

**BROWN CITY COUNCIL PROCEEDINGS
AUGUST 11, 2008**

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: Pat Jacobson, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, Ken Brown. City Manager Clint Holmes, City Attorney Gregory Stremers, City Clerk Kelly Pavel.

ABSENT: None.

Additions, corrections and deletions to agenda:

City Manager requested one addition under Petitions and Communications as well as five additional items under the Manager's Report be added to the agenda.

Motion by CM Brown, second by CM Jacobson, to accept the Regular Meeting Minutes of August 28, 2008 as presented. Motion carried.

PAY BILLS:

Motion by CM Lee, second by CM Brown to pay the bills in the following funds: General - \$11,825.26, Payroll - \$13,436.21, Major Street - \$760.82, Local Street - \$227.14, Sanitary Sewer - \$2,163.40, Water - \$8,484.29, Storm Sewer - \$40,230.13, Equipment - \$304.68. Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

PERSONAL APPEARANCES: None scheduled.

POLICE REPORT:

Written report reviewed. No questions or comments.

UNFINISHED BUSINESS:

1. 7030 Welles Street Basement Flooding – Line televised – No leaks detected.

City Manager reported that the building of a catch basin for this project has not yet been scheduled.

PETITIONS & COMMUNICATIONS:

Motion by CM Brown, second by CM McIvor, to accept the pre-application building permit for 7047/7051 Maple Valley Road to connect the two buildings with a 40' x 79' addition. Motion carried.

Motion by CM Brown, second by CM Lents, to accept the pre-application building permit for 4185 Main Street to install a new sign with the requirements that the sign be 6' from each sidewalk and does not exceed the maximum area of 50 square feet as required by City Ordinance 152.173. Motion carried.

Motion by CM Brown, second by CM Lee, to accept the pre-application building permit for 7069 Reed Street to demolish the old Catholic Church. Motion carried.

Motion by CM Brown, second by CM Jacobson to accept the pre-application building permit for 7159 Lincoln Street to replace aluminum siding on garage with vinyl siding. Motion carried.

PUBLIC HEARING: None scheduled.

ORDINANCES: None scheduled.

RESOLUTIONS: None scheduled.

MANAGER'S REPORT:

- 1. Phase III Sewer Rehabilitation Project:** The four bids for Phase III and the grouting for Phase I were received on August 7th (green). However, there is a problem with the bond. Specifically, Department of Treasury denied Sanilac County's Qualifying Statement. The County must produce a "deficit reduction plan" for the Health Department and have it approved by the Finance Committee and Board of Commissioners. Once that is done, they need to submit a new Qualifying Statement (approval process usually takes 30 days). The City Council has at least two alternatives: 1) Wait until the bond process is complete and the money is available; or 2) Borrow the money from the Sewer Reserve and Water Reserve accounts and use the bond money to reimburse those two accounts. How does the City Council wish to proceed on the bids and paying for the project? **REQUIRES MOTION.**

Discussion regarding the various pros and cons of borrowing monies from the sewer and water reserve funds, versus waiting for bond approval. Council consensus that there is concern for the risk of the bond process failing and leaving the sewer and water reserve funds in poor standing. Council discussion regarding securing of current bids for this project if there is a delay in the work being scheduled.

Motion by CM Lents, second by CM Miller, to accept the bid for Phase III Sewer Rehabilitation Project from Michigan Pipe with an agreement that the bid price remaining open. Motion carried.

2. **2008 Street Rehabilitation Program:** The (Acting) City Engineer is still working on the construction plans for Lincoln, Maple and Welles Streets. As soon as I receive the construction plan, I will be able to put together the request for proposals for your review and potential approval.
3. **7086 Maple Valley Road:** The owner of 7086 Maple Valley Road requested through Paul Muxlow to change the zoning on this lot from “Industrial” to “Residential.” Attached are copies of the letters provided to the Planning Commission (orange). The Commission denied this request at their June meeting. However, following a detailed discussion, consensus of the Commissioners is to have the City Manager research “Mixed-Use Zoning” to determine if a zoning change for the west side of Maple Valley Road south of Main Street could be implemented. To make a zoning change will require the creation of an ordinance, property owner notification, a public hearing, notification of various county and regional planning organizations, and approval by the Planning Commission and City Council.
4. **New Michigan Zoning Law:** The new Michigan zoning law will take effect September 1st. That law requires that the Mayor and City Manager serve as full members of the Planning Commission. As a member of the City Council, Mr. Brown can no longer serve as Chairman.

Council consensus that the Planning Commission appoint a new chairman to the committee.

5. **Request for New Ordinance:** The City received a letter from a resident that lives on Autumn Gold in Brown City. The letter (white) complains about corn being grown on the 20 acres of what was once known as Softwinds Subdivision. The resident is requesting an ordinance to forbid growing of corn or other crops on this property. The background is that the owner of this property received two very large bills for mowing of the property in 2006 and 2007. As a compromise agreement, I told him if he wanted to plant hay and harvest it three times a year there should be no objection. Corn was never discussed and no notification of intent was provided. How does the City Council wish to proceed?

City Manager and City Attorney have both investigated the concerns of property owners at 4432 Autumn Gold. It is the opinion of the City Attorney that the Right To Farm Act supercedes any assistance to change the situation that the City may have. City Manager will return a letter to property owners answering their particular questions as well as explaining the City’s inability to interfere with the Right To Farm Act.

6. **Exchange State Bank:** A meeting with Mr. Phelan concerning the final work is scheduled for the week of August 11th. The plan is to inspect the site. The DPW was tasked to reduce the length of the sewer clean-out pipe. Moving and adding trees will also be discussed.
7. **Barley Straw:** The individual who sold the City barley straw last year has bales available for \$5.00 per bale versus last year’s price of \$7.50 per bale. After computing man hours to take delivery of straw and store the straw until needed does not show any savings by purchasing at this time. Council consensus to wait to purchase the straw until needed for the lagoon.

- 8. Fire Hydrant on Fourth and Walter Streets:** Last year a resident raised the level of his yard with no permits and/or discussion with City Hall. The work resulted in the fire hydrant on the corner of this lot being non-accessible by the fire department. Work has been completed to correct this situation and make the hydrant useable again, at the cost of \$1,092.50. City Manager has prepared a letter to inform the resident of the situation and costs associated with it as well as requesting reimbursement to the City. Does the Council wish for this letter to be mailed? Council consensus that the resident be billed for work that was completed.
- 9. Skid Loader Tires:** The skid loader is in need of new tires. A price was received from Brown City Auto Repair at the price of approximately \$1,600.00. Does council wish for these tires to be purchased. Council consensus to replace tires on the skid loader.
- 10. City Assessor Contract:** The City Assessor's contract with the City expires on August 31, 2008. They requested a fee increase of 5%. All necessary contract changes have been made and reviewed by the City Attorney. How does council wish to proceed?

Motion by CM Miller, second by CM Brown, to renew the two-year contract with Sanilac Appraisers, Inc., in the amount of \$743.75 per month for assessing services. Motion carried.

- 11. Bad Check Policy:** The City received the third bad check from the same individual in one year. The staff has requested the City adopt a Bad Check Policy in addition to the \$25.00 fee currently charged. A draft policy with the associated door hanger was provided (yellow). Consensus of the Council is to review the policy and include it on the agenda for the next meeting for action.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT: Written report reviewed. No questions or comments.

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water and Sewer (Lents) – none.
3. Tax and Finance (Lee) – none.
4. Streets and Sidewalks (Jacobson) – none.
5. Building and Grounds (Brown) – none.
6. Personnel (McIvor) – none.

GENERAL CONCERNS OF THE COUNCIL: None.

MAYOR'S REPORT: None.

PUBLIC QUESTIONS & COMMENTS:

Jamie Daws introduced herself as the Republican candidate for the District 5 County Commission seat.

Motion by CM Lee, second by CM McIvor, to adjourn at 7:45 PM. Motion carried.

Respectfully submitted:

Kelly Pavel
City Clerk