

**BROWN CITY COUNCIL PROCEEDINGS
SEPTEMBER 10, 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, Mike Lents, Christine Lee, and Ken Brown. City Attorney Gregory Stremers, City Manager Clint Holmes, and City Clerk Kelly Pavel.

ABSENT: Council member Ross McIvor.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

Motion by CM Brown, second by CM Miller, to accept the Regular Meeting Minutes of August 27, 2007 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$9,259.99, Payroll - \$11,535.55, Major Street - \$1,029.00, Sanitary Sewer - \$3,573.00, Water - \$3,542.52, Arsenic - \$1,600.00, Storm Sewer - \$2,000.00, Equipment - \$272.48. Motion carried.

Motion by CM Lee, second by CM Brown, to pay the bills for the Water Treatment Facility in the amount of \$4,406.31 to Huron Consultants. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES: None scheduled.

POLICE 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.

Mr. Phelan, Exchange State Bank Architect, stated that he has not re-submitted additional plans to (Acting) City Engineer Cory Mabery at this time, but has discussed proposed changes with him. He also stated that his client, Exchange State Bank has agreed to replace infrastructure

across Thelman Avenue by upgrading a 12” culvert to a 15” culvert at their cost – he asked for Council’s response to and approval of this proposal.

PUBLIC HEARING:

Mayor Carpenter opened the Public Hearing at 7:15 p.m. regarding Resolution 07-08: A Resolution to Vacate the City of Brown City Public Property Rights for an Alley Easement between McMorran and Reed Streets.

Sandy Bissett and Mike Frey, possibly affected neighbors to this alley raised concerns about property division. City Attorney stated that abandonment by the City can happen, but it does not abandon the dedicated property to the owners that are involved.

Ray Carmen has a sale pending on proposed property and that is why he is requesting the vacating of alley property. He stated that vacancies have happened in the past in the City, such as Third Street, and questioned why this is a different process. The City Attorney stated that a circuit court judge is the only person who can change the plat. The City Attorney suggested to the Council that this Resolution not proceed tonight, that further research was necessary for this to take place properly.

Discussion by citizens regarding what legalities are involved. Various support and questions from neighbors. Discussion of a possibility of neighbor’s signatures being gathered in support of this vacancy.

Sandy Bissett stated that the boundaries on her property that she has always maintained would change. She would want to know proper division lines with any vacancy.

Mrs. Celeni questions any potential risks for her property and any costs associated with it. The City Attorney stated that there is a potential for problems if a homeowner does not have proper surveys and sells their home, there is a potential case for misrepresentation. If proper procedures are not followed, a potential for problems does exist.

Mayor Carpenter closed the Public Hearing at 7:42 p.m.

CM Lents suggests that this issue should be tabled until further discussion and direction from the City Attorney takes place regarding the proper procedure. CM Lents states that he has no issues with the City abandoning this alley, although this is not going to provide all that Mr. Carmen is seeking.

Motion by CM Miller, second by CM Lents to table abandonment of RG Brown subdivision alley, per Mr. Carmen’s request, until the next regular scheduled Council meeting. Motion carried.

Mayor Carpenter re-opened Exchange State Bank discussion.

Various discussions regarding drainage issues as well as satisfying the needs of adjoining neighbor's property.

Mr. Phelan discussed plans for moving the north retention pond approx. 7 feet to the west to open up drainage flow for the Pavel's property. Also, discussed were the increase of drainage pipe and installation under Thelman Avenue.

Kelly Pavel asked if at the Building and Grounds Meeting, (Acting) City Engineer Cory Maybery's opinion was that all drainage issues have been addressed. Members stated no he was not satisfied with all drainage issues yet.

CM Miller questioned if a meeting with the full Council with both engineers present can happen at a later date. City Manager stated that this was the intent tonight, but the (Acting) City Engineer had a schedule conflict.

CM Brown has concerns for approving site plans with contingent issues attached.

Discussion regarding possible contingencies that could be made regarding approval of site plans.

Motion by CM Miller, to hold a meeting next week with all parties present regarding the Exchange State Bank project. Motion dies for lack of support.

City Manager wants to be clear that all issues must be addressed at this meeting.

Council consensus that the Thelman Avenue drainage and the Pavel property certainly need to be addressed. CM Lents states that he feels traffic issues still need to be addressed, he is not sure that this is an engineering issue though. Lents has concerns that traffic issues can become a problem in the future.

Mr. Phelan stated that this project still involves their good faith offer to resurface the portion of Cade Road as far north as their as their property line.

Discussion regarding the fact that all issues need to be given to Mr. Phelan to be addressed with the (Acting City Engineer). These items are Thelman Avenue infrastructure and the Pavel property. CM Miller also asks that any information regarding resurfacing work and the amount on Cade Road that Exchange State Bank is willing to provide, also be included in the next meeting.

Motion by CM Miller, second by CM Brown to extend the meeting beyond the 9:00 p.m. hour. Motion carried.

CM Wood stated that he still has concerns as well with traffic. Discussion regarding various ways to conduct a traffic study. City Manager stated he has discussed this issue with MDOT and they will not pay for this type of study to be done.

ORDINANCES: None scheduled.

RESOLUTIONS: None to be addressed, Resolution 07-08 was tabled earlier in the meeting.

MANAGER'S REPORT:

- 1. Water Treatment Facility:** The concrete floor is complete, and successfully pressure and slump tested. All of the underground work is complete. A meeting with the contractor, engineer and project manager is scheduled for September 10th. A copy of the agenda for that meeting is enclosed (blue). A copy of the updated construction schedule was provided to the City Council (gray).
- 2. Vine Street Flooding:** The project to install a storm water catch basin on Main Street on the west side of the BP Gas Station, as well as one to the south and one to the southeast continues. The City received the second of the two easements from the property owner and the documents have been recorded with Sanilac County as of September 6th. Anticipate the DPW beginning the work on this project the week of September 10th. Also, work continues on the berm along the north border of the Park.
- 3. Sanilac-Lapeer County Drain:** Following a citizen complaint, on September 4th, the City inspected the section of County Drain located immediately west of the Ben's Supercenter. Some work had been done by Ben's resulting in a large hole which had been open for some time. The Drain Commissioner was notified of this possible blockage of the drain. By the next morning, the hole had been filled. The Drain Office sent an inspector who looked at the work and tasked Ben's owner to do some additional work. The County plans to inspect this work as it is done. The City has agreed to inspect and photograph the inside of this section of culvert.
- 4. Main Street Water Repairs:** The DPW and a contractor have been working to replace shut-off valves on the east end of Main Street. Of those replaced, only one was not leaking. The DPW plans to replace six more in the near future.
- 5. L-4029 and Tax Liens:** The L-4029 Form, which identifies the tax rate for the City, is due to the County Clerk soon. A copy of the completed form is enclosed. The Mayor and Clerk are required to sign the document. The tax rates are the same as last year and are the amounts approved by the City Council at a public hearing in March. Currently there are five properties that may require tax liens. At the next City Council meeting, a Resolution will be provided to place any money owed to the City on the 2007 Tax Roll.
- 6. Sanilac County Sheriff's Office:** As of October 1, 2007, the County Sheriff is revoking the General Deputy status of all municipal police officers, to include Brown City's. This means that our police will not have jurisdiction outside the City limits unless requested to assist by Sanilac County Sheriffs dispatch. A copy of the notification letter from Sheriff Strickler is attached (cherry). This change will have no real effect on the Department.
- 7. SEA Strategic Study Group:** The Sanilac Economic Alliance formed a focus group as part of the initial planning for development of a Strategic Plan. Representatives from

several community organizations and I met on August 31st in Sandusky to identify participants and methodology. The first formal meeting toward creation of a Sanilac County Strategic Plan is scheduled for the first week in October. This plan is an important step toward improving the economy of Sanilac County and identifying businesses that should establish facilities here.

8. **ECMPDR:** The East Central Michigan Planning and Development Region Commission meeting is scheduled for September 7th at 9:30 AM in Ithica. A meeting of the Regional Economic Development (RED) Team, of which I am a member will take place immediately following and I have been requested to attend. The purpose of the meeting is to discuss economic development issues affecting the Thumb Region.
9. **Ordinance Enforcement Notices:** The City has been receiving complaints about tall grass on various properties in the City. Notices have been sent to the property owners along with a copy of Ordinance Section 91.10 Noxious Weeds and Grasses. Property owners have until September 14th to correct the violation.
10. **MML Annual Conference:** A reminder that I will be out of the office to attend the 109th Annual MML Conference in Traverse City 18-21 September. I will be in contact with City Hall via cell phone.
11. **Street Administrator:** The State of Michigan requires that the City Council identify a Street Administrator by resolution. For the past several years, the Brown City Street Administrator was Dave Kinney. Recommend that the City Council appoint either a new Street Administrator or interim until the status of the DPW Supervisor is resolved. **REQUIRES MOTION.**

Motion by CM Wood, second by CM Miller, to appoint City Manager Clint Holmes as the Street Administrator. Motion carried.

12. **Income Survey:** The City has received 194 surveys as of September 7th. 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.
13. **Old Burger Building:** A bid of \$1,200 was received for necessary repair works at the Burger Building. Also, a couple in the area have expressed an interest in purchasing this building. Council consensus that the City is interested in selling this property. Council consensus that repair work to this building be completed.
14. **Low Speed Vehicle Ordinance:** A copy of this new Ordinance was provided in the Council packet to add to your copies of the Brown City Code, please insert in your ordinance book.

ATTORNEY'S REPORT:

Continued work will take place regarding vacating of property that was discussed earlier.

TREASURER'S REPORT: None.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL: None.

MAYOR'S REPORT:

Reminder that the City Manager's Semi-Annual Evaluation is due at the next meeting.

PUBLIC QUESTIONS AND COMMENTS:

Sanilac County Commissioner Bill Walters, updated the City Council on the status of the proposed jail and approval of the most recent invoice for the City's water treatment facility.

Motion by CM Miller, second by CM Lee, to adjourn at 9:27 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk