

**BROWN CITY COUNCIL PROCEEDINGS
NOVEMBER 13, 2006**

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

Pledge of Allegiance led by Mayor Carpenter.

PRESENT: Mayor Laura Carpenter, Councilmembers: Leon Blatt, Mike Lents, Ross McIvor, Julie Miller, Ron Wood; City Manager Clint Holmes, City Attorney Greg Stremers, City Clerk Kelly Pavel.

ABSENT: CM Christine Lee.

ADDITIONS, CORRECTIONS & DELETIONS TO AGENDA: None.

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of October 23, 2006 as presented. Motion carried.

PAY BILLS:

Motion by CM Blatt, second by CM Miller, to pay the bills in the following funds: General - \$25,464.05, Payroll - \$25,368.08, Major Street - \$210.94, Local Street - \$195.94, Sewer - \$3,627.95, Water - \$8,321.62, Arsenic Abatement - \$1,000.00, Equipment - \$943.73. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

County Commissioner Bill Walters congratulated the Mayor, City Clerk, City Treasurer and Councilmembers on their re-election. Questioned if Ken Brown, as a newly elected councilperson, can retain the other appointments he currently holds. City Manager states that Mr. Brown can still serve as the Planning Commission Chairman, but must research with the City Attorney whether Mr. Brown can continue serving on the Board of Review.

PERSONAL APPEARANCES: None scheduled.

POLICE REPORT:

Written report reviewed. No questions or comments.

OLD BUSINESS:

1. Bullock Project – completed (except for moving dirt to the Park). City Manager provided update on the work. City Manager intends to get a signed document from Mr. Bullock stating that he agrees the work is complete.
2. Codification of City Ordinances – Attorney review pending.
3. Arsenic Abatement – Funding application must be complete by 2-1-07.

PUBLIC HEARING: None scheduled.

RESOLUTIONS: None scheduled.

PETITIONS & COMMUNICATIONS:

Motion by CM Blatt, second by CM Wood, to accept the pre-application building permit for 4174 Main Street to replace existing sign with a 4' x 6' lighted sign. Motion carried.

Motion by CM Blatt, second by CM McIvor, to accept the pre-application building permit for 7158 Lincoln Street to construct a 30' x 40' pole barn as well as for the demolition of the existing garage. Motion carried.

ORDINANCES: None scheduled.

MANAGER'S REPORT:

- 1. August 3-4 Flood:** The Inter-County Drain Commission met here on Wednesday, October 25th. The survey and engineering evaluation of the Lapeer-Sanilac Drain from a half-mile east of Cade Road to Peck Road was completed. Copies of the report are enclosed. The primary concern raised is that the amount of impervious surface in Brown City has increased 12% - equivalent to paving 40 acres - since the drain was completed. The bulk of this is from the school, which directs their runoff into the drain west of the railroad. The drain is "adequate for a 10-year storm." In Michigan, a 10-year storm is defined as 3.25" of rain (25-year=3.62", 50-year=4.13" and 100-year=4.62"). By definition, a "100-year storm" is an event of the magnitude that has a one percent (1%) chance of occurrence in any given year. Perhaps more accurately, it should be called a "1-in-100 chance storm." The rain event on August 2/3, 2006 was classified as "a storm of record." Discussion included concerns that culverts downstream were undersized. The engineer also reported that he sent the information concerning the culvert under the railroad tracks in Brown City to Huron & Eastern for analysis. Three issues were decided at the meeting: 1. Direct the engineer to continue the survey from Peck Road to the beginning of the MacDonald Drain; 2. Continue cleaning the drain north of Brown City and using maintenance funds to replace at least three 48" culverts downstream with larger ones; and 3. Replace the culvert under the railroad tracks behind the school in Brown City. As reported previously, the City's responsibility is to purchase the required 72" X 112' culvert (\$146.45 per foot or \$16,402.40). How does the City Council wish to proceed?

City Manager explained that monies are available in the Sewer Reserve Fund. CM Lents questioned if this project is ready to move or is work hinging on the City making the purchase of the culvert. City Manager explained projected work schedule. Taking advantage of the cost sharing appears advantageous for the City.

Motion by CM Lents, second by CM McIvor, for the City to enter into the project of replacing the culvert underneath the railroad and committing to purchase the needed culvert for approximately \$16,402.40. Motion carried.

2. **Copy Machine:** The City's eight-year-old copy machine immolated itself on October 25th after making almost 400,000 copies. Cost of repair was estimated at \$2,500. This is after spending also \$2,000 in repairs since June 2004. Bids were requested from Standard Office Supply and a local vendor. Standard was slightly cheaper, agreed not to charge us for the last service call they made (about \$200), and had a machine on-hand. Total cost, including delivery, set-up and disposal of the old machine, was \$3,950.
3. **Exchange Bank:** The design of the proposed Exchange State Bank building on the corner of Cade Road and M-90/Main Street continues. Advice was requested from the City's Planning Commission, and coordination with MDOT continues. Expect the architect to present completed site plans to the Planning Commission for their December 7th regular meeting. Review by the DDA will be scheduled when the plans are available. Primary issues at this time include ingress and egress, since MDOT is blocking installation of a Main Street driveway because it would be within 150' of the corner, and stormwater drainage.
4. **Liquor Control Commission:** The LCC inspector met with the person purchasing the old pharmacy building, the buyer's and seller's real estate agents and me on November 6th. License is being transferred from the old pharmacy for the sale of beer and wine (SDM) and liquor (SDD) for "consumption off the premises only." The LCC license transfer will finalize soon, and has apparently approved a license to sell firearms. The property is expected to close on November 15th. Once the sale is complete, the new owner expects to begin remodeling immediately. Building permits were approved earlier this year.
5. **Sanilac County Economic Development Corporation:** The SCEDC has produced a Progress Report detailing their accomplishments and goals and a cover letter citing strategic initiatives and requesting payment of our annual dues. Also included is an email providing a short overview of the Sanilac County Tourism Development Council (pink). The EDC is asking for volunteers to participate in the tourism initiative/task force. Does the City Council have any recommendations?
6. **Halloween:** The Brown City Police Department reported that there were no incidents in the City on either Halloween or the night before.
7. **Detroit Edison vs. Brown City:** Detroit Edison sued all the governmental units in their service area that assess and tax Detroit Edison property. The City received a copy of the Consent Agreement (gold) presided over by the Michigan Tax Tribunal. The document has been reviewed by the City Attorney and approved/signed by the City's Appraiser. The agreement requires the City to use the 2005 appraisal table. The City is already doing this and the table is included in the software currently in use by us. There is no tax refund to Detroit Edison required. The cost to the City of this Consent Agreement should

be limited to the postage necessary to mail it. In addition to the assessor's signature, the Mayor and Treasurer must also sign. Recommend the City Council approve the Consent Agreement and allow the Mayor and Treasurer to sign on behalf of the City.

Motion by CM Miller, second by CM Wood, to approve the Consent Agreement from the Michigan Tax Tribunal, be signed by the Mayor, Treasurer and City Clerk. Motion carried.

- 8. Snow & Ice Control Policy:** The DPW Supervisor requested that the City implement a Snow and Ice Control Policy. Following review of other Snow and Ice Control Policies from around Michigan, a proposed draft policy was created. This draft plan is attached (orange). How does the City Council wish to proceed on this issue?

Motion by CM Wood, second by CM McIvor, to hold a Streets and Sidewalks Committee meeting on Wednesday, November 11th at 10:00 a.m. to discuss the draft Snow and Ice Control Policy. Motion carried.

- 9. 2005 Street Program:** The City's acting City Engineer has completed the final inspection of the streets replaced by Boddy Construction – James and First Streets. He stated that the work has been completed satisfactorily recommends that the City make the final payment on the project. Anticipate the final invoice from Boddy Construction within the next couple of weeks. A copy of the final approval letter is attached (purple). The anticipated final payment should be just under \$9K.

- 10. Thanksgiving Holiday:** City Hall will be closed on Thursday November 23rd and Friday, November 24th in honor of Thanksgiving.

- 11. Parkside Drive Snow Removal** – Al Teriak, Parkside Drive resident is questioning the procedure for snow removal this year on Parkside Drive. Last year's decision was to have the City plow the street on an emergency basis, track the number of hours for personnel, equipment and materials and bill the owner.

Motion by CM Miller, second by CM Blatt, that City continue snow removal on Parkside Drive on an emergency basis this winter season and to bill the owner as has been done in the past. Motion carried.

- 12. Fire Authority** – Attended Risk Management review by representatives from the Michigan Community Underwriters insurance company along with the Fire Chief. Expect to receive a report within the next few weeks. A copy will be provided to the Council for their review. Overall, this periodic review went very well.

- 13. DPW Garage Door Replacement** – DPW Supervisor has requested the replacement of two (2) of the garage doors at the DPW Garage because of their poor condition. He has received a bid from the Almont Overhead Door Company of \$732.80.

CM Wood recommended the City Manager seek additional bids for the purchase and installation of overhead doors. City Manager will seek bids.

Motion by CM Blatt, second by CM McIvor, to proceed with DPW garage door replacement based on the lowest price found by the City Manager. Motion carried.

- 14. Annual Fire Authority Christmas Party** – the Fire Authority is again planning their annual Christmas Party and the council is invited to attend. This will be held on Saturday, December 2, 2006. I need to provide a headcount by the end of this week to the Fire Chief.

ATTORNEY’S REPORT:

Codification of Ordinances will be complete soon. City Attorney noted the ease of using this new system and is confident that the Council will be pleased with the new process.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – Discussed October 30th Committee meeting.

Motion by CM Lents, second by CM McIvor, to schedule a Water and Sewer Committee Meeting for Monday, November 20th at 5:30 p.m. Motion carried.

3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – none.

GENERAL CONCERNS OF THE COUNCIL:

Motion by CM Miller, second by CM McIvor, to reschedule the second City Council meeting for the month of December from the 25th to December 18, 2006 at 7:00 p.m. due to the second Monday of the month falling on Christmas Day. Motion carried.

MAYOR’S REPORT:

Mayor Carpenter read aloud a letter received from Ric Bucklew, President of Tri-County Bank and a thank-you card from the family of former Brown City Police Chief Fred Maurer.

PUBLIC QUESTIONS & COMMENTS: None.

Motion by CM Miller, second by CM McIvor, to adjourn at 7:43 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk