

**BROWN CITY COUNCIL MINUTES
MAY 8, 2006**

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

Pledge of Allegiance led by City Clerk Kelly Pavel.

PRESENT: Mayor Laura Carpenter, Councilmembers: Julie Miller, Mike Lents, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: Councilmembers Ross McIvor and Ron Wood.

ADDITIONS, CORRECTIONS & DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Moved by CM Miller, second by CM Lee, to accept the minutes from the April 24, 2006 regular meeting as presented. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General Fund - \$11,987.07, Payroll - \$14,594.82, Sewer - \$2,029.18, Water - \$1,992.84, Arsenic Abatement - \$2.78, Equipment - \$48.94. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Bullock questioned when work will be complete behind his home. Mr. Bullock stated that he would be doing his own tiling and finish grade. Mr. Bullock stated that dirt he has received from the Renaissance Zone is full of cement and asphalt. He is interested in getting topsoil to use on top for finish and seeding and wants no more dirt from city.

City Manager will research prices for topsoil and transportation, as well as check prior limits imposed by Council and Consent Judgment.

CM Miller asked Mr. Bullock if his finish grade and elevation is proper, he stated yes, it is to his satisfaction and he does not care if the ditch is covered.

PERSONAL APPEARANCES: None Scheduled.

POLICE REPORTS: Reviewed, no questions or comments.

OLD BUSINESS:

1. Bullock Project – nearing completion. No response from Comcast concerning the field tile.
2. Codification of City Ordinances – Pending receipt of draft.
3. Appointment of a resident or business owner to the DDA (until 12-31-08).
4. Appointment of a resident to the Cemetery Board (until 12-31-10).
5. Arsenic Abatement – Preliminary plans forwarded to DEQ.

RESOLUTIONS: None scheduled.

PETITIONS & COMMUNICATIONS:

1. 4050 Main Street – Demolition/Construction of Residence. City Manager reviewed Planning Commission discussion. Planning Commission did not have adequate information provided for review. City Manager wanted the City Council to be aware that this issue will be forthcoming.

PUBLIC HEARING: None scheduled.

ORDINANCES: None scheduled.

TREASURER’S REPORT: None.

MANAGER’S REPORT:

1. **2006 Streetscape:** The project is still ahead of schedule and the project should be completed by May 26th, as required by the contract. The sidewalks should be poured by Wednesday. Once they have cured for 24-36 hours, they are power-washed and sealed. The railroad will be in during the week of May 8th to remove the wooden ties adjacent to the tracks on Main Street. This will be done in two phases: First, the two outside lanes will have the wood removed and replaced with asphalt allowing use of the center lanes for traffic; then the center lanes will be closed for repair and traffic will flow through the outside lanes. Smoothing the railroad crossing will take 3-4 days. The contractor estimates completion of his work on M-46 by May 10th. Equipment should then be moved to M-90 for grinding and resurfacing. The 1.5 inch lip in the gutters will be eliminated with the final resurfacing of Main Street. We have been able to keep the affected merchants apprised of the schedule and tried to accommodate their requests.
2. **Brown City Sanitary Sewer Lagoons:** An extensive Internet search was conducted to collect information on ‘bio-reduction’ of lagoon sludge. There are no industry-wide or university studies concerning bio-reduction. Information provided by vendors stated that sludge reduction could be up to 30%. Biosciences (Beloit, WI) estimates the cost for their Microcat-SR biologics at \$50,000 to \$60,000 but propose a \$5,000 study to predict the amount of sludge reduction. They “also recommend using an aerator to treat 1 acre

at a time, while using a skirt to define the area being treated.” Technichem (Burton, MI) recommends an initial application of 2,000 pounds of Sludgebugs® for a first year total of \$18,387, and annual follow-up treatments at a cost of about \$8K. They are the firm that provides biologics for Yale and North Branch. Bio-Systems (Roscoe, IN) quoted an initial dosage of 200 pounds of B600 in each cell and 10 pounds per cell for 20 weeks for \$7,800. No information was provided concerning annual follow-up treatments (but elsewhere it was stated the water temperature must be above 50°). However, should the City Council decide to test bio-reduction, a survey of sludge depths and a metals analysis is recommended before treatment begins.

- 3. Lagoon Windmills:** Whether or not bio-reduction is used, aeration of the lagoons would probably be beneficial. Use of electric pumps and other conventional systems is very expensive. A new company manufactures a windmill that would pump air into the lagoon. Cost (including shipping, but not DPW assembly) is \$2,269.75 for one unit. Recommend the City purchase one unit and install it next to Cell #2 and then compare Cell #2 with Cell #1 to determine if the wind-powered air pump makes a significant difference.

Sewer and Water Committee Meeting scheduled for Monday, May 15, 2006 at 6:00 p.m.

- 4. City Web Page:** The estimate for a web site created by Great Lakes is \$329, based on the project requiring seven hours to construct. Domain and hosting are included with our (free) current wireless package. If updates or changes are required, they will be charged at the rate of \$47 per hour. Samples of various city web pages are enclosed. Note that the information that now pops up is significantly out of date and is neither controlled nor updated by the City.

Moved by CM Miller, second by CM Lee, to direct City Manager to proceed with City Web Page. Motion carried.

- 5. Conditional Zoning Ordinance:** The Planning Commission requested a draft City Ordinance concerning ‘Conditional Zoning.’ Research revealed that recent amendments to the zoning acts for city/villages (PA 579) allow “Conditional Rezoning” but municipal planners across Michigan are still analyzing the impact of this legislation. Simply written, and very short, the new legislation authorized Michigan’s communities to enter into zoning agreements. The Planning Commission voted to request the City Council introduce City Ordinance 8300 and schedule a joint City Council/Planning Commission Public Hearing for June 12th. A copy of the proposed Ordinance is attached. **REQUIRES MOTION.**
- 6. MML Risk Management Inspection:** A representative from the MML Worker’s Compensation Fund conducted a risk management inspection of the City Hall, police and DPW. Overall, he noted that our Fund mod of .87 “is very good.” There are four requirements he requested, and the City must respond with a schedule within 30 days. These are 1) completion of various department survey guides; 2) Continue implementation of the “Risk Management is Good Management” program; 3) join the

Secretary of State's driver's license program; and 4) ensure police have refresher precision/pursuit driver training annually. Programs are being implemented.

7. **Sanilac County Economic Development Corporation:** The SCEDC is sponsoring a 'Target Industry Presentation' on May 11th at 10:30 AM at Maggie's Restaurant/Westpark Motor Inn located in Sandusky. If any Councilmembers wish to attend this presentation, please let me know first thing Monday since I need to RSVP on May 8th. I will be attending the presentation since it is part of the regularly scheduled monthly EDC board meeting.
8. **Opportunity Drive:** The City Council addressed changing Opportunity Drive into a one-way street and using the east half of the street for diagonal parking. The issue was brought before the City Council October 24, 2005 (page 2 of 4), November 14, 2004 (page 2 of 6), and November 28, 2005 (page 2 of 6). The issue was also the primary agenda item for the October 28, 2005 Streets and Sidewalks Committee meeting. The minutes from those meetings are enclosed. This item tabled until CM Wood present as well as a representative from MAC, per Wood's request.
9. **4220 Third Street:** During the September 12, 2005 City Council meeting, the owners of 4220 Third Street (old New Missionary Church building) requested permission to park a semi-trailer on the property to use for storage until a garage can be built. The minutes from that meeting state:

"Moved by CM Blatt, second by CM Navock, to deny parking of a storage trailer on property at 4220 Third Street until a new garage is built next spring/summer. Motion carried."

The request was denied primarily based on Ordinance 3132.2AA(D). The City has received a letter (attached) from the owners stating they plan to proceed with moving a semi-trailer onto the property

City Manager to gather more specific timeline regarding building of this garage, size of trailer and length of time trailer is intended to be parked.

10. **Dumpster:** The dumpster behind the Brown City Café is full and there have been complaints about the smell. Midway Disposal will not empty or remove the dumpster until the \$434 bill is paid. No valid contact information is available for the owner. If the City pays the bill it would be discounted to \$375 and the City can then bill the owner or put the amount owed plus interest on the 2006 Winter Taxes. What is the recommendation of the City Council? Council consensus that dumpster should be emptied and billing amount be added to the tax roll of the Brown City Café.

ATTORNEY'S REPORT:

Under a new law, requests to re-zone can be granted conditionally. However, City Attorney requests that he be granted more time to review Conditional Zoning Ordinance drafted by the City Manager, prior to its introduction.

City Attorney presented a report regarding a recent lawsuit in the Village of Capac and how that relates to the necessity of appropriate legal counsel and review.

COMMITTEE REPORTS:

1. Police- none.
2. Water & Sewer – none.
3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – none.
7. Homecoming – Next meeting is May 16, 2006 at 6:30 p.m.

Update from City Manager regarding waivers that need to be signed for insurance purposes for particular Brown City Homecoming events.

GENERAL CONCERNS OF THE COUNCIL:

CM Lents stated concern regarding Tri County Bank's drive through window, which was closed due to street repairs. City Manager explained upcoming schedule.

MAYOR'S REPORT: None.

PUBLIC QUESTIONS & COMMENTS: None.

Moved by CM Lee, second by CM Blatt, to adjourn at 8:01 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk