

A regular meeting of the Ishpeming City Council was held on Wednesday, April 6, 2011 at the Ishpeming Senior Center. Mayor Pat Scanlon called the meeting to order at 7:00 p.m.

Mayor Scanlon called for a moment of silence in memory of Ms. Mila Leppanen.

Present: Mayor Pat Scanlon, Council Members Claudia Demarest, Elaine Racine, John Stone and Mike Tall. Present: Five (5). Absent: None. (0). Also present were City Manager Jered Ottenwess and City Attorney David Savu.

PUBLIC COMMENT

None.

AGENDA COMMENT

None.

CONSENT AGENDA

A motion was made by Councilman Stone and seconded by Councilwoman Demarest to approve the Consent Agenda as presented, but with the removal of items “g”, “h”, and “n”:

- a. Minutes of Previous Meeting (March 9, 2011)
- b. Approval of Disbursements
- c. Monthly financial report
- d. Approve Addendum No. 2 to the Residential Garbage and Refuse Collection Agreement with North Country Disposal to reduce the limit of liability insurance coverage required for each risk insured under III B.2(a)-(f) of the Agreement from \$5,000,000 to \$2,000,000.
- e. Approve street closures for the Model A Club parade on June 21, 2012
- f. Declare 41 bicycles as surplus property and authorize their sale at auction
- ~~g. Appoint Jim Bertucci to the Cemetery Board~~
- ~~h. Job descriptions for Firefighter, Fire Captain, Assistant Fire Chief, and Fire Chief~~
- i. Approve request for a temporary liquor license from the Congress for June 25 and July 1-3, 2011
- j. Approve amendment to the contract with the Great Lakes Commission to extend the project deadline an additional 30 days
- k. Certificate of retirement to Pamela Bessolo for 19 years of dependable service to the citizens of our community
- l. Declare 1200 books, 6 chairs, 2 shelves as surplus property
- m. Approve request for the use of the Lake Bancroft Park and necessary street closures for the 12th Annual Renaissance Faire on August 6, 2011
- ~~n. Bell contract to provide services~~

Item “g”, Appoint Jim Bertucci to the Cemetery Board, and item “n”, Bell contract to provide services, will be discussed as individual agenda items. Item “h” Job descriptions for Firefighter, Fire Captain, Assistant Fire Chief and Fire Chief to be removed from the Consent Agenda to

allow the staff an opportunity for further review. Ayes: Five (5). Nays: None (0). Motion carried.

APPOINT JIM BERTUCCI TO THE CEMETERY BOARD

Councilwoman Demarest stated that there are several board and committee vacancies and recommended that these vacancies be advertised in an effort to encourage more residents to become involved.

A motion was made by Councilwoman Demarest and seconded by Councilman Tall to advertise all current committee and board vacancies on Channel 19, the City web-site and at City Hall. Ayes: Five (5). Nays: None (0). Motion carried.

BELL CONTRACT TO PROVIDE SERVICES

At the recommendation of the City Manager and the City Attorney, a motion was made by Councilman Stone and seconded by Mayor Scanlon to approve the revised *Contract Certification with State/Local Government to Provide Healthcare Services to Low Income Individuals*, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

SECOND READING OF AMENDMENTS TO ORDINANCE NO. 7-100, UNSAFE BUILDING ORDINANCE

City Manager Ottenwess stated that the amendments to Ordinance No. 7-100 are detailed in the City Attorney's memo to the City Council dated January 7, 2011. The City Manager stated that the City Attorney revised the original amendments so that the City Council will remain as the Hearing Board to hear all appeals concerning unsafe buildings and set the fee to file an appeal at \$150.

At the recommendation of the City Manager, a motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to approve, as of the second reading, the amendments to Ordinance No. 7-100, *An Ordinance to Regulate Unsafe Buildings and Structures, and to Provide for the Repair or Demolition Thereof*. Ayes: Five (5). Nays: None (0). Motion carried.

COMPLETE STREETS RESOLUTION AND POLICY

City Manager Ottenwess stated that at last month's meeting, the City Council approved amendments to the Master Plan to include Complete Streets concepts. The City Manager stated that the Complete Streets statute passed by the State of Michigan requires municipalities to consult with agencies, such as MDOT, on how to address their respective Complete Streets policy. The City Manager stated that it is expected that the Department of Transportation will give priority to grant applications from communities that have adopted a Complete Streets policy.

At the recommendation of the City Manager, a motion was made by Councilwoman Demarest and seconded by Councilman Tall to approve Resolution No. 2011-1, *Resolution Adopting Complete Streets Policy*, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

MAIN STREET CRUISIN CAR SHOW

City Manager Ottenwess reported that the Downtown Development Authority (DDA) reviewed a parade permit request from Mr. Jon Simon, Main Street business owner. The City Manager stated that Mr. Simon has organized a car show event for Saturday, June 25, 2011 and has coordinated the event with the downtown business owners. The City Manager stated that the DDA authorized up to \$2,000 for DPW, Police and other City expenditures needed to support this event.

At the recommendation of the City Manager, a motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to approve the parade permit application for the Main Street Cruisin Car Show on Saturday, June 25, 2011, as presented, and to authorize the City Manager to coordinate activities by City staff in support of the event at a cost not to exceed \$2,000, paid for by the Downtown Development Authority. Ayes: Five (5). Nays: None (0). Motion carried.

BOND AUTHORIZING RESOLUTION (DDA AND PARTRIDGE CREEK)

City Manager Ottenwess reported that this resolution is the final official action by City Council to authorize the sale of bonds for the Partridge Creek Diversion project and the Downtown Development Authority's projects. The City Manager stated that the proceeds from the sale of the bond will fund \$700,000 for the Partridge Creek Diversion project and \$2.275 million for the DDA's bond projects which include road and recreational improvements in Hematite Heights, infrastructure along US41, improvements in the downtown area, and sidewalk reconstruction.

City Manager Ottenwess stated that the \$700,000 portion of the bond will be repaid from the Public Improvement Fund and the \$2.275 million portion of the bond will be repaid by the Downtown Development Authority.

At the recommendation of the City Manager, a motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to approve the *Resolution Authorizing 2011 Capital Improvement Bonds (Limited Tax General Obligation), City of Ishpeming, County of Marquette, State of Michigan*, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

DISTRICT LIBRARY UPDATE

Library Director Cindy Mack made a presentation to the City Council regarding the status of the District Library and the status of library funding. The Library Director stated that a *Summary of Library Funding* was provided to the Council Members in the meeting packets.

Library Director Mack stated that approximately four years ago, a District Library Planning Committee was established with representatives from the City of Ishpeming, City of Negaunee and the surrounding townships. The Library Director stated that after much research and careful consideration, the Committee decided that the district library concept is not the most appropriate way to seek funding for library services at this time.

Library Director Mack stated that the Ishpeming Carnegie Library Board has been considering other funding options. The Library Director stated that it is the recommendation of the Library

Board to request the City Council to examine options to seek millage funding from the townships and if necessary, consider a millage from city residents to support library services.

Library Director Mack stated that 7/10 of a mill from each of the townships that we currently serve would generate an additional \$136,000 for library services. The Library Director stated that the Library Board recommends that the millage question be placed on the August 2012 ballot.

Library Director Mack stated that library law is quite complex and recommended that the City Council authorize funding, not to exceed \$3,000, to obtain services from outside legal counsel to ensure that the Library Board and City are acting within State statutes and legislation. The Library Director stated that the funding would also pay for legal counsel to prepare ballot language and the required resolutions.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to authorize the City Manager and the staff to pursue a millage for library services with the townships which the City currently contracts. Ayes: Five (5). Nays: None (0). Motion carried.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to authorize an expenditure not to exceed \$3,000 from the library salary budget for the purpose of obtaining legal counsel and consultation services from a library specialist attorney. Ayes: Five (5). Nays: None (0). Motion carried.

HEMATITE HEIGHTS REPORT

City Manager Ottenwess stated that a task force was created to investigate the challenges involving the various groups that use the Hematite Heights property for recreational purposes. The City Manager stated that those challenges include: (1) conflicts between mountain bikers and horseback riders; (2) All Terrain Vehicle users destroying vegetation and ground cover; (3) vandalism and lack of law enforcement; (3) liability issues and potential conflicts with future development; and (4) zoning and land use compatibility.

The City Manager stated that the task force recommends the following: (1) Policing – providing a level of law enforcement that is currently lacking; (2) Limited access – prohibiting access in certain areas to protect the natural features and avoid conflicts between user groups; (3) Designated trails – designating trails for specific user groups; and (4) Collaboration with the City of Negaunee.

The City Manager stated that the findings of the task force have been outlined in a report, *Hematite Heights Task Force Final Report – April 2010*, and stated that the report has been provided to the City Council Members.

A discussion ensued regarding the recommendation to create barriers to prevent access to some areas within Hematite Heights.

At the recommendation of the City Manager, a motion was made by Councilwoman Demarest and seconded by Mayor Scanlon to accept the *Hematite Heights Task Force Final Report*, dated April 2011, with the restriction that the Limited Access portion of the report shall not be implemented at this time. Ayes: Five (5). Nays: None (0). Motion carried.

U.P. ENGINEERS & ARCHITECTS SERVICE AGREEMENT FOR PINE STREET PHASE II

City Manager Ottenwess reported that this service agreement is for construction engineering services for the Pine Street Resurfacing Project, Phase II. The City Manager stated that the City of Ishpeming has been awarded a \$375,000 Small Urban Grant from the Michigan Department of Transportation which requires a \$125,000 local match. The City Manager stated that the engineering fees for this project are not included in the budget and it will be necessary to transfer \$48,800 from the Public Improvement Fund to the Major Street Fund.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilman Tall to approve, as presented, the *Agreement for the Provision of Limited Professional Services*, between the City of Ishpeming and U.P. Engineers & Architects, Inc. for construction administration, survey layout and testing for the South Pine Street Resurfacing Project – Phase II and to approve the transfer of \$48,800 from the Public Improvement Fund to the Major Streets Fund for the cost of the engineering services. Ayes: Five (5). Nays: None (0). Motion carried.

LETTER OF AGREEMENT AND JOB DESCRIPTION FOR THE “DPW OFFICE MANAGER”

City Manager Ottenwess reported that the current DPW Office Clerk has agreed to take over the responsibilities left by the retirement of the Cemetery/Parks Office Manager. The City Manager stated that a new job description combines the duties and responsibilities of the two separate positions. The City Manager stated that the title of the new position would be DPW Office Manager. The City Manager stated that in return for the increased responsibilities, the DPW Office Manager should be compensated at a higher rate. City Manager Ottenwess stated that the wage increase is outlined in a Letter of Agreement with the Clerical Union.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to approve the DPW Office Manager job description and the *Letter of Agreement between the City of Ishpeming and Local 1282, City of Ishpeming Employees’ Clerical Unit Chapter of Michigan AFSCME Council 25*, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

TEMPORARY PAY INCREASE FOR DAN WILLEY

City Manager Ottenwess stated that Detective Dan Willey has served as Acting Police Chief since Chief Bjorne began his medical leave in early March. The City Manager stated that since Sgt. Ron Schultz’s departure last fall, Det. Willey has also taken on more shared responsibilities. The City Manager stated that the net cost of the increase would be approximately \$2,000 and stated that the funds are available in the salary line item.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to approve a wage increase for Detective Dan Willey

from \$45,300 to \$55,300 for the duration of his service as Acting Police Chief. Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

City Manager Ottenwess stated that the City of Ishpeming received a preliminary, final report from OHM for the structural evaluation of the Fire Hall/Public Safety building. The City Manager stated that the report indicates a need to further investigate the soil and water table conditions. The City Manager stated that soil boring and core drillings would be necessary to obtain the samples required to complete the evaluation. City Manager Ottenwess stated that these tests were not included in the original proposal and would cost an additional \$4,150.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to authorize OHM to perform soil boring and core drillings at the Fire Hall/Public Safety building, to authorize the City Manager to waive competitive bidding, and to authorize an expenditure in the amount of \$4,150 to be paid from the Public Improvement Fund. Ayes: Five (5). Nays: None (0). Motion carried.

COUNCILMAN TALL

Councilman Tall reported that he attended the Planning Commission meeting and the Library Board meeting.

COUNCILMAN STONE

Councilman Stone reported that he attended the Central Dispatch meeting, the Housing Commission meeting, and the NMPSA meeting.

Councilman Stone reported that he attended the Chamber of Commerce luncheon and the Before Hours Coffee Hour at the Country Village Bookstore.

Councilman Stone thanked the staff for arranging a very nice retirement party for Pam Bessolo who retired as the Cemetery/Parks Office Manager. Councilman Stone wished Ms. Bessolo the best of luck in her retirement.

MAYOR SCANLON

Mayor Scanlon reported that he attended the Before Hours Coffee Hour at the Country Village Bookstore.

Mayor Scanlon extended his congratulations to Pam Bessolo on her retirement from the City.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she attended the Cemetery Board meeting.

Councilwoman Demarest congratulated Pam Bessolo on her retirement from the City.

COUNCILWOMAN RACINE

Councilwoman Racine reported that she attended the Downtown Development Authority meeting. Councilwoman Racine stated that the demolition of the JCPenney building will be completed by July 3, 2011. Councilwoman Racine stated that much of the building will be recycled.

Councilwoman Racine reported that she attended the Night of Music concert sponsored by the IHS Alumni Association. Councilwoman Racine stated that she was very impressed with the level of musical talent in our community.

Councilwoman Racine congratulated Pam Bessolo on her retirement from the City.

Councilwoman Racine announced that the carnival will be in downtown Ishpeming from April 28-30, 2011. Councilwoman Racine stated that there will be a special display of custom motorcycles at this year's event.

Councilwoman Racine commented on the three letters to the editor that were published in the Mining Journal. Councilwoman Racine stated that she received approximately 200 comments and cards from people in support of her recent decision regarding an employee's request for retirement.

Councilwoman Racine reported that she had an opportunity to visit with the DPW chief mechanic and learn about his job duties. Councilwoman Racine stated that the chief mechanic is responsible for over 100 pieces of equipment and vehicles and occasionally works on water line repairs. Councilwoman Racine stated that the employee has 24 years of service and thanked him for his dedication to the City of Ishpeming.

MANAGER'S REPORT

City Manager Ottenwess reported that the 2nd quarter issue of the City newsletter is now available at City Hall, the Library, the Senior Center and on the City web-site.

City Manager Ottenwess announced that a City Council budget work session has been scheduled for Friday, April 15, 2011 at 9:30 a.m. at City Hall.

PUBLIC WORKS DIRECTOR / CITY ENGINEER REPORT

Public Works Director Kangas reported that Spring Clean-up has been scheduled for Friday and Saturday, May 6th & 7th and Friday and Saturday, May 13th & 14th. The Public Works Director stated that residents will have an opportunity to dispose of their unwanted household items at the compost/metal collection site on these dates in addition to the last Saturday of each month.

ATTORNEY'S REPORT

None.

CLOSED SESSION TO DISCUSS UNION NEGOTIATIONS

A motion was made by Councilwoman Demarest and seconded by Mayor Scanlon to enter into closed session at 8:10 p.m. to discuss union negotiations. Roll Call Vote: Ayes: Councilwoman

Demarest, Councilwoman Racine, Councilman Tall, Councilman Stone and Mayor Scanlon.
Ayes: Five (5). Nays: None (0). Motion carried unanimously.

A motion was made by Councilwoman Demarest and seconded by Councilman Tall to return to open session at 9:23 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

A motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to authorize the City Manager and negotiating committee to enter into a tentative agreement based on the negotiations of March 31, 2011 between the City of Ishpeming and the Supervisory Employees Chapter of Local 1282, AFSCME Council 25 and to sign the *Letter of Understanding Regarding Public Works Director/City Engineer*, between the City of Ishpeming and City of Ishpeming Supervisory Employees Chapter of Local 1282, AFSCME Council 25 as presented. Ayes: Five (5). Nays: None (0). Motion carried.

ADJOURNMENT

A motion was made by Councilwoman Racine and seconded by Councilwoman Demarest to adjourn the meeting at 9:26 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala
City Clerk