

BROWN CITY COUNCIL PROCEEDINGS
MAY 23, 2011

Meeting called to order by Mayor Christine Lee at 7:00 p.m.

Pledge of Allegiance led by Mayor Lee.

PRESENT: Mayor Christine Lee; Councilmembers: Bill Walters, Julie Miller (arrived 7:05 p.m.), Ross McIvor, Pat Jacobson, Eugene Navock and Dan Loutzenhiser. City Manager Clint Holmes and City Attorney Gregory Stremers.

ABSENT: City Clerk Kelly Pavel.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Walters, second by CM Navock, to accept the Regular Meeting Minutes from May 9, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Navock, to pay the bills in the following funds: General - \$15,594.46 (4672-4686), Payroll - \$13,488.97 (5016-5033), Major Street - \$60.00 (3716), Sanitary Sewer - \$2,163.17 (3125-3129), Water - \$1,405.21 (1932-1937), Storm Sewer - \$45.00 (1095). Motion carried.

Motion by CM Jacobson, second by CM Navock, to approve payment to State Industrial Products from the Sanitary Sewer Fund in the amount of \$1,283.45 (3130). Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Written report submitted. No questions or comments.

PERSONAL APPEARANCES: None Scheduled.

PUBLIC HEARING: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

PETITIONS & COMMUNICATIONS:

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4171 Maple Street to repair fire damage to garage and house. Sanilac County Building Permit Required. Motion carried.

ORDINANCES: None Scheduled.

RESOLUTIONS:

1. **Resolution 11-07:** A Resolution to Formally Accept the Terms of the Agreement as Received from the Michigan Department of Natural Resources (similar Resolution approved by the Park Board May 12th). The City Manager explained this resolution was required by MDNR as a component of the grant for the Community Park.

Motion by CM McIvor, second by CM Navock, to adopt Resolution 11-07: A Resolution to Formally Accept the Terms of the Agreement as Received from the Michigan Department of Natural Resources. Roll Call Vote: CM Jacobson – yes; CM Loutzenhiser-yes; CM McIvor-yes; CM Miller-absent; CM Navock-yes; CM Walters-yes. Resolution Adopted.

MANAGER'S REPORT:

1. **Bluebird Enterprises, Inc.:** This family-owned company, established in 1992, is purchasing the Xplorer Building on the east end of Brown City. The final sale is scheduled for June 1st. The company currently has their headquarters in Moffitt's Corners and does application of rubber to metal adhesives, PVC seals, sandblasting, and molding for the aerospace, automotive, security, and marine industries. The new owner plans to upgrade the building and begin manufacturing. The factory could produce as many as 30 new area jobs.
2. **Thumb Area Broadband Project:** This \$74,000,000 project will provide optic fiber connectivity to the schools in Sanilac County and is scheduled for completion within three years. Air Advantage, who is spearheading the Project, is requesting a permit to utilize City easements for installing fiber optic cable. Plans were provided to City Hall on May 20th and are available for City Council review. The fiber optic conduit would be installed next summer by boring (no open trench is planned) seven feet (7') under Main Street on the south side, and then turn north on George Street to the school. Work is expected to include an access panel adjacent to the flagpole in front of City Hall in case either the City or the Library wants access to this fiber optic system. Potential costs for this connectivity are unknown at this time. Air Advantage is requesting the City approve an Application and Permit for the installation (yellow). The City can make as part of the permit a requirement to avoid construction during the Summer Festival. How does the City Council wish to proceed?

Motion by CM Walters, second by CM Loutzenhiser, to approve the Application and Permit to Construct, Operate, Use and/or Maintain Within the Right-of-Way submitted by Air Advantage to install fiber-optic cable. Permit will preclude work during the 2012 Thumb Soybean Festival (June 7-10). Also, Air Advantage will be responsible to repair any damage cause by the installation of the cable. Roll Call Vote: CM Jacobson – yes; CM Loutzenhiser-yes; CM McIvor-yes; CM Miller-yes; CM Navock-yes; CM Walters-yes. Motion carried.

3. **Lincoln Street Storm Drain:** The City attempted to have a contractor come in to level and sculpt dirt over the new drain. However, the area is still much too wet to get in heavy equipment. Contractor recommended continuing work when the area dries out.
4. **Maple Valley Lift Station:** Apparently, the school has contracted with Huron Consulting to determine what options the school might have to help alleviate back-ups. Hopefully, the school will consult with the City before making any investments. Additionally, the company supplying the monitoring/alert system on the lift station forwarded to the City a contract for Notification Services. Cost for the first three years is included with the purchase. Subsequent three year service fees are \$612 (about \$17/month). The City Attorney reviewed the contract and made several recommended changes. Does the City Council wish to approve this contract?

Motion by CM Walters, second by CM Jacobson, to approve the RACO Notification Services Agreement with changes recommended by the City Attorney. Motion carried.

5. **George Street Shut-off Valve:** Additional research on the shut-off valve replacement on George Street revealed that the sewer line is twelve feet (12') deep. A consultant recommended installing a new waterproof catch basin about 20' south of the existing one. This will allow the valve to remain dry and can be easily serviced if necessary. However, the cost to do this work will approach \$8-\$10K. Work would be scheduled for mid-July when the school has no activities planned. Work should take about two days. Does the City Council wish to proceed with this project?

Motion by CM Walters, second by CM Jacobson, to approve the installation of a waterproof catch-basin; new valve; and length of steel pipe. Motion carried.

6. **Foreclosed Property Tax Auction:** The Sanilac County Treasurer notified the City that three properties will be auctioned off on September 14th. Properties are located on Maple Valley Road, Main Street and John Street.
7. **Rail Road Crossing:** The City's railroad crossings were inspected by MDOT on May 2nd. The only discrepancy noted was that the "crossbuck" located in front of the Post Office has to be moved "closer to track." DPW will remove the sign and install it on the next streetlight pole closer to the tracks. The City will complete the necessary reports and forward to MDOT.
8. **Assessor Contract:** Apparently the contract with the City Assessor expired last August 31st. A new three-year contract is available for review and action by the City Council. If approved, the City Council would need to authorize the Mayor, Clerk, City Attorney and City Manager to sign the document.

Motion by CM Miller, second by CM Navock, to approve the City Assessor contract for three (3) years. Roll Call Vote: CM Jacobson – yes; CM Loutzenhiser-yes; CM Mclvor-yes; CM Miller-yes; CM Navock-yes; CM Walters-yes. Motion carried.

9. **City Hall Electrical Upgrades:** The City requested estimates from two local electricians to upgrade the light fixtures in the main office from T12 to T8 and rotate 90°; move and replace ceiling fans with energy efficient models; replace the ceiling lights in the police office and closet; replace ceiling fixtures in the treasurer's office and install a ceiling fan. Current electrical wiring is within code. Bids were received from Rhode Electric (\$4,500) and Maurer Electric (\$3,598.60).

Motion by CM Walters, second by CM Loutzenhiser, to accept the bid from Maurer Electric for electrical upgrades to City Hall. Roll Call Vote: CM Jacobson – yes; CM Loutzenhiser-yes; CM McIvor-yes; CM Miller-yes; CM Navock-yes; CM Walters-yes. Motion carried.

10. **M-53 Corridor Committee:** The Committee met on May 9th in Goodland Township. Construction is planned in the vicinity of Bad Axe but no other area north of I-69 this year. The committee passed a resolution requesting that Congress does NOT increase truck weight from 80,000 to 97,000 (or 99,000) pounds (orange). The increase would have a negative impact on roads, highways and bridges. There are also safety concerns regarding stopping distances and increased potential for rollovers. Is the City Council interested in reviewing a similar resolution from the City? The consensus of the City Council was to address this issue in the future if additional information becomes available.
11. **Annual Audit:** Lehn L. King CPA and staff will be in the City offices on May 25th through the 27th gathering information and conducting the City's annual financial audit.
12. **Memorial Day:** City Hall will be closed on Monday, May 30th to observe Memorial Day. The VFW will have a parade down Main Street at 10:00 AM. This will be followed by services at the VFW Memorial on Main Street, then at Evergreen Cemetery and then at Omard Cemetery.
13. **Mowing/Junk Cars:** The City has sent out about a dozen letters requiring property owners that are in violation of the City Ordinance § 91.10 Noxious Weeds and Grasses to cut their grass within five (5) working days or the DPW will do the work at a cost of \$100 per hour plus administrative fees. One junk car notice was also sent out.
14. **Sanilac County Veterans Department:** The City Manager will be in Sandusky during the afternoon of May 24th assisting with interviews to replace a Department employee.

ATTORNEY'S REPORT:

1. **Special Assessments:** Research revealed that schools may "opt out" of any special assessments approved by either the City Council or the voters.
2. **MMMA Update:** The City Attorney provided a sample ordinance to repeal the City Ordinance 152.300 concerning Medical Marijuana Dispensaries and adding a new section prohibiting land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances. Ordinance will be presented to the Planning Commission for review and action and their next meeting.

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

MAYOR'S REPORT:

1. **MML Region 5 Conference** – The conference took place in Marine City of May 18th. The Mayor and City Manager represented the City. Information concerning issues facing municipalities was presented. Copies of handouts are available at City Hall.
2. **Mayoral Proclamation** – Councilmember Walters presented and read a proclamation honoring the dedication and service of Sanilac County Veterans Department Director Tina Roff.

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. Thumb Area Soybean Festival – Meeting to be held May 24, 2011 at 6:30 p.m.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS:

County Commissioner Daws provided a brief County update.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Miller, second by CM Loutzenhiser, to adjourn at 7:50 p.m. Motion carried.

Respectfully submitted,

Clinton K. Holmes
City Manager