \$7K to the cost of the project. Area repairs on Reed Street (repave section), Buby Street (culvert replacement), and 4<sup>th</sup> Street (water- and sewer-tap repair) are pending.
2. **Main and Maple Street Trees:** Steinkopf’s Nurseries & Farms is in the process of digging up trees now. They will give us a few days notice before they come to plant the six trees (4 on Main and 2 on Maple Streets) ordered by the City so Miss Dig can be contacted and mark the appropriate areas. The City will be billed after the trees are planted. The plantings should be complete prior to the next City Council meeting.
3. **M-90 Maintenance:** The City is reimbursed on an annual basis by the State of Michigan for costs associated with maintenance and snow removal for that section of M-90 within the City Limits. Generally, this amount is limited to a maximum of \$9,000; however, due to the efforts of the staff, the City instead received a check for \$10,324.74, which reflects our actual costs.

4. **Methodist Church / Tri-County Bank Parking Lot Leases:** Following a discussion with Ric Bucklew, the CEO of Tri-County Bank, the lease for the parking lot north of downtown was signed. The agreement with the Church is pending. Recommend the City Council authorize the Mayor and Clerk to sign the agreement with Tri-County Bank.      **REQUIRES MOTION.**

Moved by CM Lee, second by CM Blatt, to authorize the City Clerk and Mayor to sign Parking Lot Lease Agreement with Tri-County Bank. Motion carried.

5. **Cemetery Water:** The well was drilled between Himmel and Trombley Lane at the Evergreen Cemetery on September 20<sup>th</sup>. The hand pump was installed the following week and the concrete platform was built September 30<sup>th</sup>. There was some confusion on the part of the contractor concerning the design/construction for the platform. This completes the cemetery water project; request it be removed from “Old Business.” **REQUIRES MOTION.**

Moved by Miller, second by CM Navock, to remove Cemetery Water Project from the Old Business portion of the Council Agenda. Motion carried.

6. **Brown City Clean-Up Days:** As stated in the published Public Notice, the DPW is scheduled to pick up scrap metal and appliances on Monday, October 17, and other trash on Tuesday, October 18. The crew will complete pick-ups on Wednesday if required. Residents with appliances containing Freon must pay a (\$15) fee at City Hall by October 14th.
7. **Post Office Sidewalk:** The owner of Tom’s Ultimate Concrete was again contacted to satisfactorily complete the landscaping associated with the 2005 City Sidewalk Project. He also agreed to inspect the crack in the new sidewalk at the Post Office and make a recommendation to the City concerning courses of action. A response is still pending.
8. **Americans with Disabilities Act/Michigan Barrier Free:** A discussion with the Sanilac County Building Inspector, Bill Strickland, revealed that they are the primary enforcement agency for the federal ADA and Michigan laws. He will be checking City businesses for compliance, to include 4000 Main Street.
9. **Police Hiring:** An advertisement for part-time police officers was developed and run in the Sanilac County News on October 5 and will be run again on October 12<sup>th</sup>. To date, there have been no responses.
10. **MDOT Training:** I will be out of the office on the morning of October 12<sup>th</sup> (Wednesday) to attend the MDOT class titled “The 2005 Transportation Information & Input Program for Rural Elected Officials” in Cass City.
11. **SEMCO Lawsuit:** SEMCO has lawsuits pending with many municipalities in the state, to include the City of Brown City. Lawsuit centers on which assessment tables should have been used for the 1998 and 1999 tax years. SEMCO has offered to allow the City to settle at a reduced rate if done before December 31, 2005. Total cost to

the City if settled before the deadline is \$8K-\$10K, of which a portion would be paid by the Brown City School District and Sanilac County. A decision by the City Council may be required within a month or so following continuing review by the City's attorney in this matter (Seibert and Dloski, LLC of Mount Clemens).

**ATTORNEY'S REPORT:**

1. City Attorney will keep the City Council posted on Bullock case. Engineering plans have been accepted subject to a Consent Judgment letter being signed by both parties.
2. Discussion of findings by Labor Specialist regarding International Union of Operating Engineers Local 324 contract. In an effort to contain costs, City Attorney Garno has reviewed findings with Labor Specialist and should be able to entertain Council questions.

**COMMITTEE REPORTS:**

1. Police - none.
2. Water & Sewer – discussion regarding today's interviews with engineering firms regarding arsenic abatement

Moved by CM McIvor, second by CM Blatt, to enter into a contract with Rowe Engineering to serve as the City's Arsenic Abatement Consultant, Mayor and City Clerk directed to sign necessary documents. Motion carried.

3. Tax & Finance: none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – Committee meeting scheduled for 10-13-05 at 10:00 a.m. Discussion regarding Labor Specialist findings regarding Union contract. Minor changes have been recommended to the proposed contract, to include an indemnification clause. City Council recommends that City Manger make necessary changes/additions and forward to Union attorney for review. City Attorney recommends that no documents be finalized and signed without his review.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Lukacs states his concerns about parking at Bud's Corner Restaurant as well as easy ingress and egress for vehicles at this location.

Moved by CM Miller, second by CM Lee, to adjourn at 7:55 p.m. Motion carried.

Respectfully submitted;

Kelly Pavel  
City Clerk