

**BROWN CITY COUNCIL MINUTES  
FEBRUARY 12, 2007**

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

Pledge of Allegiance led by Mayor Carpenter.

**PRESENT:** Mayor Laura Carpenter, Council members: Ron Wood, Ross McIvor, Mike Lents, Christine Lee, Ken Brown. City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Kelly Pavel.

**ABSENT:** Julie Miller arrived at 7:35.

**ADDITIONS, CORRECTIONS & DELETIONS TO MINUTES:** None.

**CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Lee, second by CM Brown, to approve the Regular Meeting Minutes of January 22, 2007 as presented. Motion carried.

**PAY BILLS:**

Motion by CM Lee, second by CM Brown, to pay the bills in the following funds: General - \$5,708.19, Payroll - \$13,594.27, Major Street- \$1,673.14, Local Street- \$1,075.43, Sewer - \$9,973.96, Water-\$16,919.72, Arsenic Abatement - \$4,275.00, Equipment - \$874.00. Motion carried.

**PUBLIC QUESTIONS AND COMMENTS:**

Fire Chief Jim Groat discussed the debris that was left from this past summer's Mud Bog will be cleaned up. He wants the minutes to note that this debris was not created by the property owners. The fire department will clean up this debris when weather permits.

**PERSONAL APPEARANCES:** None scheduled.

**POLICE REPORT:**

Written report reviewed. Chief Smith discussed that he has been receiving various complaints regarding snowmobile riders in town. Discussion regarding a route being established for snowmobile riders to follow. Typically riders are allowed to travel to and from the gas station only and not around city streets. Council consensus that a particular route be established and the public made aware of this route. To be discussed further, Mike VanCura has agreed to assist in developing this route.

**OLD BUSINESS:**

1. Bullock project – essentially completed.
2. Arsenic Abatement – Construction must begin by August 1, 2007.

**PUBLIC HEARING:** None scheduled.

**ORDINANCES:** None scheduled.

**RESOLUTIONS:**

1. 07-02 – A Resolution Allowing the Board of Review to Act Upon Written Requests from Taxpayers.

Motion by CM Brown, second by CM Lents, to accept Resolution 07-02, *A Resolution Allowing the Board of Review to Act Upon Written Requests from Taxpayers*. ROLL CALL VOTE: Wood=yes, Miller-absent, McIvor=yes, Lents=yes, Lee=yes, Brown=yes. Motion carried.

**PETITIONS AND COMMUNICATIONS:** None scheduled.

**MANAGER’S REPORT:**

1. **DNR Arbor Day Grant:** The City’s was one of fifty randomly selected applications awarded an Arbor Day Grant from the Michigan Department of Natural Resources in the amount of \$200. Once the trees are planted, paperwork needs to be submitted for reimbursement.
2. **Park Grant Request:** At their February 8<sup>th</sup> regular meeting, the Park Board decided to apply for a 2007 Michigan Department of Natural Resources Recreation Grant in the amount of approximately \$50,000. The grant request is for dredging and expanding the pond and sculpting the shoreline, trail enhancement, landscaping and dry hydrant installation at the request of the Brown City Fire Department. The Park is responsible for a 30% match. The Board has scheduled a Public Hearing for March 8<sup>th</sup>. They have requested the City Council provide a Resolution of Support for this project. Expect to have the proposed resolution of support for your review and approval at the March 12<sup>th</sup> City Council meeting. The City is not expected to participate financially.
3. **Railroad Culvert:** A local ditching contractor and I surveyed the land on the west side of the railroad tracks on February 7<sup>th</sup> to determine if a storm water diversion ditch could be built to relieve pressure on the Lapeer-Sanilac County Drain without replacing the culvert under the tracks. Unfortunately, elevation changes north of the school bus parking lot would seem to prevent that. However, a second culvert crossing the tracks was discovered that drains the fields east of the tracks into the ditch adjacent to the school’s school bus parking lot and playing fields. Apparently, when the bus parking lot and playing fields were built, the resulting additional storm water runoff was directed to Cade Road. The combination of these two storm water sources helps explain some of the flooding problems in the cemetery.  
A meeting with the Sanilac County Drain Commissioner on February 8<sup>th</sup> revealed no new information from the railroad concerning the culvert replacement. The discussion also included the added storm water diverted to Cade Road. He agreed to look at the area.
4. **Sanilac County Mutual Assistance Agreement:** The meeting of the Sanilac County Police and Courts Committee to review the Mutual Aid Agreement proposed by the

Sanilac County Sheriff took place January 22<sup>nd</sup> in Sandusky. The committee tabled the issue pending review and comment by the Sanilac County courts. A copy of the agreement will be presented to the City Council for review and possible approval once finalized.

5. **2010 Census – Local Update of Census Addresses (LUCA):** The US Census Bureau is gearing up for the 2010 Decennial Census. LUCA allows communities to participate in this process by reviewing the list of addresses the Census Bureau has on file to insure the list is complete to ensure a complete count. Among other things, accurate information is critical to Brown City for successful state and federal grants. The City can participate through one of three ways: Option 1 – Title 13 Full Address List Review; Option 2 – Title 13 Local Address List Submission; or Option 3 – Non-Title 13 Local Address List Submission. If the City wishes to participate in this program, Option 2 is probably best since it includes a list of addresses not just a count of addresses. The census schedule and more detailed overview of the Options is attached (lavender). The Census Bureau will request a decision from the City Council in July.
6. **Follow-up:** The following items were addressed as the result of questions from the last City Council meeting:
  - a. A copy of the free software program to rate the repair status of City streets (RoadSoft) requested from the Technology Development Group at MSU has not yet arrived.
  - b. Renaissance Zone Barn and Shed: The City's offer was discussed with the prospective buyer. Apparently he is still considering whether to undertake the project.
7. **Lagoon Training Class:** I am planning to attend a day-long course on sanitary sewage lagoon operations and maintenance scheduled for Wednesday, February 21 in East Lansing. The training includes an update from MDEQ.
8. **Brown City PEG Channel 6:** The character generator for Channel six stopped working on about January 23<sup>rd</sup>. Comcast provided a new (and different) replacement unit (at no cost to the City) on February 5<sup>th</sup> along with some formal training the next day. Staff is still in the process of getting items typed into the new system for broadcast on BCTV Channel 6.
9. **Beer and Wine Sales Request:** The City received notice from the Liquor Control Commission stating they had received a request from Kohler Convenience Stores for a Specially Designated Merchant (SDM) license to “permit the sale of beer and wine for consumption off the premises only.” The letter states that “local governing body approval is not required by the Michigan Liquor Control Code” but may notify the Commission “if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.” Copies of the Commission letter, the City Council minutes directing the response to the previous request and the resulting response letter are attached (chartreuse). How does the City Council want to respond?

City Council consensus to not respond to the LCC regarding this particular request from Kohler Convenience Stores.

10. **Well #3:** The DEQ department responsible for National Pollutant Discharge Elimination System (NPDES) permits has tentatively agreed to add the proposed water treatment plant to the City's existing permit resulting in an annual cost savings of about \$150. The City received a bid from Midwest Peerless (January 22 at 11:23 PM) to compare with the bid from Layne-Northern for the overhaul of Well #3. The quotation sheets are attached (Midwest – yellow / Layne-Northern – pink). How does the City Council wish to proceed? **REQUIRES MOTION.**

CM Lents suggested that the overhaul of Well #3 be further reviewed by committee, council agrees. CM Lents also requests that DPW Supervisor Kinney be present.

Water & Sewer committee meeting scheduled for 2-20-07 at 7:30 a.m.

11. **Burger Building:** The Brown City Masons have asked to use the Burger Building the second week of May for a fundraiser, and then again on June 9<sup>th</sup> for their child identification program. **REQUIRES MOTION.**

Motion by CM McIvor, second by CM Wood to allow the Brown City Masons to use the Burger Building the second week of May for a fundraiser and then again on June 9, 2007 for their child ID program. Motion carried. Brown-abstain.

12. **2006-2007 Final Budget Amendment:** Draft copies of the end of fiscal year budget amendment were provided to members of the Tax and Finance Committee. Request a meeting of the Committee to review the amendment and discuss requirements for the 2007-2008 Budget. The City's new budget must be approved before April 1<sup>st</sup>. **REQUIRES MOTION.**
13. **Dangerous/Explosive Gas Detector:** The City is required to have a dangerous/explosive gas detector for when employees are working in a confined space. The City's 10-year old current unit requires calibration. The last recalibration cost almost as much as a new one would cost to purchase. DPW has requested to purchase a new gas detector.

Council consensus that purchase vs recalibration of a gas detector be discussed at the scheduled Water and Sewer Committee meeting on 2-20-07.

14. **Revenue Sharing:** The governor has proposed increasing revenue sharing to cities in 2008. About 25% of the City's General Fund budget comes from this source. To be eligible for the increases, communities will be required to show service sharing with other municipalities. However, Lansing has not yet identified what services would qualify, but apparently programs currently in place will not be eligible. The police and fire departments were asked if they had any ideas concerning ways to better share resources.

## **ATTORNEY'S REPORT:**

No report.

## **COMMITTEE REPORTS:**

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – none.

Mayor Carpenter called a 10 minute recess at 7:30 p.m. Meeting resumed at 7:35 p.m.

Tax & Finance Committee Meeting scheduled for 2-20-07 at 1:00 p.m.

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

CM Lents has concerns that Ben's Supermarket is plowing snow into or near the County Drain. Concerns for rains and freezing and possibly blocking the drainage of ditch. Request that Ben's be asked to stop this practice and that the County Drain Commissioner be notified and determined whether this is a concern to the county.

CM Lents discussed his concerns for Exchange State Banks approach to building project in Brown City. He commends the Planning Commission and the DDA's approach to not proceed and table this issue. CM Lents stated that he believes this bank would be a detriment to the city and we need to put a stop to it right now; need to deny permit to build in Brown City right now and the council has an obligation to stop them.

City Attorney recommended the review process continue and that the city should follow the proper procedures.

Motion by CM Lents, second by CM Wood that any building permits be denied for Exchange State Bank building project. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-yes, Lents-yes, Lee-no, Brown-no, Mayor Carpenter – no. Motion denied.

CM Lents discussed his concerns with City Manager's job performance and is suggesting a fifteen day unpaid suspension be put into effect.

CM Miller questioned the ability to vote on information/job performance complaints regarding the City Manager that she is unaware of, and questioned why whole council was not informed.

Question if this matter should be reviewed by the Personnel Committee first. CM Lents stated that he chose to bypass the Personnel Committee with this issue due to his concerns for the issue not being responded to properly.

City Attorney Stremers reminded council that the City Manager cannot be suspended without pay.

Motion by CM Lents, second by CM Wood to accept a Resolution to suspend the City Manager for 15 days. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-yes, Lents-yes, Lee-no, Brown-no, Mayor Carpenter-no. Motion denied.

Motion by CM Wood, second by CM Lents to place the City Manager on probation until 6-1-07 and a review will take place at this time regarding his job performance. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-yes, Lents-yes, Lee-no, Brown – no, Mayor Carpenter - no. Motion denied.

CM Lents suggests that a meeting be scheduled to review the City Manager's job performance and City Manager will decide if his meeting will be held in open session or not. Discussion regarding the proper procedure to follow regarding this City Manager's job performance.

City Manager suggests that since the formal evaluation of the City Manager will take place at the next Regular Meeting on 2-26-07 that current issues/concerns be incorporated into this evaluation as well as any further additions. Council agrees to this process.

CM Lents gave the manager his list. CM Wood stated he would have his list before the next meeting.

CM Miller questioned why four council members were notified and the mayor and two others not. CM Lee stated that it feels like you went behind our backs. CM Lents stated, "Yeah we kind of did."

#### **MAYOR'S REPORT:**

A Proclamation has been signed for Bob Lints, EMU Hall of Fame Inductee and will be presented to him at the next meeting.

**PUBLIC QUESTIONS AND COMMENTS:** None.

Motion by CM Lee, second by CM McIvor, to adjourn at 8:05 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel  
City Clerk