

**BROWN CITY COUNCIL MEETING
DECEMBER 12, 2005**

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

Presentation of Colors and Pledge of Allegiance led by Brown City Cub Scout Pack 327.
Den Leader Dan Wedlake.

ADMINISTER OATH OF OFFICE:

City Clerk Kelly Pavel swore in newly elected City Councilmembers Ron Wood, Mike Lents and Julie Miller; each then signed the oath of office.

PRESENT: Mayor Laura Carpenter, Councilmembers: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

Moved by CM Miller, second by CM Lee, to approve the regular meeting minutes of November 28, 2005 as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$8,678.57, Payroll - \$16,676.55, Local Streets - \$324.00, Sewer - \$3,763.35, Water - \$498.63, Equipment - \$638.96, Investment - \$24,966.65. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Larry Steigerwald questioned hiring process of police officers. Mr. Steigerwald is concerned that the hiring of Officer Adam Stracener was not voted on by the entire council and questions this procedure.

City Manager and City Attorney explained that the Charter supercedes the City Ordinances on all issues, to include hiring policies. City Manager brings recommendation to the council table as a matter of policy, which was done in the case of Officer Stracener. Since the Officer had worked for the City for over a year in a part-time capacity, this was actually a promotion to full-time rather than a new hire. The City Attorney made clear that the City Council may fully express views in all hiring and dismissals of employees at any time pursuant to Section 2.05B of City Charter (corrected 010906).

PERSONAL APPEARANCES:

1. Dale Benish, Director of Sanilac County Economic Development Corporation reviewed Progress Report of SCEDC as well as informing council that Brown City is scheduled to appoint a representative to the SCEDC to represent the four cities and four villages in Sanilac County for either a one or two year term.

POLICE REPORT:

Written report reviewed by council. No questions or comments.

Chief Smith requested that a notice be placed on Channel 6 reminding citizens that vehicles can not be parked on City streets overnight between November and April for snow removal.

OLD BUSINESS:

1. Bullock Project – see Manager's Report
2. International Union of Operating Engineers Local 324 – Completed – final copy has been reviewed and signed by the City and the Union.

Moved by CM Miller, second by CM Lee, to remove Item #2 from the Old Business portion of the agenda. Motion carried.

3. Status of Llink Technologies Contract – Sanilac County EDC has forwarded the necessary paperwork to Lansing. A letter from the Michigan EDC received December 7, acknowledged receipt and that the information was "satisfactory". Expecting notice of Grant finalization soon.

PETITIONS & COMMUNICATIONS:

Councilman Lents gave the background regarding a variance request from Brown City Industrial Park requesting reduced setbacks. Planning Commission recommended granting this variance request.

Moved by CM Wood, second by CM Blatt, to support the variance request for Brown City Industrial Park for reduced setbacks since not granting the variance would create an undue hardship for the owners. Motion carried.

PUBLIC HEARING: None scheduled.

ORDINANCES: None.

RESOLUTIONS:

Moved by CM Miller, second by CM Lee, to adopt Resolution 05-02, *A Resolution of Appreciation for Raymond Witmer, Park Board Representative*. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

CITY MANAGER'S REPORT:

1. **Well Number 4 Overhaul:** Layne Christenson finished reinstalling the pump in Well #4. Once various purity tests are completed, and the water meets DEQ specifications, Well #4 and the arsenic abatement plant will go back on-line, possibly as soon as December 14th. Well #3 will again go into standby until EPA/DEQ legal requirements are met.
2. **Thelman/Belview Lift Station:** The overhaul of this sanitary sewer lift station is complete. Hydrodynamics reinstalled the second pump and the lift station is now fully operational.

3. DEQ/Wastewater Treatment: The City received a letter from DEQ in May 2004 raising concerns about the City's wastewater treatment system. The City met some of the requirements, such as documenting the three times per week inspection of the lagoons. The DPW Supervisor will put together a plan for a visual inspection of 100% of the City's sanitary sewer lines over either a two or three year period. Also, the staff is determining the best way to inspect and repair leaking catch basins and other sources of storm water flowing into the sanitary sewer system. A written response to DEQ is required by the end of the month.

CM Wood questions whether footage that has already been shot can be used in this project. To keep continuity, probably not, but it will be investigated.

4. Bullock Project: The DPW has completed their portion of the project. The City hired a local contractor to complete that portion of the storm drain running east and west. Expect he will complete this portion of the project soon.

5. DPW Pension Payment Plan: The two DPW workers who are members of the Union, and that receive pension benefits, have requested that the City pay the Union for hours worked retroactive to July 1, 2005, rather than have money go to the City's plan. Otherwise, American Express will receive the annual payment for the period of January 1 through November 30, and payment to the Union would begin with hours worked beginning December 1, 2005. The difference between these two programs is approximately \$27.00. Since this is a policy issue, how does the City Council wish to proceed? **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee, to pay the Union pension fund for hours worked retroactive to July 1, 2005, rather than have money go to the City's plan, per DPW workers request. Motion carried.

6. Old City Fire Station (4186 Main Street): The City sold this building and the adjacent vacant lot to Mr. Ed Pieters in 2001. He is in the process of transferring this property. A review of documentation by his lawyer revealed an encumbrance placed on the property by either the City and/or the Fire Authority sometime prior to this sale. His lawyer has requested the removal of these encumbrances. Apparently, the property transfer will take place by the end of this month. The City forwarded the associated paperwork to the City Attorney for his review and recommendation to the City Council.

7. Kilpatrick Apartments: The City received a fax from the management company that owns the Kilpatrick Apartments. They have requested that Knox Disposal remove their dumpster so that Waste Management could take over this account, as allowed by the City Council last summer. However, contact with Knox Disposal revealed that he does not want to exempt the apartments from the existing contract with the City. Also, the name and address of the current manager of the apartments is on file in case any additional problems arise. Will investigate a possible larger dumpster to help eliminate overflow of trash.

8. Parkside Drive: Attached is a copy of the letter sent to the owner of Parkside Drive. The City mailed an additional copy to the four other addresses found for this individual.

- 9. Governor Signs Sewer Grant Bills Into Law:** On December 1st, Governor Granholm signed into law a six-bill package to encourage more communities to utilize the State Revolving Fund (SRF) for sewer projects. The bills provide \$40 million in grant funding to come from the \$1 billion that voters approved in 2002 for sewer infrastructure projects. Each grant will cover 90% of costs incurred by a municipality to complete a project plan, which is all the preliminary engineering and consulting work. The DEQ will be developing the grant program within the next several months.
- 10. Holidays:** The City Hall will be closed on Monday December 26 and January 2. I plan to spend the holidays with my family, so I will be out of the office from December 16 through December 27. I will be available by cell phone. Does the City Council wish to do something for the employees as has been done in the past?

Moved by CM Blatt, second by CM McIvor, to close City Hall on 12/23/05 at 12:00 noon and employees be paid for a full day, including DPW workers for a holiday gift, per employee request. Motion carried.

- 11. City Council Priorities:** Enclosed in your packet is a bright yellow form titled "Mayor and City Council Priorities." I will take these priorities and issues and turn them into a spreadsheet ranking these issues. The City Staff and I will use these to identify what the Mayor and Council want done and to design a plan, and budget the money, to accomplish these goals in 2006. A copy of the completed spreadsheet will be included in the City Council packet for the next City Council meeting. The spreadsheet for 2005 is enclosed.

Larry Steigerwald requested that council investigate areas of new blacktop on First Street and Walter Street, which appear to not be wearing properly. CM Lents will inspect the street.

- 12. Boards and Commissions:** Individuals whose terms expire at the end of the year received letters asking if they desired reappointment. Some have agreed to continue serving, others declined or did not meet requirements. One position is available for each of the following: Board of Review, Planning Commission, Cemetery Board and the Downtown Development Association. An advertisement is in the *Banner* for these positions. Appointees must meet certain legal or policy requirements. If Councilmembers have any recommendations for appointments, they should provide them to the Mayor.
- 13. Clerk Laptop Computer:** Researching the costs of various types of laptop computers, revealed that prices range from about \$200 to \$3,069. The best deal, weighing capability verses cost, was from Laptop Outlet for \$326.99 including shipping. The used IBM ThinkPad 600e has a Pentium PII 366 Mhz processor, 13.3" active matrix screen, 6 GB HD, 128 MB RAM, CD, Floppy, 56K Modem and is Internet and Email Ready with a 6 Months Parts and Labor Warranty. The machine will arrive soon via UPS.
- 14. City Website:** After extensive correspondence and multiple phone calls, the City has finally been assigned a website domain – ci.brown-city.mi.us – and our Internet provider (GreatLakes.net) has made the necessary software changes to activate it. The next step is to develop a website. What information do you want on the site? Is there another website that has a good format? Do you want your pictures and biographies put on the site? Do Councilmembers want individual e-mail addresses associated with the website? The staff is developing an FAQ list. GreatLakes has agreed to work with us on the development of the City website.

15. DTE Tree Grant: The City received a grant application for the purchase, planting and maintenance of trees. The requirements include a 50% match by the City and the trees must be planted on either public land or public right-of-way. Based on the cost associated with replacing trees on Main Street - \$685 to purchase and plant four trees - 28 trees could be planted for about \$5,000 of which the City would be responsible for half in cash or in-kind services. The grant application must be submitted to Lansing by December 31, 2005. How does the City Council wish to proceed? **REQUIRES MOTION.**

Discussion regarding tree costs, necessary tree replacements in town and past pricing of tree replacements. CM Wood questioned the City's expense associated with this grant program. No action taken.

16. HUD/EDC Community Development Block Grant (CDBG): The City received a Notice of Intent (NOI) application on December 5th for a CDBG. The NOI is due to Lansing by COB Wednesday, December 21st. If Lansing believes the City's proposed project would meet their requirements, then a full grant application package would be sent to the City for completion and submission. "Eligible public infrastructure activities include, but are not limited to: water lines and related facilities; sanitary and storm sewer lines and related facilities; wastewater treatment plants; roads, parking lots, land clearance, and building demolition activities." Grants are primarily aimed at "low and moderate income communities." The only designated communities in Sanilac County are Carsonville, Melvin and Minden City. How does the City Council wish to proceed? **REQUIRES MOTION.**

The City Council discussed infrastructure projects appropriate to this Notice of Intent in some detail. The consensus was to pursue a sludge reduction project at the City's wastewater treatment lagoon. City Manager will submit the Notice of Intent to Lansing by the December 21st deadline.

ATTORNEY'S REPORT:

City's contract with Fleis & Vandenbrink was reviewed and appears to be complete. Attorney suggests that a clause be inserted stating that representative's actions are subject to Charter rules and regulations.

Moved by CM Miller, second by CM Lee, to insert a clause stating that representative's actions are subject to Charter rules and regulations into the Master Plan contract. Motion carried.

Encumbrances associated with the 2001 sale of the old City fire hall should be addressed. See Manager's Report item number 6.

Moved by CM Miller, second by CM Blatt, that the Mayor and Clerk sign any necessary documents to remove any encumbrances from the deed to the old fire hall subject to attorney review. Motion carried.

Review of the City Charter has shown that two Regular Council Meetings are required each month. The process council plans to follow this evening, is to hold a second meeting, immediately after this first meeting which shall fulfill ~~by holding a second meeting, fulfills~~ all requirements (corrected 010906).

On behalf of the Evergreen Cemetery Board, the City Manager requested an Attorney General's opinion issued approximately 10 years ago. The Attorney General does not have a record of that opinion. Current policy is not to provide opinions to cities. Questions should be directed to the City Attorney. Associated paperwork was provided for this review.

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water & Sewer (Lents) – none.
3. Tax & Finance (Lee) – none.

CM Lee states that the council has not had a raise since 1999. She feels that this should be reviewed each year and the final decision placed in the minutes.

Moved by CM Lee, second by CM Wood, that no wage increase is proposed for councilmembers, mayor or clerk this year. Motion carried.

4. Streets & Sidewalks (Wood) – none.
5. Buildings & Grounds (Blatt) – none.
6. Personnel (McIvor) – none.
7. Homecoming (Lee) – recipe books are complete and for sale at the price of \$10. This is the primary fundraiser for the Homecoming Commission.

GENERAL CONCERNS OF THE COUNCIL:

City Clerk Pavel stated that the County Board of Canvassers performed an election recount on 12-6-05 and all election results from 11-8-05 remained the same. A bill for \$179.20 was received for the cost of this recount.

CM Miller revisited tree replacement policy as well as DTE Grant offering. CM Miller states her concern for needing to replace trees again in the Spring and possibly applying for this grant.

CM Wood stated his concern for getting involved in too many grants as well as time and costs associated with applying for grants. Concern that the returns are not always beneficial.

CM Lents recalls that the only possible encumbrances on the old Fire Hall property are that Mr. Ed allowed police cars to be parked in building due to lack of storage at the time and also allowed the Fire Authority to store equipment there.

Moved by CM Miller, second by CM Lee, to reappoint the following persons to various boards and commissions: Planning Commission (terms expiring 12-31-08) Ken Brown, JoAnn Potts, Todd Vandewarker and Pat Jacobson (her term expiring 12-31-06). DDA (terms expiring 12-31-09) Paul Muxlow, Frank Lukacs. Election Commission (terms expiring 12-31-07) Kathleen Loutzenhizer. Board of Review (terms expiring 12-31-06) Ken Brown, Imogene Sealey. Motion carried.

Moved by CM Lee, second by CM Miller, to appoint Jack Bell to the Board of Review (term expiring 12-31-06). Motion carried.

MAYOR'S REPORT:

Mayor Carpenter would like to collect \$10.00 from each councilmember in January for flower purchases throughout the year as needed for funerals, etc.

Note that the sledding hill in the park is open for use.

Mayor Carpenter wished all members a Merry Christmas and A Happy New Year.

Moved by CM Lee, second by CM Blatt, to adjourn at 8:52 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk