

**BROWN CITY COUNCIL PROCEEDINGS  
SEPTEMBER 12, 2005**

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

Pledge of Allegiance led by City Manager Holmes.

**PRESENT:** Mayor Laura Carpenter, Councilmembers: Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel

**ABSENT:** None.

Correction to 8/23/05 minutes: Page 5 of 5 #3 under Attorney's Report – add word to read “grass heights and reasonable administrative fees.”

Moved by CM Miller, second by CM Navock, to approve the minutes of Aug 23, 2005 as corrected. Motion carried.

Move by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$22,832.04, Payroll - \$14,935.95, Major Street - \$355.20, Sewer - \$1,500.00, Water - \$6,557.13, Equipment - \$3.78, Investment - \$70,787.27. Motion carried.

**PUBLIC QUESTIONS & COMMENTS:**

Larry Steigerwald questions why ongoing building projects in town are not displaying necessary permit issued by the City.

Mary Beth Miller, 1<sup>st</sup> Street complaints of loud parties at a home next door to her. Heavy traffic also is a nuisance after local bars close down her street.

Susan Parent requested a \$100.00 deductible be paid by the City pertaining to damage her vehicle suffered at the Brown City Park. Park Board has denied this request. City Council consensus to deny Ms. Parent's request.

**OLD BUSINESS:**

1. Bullock Project – trial September 22, 2005; City depositions earlier.
2. International Union of Operating Engineers Local 324 – see Personnel Report.
3. Status of Llink Technologies Contract – Sanilac County EDC finalizing.
4. Cemetery Water – see Manager's Report.

**PUBLIC HEARING:**

Mayor Carpenter opened the Public Hearing at 7:15 p.m. regarding Ordinance Section 4110A – Control of Weeds and Grasses.

Overview of Ordinance Section 4110A by City Manager Holmes.

Larry Steigerwald agrees that this is a necessary ordinance, but questions City's ability to enforce this ordinance when various City properties do not follow. Mr. Steigerwald presented Polaroid pictures of various City properties which need grass cut.

**PUBLIC HEARING CLOSED** at 7:21 by Mayor Carpenter.

Statement from CM Lukacs regarding particular classifications of weeds as well as particular height requirements.

Moved by CM Miller, second by CM Lee, to accept Ordinance 4110A-Control of Weeds and Grasses. ROLL CALL VOTE: Lukacs-no, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 1-no, 5-yes, 0-absent, 0-abstain. Motion carried.

**POLICE REPORT:**

Written report reviewed by City Council.

**PETITIONS & COMMUNICATIONS:**

Moved by CM Blatt, second by CM Miller, to approve the pre-application building permit for 4000 Main Street for a 10' x 20' addition to restaurant. ROLL CALL VOTE: Lukacs-no, Navock-yes, McIvor-no, Miller-yes, Lee-yes, Blatt-yes. 2-no, 4-yes, 0-absent, 0-abstain. Motion carried.

Moved by CM Blatt, second by CM Navock, to deny parking of a storage trailer on property at 4220 Third Street until new garage is built next spring/summer. Motion carried.

Moved by CM Blatt, second by CM Miller, to accept the pre-application building permit for 4308 Main for a new house roof and a sloop roof on attached building. Motion carried.

**TREASURER'S REPORT:**

Report given by Treasurer Carol Walters.

**RESOLUTIONS:** None scheduled.

**CITY MANAGER'S REPORT:**

- 1. 2005 Street Program:** Bids were due to City Hall on September 8<sup>th</sup> for action by the City Council on September 12<sup>th</sup>. Ten bid packages sent to contractors, plus an advertisement in the Port Huron newspaper, and a copy sent to Michigan Contractor resulted in three (3) bid packages being received at City Hall. They were (in the order received) Astec Asphalt (Brown City) - \$136,283.85, James P Contracting (Romeo) - \$134,522.65, and Boddy Construction (Marysville) - \$122,691.76. How does the City Council wish to proceed? **REQUIRES MOTION.**

Moved by CM Navock, second by CM Lukacs, to accept the bid from Boddy Construction for \$122,691.76 to complete the 2005 Street Program. Motion carried.

2. **Main Street Trees:** The four stumps left on Main Street by MDOT have been ground down. Of the five (5) bid requests for four Norway Maple trees sent out, two were returned. American Tree of Almont can provide the trees for \$720 plus \$320 to plant them (\$1,040). Steinkopf's Nurseries of Marlette can provide the trees for \$540 plus \$235 to plant them (\$685). If the supplier plants the trees, they are 100% guaranteed for one year. MDOT will pay for the trees, but the City is responsible for the cost of planting them (either by the supplier or DPW). What is the preference of the City Council? REQUIRES MOTION.

Moved by CM Blatt, second by CM McIvor, to accept the bid from Steinkopf's Nurseries to supply and plant four Norway Maples on Main Street for \$685.00. DPW is to mark areas for replanting. Motion carried.

3. **Maple Street Trees:** Two trees were removed on Maple Street in September 2003. They have not yet been replaced. The owners of the adjacent property have formally requested that the trees be replaced. The City Tree Policy requires the approval of the City Council to replace these two trees. REQUIRES MOTION.

Moved by CM Miller, second by CM Navock, to replace two trees on Maple Street which were removed in 2003. Motion carried.

4. **Water System Evaluation:** The City received a copy (August 29, 2005) of the written report of the evaluation of our water system conducted by DEQ on March 31, 2005. Of the thirty-two categories DEQ normally inspects, seven were non-applicable, twenty-two were satisfactory, one was marginal (controls), and two were deficient (contingency plan and reliability study). The City plans to replace/upgrade controls in conjunction with resolving the Well #3 arsenic situation. The new requirement for development of a contingency plan is being addressed. The DPW Supervisor has been directed to ensure a reliability study is completed prior to the next DEQ inspection.
5. **MDOT Training:** MDOT is offering a class titled "The 2005 Transportation Information & Input Program for Rural Elected Officials." The class is available in four different locations each on a different date. The closest to us is in Cass City on October 12<sup>th</sup> (Wednesday) from 9:30 to 12:00 PM. Topics include: Local needs and issues, MDOT's 5-year program and rural safety. If any of the City's elected officials are interested in attending, or want to know the other dates and locations available, please let me know by the end of the next City Council meeting so I can make the appropriate RSVP with MDOT.
6. **Methodist Church / Tri-County Bank Parking Lot Leases:** No response has been received to date from either the church or the bank.

7. **Cemetery Water:** A Notice to Proceed was provided to Franzel Well Drilling of Mayville on August 23<sup>rd</sup>. A telephone call to the owner on September 8<sup>th</sup> revealed that drilling the well is scheduled to start/finish the week of September 12<sup>th</sup>.
8. **State Police Investigation:** Additional information was received from the State Police concerning the investigation into police conduct requested by the City. Of the seven written complaints, and additional verbal complaints, provided to the State Police, only one was accepted for further inquiry. The results were provided to the Sanilac County Prosecutor who declined to take action. No further information is expected, and no disciplinary action is anticipated.
9. **Liquor Control Commission:** The City received a letter stating that the LCC had received a request to transfer the liquor license (SDM & SDD) from the former Brown City Pharmacy to the J&J Party Store. The City Council approved sending a letter of support at the July 11, 2005 meeting that was subsequently mailed to the LLC. The letter to the City states that the City may comment on this application within 15 days if it is not in compliance with laws or ordinances. No further action by the City is required.
10. **Michigan Municipal League Conference:** A reminder that Councilmembers Miller and Lee and the City Manager will be attending subject conference in Grand Rapids from September 20-23.
11. **Treasurer Pay Request:** Due to the extra days she must be available at City Hall, and the increased amount of administrative work associated with collecting the Summer Taxes, recommend the City Treasurer salary be increased from the current \$8,500 to \$9,000 effective December 1, 2005. **REQUIRES MOTION.**

Moved by CM Miller, second by Lukacs, to increase the City Treasurer salary from \$8,500.00 to \$9,000.00 effective 12/1/05. Motion carried.

12. **Brown City Clean-Up Days:** Recommend the City Council approve Brown City Clean-Up Days for October 17-19, 2005. If approved, the pick-up of metal bulk items and appliances would be Monday October 17<sup>th</sup>, and the rest of the bulk pickup will be collected on Tuesday and (if required) Wednesday. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee, to schedule Clean-Up Days for October 17-19, 2005. Motion carried.

13. **Hydrant Flushing:** Recommend Council approve the week of September 26<sup>th</sup> for hydrant flushing. **REQUIRES MOTION.**

Moved by CM Lee, second by CM Navock, to schedule the week of September 26, 2005 for hydrant flushing. Motion carried.

- 14. Halloween Hours:** Recommend the City Council approve Trick-or-Treat hours of 5:30-7:30 PM for Monday, October 31<sup>st</sup>, 2005. The police department will have officers on duty in the evening of both October 30<sup>th</sup> and 31<sup>st</sup>. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee, to approve Trick-or-Treat hours of 5:30-7:30 pm for Monday, October 31, 2005. Motion carried.

- 15. City Council Committee Meeting Minutes:** Michigan State Law requires that minutes be taken and retained for all City Council Committee meetings. Committee Chairpersons are required to either take these minutes or appoint another member of the committee to do so, and they are then presented to the City Council for review. These minutes are also used by City Staff to compute the pay for Councilmembers attending their committee meetings. Therefore, please make sure to take minutes and turn them in promptly so pay can be computed.

- 16. Special Assessments:** Provisions under state law and City Ordinance Sections 5308 and 15.100-15.2600 allow the City to add fees and assessments owed to the City as of August 30<sup>th</sup> to be added to the individual's Winter property taxes as Special Assessments. The City Council must authorize this money to be collected as Special Assessments and the Parcel Numbers and dollar amounts must be placed in the local newspaper to allow property owners to pay the amounts owed instead of having them placed on their taxes. A list of the requested Special Assessments is included in your packet. The total amount owed the City at this time is \$2,365.66. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lukacs, to authorize Special Assessment monies totaling \$2,365.66, to be collected and the Parcel Number and dollar amount placed in the local newspaper to allow property owner to pay the amount owed instead of having them placed on their taxes. Motion carried.

- 17. Hurricane Katrina/New Orleans Support:** Cities and communities from around the United States have dispatched public safety personnel to assist New Orleans in the wake of Katrina. City Police Chief Ron Smith has requested that the City grant him the opportunity to go with some other Michigan police officers to New Orleans to provide public safety and patrol support. Following consultation with the Mayor, Police Committee Chairperson and the Personnel Committee, permission for him to support this operation was granted. He has requested to use personal days for the time he will be out of state (September 19<sup>th</sup> - October 3<sup>rd</sup>). Does the City Council wish to grant him paid time off to do this for some period of time between 1 and 10 days (rather than have him use his personal days) or contribute toward the purchase of the special uniforms he must wear in New Orleans? **REQUIRES MOTION** to approve paid time off or uniforms.

Moved by CM Navock, second by CM McIvor, to grant Chief Smith five (5) days of ten (10) off for public safety assistance in New Orleans. Motion carried.

- 18. Community Recreation Plan (RECPLAN) Request For Proposals (RFP):** The current 5-year RECPLAN expired in 2004. The DNR will not approve recreation grants for communities that do not have a valid and DNR-accepted RECPLAN. An RFP was developed to update/amend the RECPLAN. The Park Board approved its content and requested that the City Council approve its release. A copy of the RFP is attached. **REQUIRES MOTION.**

Moved by CM Blatt, second by CM Miller, to direct City Manager to release RFP for the Community Recreation Plan. Motion carried.

- 19. M-53 Corridor Committee:** I plan to attend the next meeting of this group scheduled for Wednesday, September 14<sup>th</sup> at 10 AM at the Goodland Township Hall.
- 20. Knox Disposal Contract:** City previously approved a 3 year contract with Knox Disposal which entailed a \$3.09 raise in rates, per quarter, per household. Does the City wish to absorb any or all of this increase to consumers due to the recent increases involving arsenic removal? **REQUIRES MOTION.**

Moved by CM Lukacs, second by CM Navock, for the City General Fund to absorb the \$3.09 per quarter, per household increase for trash removal until further notice. Motion carried.

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

1. Lease agreement with Tri-County Bank and Methodist Church has been reviewed. Agreements need to be updated and reviewed by all parties.

Moved by CM Lukacs, second by CM Blatt, to direct City Attorney to update Tri-County Bank and Methodist Church lease agreements. Motion carried.

#### **COMMITTEE REPORTS:**

1. Police – CM Miller commends Chief Smith for taking his personal time to help others in Louisiana.
2. Water and Sewer – none.
3. Tax and Finance – none.
4. Streets and Sidewalks – none.
5. Buildings and Grounds – none.
6. Personnel – review of committee minutes and discussion regarding finalization process for IUOE Local 324 Agreement.

Moved by CM Lukacs, second by CM Navock, to approve, subject to final review and approval of attorney, the IUOE Local 324 Agreement. **ROLL CALL VOTE:** Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

Moved by CM Lukacs, second by CM Miller, to approve the non-union employee wage adjustments. Motion carried.

Reminder that all City Manager Evaluations need to be turned into Mayor Carpenter by 9-16-05. One number rating per category for each section.

7. Homecoming – Update on T-shirt contest and Recipe Collection.

**GENERAL CONCERNS OF COUNCIL:**

Discussion concerning Planning Commission versus City Council duties regarding building permits. City Manager will investigate questions and review.

**MAYOR'S REPORT:** None.

Moved by CM Miller, second by CM Lee, to adjourn at 8:55 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk