

BROWN CITY COUNCIL PROCEEDINGS

SEPTEMBER 12, 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, Ross McIvor, Pat Jacobson, Eugene Navock and Dan Loutzenhiser. City Manager Clint Holmes, City Attorney Gregory Stremers and City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA:

Motion by CM Navock, second by CM McIvor, to accept two additional items to the current agenda, per the City Manager. 1) additional item under Petitions and Communications and 2) additional item under Manager's Report. Motion carried.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM Jacobson, second by CM Navock, to accept the regular meeting minutes of August 22, 2011 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Navock, to pay the bills in the following funds: General - \$28,596.81 (4828-4861), Payroll - \$25,495.74 (5141-5171), Major Streets - \$953.00 (3732-3734), Local Streets - \$4,062.00 (4163-4164), Sanitary Sewer - \$20,548.37 (3158-3166), Water - \$7,695.40 (1976-1983), Storm Sewer - \$3,622.21 (1105-1109), Equipment - \$168.99 (1303). Motion carried.

CM Miller arrived at 7:01 p.m.

PUBLIC QUESTIONS & COMMENTS:

Laura Carpenter stated her pride for Brown City as well as the Brown City Fire Department for their 911 ceremony on the 10th anniversary of the attack of the World Trade Center.

POLICE REPORT:

Written report reviewed. No questions or comments.

PERSONAL APPEARANCES: None Scheduled.

UNFINISHED BUSINESS: None Scheduled.

CM Loutzenhiser arrived at 7:03 p.m.

PETITIONS & COMMUNICATIONS:

1. **4075 Main Street:** 22' X 26' extension on the south of existing house.
2. **4301 Wood Street:** 20' X 24' extension on the north of existing garage.
3. **6808 James Street:** Repair water/ insect damage to front/ roof of garage.
4. **4325 Main Street:** Erect a 6' privacy fence on east side of property

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4075 Main Street to construct a 22' x 26' extension on the south of existing house. Motion carried.

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4301 Wood Street to construct a 20' x 24' extension on the north of existing house. Motion carried.

Motion by CM Walters, second by CM Mclvor, to accept the pre-application building permit for 6808 James Street to repair water/insect damage to front/roof of garage. Motion carried.

Motion by CM Walters, second by CM Navock, to accept the pre-application building permit for 4325 Main Street to erect a 6' privacy fence from front to back of property on the east side. Motion carried.

ORDINANCES: None Scheduled.

MANAGER'S REPORT:

1. **Economic Vitality Incentive Program (EVIP):** EVIP has replaced statutory revenue sharing payments to cities, villages and townships. Those local units that received \$4,500 or more in statutory revenue sharing in FY2009-10 are eligible for the EVIP revenue for 2011-12. Those local units that received less than \$4,500 in statutory revenue sharing last year, such as the Lapeer County portion of the City of Brown City, are not eligible for EVIP revenue. In order to receive EVIP payments (of an estimated \$33,940 – down from \$49,912) the City must meet a minimum of three criteria. One third of the annual EVIP payment is linked to each of the following criteria:
 - i. By October 1, 2011 every city/village/township must produce a "performance dashboard" and "citizen's guide", submit them to the Michigan Department of Treasury, and make them readily available to the public;
 - ii. By January 1, 2012, a city/village/township must certify that it has developed one or more proposals to increase the level of cooperation, collaboration, and consolidation, either with the unit or with other units.

The plan must be submitted to the Michigan Department of Treasury and made readily available to the public;

- iii. By May 1, 2012, a city/village/township must develop and publicize an employee compensation plan that it intends to implement with any new, modified, or extended contract or employment agreement.

The Eastern Michigan Council of Governments (EMCOG) hosted a webinar concerning producing the Dashboard and Citizen's Guide. The webinar was produced by Munetrix LLC which has established an online system that by their estimate meets approximately 95% of the transparency requirements for the citizen's guide and ultimately the performance dashboard. They were contacted and the cost to the City would be about \$1,850 per year. However, a City of Brown City Dashboard (multicolored) and Citizen's Guide (tan) have been developed that should meet 100% of State requirements. A copy is included in your packets. How does the City Council wish to proceed?

City Manager's discussion of EVIP was tabled due to Public Hearing.

Mayor Lee opened the Public Hearing at 7:15 p.m. *A Public Hearing pertaining to a request by Maple Valley Plastics for an Industrial Facilities Exemption Certificate for a New Facility in Brown City's Industrial Development District Number 1.*

No public questions or comments.

Mayor Lee closed the Public Hearing at 7:16 p.m.

Council discussion.

Motion by CM Walters, second by CM Navock to adopt Resolution 11-09: *A Resolution Approving the Application of Maple Valley Plastics, Incorporated, for an Industrial Facilities Exemption Certificate for a New Facility in Brown City's Industrial development District Number 1 as well as authorization for the Mayor and City Clerk to sign appropriate documents pertaining to this.* **ROLL CALL VOTE:** Walters-yes, Miller-yes, McIvor-yes, Jacobson-yes, Navock-yes, Loutzenhiser-yes. Motion carried.

CITY MANAGER'S REPORT CONT:

City Manager further discussed the intention of the Economic Vitality Incentive Program (EVIP).

Motion by CM Miller, second by CM Navock, to approve the draft Dashboard and Citizen's Guide to participate in the EVIP. Motion carried,

Motion by CM Walters, second by CM Navock, to adopt Resolution 11-10: *A Resolution to Authorize Inter-Local Cooperation, Collaboration and Consolidation Plan Agreements.* **ROLL CALL VOTE:** Loutzenhiser-yes, Navock-yes, Jacobson-yes, McIvor-yes, Miller-yes, Walters-yes. Motion carried.

2. **Title IV:** The City submitted a Title IV Non-Discrimination Policy to MDOT as required. A copy was also reposted to the City's website in a manner acceptable to MDOT. The City was notified September 8th that MDOT had approved the City's Title VI/EEO Compliance and Assurances Policy.
3. **2011-13 Street Projects:** The City received three of the expected five bids for the North Cade Road project. Bids were: Ace Asphalt (Saginaw) - \$129,503.55; Astec Asphalt (Brown City) - \$105,052.00; and James P Contracting (Almont) - \$104,932.25. Huron Consulting has verified the bonds and bids. Consultation with James P Contracting revealed that they could start work on North Cade Road the week of September 19th and the work should be completed within two weeks. How does the City Council wish to proceed?

Council discussion regarding the need of street repairs as well as various asphalt companies that have completed work for the City in the past.

Motion by CM McIvor, second by CM Loutzenhiser to accept the from James P Contracting (Almont) in the amount of \$104,932.25 for the North Cade Road Project. Motion carried.

4. **Act 51:** MDOT reported the changes to distribution of Michigan Transportation Fund Distribution based on the 2010 Census. Sanilac County will see a decrease of .65% or about \$33K. The City of Brown City will see an increase of 3.83% or about \$3,374.56.
5. **Maple Valley Lift Station:** The required paperwork has been submitted to DTE for reimbursement for damage done to the lift station. No response to date.
6. **Water System Inspection:** DEQ completed a routine inspection of the City's water system on August 30th. A copy of the quarter-inch thick document is available for review at City Hall. The purpose of the visit was to determine compliance with the Michigan Safe Water Drinking Act, 1976 PA 399. The system was rated as satisfactory. Recommended updates include an inspection of Well #3 (due for overhaul in 2012); replace the 11% of City water mains that are 4" in diameter (plan to replace the 4" line under Walter Street in the spring); plus two pages of new EPA and DEQ rules and requirements that the City must meet over the next five years. Some of these new rules, such as reliability studies, hydro-geological studies, computer models, and flow system analysis will require contract engineering support that may get quite expensive.
7. **Channel 6:** The City installed the necessary hardware and software components to operate Channel 6. A representative from COMCAST inspected the system on August 24th. He said that COMCAST needed to build some cables. A phone call on September 8th revealed that he is on vacation until September 12th. An update was requested via voice mail.

8. **Lincoln & Main Streets Hydrant:** The fire hydrant at the southeast corner of Lincoln and Main Streets was struck by a car on September 1st. The pipe connecting the hydrant and standpipe to the City's water system was cracked. The hydrant itself seems intact. The DPW repaired the hydrant at a cost of 356.75 on September 9th. The driver has been invoiced for this amount.
9. **Special Assessments:** Special Assessments for the Winter Taxes are due to the Sanilac County Treasurer prior to October 1st. The City has a number of unpaid utility and yard mowing bills that should be added to the appropriate tax invoices. Resolution 11-11: A Resolution Formally Causing to be Levied a Special Tax or Assessment to Recover Monies Owed the City of Brown City will be presented to the City Council at the next meeting.
10. **Brown City Park:** The Park Board has approved a new entrance sign at the McMorrans Street entrance to the Park (white). The sign is being donated in memory of Arnold Muxlow, former park board member. Also, the Park Board contracted with Huron Consulting of Port Huron to do the engineering associated with the DNR Grant. A meeting with the engineers is scheduled during the next regular Park Board meeting at 7 PM on October 13th. This meeting will also provide an opportunity for the public to participate in the initial planning for the pond area of the Park.
11. **Walter Street Water Main Replacements:** At the request of the City, Huron Consulting submitted a Not-To-Exceed cost of \$8,600 for the engineering and cost estimate to replace two blocks of 4" water main with 6", as well as the required connections. An estimated engineering cost is \$8,600 as well as an estimated \$43,000 for the replacement work. How does the City Council want to proceed?

Council discussion for the need for these water main replacements. Council consensus that engineering be completed for possible construction in the spring.

ATTORNEY'S REPORT: None.

TREASURER'S REPORT:

Written report reviewed. No questions or comments.

MAYOR'S REPORT:

1. **City Manager Evaluation:** The forms for the formal annual City Manager evaluation are enclosed (please complete the form and give to Mayor Pro-Tem Miller at the beginning of the September 26th meeting) (orange).

COMMITTEE REPORTS:

1. Police (Miller) – none.
2. Water and Sewer (Navock) – none.
3. Tax and Finance / Thumb Soybean Festival (Jacobson) – Festival meeting September 13th at 6:30 p.m.

4. Streets and Sidewalks (Loutzenhiser) – none.
5. Building and Grounds (Walters) – none.
6. Personnel (Mclvor) – none.

GENERAL CONCERNS OF THE COUNCIL: None.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Loutzenhiser, second by CM Navock, to adjourn at 7:52 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk