

**BROWN CITY COUNCIL PROCEEDINGS**  
**APRIL 12, 2021**

MEETING CALLED TO ORDER BY MAYOR JULIE MILLER AT 7:00 P.M.

PRESENT: Mayor Julie Miller, Councilmembers: Patricia Jacobson, Christine Lee, Ross McIvor, and Walter Robison; City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Rhonda Johnson.

ABSENT: Councilmember Stacy Biel, and Councilmember Eugene Navock.

GUESTS:

1. Police Lt. Emily Medaugh.
2. Thirty-five persons listed on the sign-in sheet.

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

**CORRECTION & APPROVAL OF MINUTES:**

1. Motion to accept minutes for the Regular Meeting of March 22, 2021, as written.

**MOTION BY CM MCIVOR, SECOND BY CM ROBISON, TO APPROVE THE MINUTES OF MARCH 22, 2021 AS WRITTEN.**

**MOTION CARRIED.**

**PAY BILLS:**

**MOTION BY CM JACOBSON; SECOND BY CM LEE, TO PAY BILLS IN THE FOLLOWING FUNDS: General - \$56,626.25 (10295 - 10334), Payroll - \$32,055.05 (9825 - 9835), Major Streets – \$997.00 (4049 - 4050), Local Streets - \$1,859.00 (4359), Sewer \$3,516.85 (3959 – 3960), Water - \$3,509.39 (3319 – 3324), Arsenic - \$7,526.39 (1545 – 1547), Equipment - \$33,254.72 (1754 – 1759), Brown City Community Park \$8,210.05 (2877 – 2891).**

**MOTION CARRIED.**

**PERSONAL APPEARANCES:** None scheduled.

**ORDINANCES:**

**Section 71.00:** This Ordinance adopted in 2007 covers Low-Speed Vehicles – to include golf carts – and is not a subject of this discussion.

**Section 72.00:** An ordinance adopted for the purpose of authorizing and regulating the operation of off road vehicles (ORVs) and all-terrain vehicles (ATVs) on certain streets within the City of Brown City, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

MCL 324.81131 requires the ordinance to be submitted to the DNR for a 60-day review period and a copy provided to the Sanilac County Road Commission. If approved by them, procedure would be for a single Councilmember to introduce the ordinance, then for the City Council to schedule a public hearing, then decide to adopt, not adopt, or table the Ordinance following the public hearing. If adopted, the Ordinance would become effective after 30 days.

**PUBLIC QUESTIONS & COMMENTS:**

Steve Kohler asked why an ordinance is being considered at this time.

Mayor Miller said we had complaints about unclear rules.

Jeff Randolph asked if this was an ordinance to allow ATV and ORV vehicles in the city limits and stated that if so that he was in favor of the Ordinance.

Mayor Miller, City Manager Holmes, and City Attorney Stremers all stated that Ordinance Section 72.00 is for the purpose of authorizing and regulating the operation of off-road vehicles and all-terrain vehicles on certain streets within the City of Brown City.

Pam Schubel asked Lt. Medaugh to speak about law enforcement regarding this issue.

Lt. Medaugh said that the State requires ORV and ATV stickers to be driven on roads and trails, the drivers must be sixteen years of age and carry Proof of Insurance and Identification. Lt. Medaugh also said that dirt bikes and 4 wheelers are a problem, but this Ordinance does not address that.

John McNary asked if this Ordinance would pertain to horse and buggies, and why an ordinance was needed.

Mayor Miller said that this Ordinance is only for motor vehicles and would not apply to non-motorized vehicles and asked City Attorney Stremers to speak to why an ordinance was needed.

City Attorney Stremers said that the 2007 Ordinance made low speed vehicles (25 mph or less) legal within the city limits. ATV and ORVs are faster than that and are not legal within the city limits according to state and county law unless City Council adopts an Ordinance to make them legal within the city limits.

#### **ORDINANCES:**

##### **Section 72.00:**

Councilmember Robison said that Section 72.03 b and c should be changed to allow ORV/ATV operation in the public park and cemetery on the roads but not on the grass.

**MOTION BY CM MCIVOR, SECOND BY CM ROBISON TO SUBMIT TO THE DNR FOR A SIXTY-DAY REVIEW PERIOD AND A COPY PROVIDED TO THE SANILAC COUNTY ROAD COMMISSION SECTION 72.00 OF TRAFFIC CODE AN ORDINANCE TO AMEND THE BROWN CITY CODE BY ADDING A NEW SECTION FOR THE PURPOSE OF AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES AND ALL-TERRAIN VEHICLES ON CERTAIN STREETS WITHIN THE CITY OF BROWN CITY, FOR THE PURPOSE OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF PUBLIC FUNDS RESULTING FROM THOSE PENALTIES PURSUANT TO 2008 PA 240, MCL 324.81131. MOTION CARRIED.**

**POLICE REPORT:** Lt. Medaugh reported that a candidate for police officer is beginning the background process, and the City is looking at a Chevy Tahoe to replace the 2010 Ford Crown Victoria police car.

**UNFINISHED BUSINESS:** None scheduled.

**PUBLIC HEARING:** None schedule.

**RESOLUTIONS:** None scheduled.

#### **PETITIONS & COMMUNICATIONS:**

1. **6767 St Marys Street:** Request permit to construct a 64' X 32' building with garage and living quarters. The Planning Commission reviewed this request and recommended "approval subject to Appendix K Yard and Bulk Requirements and connection to City water and sewer." Sanilac County permits are required.

**MOTION BY CM MCIVOR, SECOND BY CM LEE, TO APPROVE A PERMIT TO CONSTRUCT A 64' X 32' BUILDING WITH GARAGE AND LIVING QUARTERS SUBJECT TO APPENDIX K YARD AND BULK REQUIREMENTS AND WITH CONNECTION TO CITY WATER AND SEWER AT 6767 ST. MARYS STREET. MOTION CARRIED.**

2. **6936 Cade Road:** Request permit to construct a 6' wood privacy fence along the 253' property line belonging to the south duplex.  
**MOTION BY CM LEE, SECOND BY CM MCIVOR, TO APPROVE A PERMIT TO CONSTRUCT A 6' WOOD PRIVACY FENCE ALONG 253' PROPERTY LINE BELONGING TO THE SOUTH DUPLEX AT 6936 CADE ROAD.  
MOTION CARRIED.**
3. **Lots 4/5/6 Parkside Drive:** Request permit to construct a new residence on each of the three lots. The Planning Commission reviewed this request and recommended "approval subject to Appendix K Yard and Bulk Requirements." Sanilac County permits are required.  
**MOTION BY CM MCIVOR, SECOND BY CM JACOBSON, TO APPROVE THE PERMIT TO CONSTRUCT A NEW RESIDENCE ON EACH OF THE THREE LOTS SUBJECT TO APPENDIX K YARD AND BULK REQUIREMENTS AND RECEIVING SANILAC COUNTY PERMITS FOR LOTS 4/5/6 PARKSIDE DRIVE.  
MOTION CARRIED.**
4. **6865 St Marys Street:** Request permit to construct approximately 146' of 4' galvanized chain link fence along the side and rear property lines. The issue is that the 66' length along Third Street would encroach upon the (80') street right-of-way. The request is to build the fence about two feet (2') from the edge of the street; could be an issue with snow removal. Homeowner was present.  
**MOTION BY CM LEE, SECOND BY MCIVOR, TO DENY A PERMIT TO CONSTRUCT A 4' FENCE 2' FROM THE EDGE OF THE STREET AT 6865 ST MARYS STREET SINCE NO CONSTRUCTION CAN TAKE PLACE ON CITY RIGHTS-OF-WAY.  
MOTION TO DENY CARRIED.**
5. **4053 Third Street:** Request permit to construct approximately 255' of 6' wood picket fence along property line in the rear and side yard. The right of way on Kohler Street is 66'.  
**MOTION BY CM MCIVOR, SECOND BY CM JACOBSON, TO APPROVE THE PERMIT TO CONSTRUCT APPROXIMATELY 255' OF 6' WOOD PICKET FENCE ALONG PROPERTY LINE IN REAR AND SIDE YARD AT 4053 THIRD STREET. FENCE MUST BE INSTALLED TO THE WEST OF THE KOHLER STREET DITCH.  
MOTION CARRIED.**
6. **4278 Maple Street:** Request permit to construct approximately 163' of 6' wood privacy fence along the property line in the rear yard.  
**MOTION BY CM MCIVOR, SECOND BY CM JACOBSON, TO APPROVE THE PERMIT TO CONSTRUCT APPROXIMATELY 163' OF 6' WOOD FENCE ALONG PROPERTY LINE IN THE REAR YARD AT 4278 MAPLE STREET.  
MOTION CARRIED.**
7. **7174 Lincoln Street:** Request permit to construct approximately 155' of 4' welded wire mesh fence inside the rear yard.  
**MOTION BY CM MCIVOR, SECOND BY CM LEE, TO APPROVE THE PERMIT TO CONSTRUCT APPROXIMATELY 155' OF 4' WELDED WIRE MESH FENCE INSIDE THE REAR YARD AT 7174 LINCOLN STREET.  
MOTION CARRIED.**

**MANAGER'S REPORT:**

1. **Drinking Water Asset Management (DWAM) Grant:** The DWAM Grant Program set aside \$15 million for communities of 10,000 or less out of this \$21.5 million appropriation. Funds must be used meet requirements associated with the new Lead and Copper Rule. EGLE received 304 applications, totaling \$140,203,108, by the first-round deadline of January 1, 2021. Brown City apparently is one of the 21 small communities in the state to be awarded this grant. The next step in the process is approval by the State Administrative Board since the amount is greater than \$499,999.

The \$600,000 requested by the City, if awarded, will be used to identify and locate water mains and lines and determine whether they must be replaced under the Lead and Copper Rule. Additionally, the results of this project will allow the City to more accurately assemble the Complete Distribution System Materials Inventory (CDSM) report required by EGLE.

2. **Commercial Water Meters:** City Ordinances require that commercial and industrial businesses have a water meter. Most do, but some are approaching the end of their operational life expectancy. The DPW Foreman recommends replacement of the commercial water meters in the downtown area (with the exception of the bus barn, Treve's and Maple Valley Plastics since they have relatively new meters). Estimated cost for these 32 required meters is about \$6,400.

**MOTION BY CM ROBISON, SECOND BY CM JACOBSON, TO PURCHASE 32 WATER METERS AT ESTIMATED COST OF \$6,400.**

**ROLL CALL VOTE: CM ROBISON – YES, CM LEE – YES, CM JACOBSON – YES, CM MCIVOR – YES, CM NAVOCK – ABSENT, CM BIEL – ABSENT.**

**4 YAYS, 0 NAYS, 2 ABSENT, 0 ABSTAINING.**

**MOTION CARRIED.**

3. **Maple Valley Stop Signs:** The City Council asked if higher visibility stop signs could be installed at the corner of Maple Valley Road and M-90. The City contacted the Sanilac County Road Commission which in turn contacted the MDOT Regional Office in Saginaw, who then assigned a traffic engineer to contact the City for details on the request. The engineer's recommendation was the installation of signs below the stop sign that says, "Cross Traffic Does Not Stop" since the intersection does not meet the requirements for flashing lights. However, I later checked and these signs are already mounted at the intersection. The discussion with MDOT continues...
4. **Brown City Clean-Up Day:** This annual event is tentatively scheduled for Monday, June 14<sup>th</sup>. All appliances and scrap metal should be stacked separately from non-metal eligible items. Residents should check the City's webpage for details. Plan to run the notice in *The Banner* on May 26<sup>th</sup> and June 9<sup>th</sup>.
5. **Utility Bills:** The Michigan Water Shutoff Moratorium expired on March 31<sup>st</sup>. Of the 549 utility accounts billed by the City, approximately 20 are two or more months behind. Unless otherwise directed by the City Council, plan to send a letter to each of these account holders. If not paid - as required by City Ordinance §52.07 – they will receive a final notice on April 26<sup>th</sup> and water will be discontinued on April 27<sup>th</sup>. The amount owed, plus a \$50 turn on fee, must be paid before water service can be resumed.
6. **City Hall and DPW Signs:** These new signs were picked up by the DPW on April 8<sup>th</sup> and have been installed on City Hall. The new sign for the DPW Garage will be mounted soon.
7. **2021/2022 Salt Order:** In order to receive the discounts associated with the Michigan Purchase Plan, the City was required to order road salt for the 2021-2022 winter season on March 23<sup>rd</sup>. The City has ordered 150 tons just like for 2020-2021. Cost will be determined once the contract has been signed by the State.
8. **Planning Commission:** The City Planning Commission is short one member and could use a second to serve as an alternate. Recommend publishing a Public Notice concerning the vacancy and ask for volunteers for the position.

**The consensus of the City Council was to publish a Public Notice to ask for planning commission members.**

- 9. **Fireworks:** Normally, the Festival Commission and the City Council sponsor the fireworks display in the park. Since Brown City Days have been cancelled, does the City Council still wish to proceed with fireworks on June 5<sup>th</sup>, and donate the usual \$2,500 for this event? If so, who will coordinate the event?

**Council decided by consensus to table until next meeting.**

- 10. **COVID-19:** Customers should use mail, email, the utility payment drop box and telephone for conducting business if possible. City Hall is open to the public by appointment only, and masks must be worn and no more than one customer at a time should be in City Hall.

**ATTORNEY’S REPORT:**

City Attorney Stremers reported that the downtown property mortgage has been discharged.

**TREASURER’S REPORT:** None.

**CLERK’S REPORT:** None.

**MAYOR’S REPORT:** Proclamation for Danyale Lee Mclvor will be presented on April 26.

**COMMITTEE REPORTS:**

- 1. Building and Grounds (Mclvor) – None.
- 2. Personnel (Biel) – Absent.
- 3. Police / Fire Authority (Lee) – None.
- 4. Streets and Sidewalks (Navock) – Absent.
- 5. Tax and Finance (Jacobson) – None.
- 6. Water and Sewer (Robison) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

There was general consensus by Council that the completed remodel of Council Chambers and Brown City Community Room looks nice.

**PUBLIC QUESTIONS & COMMENTS:**

Jamie Bird said there are currently no plans for Brown City Days, fireworks, or Graduating Senior community recognition for this year.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

**MOTION BY CM LEE, SECOND BY CM MCIVOR, TO ADJOURN THE APRIL 12, 2021 MEETING OF THE CITY COUNCIL AT 8:29 P.M. MOTION CARRIED.**

Respectfully submitted,

Rhonda Johnson  
City Clerk