

# BROWN CITY COUNCIL PROCEEDINGS

**JULY 9, 2018**

**MEETING CALLED TO ORDER BY MAYOR JULIE MILLER AT 7:00 PM.**

**PLEDGE OF ALLEGIANCE LED BY MAYOR JULIE MILLER.**

**PRESENT:** Mayor Julie Miller; Councilmembers: Patricia Jacobson, Gerald Kosal, Christine Lee, Ross McIvor, Alecia Parks, and William Walters; City Manager Clint Holmes, City Clerk Juanita Smith and City Attorney Gregory Stremers.

**ABSENT:** None.

**GUESTS:** County Commissioner Paul Muxlow, Larry Steigerwald, Jessica and Michael Goulette.

**PRESENTATION OF BROWN CITY GIRLS TRACK AND FIELD PROCLAMATIONS.**

This presentation to the Brown City Girls Track and Field Proclamation will probably be held at the next Council Meeting on July 23, 2018, if the girls are available.

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

**CORRECTION & APPROVAL OF MINUTES:**

Motion by CM McIvor, second by CM Parks, to accept the Regular Meeting Minutes of June 25, 2018 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Jacobson, second by CM Lee, to pay the bills in the following funds:

**General** - \$20,783.05 (8658-8693), **Payroll** - \$15,441.23 (8508-8530 plus EFT), **Major Street** - \$173.30 (3961-3962), **Local Street** - \$333.22 (4297), **Sanitary Sewer** - \$1,029.02 (3739-3741), **Water** - \$2,206.75 (2940-2944), **Arsenic Abatement** - \$76.00 (1406), and **Equipment** - \$6.99 (1616). Motion carried.

**PERSONAL APPEARANCES:**

Paul Muxlow, County Commissioner, appeared before the Council to bring them up to date on County happenings. However, he did not have much to report as the date for the Commissioners to meet will be tomorrow, Tuesday, July 10, 2018, because of the July 4<sup>th</sup> holiday.

Larry Steigerwald was complaining because the black "construction" fence at the apartment next door to him has not been taken down at this time. He has been to the Council meetings several times with this same issue. He read parts of an old ordinance dealing with public nuisance issues.

He said it was not updated but he didn't think it would have changed much. City Manager Clint Holmes said that he had sent an email to the apartments but had

received no reply at this time. City Attorney Gregory Stremers said we would not win in a lawsuit citing “public nuisance” as we have no evidence to win.

Jessica and Michael Goulette of 7214 Lincoln Street questioned the bill they received for the new sidewalk project in front of their home. They bought the home after the sidewalk had been put in and no mention was made of this bill being due. They wanted to know why they are being held responsible for the sidewalk bill. Our Attorney, Gregory Stremers said this is a private matter between the buyer and the seller.

**PUBLIC QUESTIONS & COMMENTS:** None.

**POLICE REPORT:** Report reviewed. No questions or comments.

**UNFINISHED BUSINESS:** None Scheduled.

**PUBLIC HEARING:** None Scheduled.

**RESOLUTIONS:**

1. **Resolution 18-07:** Adoption of the 2018 City Master Plan.

**Motion by CM Lee, second by CM Walters, to adopt Resolution 18-07: Adoption of the 2018 City Master Plan.**

**ROLL CALL VOTE: CM Parks – Yes, CM Kosal – Yes, CM McIvor – Yes, CM Lee – Yes, CM Walters – Yes, CM Jacobson – Yes. 6 Yes Votes, 0 No Votes, 0 Absent, 0 Abstaining. Motion carried.**

**ORDINANCES:** None Scheduled.

**PETITIONS & COMMUNICATIONS:** None Scheduled.

**MANAGER’S REPORT:**

1. **2018 Street Project:** The bid packages for the Thelman Avenue, Belview and Autumn Gold Drives Project were completed by Spicer, posted on their bidding web page, and the City mailed hardcopies to area contractors. Bids were due to City Hall on July 9<sup>th</sup> by 2:00 PM. The City only received one bid: Astec Asphalt. The engineer’s estimate was about \$160,000, the only bid received was for \$234,587.20. The City Council can accept the bid, reject the bid, or rebid the project. How does the City Council wish to proceed?

**Motion by CM Walters, second by CM Lee, to Reject the bid, re-advertise the project, re-bid for early Spring 2019 Construction.**

**ROLL CALL VOTE: CM McIvor – Yes, CM Lee – Yes, CM Walters – Yes, CM Jacobson – Yes, CM Parks – Yes, CM Kosal – Yes. 6 Yes Votes, 0 No Votes, 0 Absent, and 0 Abstaining. Motion carried.**

2. **Thelman Street culvert replacement:** The culverts for the six driveways that the owners agreed to pay the cost of replacement for arrived on July 3<sup>rd</sup>. The DPW has saw cut the driveways and should be starting the replacement soon.

3. **Maple Valley Road Project:** The City is waiting on MDOT to provide the schedule for the South Maple Valley Road Project. The request for bids has been placed on MDOT's website. The requested completion date is May 2019.
4. **Lift Station Engineering:** Spicer Group engineers were again in the City on July 9<sup>th</sup> to get some additional measurements. Release of the completed report is still pending.
5. **Lincoln Street:** Bills for the property owner's 50% portion of the project were sent out on June 27<sup>th</sup>. As required by City Ordinance 93.03, payment is due by August 1<sup>st</sup>, after which a 10% penalty is added. Currently, seven of the 26 property owners have made a full or partial payment.  
One resident, who purchased their house after the project was let, is requesting the cost to their property be waived because the lien for sidewalk construction was not in the Disclosure Statement. The issue is being reviewed by the City Attorney.  
The engineer's report for the Lincoln Street Project was received on July 3<sup>rd</sup>. A copy is attached.
6. **Michigan Agricultural Commodities (M.A.C.):** Two representatives from MAC appeared at City Hall today requesting a building permit for construction of a new 48' X 99' grain dryer and 15' X 30' metal grain storage bin. Because they want to expedite the process, they are paying to have a Special Planning Commission meeting on Thursday, July 19<sup>th</sup> so a recommendation can be presented to the City Council on July 23<sup>rd</sup>.
7. **Smoke Testing:** MRWA and the City DPW will be conducting a smoke test of the City's sanitary sewer system on Wednesday, July 11<sup>th</sup>. The City sent a postcard to each sewer customer notifying them of the test. The smoke is non-toxic and the test should be transparent to home and business owners if their wastewater plumbing is installed correctly.
8. **Main Street Tree:** The tree located on the NE corner of John and Main Streets has a rotten core and a dangerous split. The City had a tree specialist inspect the tree and the determination was it should be removed. Bids have been received by Raymond's Tree Service - \$900, and JP's Tree Removal - \$725. Pastor Gaymon of the Faith Baptist Church was notified that this issue would be on the agenda for tonight's meeting, and was invited to attend.

**Motion by CM Lee, second by CM McIvor, to engage JP's Tree Removal at a cost of \$725 (seven hundred twenty-five dollars) to remove the tree and stump on the NE corner of John and Main Street. Motion carried.**

9. **Hazard Mitigation Plan:** The Sanilac County Advisory Committee will meet again on July 12<sup>th</sup> in Sandusky to review the next steps in the County-wide Plan Update.

**10. DPW Injury:** While replacing the chlorine pump at Well #4 on July 2<sup>nd</sup>, a hose released and sprayed chlorine onto the face and eyes of one of the DPW employees. He was taken to the emergency room and then to an ophthalmologist in Port Huron. He is expected to return to work on July 10<sup>th</sup>.

**ATTORNEY'S REPORT:** None.

**TREASURER'S REPORT:**

The summer tax bills have been sent out and the tax money is coming in.

**CLERK'S REPORT:**

We have sent out 49 AV Applications with 25 of those being returned for a ballot. 2 ballots have been turned in at this time.

**MAYOR'S REPORT:**

Mayor Miller asked if everyone had seen the Banner with our City Attorney Gregory Stremers appointment in it. Attorney Gregory Stremers went over the plus factors that are with this new appointment. Congratulations to Attorney Stremers.

Mayor Miller also asked about new gravel being put on St. Marys Street. City Manager Clint Holmes said that the DPW will do so.

**COMMITTEE REPORTS:**

1. Tax and Finance (Jacobson) – None.
2. Streets and Sidewalks (Kosal) – None.
3. Police / Fire Authority (Lee) – Fire Authority meeting on Tuesday, July 10, 2018.
4. Building and Grounds (Mclvor) – None.
5. Personnel (Parks) – None.
6. Water and Sewer (Walters) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Kosal questioned the new dryer that M.A.C. wishes to construct. He wanted to know if it was to replace the current one or would there be double the noise from them. City Manager Clint Holmes said he had asked MAC that same question and was told it should be much quieter.

CM Kosal also asked about the weeds around the City but particularly at the new bank property at Main and James Streets. City Manager Holmes has been in contact with the bank and told them they had to be cut and that the City Ordinance says there cannot be any weeds or grass over 8" tall.

**PUBLIC QUESTIONS & COMMENTS:**

Larry Steigerwald spoke about Building Site Plan retention time. He wants to see the plan that John Liebler had when the apartment was built and the whereabouts of the dumpster. He says it is in front of the house which is not allowed. He spoke of several other dumpsters which are not on a pad which they are suppose to be.

Mr. and Mrs. Goulette wanted to know about the stop signs on Lincoln Street and why cars are not being stopped for excessive speed coming into town and not stopping for the stop signs. Police Chief Ron Smith will increase patrol this area.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM McIvor, to adjourn at 7:41 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk