

BROWN CITY COUNCIL PROCEEDINGS
SEPTEMBER 14, 2009

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

Pledge of Allegiance led by Mayor Laura Carpenter.

PRESNT: Mayor Laura Carpenter, Council members: Pat Jacobson, Julie Miller, Ross Mclvor, Mike Lents, Christine Lee and Ken Brown. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

Motion by CM Brown, second by CM Mclvor, to accept the Regular Meeting Minutes of 8-24-09 as presented. Motion carried.

PAY BILLS: Motion by CM Lee, second by CM Brown to pay the bills in the following funds: General - \$15,945.14 (3766-3794), Payroll - \$23,650.54 (4239-4265), Major Street - \$4,847.79 (3663-3666), Local Street - \$240.92 (4121), Sanitary Sewer - \$2,578.78 (2959-2965), Water - \$3,696.35 (1687-1698), Arsenic Abatement - \$75.00 (1100), Storm Sewer - \$298.39 (1055-1056), Equipment - \$1,087.08 (1201-1206). Motion carried.

CM Miller arrived at 7:04 p.m.

PERSONAL APPEARANCES:

1. Mark Wolodkowicz – 4254 Main Street. Transition of European Deli Building to in-patient drug rehabilitation facility.

Mr. Wolodkowicz discussed his proposed opening of an in-patient drug rehabilitation facility in the old D & R Building at 4254 Main Street. City Attorney suggested that this proposal be referred back to the Planning Commission for gathering of additional information and review.

Council discussion regarding whether this body is interested in entertaining possible zoning changes and/or variances that may be necessary for this type of business within the community. Mr. Wolodkowicz is currently looking for general support of this project from the council before he incurs any further costs associated with the project.

Motion by CM Lents, second by CM Mclvor, to support the general proposed idea of this rehabilitation program within the City of Brown City. ROLL CALL VOTE: Jacobson-no, Miller-yes, Mclvor-yes, Lents-yes, Lee-yes, Brown-no. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Ellen Brown responded to a citizen complaint that was addressed at the last Regular Council Meeting pertaining to her travel trailer on her property. She cited ordinances that she is in compliance with and stated that she spoke with all of her neighbors and none of them have concerns with the placement of her travel trailer. She also addressed a citizen question concerning her garbage removal procedures and she stated that she brings home approximately 2 bags of garbage per week from her local business to save paying garbage pick-up fees. She does this simply because her accumulated garbage is very minimal at her business.

Bill Walters expressed a concern that monies will most likely not be recoupable from homes that are potentially going to be demolished.

Bud Welch asked if the City has sent a letter of support to the Liquor Control Commission. City Manager stated a letter of support was sent and a response was received, stating that no application has been received for this establishment. Mr. Welch can pick up copies of both letters if he so chooses.

POLICE REPORT: Written report reviewed. No questions or comments.

UNFINISHED BUSINESS: None.

PETITIONS & COMMUNICATIONS:

1. Building Permit for Remodeling of Linda Lou's (Mike's Mini Market) – 4397 Main Street.

Mike Lents discussed his proposed changes within his existing establishment.

Motion by CM McIvor, second by CM Jacobson, to accept the pre-application building permit for Linda Lou's at 4397 Main Street to install a bar, install 2 overhead doors, add an additional bathroom and replace the existing sewer line. Lents-abstain. Motion carried.

PUBLIC HEARING: None scheduled.

RESOLUTIONS: None scheduled.

ORDINANCES: None scheduled.

MANAGER'S REPORT:

1. **Brown City Street Project:** The John Street Project is essentially complete. Some minor work on the storm drains at First & John Streets still remains. There was some additional work required that was not included in the original bid package. Specifically, the dirt under the road bed had to be replaced with two feet of 22A gravel; the height of the sidewalk on the east side of John Street north of First Street had to be adjusted; the

sidewalk to the curb south of Main Street and next to the Church was widened. Patches on Thelman Avenue (2); St. Mary's Street; Walter Street; and Main Street (2) were installed. The (acting) City Engineer has not yet completed the final inspection.

- 2. Police Car:** The City Council approved the purchase of a replacement police car at the July 27, 2009 regular meeting. This police car is scheduled to arrive on October 9th. Since the purchase will be financed over the next three years, associated documents must be signed by the Mayor and Clerk and returned. The paperwork was forwarded to the City Attorney for review. Recommend the City Council authorize the Mayor and City Clerk to sign the appropriate paperwork. **REQUIRES MOTION.**

Motion by CM Lee, second by CM Brown, to authorize the Mayor and City Clerk to sign appropriate paperwork affiliated with the purchase of a new police car. Motion carried.

- 3. Special Assessments:** Five property owners owe the City money for mowing and/or utilities. Each year the City Council approves a resolution adding these amounts to the owner's property taxes. The required advertisements will be placed in the *Banner*, and Resolution 09-05 presented to the Council for action at the September 28th meeting. While not required, does the City Council wish to have a Public Hearing concerning this Resolution? Council consensus that no Public Hearing be held.
- 4. Brown City Fire Department:** The Fire Authority Board is hosting an Open House on September 14th at 6:00 PM to present the new fire truck to the community. A special invitation was made to the Mayor, City Council and Clerk. The ceremony will include the presentation of a check for \$50,000 by the Fireman's Fundraiser Committee toward the purchase of the truck. The old truck, a 1982 Sutphen Pumper on Custom Chassis, will be auctioned off at the Fire Station on October 17th at 10:00 AM.
- 5. Park Board Appointment:** At their regular meeting on September 10th, the Park Board unanimously approved the appointment of Mr. Chris Madia to the Board. Mr. Madia represents Hogtown, Incorporated.
- 6. Dangerous Buildings:** Letters were sent to the owners of the two properties on Maple Street requesting that they contact the City Manager to detail the amount of progress that has taken place on the buildings and a proposed time-line for completion. Both property owners did so and progress continues.
Administrative search warrants were provided by the City Attorney and the City Manager had them signed by the Sanilac County Magistrate on September 4th. The warrants are for the houses at 4179 Maple and 4437 Vine Streets. The warrants were then turned over to the Sanilac County Building Department to conduct the inspections. The invoice for the \$250 to do both inspections was received by the City on September 11th. The inspections will be scheduled as soon as possible.
- 7. Windmills:** The Michigan State University Extension Office sponsored training "Planning and Zoning for Small Energy Conversion Systems" is September 16th in Lapeer. The City Manager will attend the training. The Planning Commission has

tabled review of Ordinance 153.00 Wind Energy Systems (WES) pending a report from this training.

8. **Hydrant Flushing:** The DPW Foreman wants to conduct Fall hydrant flushing the week of September 21st. REQUIRES MOTION.

Motion by CM Lee, second by CM McIvor, to schedule fire hydrant flushing for the week of September 21st. Motion carried.

9. **Emergency Generator:** The City requested quotes from five companies and received responses from three. Norwall PowerSystems (Lake Havasu, Arizona) - \$27,171.22; Cummins Bridgeway (New Hudson, Michigan) - \$35,000.00; and W. W. Williams (Dearborn, Michigan) - \$29,551.00. In each case the generator will take 6-8 weeks for delivery. Cummins provides a one year warranty on the generator and transfer switch, there is no mention of on-site training. Norwall states the transfer switch is manufactured by another company, systems are non-refundable and non-returnable and there was no information concerning a warranty or training. Williams provides on-site training, a maintenance program and a two year warranty on generator and transfer switch. How does the City Council wish to proceed?

Motion by CM Lents, second by CM Brown, to purchase an emergency generator from W.W. Williams in Dearborn for \$29,551.00 and also include on-site training, a maintenance program and a two year warranty. Motion carried.

10. **Fourth Street Storm Drain:** The (acting) City Engineer provided easements for three of the five properties involved in the project. Staff is locating the legal descriptions of the remaining two properties. Once the paperwork is complete, the project can begin.
11. **Economic Roundtable:** A round table discussion focused on business, economics and education is being sponsored by Sanilac County. The meeting will take place on Friday, September 25th at 8:30 AM in Lexington. I will be attending and others are invited as well.

ATTORNEY'S REPORT:

Administrative Search Warrants are complete and expect a recommendation at the next scheduled meeting regarding this process.

TREASURER'S REPORT:

City Treasurer reviewed current report. 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 / Festival Commission (Jacobson) – Festival committee will be running a concession stand at the 9-15-09 cross country meet in the park as well as hosting a spaghetti supper on 10-2-09.
5. Building and Grounds (Brown) – none.
6. Personnel (Mclvor) – none.

GENERAL CONCERNS OF THE COUNCIL:

CM Mclvor questioned if the City has any further involvement with Bud's Corner Restaurant's potential pursuit of a liquor license because the City sent a letter to Lansing supporting any future requests from this establishment. City Manager reported no further City involvement at this time is required.

MAYOR'S REPORT:

1. Proclamation commemorating the 222nd Anniversary of the Constitution of the United States of America. This information was sent from the DAR Foundation and acknowledged by the Council.
2. Grand Opening ceremony for Noah's Ark pet store at 4209 Main Street. Grand Opening was held on 9-5-09.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Lee, second by CM Mclvor, to adjourn at 8:28 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk