

**BROWN CITY COUNCIL PROCEEDINGS
NOVEMBER 14, 2005**

Meeting called to order at 7:00 p.m. by Mayor Laura Carpenter.

Pledge of Allegiance led by City Attorney Gerard Garno.

PRESENT: Mayor Laura Carpenter, Councilmembers: Frank Lukacs, Ross McIvor (arrived at 7:05), Julie Miller, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: Councilmember Eugene Novak

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTIONS & APPROVAL OF MINUTES:

Moved by CM Miller, seconded by CM Lee, to accept the October 24, 2005 minutes as presented. Motion carried.

PAY BILLS:

Moved by CM Lee, seconded by CM Blatt, to pay the bills in the following funds: General - \$10,928.21, Payroll - \$28,161.88, Major Streets - \$50.00, Local Streets - \$131,211.63, Sewer - \$5,002.58, Water - \$6,665.87, Equipment - \$1,957.67, Investment - \$149,740.63. Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

PERSONAL APPEARANCES: None.

OLD BUSINESS:

1. Bullock Project – see Manager’s Report.
2. International Union of Operating Engineers Local 324 – forwarded to the Union for review/changes. City Manager received a telephone call from the Union concerning three areas of disagreement. The two minor ones were tentatively resolved, the Union is talking to the DPW regarding week-end overtime for employees.
3. Status of Llink Technologies Contract – Sanilac County EDC finalizing.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, seconded by CM Lee, to accept the pre-application building permit for 6788 St. Mary’s Street to replace shingles, install vinyl siding, and replace windows. Motion carried.

PUBLIC HEARING: None scheduled.

ORDINANCES: None.

RESOLUTIONS:

Discussion and review of Resolutions by City Manager.

Moved by CM Miller, seconded by CM Lee, to accept Resolution 05-18, *A Resolution of the City of Brown City to Approve The 2006 Streetscape Project Contract With The Michigan Department of Transportation (MDOT Contract #05-5386)*. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes, Navock-absent. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

Moved by CM Miller, seconded by CM McIvor, to accept Resolution 05-19, *A Resolution Requesting MDOT/MSP Speed Study on M-90/Main Street to Enhance Pedestrian and Driver Safety*. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

Moved by CM Lee, seconded by CM Lukacs, to accept Resolution 05-20, *A Resolution of The City of Brown City To Amend The City's 2005-2006 Budget To Better Reflect Revenues And Expenditures*. ROLL CALL VOTE: Lukacs-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 5-yes, 0-no, 1-absent, 0-abstain. Motion carried.

CITY MANAGER'S REPORT

- 1. Llink Technologies Parking Issues:** The Street Administrator has received estimates for the cost of road signs and striping material to change Opportunity Drive into a one way street and parking lot. Cost would be about \$2,000 plus the labor costs associated with installing the signs and parking space stripes. Informal discussions after the Streets and Sidewalk Committee meeting revealed that there is the belief that this plan would include making Industrial Drive one way which was not the proposal. Additionally, there has been the suggestion that rather than one way going south, Opportunity Drive should be one way going north to ease potential traffic congestion at Industrial Drive and Maple Valley Road and at the juncture with M-90. How does the City Council wish to proceed?

Mr. Chuck Kunish representing Michigan Agricultural Commodities (MAC) stated that his business operations have been running proficiently with Llink employees parking along Opportunity Dr. He foresees no future problems for any customers of MAC. He does question reasoning for City possibly assisting in financing of parking lot for Llink.

Moved by CM Miller, seconded by CM Lee, to table Llink Technologies parking issue. Motion carried.

2. **2005 Street Program:** The City received the final engineering report from Davis Land Surveying and Engineering for the work on 1st and James Streets. Their recommendation, agreed to by Boddy Construction, is to pay the voucher but withhold five percent (5%) of the total amount to ensure the landscaping comes in properly and to repair any other faults or defects that appear over the winter.
3. **2006 Streetscape Program:** MDOT has scheduled a construction meeting with the contractor (Saginaw Asphalt Paving Company) for the project that includes the City's 2006 Streetscape Project. The meeting is in Cass City on Wednesday, November 23rd at 9:00 AM.
4. **Arsenic Abatement Project:** In accordance with the Administrative Consent Order (ACO), DEQ was formally notified on November 1st that the City had contracted with Rowe Engineering to provide engineering consulting services for arsenic abatement. However, careful review of the ACO also revealed the additional requirement for a "certified financial expert" to serve as a financial consultant. A telephone call to Rowe revealed that while they have grant writers and various other financial people, they do not have a "certified" individual. Contact with Sanilac County revealed that they use the services of Dickinson Wright PLLC of Bloomfield Hills, Michigan. Contact with them resulted in permission to use the firm's name on the notification sent to DEQ. There is no contract with Dickinson Wright; however, if financial consultant services are required as a result of Rowe's recommendations, they would appreciate being considered. The next ACO milestone is for the "consultants to evaluate various options and provide the City of Brown City with a preliminary recommendation for the design and construction of the arsenic treatment system or an alternative water source that shall not exceed the revised arsenic MCL" by February 1, 2006. A decision will be required by the City Council prior to that date so that DEQ can be notified and so Rowe can complete plans and preliminary cost estimates by May 1, 2006.

Moved by CM McIvor, seconded by CM Miller, to direct the Mayor and City Clerk to sign contract with Rowe after attorney review and approval. Motion carried.

5. **Well Number 4 Overhaul:** Layne Christenson conducted the reliability study of Well #4 required by the DEQ, and results will be forwarded when available. Layne Christenson has also begun the overhaul of the well. During this 4-6 week process, Well #4 and therefore the arsenic abatement plant will be off line. The City's water will be drawn from Well #3. The overhaul must be complete and the facility on line and fully operational prior to January 2006. During this period, water will be chlorinated but not otherwise treated. This process will include using a camera to determine the structural integrity of the well.
6. **Post Office Sidewalk:** The owner of Tom's Ultimate Concrete finally met with me in late October. He said that the crack in front of the Post Office could be repaired by cutting out the section and pouring new concrete. However, he stated that the curb area where the crack is located includes steel reinforcement bars and he does not expect the crack to expand. The City's concern was water getting into the crack and freezing

thereby worsening the problem. He requested the opportunity to fill the crack with a compound that would seal the crack and keep out the water. If this does not work, the sidewalk will be cut and repaired in the spring.

7. **Police Hiring:** Interviews of potential part-time police officers were completed and the Chief is completing background and reference checks. Of those interviewed, two individuals moved to the next step of getting physical exams and drug screens. Since the Department currently has only one part-time officer generally available to put on the schedule, expect the two individuals selected to begin training as probationary part-time police officers next week. No additional officers are required at this time.
8. **Community Recreation Plan:** The next meeting of the Park Board was postponed one week to November 17th. Expect the selection committee to make a recommendation to the full Park Board concerning the selection of a company to update the City's expired community recreation plan. A request for approval should be presented to the City Council at the November 28th meeting. Once a consultant is contracted, the recreation plan update process generally takes three to nine months.
9. **Bullock Project:** Attorneys representing both parties met at the Courthouse in Sandusky on October 31st. Their recommendation was to have Mr. Bullock meet with the City Manager and DPW Supervisor. That meeting took place later the same afternoon. While there was general agreement concerning the drainage ditch north of his property, no agreement concerning his rear lot was reached. A trial is scheduled in circuit court for November 17th at a time to be determined. Based on the motion passed by the City Council on September 26th, and consultation with the City's attorney, work may not proceed on Mr. Bullock's property, but adjacent ditching could begin. The necessary piping has been delivered to the water tower area. The DPW is prepared to begin the ditching process on City property. A conversation with a local excavator revealed that work on the Brown City Industrial Park ditch could begin next week. No work will be done on Mr. Bullock's property until the legal issues are resolved. Is there any reason not to begin the other construction so it can be completed prior to the ground freezing?

Council consensus that Bullock work which is not on private property, begin; due to upcoming inclement weather.

10. **Police Communications Grant:** Final paperwork is being completed for reimbursement for the bulk of the costs associated with replacing the MDT80 terminals with laptops in the two City police cars. Original grant from the Michigan Department of Community Health was for \$8,400 with some allowance for increases built into the contract. Therefore, the City is requesting reimbursement of \$10,000, the maximum amount permitted, on purchases of \$11,965 for hardware, software and installation. The installation of this system has greatly increased the speed and reliability of communications with the Sanilac County Sheriff Dispatch. Additionally, the installation of police report writing software allows some reports to be written in the car rather than the office so officers can spend more time on the street.

11. **Holidays:** City Hall will be closed Friday November 11 in honor of Veterans Day. City Hall will also be closed November 24 and 25 for Thanksgiving.
12. **Clerk's Laptop:** The City Clerk has requested the City purchase a laptop computer for preparing the minutes. The cost of a basic model should not be very expensive. I will research the options available.
13. **Backyard Blight:** A resident complained about the clutter and junk in the backyard of a neighbor. The Police Chief took the attached photograph of the backyard. The City's blight ordinance could be interpreted to include these backyards. How does the City Council wish to approach this?

Discussion and council consensus that City Manager proceeds with normal process for blight removal.

14. **Tree Removal:** Normally in the spring the City compiles a list of trees that need to be removed. However, with the recent high winds, the City has received requests to remove trees because of concern they are about to fall. In the past, this list has been approved by the City Council before being contracted. However, if there is no objection from the City Council, I will have the DPW inspect the tree and contract the emergency removal.

Council consensus that City Manager proceeds with DPW inspection and contracting for emergency tree removal.

POLICE REPORT: Council review, no questions or concerns.

Request from CM McIvor to add warning to citizens, on Channel 6, regarding various scams which have been ongoing throughout the area.

ATTORNEY'S REPORT:

1. Congratulations to newly elected council members Mike Lents, Ron Wood and Julie Miller as well as County Commissioner William Walters recent appointment to the Council on Aging.
2. Rowe Contract has been reviewed, concern that there is no "Errors and Emissions Clause". Recommendation that this be included before signing.
3. Update on the ongoing Bullock case, court date scheduled for 11-17-05.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – 10-28-05 minutes available – no report.
3. Tax & Finance – 10-28-05 minutes available – no report.
4. Streets & Sidewalks – 10-28-05 minutes available – no report.

5. Buildings & Grounds – none.
6. Personnel – none.
7. Homecoming – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Lee has noticed that the wooden ramp in front of the new dance studio has been pulled away from the wall and is impeding the sidewalk, ramp needs to be moved.

MAYOR'S REPORT: None.

Moved by CM Lee, seconded by CM Miller, to adjourn at 7:58 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk