

**BROWN CITY COUNCIL MEETING
MAY 22, 2006**

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

Pledge of Allegiance led by City Attorney Gerard Garno.

PRESENT: Mayor Laura Carpenter, Council members: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee (arrived 7:03), Leon Blatt. 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:

Motion by CM Miller, second by CM McIvor, to accept the Regular Meeting Minutes of May 8, 2006 as presented. Motion carried.

PAY BILLS:

Motion by CM Blatt, second by CM Miller, to pay the bills in the following funds: General - \$16,726.33, Payroll - \$13,199.46, Major Street - \$36.23, Sewer - \$643.19, Water - \$903.32, Arsenic Abatement Fund - \$7,860.82, Equipment - \$1,559.03. Motion carried.

PUBLIC QUESTIONS AND COMMENTS: None.

PERSONAL APPEARANCES:

Ray Dupie requested permission to use the City property on the east side of the City parking lot on Second Street for the Brown City Rotary Chicken Dinner on June 8th.

Motion by CM McIvor, second by CM Blatt, to allow Ray Dupie to erect a tent, and assemble equipment for the Rotary Chicken Dinner during Brown City Days adjacent to the City parking lot on Second Street. Motion carried.

The owners of 4220 Third Street, who had been requested to appear before the City Council to discuss their request to park a truck on their property, provided a letter to the City Council saying they could not attend the meeting due to a prior engagement.

City Manager explained dollar amount change requested by the Brown City Park Board to their lease agreement with the City. They requested that Item #3 read "significant

additions or improvements in excess of **\$5000.00** are made to the park during the term of this lease”

Motion by CM Miller, second by CM McIvor, to approve the BCCPA agreement with the change under Item #3 to read \$5,000.00 instead of \$500.00. Mayor and City Clerk to sign agreement on behalf of the City. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. Motion carried.

DPW REPORT:

CM Wood asked for a report from the DPW Supervisor explaining where cold patch has been placed around town.

CM Miller questioned DPW hours involved in asphalt preparation for Main Street paving. City Manager will research.

Written report reviewed. No further questions or comments.

OLD BUSINESS:

1. Bullock Project – nearing completion. No response from Comcast concerning the field tile. City Manager updates on project and fees at this time. City Manager requesting decision regarding topsoil for Mr. Bullock.

Council consensus to provide 40 yards of topsoil to Mr. Bullock coupled with an agreement that this delivery completes his requirement for fill dirt.

2. Codification of City Ordinances – Pending receipt of draft.
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 – Preliminary plans forwarded to DEQ.

RESOLUTIONS: None scheduled.

PUBLIC HEARING: None scheduled.

PETITIONS & COMMUNICATIONS: None.

ORDINANCES:

Ordinance 8300-Conditional Zoning Ordinance introduced by CM Lents.

Motion by CM Blatt, second by CM Miller, to schedule a Public Hearing for June 12, 2006 at 7:15 regarding Ordinance 8300. Motion carried.

TREASURER’S REPORT:

Update on class City Treasurer is attending regarding tax bills.

MANAGER'S REPORT:

1. **2006 Streetscape:** The project is basically on schedule and should be complete by May 26th. However, Detroit Edison is the subcontractor responsible for installation of the streetlights and the associated wiring. Calls to Detroit Edison by the contractor, Project Manager, MDOT and me have not resulted in a completion date from Detroit Edison. We will continue to try and get them off the mark. The curbs, gutter, driveway approaches, sidewalks and handicap ramps are complete. Driveway approach adjacent to VFW Park needs backfill. The schedule was to begin repaving Main Street on May 18th, but the work cannot be done in the rain (asphalt will not stick). They plan to finish the paving by May 24th if the weather cooperates. We are also working with MDOT to repair the thin spots on Main Street such as the one in front of the BP Station. Once paving is finished, installing six trees and streetlights will complete the project.

2. **Homecoming Insurance Issues:** Planning for the event is on track. The Commission had a special meeting on May 16th to go over details. They will have another special meeting on May 30th. The City is providing security, barricades and other material support. Multiple discussions with the City's insurance carrier revealed they have concerns with some Homecoming activities. They are also concerned about liability waivers (or lack thereof) used by the Brown City Days / Homecoming Commission. The insurance company provided six sample liability waivers. They were modified to make them specific to our events. The final copies were then provided to the Homecoming Commission for distribution. However, in order for the T'n'R Tire-sponsored burn out to take place on Industrial Drive; the City Council must formally close the road for public use by motion. **REQUIRES MOTION.**

Motion by CM Miller, second by CM Lee, to officially close Industrial Drive for public use during the scheduled burnout event during Brown City Days. Motion carried.

3. **Police Issues:** The City has worked a deal with Port Sanilac for Homecoming. They will provide an officer with vehicle at no cost if we agree to provide an officer for their festival in July. Since we will only have three officers available instead of the six we had last year, this is a good deal. I have directed the Chief to contact Marlette, Lexington and Croswell to see if a similar deal can be made with them.
The City's workers compensation insurance carrier recommended that police take the State Police Pursuit Driving Course. This training is available and with a partial grant would cost \$310 per officer. Cost includes room, board and vehicle. A slot is available in October and one in November. Training is 40 hours and would require scheduling adjustments.

Council consensus to proceed with State Police Pursuit Driving Course training.

4. **City Web Page:** The initial information for the City's web page was provided to Great Lakes internet. I have an appointment with them in Croswell on May 24th to discuss final layout and provide information such as minutes, etc. Expect the web page to be up and running fairly soon. If Council members desire a short biography, please let me know.
5. **Lagoon Windmills:** The Sewer and Water Committee requested additional information concerning lagoon windmills. An exhaustive search of the Internet located one other company besides Koenders that makes a similar type of light duty windmill for lagoon aeration, but at slightly less cost. At the other end of the spectrum, is the Accel-o-fac Mark 3 at about \$25K. I have found no municipalities that have used the Koenders on a lagoon our size. Pigeon, Michigan has used the Accel-o-fac for years and just bought six of the new Mark 3's; their DPW Supervisor really likes them (and does not add bacteria).
6. **Sanilac County Economic Development Corporation:** The 'Target Industry Study' presentation was May 11th. The EDC Board may approve the \$126,000 study in June if the State of Michigan agrees to provide a grant for a portion of the study. See the attached Sanilac County News article for other details of the meeting.
7. **M-90 Speed Study:** The Police Chief and I met with representatives from MDOT and the State Police. The study was requested to reduce the speed limit from Maple Valley Road east to the City limits at the request of Llink Technologies, but was required to include all of Main Street. Even though average speeds were HIGHER on Main Street than during the studies in 1993 and 2002, the speed limits will not change. Attached is a copy of the report.
8. **Sidewalk Replacement:** The sidewalk section replaced in front of The Hair Studio / Thrift Shop in the F&AE Mason Building cost \$1,154.65, of which \$154.65 was to replace rotted shoring in the basement. Should the City's 50% share be \$500 or \$572.95? Ken Brown, Mason representative stated that the Masons are willing to pay entire cost of shoring work. City will be billing Masons for \$654.65.
Also, a section of sidewalk in front of Great Reflections was replaced at a cost of \$950. Is there any objection from the City Council to paying the City's \$475 share? No objections from City Council to pay the \$475.00.
9. **Tree Removal & Survey:** During last week's windstorm, a branch fell from a tree and damaged a pickup truck at 4320 Maple Street. The tree was on the list to be removed in 2006. Since it is apparently an immediate danger, I contacted Owen Tree Service to inspect the tree and they gave the City an estimate of just under \$1,000 for its removal.

Also, I contacted Frank Lukacs to inspect all of the trees on City right-of-ways and compile a list of those that should either be extensively trimmed or removed. I will present the list to the City Council when Frank has it completed.

- 10. DEQ/EPA Arsenic Removal Facility Inspection:** A representative from the Michigan DEQ (Steve Ashford) and the US EPA (Tom Sorg) inspected the arsenic removal facility at Well #4 on May 9th. The EPA said that Brown City was the largest community to receive a demonstration plant. He also recommended reviewing the 66-page official report, which he said included cost figures. The cover sheet, table of contents and two-page abstract of this report is in your packet; the full report is available for review. The primary topic of conversation was the cost of replacing the adsorption media. The EPA agreed to pay for the first replacement, saving the City at least \$60,000. Also enclosed is a copy of the Sandusky Tribune article discussing Sandusky's new \$1,351,000 arsenic abatement facility becoming operational.
- 11. DPW Crew Leader Surgery:** Gary Gorsline scheduled hip surgery on June 13th. He requested 90 days for medical leave. Gary has a total of 49 days, including vacation (27) and sick/personal days (22). Because he allowed one of his licenses to lapse, unless he passes the next exam in October, the City will end his employment. Anticipate he will retire once his medical leave expires. I expect to gap the position, at least in the short term.
- 12. Blight, Tall Grass and Abandoned Vehicles:** The City mailed letters to local residents concerning violations of the City's blight, weed and tall grass, and abandoned vehicle ordinances. Violators usually have two weeks to comply, or they get a civil infraction ticket.
- 13. Sewer System TV Inspection and Cleaning:** The City received bids on May 18th to inspect the first of three City sewer mains. With six requests for proposals (RFPs) mailed, five were returned. No additional requests for RFPs resulted from the ad in the Sanilac County News or Construction News. Ryan's Modern Sewer of Grand Rapids submitted a NO BID. Inland Waters of Detroit estimated \$54,518.30. Michigan Pipe and Inspection of Port Huron came in at \$30,587.00. Doetsch Industrial Services of Warren submitted \$24,335.00. Metro Environmental Services of Walled Lake was the low bid at \$18,606.00. How does the City Council wish to proceed? **REQUIRES MOTION.**

Motion by CM Lents, second by CM Lee, to hire low bidder Metro Environmental Services of Walled Lake at the price of \$18,606.00 to complete the sewer system TV inspection and cleaning. Motion carried.

- 14. Annual Financial Audit:** CPA King will be here on May 30th & 31st to begin the annual audit.

15. **Greatlakes Internet:** Email received regarding their desire to switch antennas on the water tower. This information has been forwarded to Dixon Engineering for review. Inspection should be performed after installation of new antenna per Dixon Engineering. Greatlakes has agreed to pay the inspection fees.

Motion by CM McIvor, second by CM Blatt, to allow new antennas to be installed on the water tower by Greatlakes Internet, replacing the existing antennas, with the agreement that Greatlakes will cover the \$650 cost associated with water tower inspection after installation. Motion carried.

ATTORNEY'S REPORT:

Review of VFW lease was completed pro-bono.

Update on new zoning laws - Public Act 110. Public Act 110 should be considered when reviewing and discussing conditional zoning Ordinance 8300.

Preparation for review of Codification of Ordinances is taking place.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – review of Committee meeting minutes.

Motion by CM Lents, second by CM Wood, to hire Technichem, Inc at the price of \$18,387.00 to perform treatment and bio-reduction for the sanitary sewer lagoons. Motion carried.

Discussion regarding sanitary sewer lagoon windmills. CM Lents feels these windmills need to be purchased as soon as possible and requests that Tax and Finance Committee investigate monies available for this project. Recommended that this project be scheduled for next year at the latest.

3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – none.
7. Homecoming – Next meeting scheduled for May 30, 2006 at 6:30 pm.

GENERAL CONCERNS OF THE COUNCIL:

Water backup problem at Bob Krampien's property on 4th Street discussed. Situation has been investigated and DPW try and correct this apparent problem.

No parking signs on Maple Valley, across from Bud's Corner Restaurant are painted green. City Manager will discuss with MDOT.

Discussion regarding parking situation on Industrial Drive. CM Wood has questions regarding how long Llink Technologies will need parking available for employees along Industrial Drive and what was the agreement between Llink and the City.

Vacant building next to City Hall needs to be cleaned and windows washed before Brown City Days.

MAYOR'S REPORT:

Discussion regarding and offer that has been made and accepted for the Brown City Pharmacy Building. Individuals are proposing partitioning the building and housing a gun store on one side and a liquor store on the opposite side. More details to follow.

PUBLIC QUESTIONS & COMMENTS:

Bill Pepper requests that the VFW have permission to utilize a fire hydrant for individuals who need to spray off their vehicles after the scheduled mud bog during Brown City Days.

Motion by CM Wood, second by CM Blatt, to allow the VFW to use fire hydrant during Brown City Days mud bog. Motion carried.

Motion by CM Miller, second by CM Lee, to adjourn at 8:10 pm. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk