

**BROWN CITY COUNCIL MEETING  
APRIL 24, 2006**

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

Pledge of Allegiance led by CM Miller.

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

**ABSENT:** None.

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

**CORRECTION AND APPROVAL OF MINUTES:**

Correction on page 3 of 6 under City Treasurer's Report, motion to read "**monies will be from the Treasurer's Tax Account**"

Moved by CM Miller, second by CM Lee, to approve the Regular Meeting Minutes of April 10, 2006 as corrected. Motion carried.

**PAY BILLS:**

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$1,812.42, USDA Rural Development - \$48,073.31, Payroll - \$12,995.81, Major Street - \$564.00, Sewer - \$516.84, Water - \$1,646.16. Motion carried.

**PUBLIC QUESTIONS AND COMMENTS:** None.

**PERSONAL APPEARANCES:** None scheduled.

**DPW REPORT:**

CM Miller questioned 90 hours for cold patching and wanted to know where this work was done. City Manager stated the work has been done all over town. CM Wood and CM Miller stated their concern that this seems like a lot of hours for what appears to have been done in town.

**OLD BUSINESS:**

1. Bullock Project – nearing completion. Comcast has offered to pay for the field tile if the City would fill in the ditch on the north side of the water tower.

Discussion regarding tile size and engineering necessary to fill in the ditch.

Council consensus that the ditch be filled in if Comcast will pay for the materials if the City Manager can confirm that the City Engineer has no objections.

2. Codification of City Ordinances: See Manager's Report Item #3.
3. Appointment of a resident or business owner to the DDA (until 12-31-08).
4. Appointment of a resident to the Cemetery Board (until 12-31-10).
5. Arsenic Abatement – Review plans & estimates & forward to DEQ.

Preliminary estimate received and reviewed for Arsenic Abatement. Council consensus that this estimate be forwarded to DEQ as required by the Administrative Consent Order.

**RESOLUTIONS:** None Scheduled.

**PETITIONS & COMMUNICATIONS:**

Moved by CM Blatt, second by CM Wood, to accept the pre-application building permit for 4212 Fourth Street for roof repair and new shingles. Motion carried.

Moved by CM Blatt, second by CM Lee, to accept the pre-application building permit for 4340 Main Street to install a privacy fence. Motion carried.

**ORDINANCES:** See Public Hearing scheduled for 7:15 p.m.

**TREASURER'S REPORT:** None.

**ATTORNEY'S REPORT:**

Review of fireworks contract, telephone conference took place between City Manager and Pat Jacobson, Homecoming Committee member. Contract is complete and ready for signatures.

Brown City Community Park Association agreement is complete. Discussion and background from City Attorney. Noted that the words "property" and "significant" in paragraph #3 were added to this agreement after Attorney approval. His concern is that these words could be ambiguous.

**PUBLIC HEARING:**

Mayor Carpenter opened Public Hearing at 7:15 p.m. for Proposed City Ordinance 8170.4 – Land Use Application Approval.

No public questions or comments.

Public Hearing closed at 7:16 p.m. by Mayor Carpenter.

CM Miller introduced Ordinance 8170.4 – An Ordinance to Amend the Brown City Code by Adding a New Subsection which shall be known as Subsection 8170.4 to Chapter 8, Article XVII of said Code – Limited Land Use Application Approval.

City Attorney asked if Ordinance 8170.4 has been published. City Manager stated yes, for two consecutive weeks in *The Banner*.

Moved by CM Miller, second by CM McIvor, to adopt Ordinance 81.4 – An Ordinance to Amend the Brown City Code by Adding a New Subsection which shall be known as Subsection 8170.4 to Chapter 8, Article XVII of said Code – Limited Land Use Application Approval.

ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

### **CONTINUATION OF ATTORNEY’S REPORT:**

Resumed discussion regarding the BCCPA contract. At the April 13<sup>th</sup> meeting of the Park Board of Directors (PBD), the recommendation was made to add the words ‘property’ and ‘significant’ to paragraph number three on page three of the contract. The PBD thought that this amendment would reduce ambiguity and better define respective responsibilities. City Attorney concerned that ‘property’ could include more than just land; he was also concerned that there was no definition for the word ‘significant.’ City Council decided to amend the paragraph as follows:

3. No addition to the park **real** property may be made without the consent of the “CITY” through the City Council. The “CITY” will have the final judgment as to what, if any, significant additions or improvements **in excess of \$500** are made to the park during the term of this lease.

Moved by CM Miller, second by CM Lee, to accept the BCCPA contract as amended. Motion carried.

City Attorney reminded the City Council of the Consent Judgement regarding the Bullock case.

### **COMMITTEE REPORTS:**

1. Police - none
2. Water & Sewer - none
3. Tax & Finance - none
4. Streets & Sidewalks - none
5. Buildings & Grounds - none
6. Personnel - none
7. Homecoming – next meeting is May 2, 2006 at 6:30 p.m.

City Manager reported on an issue raised by the project manager concerning the placement of benches as part of the Streetscape project. Existing benches are set in concrete that was not scheduled for demolition. Suggested that rather than remove the two existing benches at some unknown extra cost, the two contracted benches could be installed at other project locations.

The City Council agreed that one bench should be placed in front of City Hall and the other installed in front of Tri-County Bank Operations Center. This will bring the total number of benches in the downtown area to four (4).

### **PUBLIC HEARING:**

Mayor Carpenter opened the second Public Hearing at 7:30 p.m. for Special Land Use Permit – Home Day Care Center.

Mary Smith had concerns and questions regarding parking, numbers of children at daycare, and her driveway being blocked by customers, which she said was already a problem with Don Green's business.

Valerie O'Dell addressed the questions from Mary Smith, stating that she does not propose any more than 12 children and is willing to construct a new driveway off of Reed Street if necessary.

Don Green has concerns with children playing in the alley and possibly being hurt. Valerie O'Dell states that her backyard will be fenced in to avoid this situation.

Mayor Carpenter asked about planned business hours. Valerie stated that she is planning on 6:00 a.m. to 6:00 p.m. for daycare hours. Mary Smith has concerns about these early business hours interrupting this residential area.

Roger Swank also has concerns with traffic and parking situations. He states that he relies on the Council to maintain and enforce city ordinances and zoning to maintain residential neighborhood.

Mayor Carpenter closed the Public Hearing at 7:38 p.m.

Discussion regarding existing daycare facilities in residential areas.

CM Wood has concerns about granting this Special Land Use Permit when neighbors are reluctant to allow this change.

Moved by CM Wood, second by CM Lents, to **DENY** a Special Land Use Permit for a Home Day Care Center at 7084 Reed Street. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

### **MANAGER'S REPORT:**

- 1. 2006 Streetscape:** As expected, a few issues have presented themselves. Apparently, the Main Street sidewalk was built on top of an older one, requiring the removal of two layers of sidewalk. This will add about \$2,000 to the cost of the project, but negotiations are continuing with MDOT to minimize the financial impact on the City. Additionally, the stumps from some of the trees removed earlier on Main Street required removal so as not to

interfere with the finish grade of the sidewalk. Issues concerning the placement of the catch basins were resolved.

The contractor is planning to pour the sidewalks the first week of May or as soon as Detroit Edison has installed the streetlights and associated electrical conduits. A chart of the colors available for dyeing the concrete is in your packet. The process consists of two steps, one is coloring the concrete, and then applying a release agent. The release agent can be either the same color or a darker than the sidewalk. The release agent, in addition to adding color, keeps the pattern from sticking in the concrete. There are different of patterns available, and samples of the herringbone and cobblestone are also in your packet. Recommend the City Council select a color for both the concrete and release agent, and a pattern, so the contractor can set up the test pour for the end of the week. **REQUIRES MOTION.**

Moved by CM Miller, second by CM Lee, to pour new sidewalks with Maple Buff-colored concrete and Dark Walnut-colored release, per the contractor's recommendation, and use the Cobblestone pattern. Motion carried.

2. **2006 Streetscape Cost Sharing:** Main Street business and property owners were sent letters concerning their estimated cost of the sidewalk portion of the 2006 Streetscape Project on April 12<sup>th</sup>. Letters included the total cost of replacement in front of their businesses and their portion of the cost based on the spreadsheet presented at the last meeting.
3. **Codification of City Ordinances:** American Legal Publishing is finishing the second draft of the City's Ordinances. They will forward the document to us as soon as it is complete.
4. **City Web Page:** I met with a representative from iCompass, a company that wants to expand to Michigan, about building and hosting a Brown City web page. Usual cost for a community our size is \$3,000; however, they would expect to charge only about \$1,000 if the City will provide a letter of recommendation signed by the Mayor. A list of sample web sites done by iCompass is in your packet if you want to look at any of them. Contact with Great Lakes in Crosswell revealed they will provide very basic information on a City website for free. Access to minutes, ordinances, pictures, services, economic development information, contact and e-mail addresses would be extra. A bid is not yet available from Great Lakes.  
  
CM Lents suggests that a bid be sought from Great Lakes, as well as investigating any annual upkeep and/or maintenance fees. City Manager will provide a sample web site on paper for council review. City Hall is compiling a FAQ sheet as well.
5. **Main Street Speed Study:** A copy of the study is not yet available to the City. However, MDOT and the Michigan State Police scheduled a meeting on May 12<sup>th</sup> with the Police Chief and I to discuss the results of the study.
6. **Street Sweeper Rental:** If there is no objection from the City Council, the City of Marlette has agreed to provide street sweeping services the week before Homecoming. They were requested to sweep all of the paved streets in the City with the exception of Main Street/M90. Cost should be less than \$2,500. DPW Supervisor suggests that only curbed street be swept.

CM Wood suggests that the current street sweeper be examined to see how possible it is to complete city street cleaning before contracting Marlette to do the work. He suggests that at a minimum the Streets and Sidewalks committee examine the current street sweeper the City owns.

7. **Sanitary Sewer TV Inspection:** Requests for proposals were sent to six area companies that provide this service on April 11<sup>th</sup>. Bids are due May 18<sup>th</sup> for review by the City Council on May 22<sup>nd</sup>.
8. **Brown City Sanitary Sewer Lagoons:** Synagro and Biotech Agronomics both submitted bids for biosolids sampling, to determine if the material is suitable for land application, and to estimate gallons of sludge in Cells #1 and #2. Synagro will analyze for three metals and nutrients plus two fecal coliform tests for \$2,280. Biotech proposes to collect four sets of sludge samples for total metal and nutrient testing, plus seven grab samples to determine the level of fecal coliform, for \$3,950. Biotech also proposed a second phase that would include MDEQ permits, land owner contracts, and an application plan for \$3,500. How does the City Council wish to proceed? A contract with either company **REQUIRES MOTION**.

CM Wood discussed an additive that is added to lagoon systems that North Branch and Yale currently use. He suggests this process be investigated. Suggestion that Water and Sewer Committee investigate this process further.

9. **Brown City Park Association Agreement:** Following detailed review by the City Attorney, the lease agreement with the Brown City Park Association was approved at their meeting on April 13<sup>th</sup>. A copy of the document is in you packet. Recommend the City Council approve the lease retroactive to January, 2006, and authorize the Mayor and City Clerk to sign the agreement on behalf of the City. **REQUIRES MOTION**.
10. **Homecoming Fireworks:** The Homecoming Commission approved a contract with Kundis Fireworks Display Shows for June 10<sup>th</sup>. The City Attorney has reviewed the contract. The Commission requests that the City Council authorize the Mayor and City Clerk to sign the contract on behalf of the Commission. **REQUIRES MOTION**.

Moved by CM Blatt, second by CM McIvor, to allow that Mayor and City Clerk to sign the contract with Kundis Fireworks Display Shows. Motion carried.

11. **Comcast:** An e-mail was sent to the General Manager of Comcast, Tom Lerash, to determine the status of the promised upgrades. A copy of his response is in your packets.
12. **Sanilac County Economic Development Corporation:** The Board of Directors met on April 20<sup>th</sup> in Sandusky. A copy of the EDC prospectus "Forging A Bold New Future" is available for your review. Due to a recent resignation, there are now three vacancies on the Board. If you know anyone who would be interested, I would be happy to forward the name to the EDC. Also, the EDC is in the process of setting up a non-profit organization in order to be eligible for additional grant money. The group is reviewing possible names for this

new corporation and is seeking suggestions. Also, the EDC is setting up a committee to evaluate Sanilac County businesses for fund raising purposes. This 'Evaluation Committee' will only meet one or at most two times for about 90 minutes, and needs 7-8 area business leaders to volunteer and participate. Having a Brown City business owner on this committee could be a good idea. Does the City Council have any recommendations?

- 13. Police Computer:** The police computer smoked itself. The power supply was replaced with a spare but the machine would still not even boot up. An appropriate replacement was on sale in Flint and purchased for about \$400. I was able to transfer the police databases to the new computer.
- 14. Downtown Development Authority:** The DDA met on April 20<sup>th</sup>. A copy of the minutes is in your packet.
- 15. Renaissance Zone Fill Dirt:** City Manager was approached by Bob Kohler regarding dirt from Renaissance Center to be used for the Catholic Church. He would be responsible for moving the dirt.

Moved by CM Wood, second by CM Blatt, to allow any excess dirt from the City's Renaissance Zone property to be removed for use as fill at the site of the new Catholic Church. CM Lents-abstain. Motion carried.

CM Wood discussed MAC's concerns for one way street next to Llink Technologies. MAC is interested in this street being returned to a two way street before the harvest season of wheat. Wood is suggesting that Llink begin providing their own parking. Suggestion that previous minutes be reviewed to investigate any time restrictions that were possibly applied.

#### **GENERAL CONCERNS OF THE COUNCIL:**

CM McIvor stated that 31 couples participated in the Homecoming Bowling fundraiser.

**MAYOR'S REPORT:** None.

#### **PUBLIC QUESTIONS & COMMENTS:**

Moved by CM McIvor, second by CM Lents, to adjourn at 8:25 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk