

# BROWN CITY COUNCIL PROCEEDINGS

## DECEMBER 11, 2017

**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: Pat Jacobson, Gerald Kosal, Christine Lee, Ross McIvor, Alecia Parks, and William Walters; City Clerk Juanita Smith, City Manager Clint Holmes and City Attorney Gregory Stremers.

**ABSENT:** None.

**GUESTS:** Steven Kovacs representing the Brown City Banner, Dr. Robert Brengel, Ellen Brengel, Matt Mcelheny and Todd Wendorf from Astec Asphalt.

### **PRESENTATION OF MAYOR AND CITY COUNCIL PROCLAMATION FOR: DR. ROBERT T. BRENGEL, D.O.**

A proclamation was presented to Dr. Robert T. Brengel, D.O. by Mayor Julie Miller for being a physician who set high goals and diligently served the City of Brown City for over 38 years. As a physician to Brown City area Dr. Brengel sacrificed his personal life and family time in order to ensure that the community received the best healthcare possible. For his endeavors he received multiple awards during his career. The Mayor and City Council wishes to thank Dr. Brengel for his many years of service and extends our best wishes for his future endeavors. Mayor Julie Miller read Dr. Brengel's Proclamation aloud for all in attendance to hear and then pictures were taken of him accepting the proclamation from Mayor Miller. Thank you, Dr. Brengel!

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

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

Motion by CM Walters, second by CM Jacobson, to accept the Regular Meeting Minutes of November 27, 2017 as presented. Motion carried.

### **PAY BILLS:**

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

**General - \$19,126.62 (8332-8358), Payroll - \$14,865.63 (8206-8222 plus EFT), Major Street - \$123.31 (3941), Local Street - \$123.32 (4278), Sanitary Sewer - \$1,596.61 (3697-3699), Water - \$290.00 (2861-2862), Arsenic Abatement - \$150.00 (1382), and Equipment - \$64.11 (1586-1587).** Motion carried.

### **PERSONAL APPEARANCES: Matt Mcelheny and Todd Wendorf from Astec Asphalt.**

1. Todd Wendorf and Matt Mcelheny appeared before the Council to address the money amounts that were owed to Astec for the Lincoln Street Project. They brought to the Council's attention the fact that 14 days were rain days in which they could not work which prolonged the Lincoln Street project. The City had

deducted \$200 for each day the project exceeded the projected completion date. This was 14 days @ \$200 per day equaling \$2800.

**Motion made by CM Walters, second by CM McIvor to take the 14 days off the total amount fined resulting in a difference of \$2800. Motion carried.**

2. On the south end of Grant Street, in front of Billie Welch's house—Astec Asphalt had to purchase a new 4" casting. The old casting was 6" and didn't work.

**Motion by CM Lee, second by CM Jacobson to reimburse Astec for the new casting at an amount of \$700. Motion carried.**

3. Astec also pointed out that the rip-rap erosion control measures installed at the south end of Lincoln Street were not included in the "as-built" materials list.

**Motion by CM McIvor, second by CM Walters to add \$1200 for the Rip Rap installed for erosion control measures at south end of Lincoln Street. Motion carried.**

City Manager Clint Holmes will get with Huron Consulting this week to speak about another issue with the bill from Astec. Was a typo error made or is there reasoning behind the numbers on one line of the bill concerning sidewalk excavation amount. The Council will get back to Astec on this issue in time for the next week's Council Meeting.

**PUBLIC QUESTIONS & COMMENTS:** None.

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

The Councilmembers signed a card for Police Chief Ron Smith as he just had back surgery and will be off duty for a while.

**UNFINISHED BUSINESS:** None Scheduled.

**RESOLUTIONS:** None Scheduled.

**PUBLIC HEARING:** None Scheduled.

**ORDINANCES:** None Scheduled.

**PETITIONS & COMMUNICATIONS:** None Scheduled.

**MANAGER'S REPORT:**

1. **Cemetery Vandalism:** The reward for the arrest and conviction of the perpetrator(s) who vandalized the Evergreen Cemetery in Brown City has increased to \$1,000.
2. **FOIA Request:** The City received a Freedom of Information Act Request (FOIA) from a software company requesting "any and all purchasing records from 2013-01-01 to current." This request resulted in over 1,400 pages of financial records or about 13.1 megabytes of information. The requestor asked that the information be sent electronically. The information was transmitted and receipt acknowledged by the requestor.
3. **Hepatitis A Vaccinations:** All three DPW workers received their first round of Hepatitis A vaccinations on December 6<sup>th</sup>. The second, and final, vaccination is required

in six months to ensure resistance to exposure. The City is also evaluating the need for Hepatitis B vaccinations.

4. **Kilpatrick Apartments:** The Apartments informed the City Attorney that they would erect a temporary fence on the north side of their property. The fence, consisting of black plastic about three feet high, was installed. This was in response to continuing problems with trash ostensibly blowing out of the dumpster onto neighboring property.
5. **Board of Review:** The City Assessor has rescheduled the winter Board of Review meeting for Tuesday, December 12<sup>th</sup> from 10:00 AM to at 4:00 PM at City Hall. Currently there is only one parcel to be reviewed.
6. **Hazard Mitigation Plan:** The Sanilac County Advisory Committee met on December 7<sup>th</sup> to review the next steps in the County-wide Plan Update. This included reviewing the memo “Mitigation Strategies” line-by-line. The next meeting, probably in January, will fully review the results of the surveys completed by communities, to include Brown City, earlier this fall (“Next Step-Mitigation Strategies”. A second, more refined, survey will be provided to county local governments after this next review.
7. **Personnel Policy Manual:** A detailed memo, with the proposed edits and changes to the draft Personnel Policy Manual, was forwarded to the Union via email. A response is pending. A follow-up call by the DPW shop steward revealed a response can be expected soon.
8. **Police Chief:** Ron Smith injured his back while on duty. The injury required surgery that took place on December 2<sup>nd</sup>. He went back into the hospital on December 7<sup>th</sup>. He will be off duty for at least a month. The duty schedule has been updated, and the City is assigning our part time officers duty shifts to the extent they are available. The City submitted the required Workmen’s Compensation forms and they were accepted by the City’s insurance carrier. This raised a policy question concerning wages and payments. Specifically, if the City decides to subsidize the Workmen’s Compensation payments to bring the Chief to his current wage rate, should his sick days time only be used to cover the subsidy or the whole time out? How does the City Council wish to resolve this?

**The City Councilmembers would like to subsidize the Workman’s Compensation payments to bring the Chief to his current wage rate by using his sick days time only actually used for the difference between the Workman’s Compensation and his regular pay.**

#### **ATTORNEY’S REPORT:**

1. Michigan Medical Marihuana Act Emergency Rules.

**City Attorney Gregory Stremers reported to the Council that on December 4<sup>th</sup> emergency rules were adopted concerning the Michigan Medical Marihuana Act. However, these rules are temporary rules and are only in force for 6 months. We may see changes after the temporary rules expire and final rules are adopted by the state. His suggestion is just to do nothing at this time. The law does not require us to formally opt out.**

2. Tri County Bank: Alley Abandonment Procedure / Status.

**Our Attorney spoke with the bank’s attorney and found out the alley is not included on the original Brown City plat map. However, there may be an access**

right-of-way and one for an existing sewer line. Once the deed and other documents are finalized, a Public Hearing will be scheduled—notices must be sent to all property owners within 300' of the property prior to the City Council acting on this issue.

**TREASURER'S REPORT:**

Tax collection has taken in over \$100,000.

**CLERK'S REPORT:** Stephanie Stimson and I attended the new election equipment training on Wednesday, December 6, 2017 in Sandusky conducted by Election Source.

**MAYOR'S REPORT:**

Mayor Miller reported that Dr. Brengel texted her and said it had been a privilege to work in Brown City as a Doctor all these years. Since 1979 he said that they had just seen their 20,000<sup>th</sup> patient to date and have delivered 2,300 babies.

**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:**

CM Walters said he had been approached by a citizen who reported that the street lights on the east side of town are not working.

**PUBLIC QUESTIONS & COMMENTS:** None.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURNMENT:**

Motion by CM Lee, second by CM Jacobson, to adjourn at 8:08 p.m. Motion carried.

Respectfully submitted,

Juanita Smith  
City Clerk