

# BROWN CITY COUNCIL PROCEEDINGS

## JULY 13, 2020

**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: Stacy Biel, Patricia Jacobson, Christine Lee, Ross McIvor, Eugene Navock and Walter Robison; City Manager Clint Holmes, City Clerk Juanita Smith and City Attorney Gregory Stremers.

**ABSENT:** None.

**GUESTS:** Bill Walters, Doug Sweet and Paul Rich.

**ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:** There will be three additions to the agenda stated City Manager Clint Holmes. One will be under "Pay Bills", two will be under "Personal Appearances".

### **CORRECTION & APPROVAL OF MINUTES:**

Motion by CM Navock, second by CM McIvor, to accept the Regular Meeting Minutes of June 22, 2020 as presented. Motion carried.

### **PAY BILLS:**

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

**General - \$38,125.13 (9878 – 9916), Payroll - \$15,499.14 (9488 - 9502 plus EFT), Major Street - \$590.00 (4030 – 4031), Local Street - \$500.00 (4344), Sanitary Sewer - \$1,553.99 (3897 – 3902), Water - \$2,598.01 (3221, 3223 – 3231 – void #3222), Arsenic Abatement - \$200.00 (1511), and Equipment - \$1,007.50 (1723 -1726).**

Motion carried.

**Motion by CM Jacobson, second by CM Lee, to pay \$2,268 to Trombley Excavating for mowing lagoon and streets. Motion carried.**

**POLICE REPORT:** Report reviewed. CM Jacobson asked Police Chief Ron Smith about selling cars in front of one's house. How many can be sold without having a "car lot"? The Chief will investigate.

### **PERSONAL APPEARANCES:**

1. **Paul Rich:** Candidate for Sheriff for Sanilac County, spoke to the Councilmembers about his background in Law Enforcement work and the programs he has been instrumental in starting.
2. **Doug Sweet:** Candidate for Drain Commissioner, spoke to the Councilmembers about his background and told why he was qualified to become Drain Commissioner. He asked for the support of the Councilmembers.

**PUBLIC QUESTIONS & COMMENTS:** None.

**UNFINISHED BUSINESS:** None Scheduled.

**PUBLIC HEARING:** None Scheduled.

**RESOLUTIONS:**

1. **Resolution 20-06** – A Resolution To Set An Alternative Date For The July Board Of Review Meeting.

**Motion by CM Lee, second by CM Biel, to approve Resolution 20-06: A Resolution To Set An Alternative Date For The July Board Of Review Meeting. The Alternate date is to be July 22, 2020 instead of the original date of July 21, 2020.**

**ROLL CALL VOTE: CM Robison – Yes, CM Biel – Yes, CM Mclvor – Yes, CM Lee – Yes, CM Navock – Yes, CM Jacobson – Yes. 6 Yes Votes, 0 No Votes, 0 absent, 0 abstaining. Motion carried.**

**ORDINANCES:** None Scheduled.

**PETITIONS & COMMUNICATIONS:**

1. **4212 First Street:** Install approximately 200' of 6' vinyl fence along the backyard property line portion that does not have existing fence.

**Motion by CM Navock, second by CM Mclvor, to approve the request for a building permit for approximately 200' or 6' vinyl fence along the backyard property line portion of 4212 First Street that does not have an existing fence. The owner of 4212 First Street must contact Miss Dig prior to breaking ground. Motion carried.**

2. **4310 Wood Street:** Install approximately 352' of 4' chain link fence along the backyard property line to the rear of the house.

**Motion by CM Jacobson, second by CM Biel, to approve the request for a building permit for approximately 352' of 4' chain link fence along the backyard property line to the rear of the house at 4310 Wood Street. The owner of 4310 Wood Street must contact Miss Dig prior to breaking ground. Motion carried.**

**MANAGER'S REPORT:**

1. **Reed Street Water Main Replacement:** Murray Underground Systems of Port Huron began the water main replacement project on Wednesday, June 17<sup>th</sup> and should be about done. The pipe has been installed and connected at Main Street and Maple Street. Of the nine houses, only two were required to have their service lines replaced. The only remaining work is the installation of some concrete curbs, a sidewalk section and the guardrails on Maple Street. Due to issues when connecting to mains, water had to be shut off for a short period of time. However, the loss of water pressure required a boil water notice for effected residents. Water purity tests have been completed and residents were notified on July 9<sup>th</sup> that the boil water notice had been lifted.

**Motion by CM Jacobson, second by CM Lee, to pay Murray Underground Systems of Port Huron \$147,865.08 (One Thousand Forty-Seven, Eight Hundred Sixty-Five Dollars and Eight cents) for work done on Reed Street. The remaining \$16,243.92 will be paid when the project is complete and signed off by the Project Manager.**

**ROLL CALL VOTE: CM Biel – Yes, CM McIvor – Yes, CM Lee – Yes, CM Navock – Yes, CM Jacobson – Yes, CM Robison – Yes. 6 Yes Votes, 0 No Votes, 0 Absent and 0 Abstaining. Motion carried.**

2. **Downtown Development Authority (DDA):** The DDA Board met on June 30<sup>th</sup> and decided that 4223 Main Street (Timeless Creations Building) be sold to cover the costs of the existing mortgage. The DDA contracted with Brown City Town and Country Realty to sell the building.
3. **Fire Hydrant Flushing:** The Brown City DPW completed flushing fire hydrants June 26<sup>th</sup> as part of this semi-annual program. No issues were reported.
4. **Annual Audit:** King & King CPAs completed the annual financial audit for the City, Fire Authority and City Library. The published audit is available for review at City Hall. Copies will be provided to the City Council at the next meeting along with a summary provided by a representative from the auditors.
5. **M-90 Reconstruction:** A pre-construction meeting consisting of representatives from the City, MDOT, contractors and utilities took place at City Hall on June 29<sup>th</sup>. Work will include chip-sealing, and in some locations repaving, and upgrading the railroad crossing on Main Street. The project is scheduled to begin in mid-July, but completion may be delayed because the contractor for the railroad crossing is currently behind schedule.
6. **Police Tasers:** The Brown City Police Department received a grant of \$1,200 from the City's liability insurance carrier – Michigan Township Participating Plan – toward the purchase of Tasers. The check was received on June 25<sup>th</sup>.
7. **Freedom of Information Act (FOIA):** The City received and responded to a FOIA request from SmartProcure “for any and all purchasing records from 03/03/3030 to current. This is the same request the City received for the previous fiscal quarter. The information was gathered and forwarded via email. The City received notice that the request had been closed.
8. **Michigan Public Policy Survey:** The most recent survey, concerning the initial impact of the COVID-19 pandemic on Michigan communities and local governments was recently released. A summary of the survey is enclosed. A copy of the 23-page survey is available for review at City Hall.
9. **Dollar General:** The City sent a “Notice of Violation” to Dollar General on June 30<sup>th</sup> following several citizen complaints and inspection by the Brown City Police Chief e). Copies of the notice were sent to the three known addresses for Dollar General, for violation of City Ordinance 91.07 (F) Refuse. If Dollar General does not comply with the notice by July 16<sup>th</sup>, the City will begin issuing civil infraction tickets and levying a daily fine until the issue is remediated.
10. **COVID-19:** The City continues to closely monitor the situation. No employees have exhibited symptoms. We are still emphasizing use of mail, the drop box and telephone

for conducting business. City Hall is open to the public, but masks should be worn and no more than one customer at a time should be in City Hall.

#### **ATTORNEY'S REPORT:**

City Attorney Gregory Stremers said that last week Governor Whitmer extended the drinking water shut-off moratorium. He said we need to monitor our water bill receipts closely to make sure we can meet expenses with our water fund account. The water cannot be shut off for nonpayment but we still need to send out the monthly bills and the residents still need to pay. This extension goes until December 31, 2020.

**TREASURER'S REPORT:** Everything is good at this time.

#### **CLERK'S REPORT:**

1. Approval of Election Inspectors.

**Motion by CM Navock, second by CM Mclvor, to approve the Election Inspectors for the August 4, 2020 Primary Election. The Inspectors are: Amy Smith, Jaci Wedlake, Nikki Sanchez, Elaine F-Villalpando, Rhonda Johnson, Charles Mitchell, Stephanie Stimson, Chairman and Juanita Smith. The Receiving Board will be served by Jaci Wedlake and Amy Smith. Motion carried.**

2. Request to close library for the August 4<sup>th</sup> election.

**Motion by CM Lee, second by CM Jacobson, to close the Library on Tuesday, August 4, 2020 for the Primary Election. Motion carried.**

3. **The Public Accuracy Test will be on Tuesday, July 28<sup>th</sup> at 5:00 p.m. The public is invited to attend.**
4. **Permanent Absentee Ballot applications for the August Primary Election have been sent out and the applications returned requesting a ballot have had a ballot mailed out to them. At this time we have sent out 136 ballots.**
5. **Our Election Inspector Training was to have been held at the Firebird Theatre in Sandusky but the owner of the Firebird Theatre cancelled us out so our County Clerk, Denise McGuire, made a video for all, experienced and first-time workers, to watch on their computers at home. We are requiring that this be done by Friday, July 17<sup>th</sup>. The County will provide certificates of completion to each inspector.**

#### **MAYOR'S REPORT:**

Mayor Julie Miller presented each Councilmember with a copy of a short History of Brown City that she thought was written by Kenneth Welch.

Mayor Miller said the former Timeless Creation Flower Shop could be purchased for \$30,000.

Mayor Miller had received a brochure from Kristy Bender, running for County Treasurer. She shared the letter with the Councilmembers.

#### **COMMITTEE REPORTS:**

1. Building and Grounds (Mclvor) – None.
2. Personnel (Biel) – None.

3. Police / Fire Authority (Lee) – Mayor Miller attended in place of CM Lee at the Fire Authority meeting. At this meeting two Firemen were recognized for successfully completing their formal Firefighter Training. The two men are Doug Mitten and Cody Wilcox.
4. Streets and Sidewalks (Navock) – None.
5. Tax and Finance (Jacobson) – None.
6. Water and Sewer (Robison) – None.

**GENERAL CONCERNS OF THE COUNCIL:**

CM Robison shared several concerns that he had:

In reference to the Hogtown Motorcycle Run he wondered how the Governor's executive order would affect the group getting together for their motorcycle run on August 8, 2020. Is the city liable if the Hogtown Run organizers do not follow executive orders? Our City Attorney Gregory Stremers suggests we talk with them and tell them they need to follow the Governor's orders. The City Council does not have the authority to waive state law or executive orders.

CM Robison also questioned the water bills that are sent out by the City. He asked if it would be possible to have a paperless bill in the future.

The Get Serious Fitness is not following the Governor's executive orders. What do we do when places are violating her orders? Our Attorney said we could take a report and send it to the Michigan Attorney General's office or to the State Police.

CM Robison also reported that one of the flags on East Main Street is flopping around and that one bracket is broken off.

**PUBLIC QUESTIONS & COMMENTS:** Police Chief Ron Smith said that the County is no longer going to be purchasing violation tickets for use by local police departments. Each community is responsible for their own ticket supply. The money from the tickets still goes to the County but we must buy our own tickets books. Brown City's Police Chief reached out to the other police departments in Sanilac County and together they bought in bulk for a much lower price than if departments purchased them individually.

**CLOSED SESSION:** None Scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM Mclvor, to adjourn the meeting at 8:01 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk