

BROWN CITY COUNCIL PROCEEDINGS

NOVEMBER 12, 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, Ross McIvor, Alecia Parks, and William Walters; City Manager Clint Holmes, City Clerk Juanita Smith, and City Attorney Gregory Stremers.

ABSENT: Councilmember Christine Lee.

GUESTS: Steven Kovac, representing the Brown City Banner, Stacy Biel, Gene Navock, Kelly Torrey, Dennis Martus, and John Bell.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM McIvor, to accept the Regular Meeting Minutes of October 22, 2018 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Kosal, to pay the bills in the following funds: **General - \$40,193.21 (8887-8931), Payroll – Total Payroll – \$31,342.56 . For 10-10-2018 to 10-23-2018 it was \$15,972.86 (8650-8666 plus EFT), For 10-24-2018 to 11-06-2018 it was \$15,369.70 (8667 – 8683 plus EFT), Major Street - \$45.00 (3978), Local Street - \$176.83 (4303), Sanitary Sewer - \$1,897.24 (3771, 3773-3775, void 3772), Water - \$2,922.66 (2995, 2997-3003, void 2996), Storm Sewer - \$60.00 (1280, void 1281), and Equipment - \$534.79 (1636-1639).** Motion carried.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC QUESTIONS & COMMENTS: None.

UNFINISHED BUSINESS: None Scheduled.

PUBLIC HEARING: None Scheduled.

ORDINANCES: None Scheduled.

RESOLUTIONS:

1. **RESOLUTION 18-12** – A Resolution Of The City Of Brown City To Amend The City's 2018 - 2019 Budget To Better Reflect Revenues And Expenditures.

Motion by CM Jacobson, second by CM Walters, to adopt Resolution 18-12: A Resolution of the City of Brown City to Amend the City's 2018-2019 Budget to Better Reflect Revenues and Expenditures. ROLL CALL VOTE: CM Jacobson – Yes, CM Parks – Yes, CM Kosal – Yes, CM Mclvor – Yes, CM Lee – Absent, CM Walters – Yes. 5 Yes Votes, 0 No Votes, 0 Abstained, 1 Absent. Motion carried.

PETITIONS & COMMUNICATIONS (pink):

1. **Brenda Martus - Parkside Drive (Lot #4):** Requesting building permits (foundation and building) for installation of a new 1,836 square feet modular home with attached 840 square feet garage, over a crawlspace. Planning Commission recommends approval.

Motion by CM Mclvor, second by CM Walters, to accept the Planning Commission's recommendation to approve the request for building permits (foundation and building) for installation of a new 1,836 square feet modular home with attached 840 square feet garage, over a crawlspace to Brenda Martus – Parkside Drive Lot #4. (No house number assigned by Detroit Edison yet). Motion carried. Permits may be picked up at the City Hall on Tuesday, November 13, 2018 after 10:00 a.m. by Brenda Martus or a representative. Brenda Martus or her representative must then go to the Sandusky Court House to pull the required permits.

MANAGER'S REPORT:

1. **Cell Tower Update:** The City was last contacted by the contractor on November 2nd. Photos of the old City landfill on Maple Valley Road were requested and provided by staff. Negotiations between AT&T and the project manager continue regarding location. Once a formal proposal is created, it can be reviewed and acted upon by the Planning Commission and City Council.
2. **Main Street Decorations:** The long awaited decorations from Display Sales arrived earlier today. The DPW will install the hardware, banners and lights along Main Street. The DPW tested all of the electrical connections and found some were inoperable. An electrician has been contracted make repairs. The process should be completed prior to the Thanksgiving Holiday.
3. **Commercial Cannabis:** The International City Managers Association (ICMA) has released a white paper discussing local government issues associated with marijuana. The report also includes case studies from cities in states where medical and/or recreational marijuana has been legalized. The 40-page document is available at City Hall for review.

4. **Recreational Marihuana:** Proposal 1, allowing the possession and use of marihuana for persons over 21, apparently passed on November 6th. On November 7th, copies of City Ordinance 130.06 – Prohibition of Marihuana Establishments along with a cover letter were sent to the Michigan Department of Licensing and Regulatory Affairs (LARA) by email and first class mail. LARA may begin issuing licenses as early as December; however, they do have 12-months to develop the license application process and up to 24-months before the associated regulations for licensing must be complete.

5. **Evergreen Cemetery:** Nicolas Longrow removed the old flag pole in the Veterans’ Section of Evergreen Cemetery and installed a new one to complete a requirement towards his Eagle Scout Badge. Also, the large granite monument placed there by VFW Post 2943 was moved next to the new flag pole. The war medallions discussed previously with the City Council cost \$396.71 including shipping. The stone requires cleaning and Jones Monument of Port Huron will clean the stone for \$450 and install the medallions at no cost. Additionally, since the flag is flown 24/7, a light is required. One has been ordered and the cost is \$34.99. Recommend the City Council utilize VFW donated funds in the amount of \$881.70 for this purchase. Requires Motion.

Motion by CM Walters, second by CM Parks, to utilize VFW donated funds in the amount of Eight Hundred Eighty-One Dollars and Seventy Cents (\$881.70) to purchase and install the following items for the Flag Pole update and medallions at Evergreen Cemetery:

War Medallions -	\$396.71
Cleaning Stone -	450.00
Light -	34.99
Total Cost	
	\$881.70

Motion carried.

6. **Sewer Inspection:** The City received notice from Michigan Pipe Inspection that they have finalized the schedule with their sub-contractor. They began cleaning and televising the sanitary sewer system north of Main Street from Cade Road to the Maple Valley Road Lift Station on November 12th.

7. **Channel 6:** McLaren Port Huron installed a DVD player and controller in late October to automatically play a *Today's Health* television program at 7 and 10 PM. The program will change each week on Friday. The playback equipment can also be used for other Brown City programming.

8. **Thelman Avenue Drainage Ditch:** The City discussed with Burgess Excavating the contouring of the drainage ditch on the west side of north Thelman Avenue as a result of replaced culverts. Work can be accomplished for “less than \$2,000” and should be completed before winter. How does the City Council wish to proceed?

Motion by CM Jacobson, second by CM McIvor to have Burgess Excavating do the work on the contouring of the drainage ditch on the west side of north Thelman Avenue for “less than \$2000”. The work should be completed before winter. Motion carried.

9. Michigan Health Care Law: The Michigan Legislature passed a bill called the Publically Funded Health Insurance Contribution Act (PA 152 of 2011). Under the Act, the City Council must annually consider one of the following options:

- a. Limit health care payments for employees to no more than \$5,500 for single, \$11,000 for couples and \$15,000 for family coverage for employees; and/or,
- b. By majority vote authorize the City to pay no more than 80% of health care costs for employees; or,
- c. By 2/3 majority vote exempt the City from the requirements of the Act for 2019.

The City Council has consistently voted for Option c. Recommend the City Council adopt Option “c” for 2019. Requires Motion.

Motion by CM Walters, second by CM McIvor, to adopt Option “C: for the year 2019 which is: By a 2/3 majority vote would exempt the City from the requirements of the Act for 2019. The Act itself is as follows: The Michigan Legislature passed a bill called the Publically Funded Health Insurance Contribution Act (PA 152 of 2011). Under this Act, the City Council must choose how they wish to deal with this. A) Limit health care payments for employees to no more than \$5,500 for single, \$11,000 for couples and \$15,000 for family coverage for employees, B) By majority vote authorize the City to pay no more than 80% of health care costs for employee, C) By a 2/3 majority vote would exempt the City from the requirements of the Act for 2019. Motion carried.

10. Elected Officials Training: This newly elected officials training consists of core topics that will help educate first-time elected officials, as well as veteran officials, on the basic functions they will need to know in their roles as public leaders. Topics include: introduction to League services; an overview of basic local government; roles and responsibilities of elected officials; Open Meetings Act (OMA); Freedom of Information Act (FOIA); and a panel discussion with seasoned elected officials. This training is scheduled for 12:30 to 4:15 PM on Wednesday, November 28 in Saginaw or on Tuesday, December 11th in Lansing. Are any members or members-elect of the City Council interested in attending?

Anyone interested in attending this training should let City Manager Clint Holmes know. The City will pay for the class plus the mileage to attend.

11. Street Parking: Residents are reminded that there is no on-street parking within the City Limits between November 1st and April 1st. Violators may receive a Civil Infraction ticket and could be towed. This Ordinance will be especially enforced during snow events.

12. Thanksgiving Day Holiday: City Hall, police and DPW will be closed on Thursday, November 22nd and Friday, November 23rd for the Thanksgiving Holiday. A DPW employee will be on call from Thursday through Sunday.

ATTORNEY’S REPORT: Nothing.

TREASURER’S REPORT:

The County will be coming Wednesday to close out Treasurer Carol Walter’s computer. They will run a report and tell what is owed them. The computer will then be ready to turn over to the new City Treasurer, Tiffanie Bissett.

CLERK'S REPORT:

- 1. **November 6th Election:** 859 registered voters; 448 (including 96 absentee ballots) voted (52.2%).

A report was handed out to each Councilmember stating the results of the November 6th election. The City of Brown City Voted No on Proposal 1 (Marijuana)

221 Yes	224 No	
Voted No on Proposal 2 (Gerrymandering)	209 Yes	228

No

Voted Yes on Proposal 3 (Changing Michigan Election Laws	237 Yes
200 No	

School Board Election results (City of Brown City only) were: Jeff Liebler-305, James Siedell-280, Theresa Kohler-262, Gary Rutkowski-222, and Michelle Vilas-197.

Library Board: Debbie Rickman-301, Sharron Tebo-291, Charles Mitchell-217.

City Council: Ross Mclvor-307, Stacy Biel-287, Alecia Parks-270, Patricia Jacobson-266, Christine Lee-259, Gene Navock-250.

City Treasurer – Tiffanie Bissett

City Mayor – Julie Miller

MAYOR'S REPORT:

- 1. **Appointment of City Clerk** – Juanita M. Smith for two year term ending December 2020.

Motion by CM Walters, second by CM Jacobson, to appoint Juanita M. Smith for a two year term ending December of 2020 for the position of City Clerk. ROLL CALL VOTE: CM Parks – Yes, CM Kosal – Yes, CM Mclvor – Yes, CM Lee – Absent, CM Walters – Yes, CM Jacobson – Yes. 5 Yes Votes, 0 No Votes, 0 Abstaining, 1 Absent. Motion carried

- 2. **Appointment of Deputy City Clerk** – Stephanie Stimson to replace David R. VanCura.

Motion by CM Parks, second by CM Jacobson to appoint Stephanie Stimson as Deputy City Clerk replacing David R. VanCura. ROLL CALL VOTE: CM Kosal – Yes, CM Mclvor – Yes, CM Lee – Absent, CM Walters – Yes, CM Jacobson – Yes, CM Parks – Yes. 5 Yes Votes, 0 No Votes, 0 Abstaining, 1 Absent. Motion carried.

COMMITTEE REPORTS:

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

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Jacobson, second by CM McIvor, to adjourn at 7:23 p.m. Motion carried.

Respectfully submitted,

Juanita M. Smith
City Clerk

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