

A regular meeting of the Ishpeming City Council was held on Wednesday, August 3, 2011 at the Ishpeming Senior Center. Mayor Pat Scanlon called the meeting to order at 7:00 p.m.

Present: Mayor Pat Scanlon, Councilwoman Elaine Racine and Councilman John Stone.
Present: Three (3). Absent: Councilwoman Claudia Demarest and Councilman Mike Tall.
Absent: Two (2). Also present were City Manager Jered Ottenwess and City Attorney David Savu.

PUBLIC COMMENT

None.

AGENDA COMMENT

Mr. Carr Baldwin, Engineering Consultant, stated that he would be available for questions regarding Agenda Item No. 7, Lake Bancroft Committee.

CONSENT AGENDA

A motion was made by Mayor Scanlon and seconded by Councilman Stone to approve the Consent Agenda as presented:

- a. Minutes of Previous Meetings (July 6 and 18, 2011)
- b. Approval of Disbursements
- c. Approval of Monthly Financial Report
- d. Approve transfer of ownership of 2011 Class C Liquor License located at 106 N. Main Street from Congress Pizzas, Inc. to Jilco, Inc.
- e. Approval of Partridge Creek Watershed Management Plan
- f. Approval of letter to the U.S. Department of Interior, Bureau of Indian Affairs, regarding the relocation of the Ojibwa Casino from Chocolay Township to the former Marquette County Airport property
- g. Appoint Karen Kasper to a five year term on the Library Board
- h. Declare 1200 library books as surplus property to the City and offer items for sale on bids
- i. Declare police weapon as surplus property to the City and advertise the item for sale on bids. Proceeds of the sale to be used to pay for equipment upgrades

Ayes: Three (3). Nays: None (0). Absent: Two (0). Motion carried.

LAKE BANCROFT COMMITTEE

City Manager Ottenwess reported that the City was approached by a small group of citizens with a request to appoint a committee to work on an effort to clean Lake Bancroft. The committee intends to seek funding through local sources, area merchants, and interested individuals. Mr. Carr Baldwin has procured a low-cost proposal for cleaning the lake.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilman Stone to formally approve the formation of a committee to address the problems of Lake Bancroft. Committee Members to include: James Bertucci, former DPW Superintendent; Carr Baldwin, Engineering Consultant; Pat Bureau, past City Council Member;

Michael Tonkin, businessman; Jered Ottenwess, City Manager; and Maureen LaWent, resident. Ayes: Three (3). Nays: None (0). Absent: Two (0). Motion carried.

AMENDMENTS TO ORDINANCE NO. 4-500, AN ORDINANCE REGULATING NOXIOUS WEEDS, TALL GRASS, AND MISCELLANEOUS DEBRIS

City Manager Ottenwess stated that Ordinance No. 4-500 is not enforceable in Industrial zoning districts as it relates to Miscellaneous Debris (Section 4-503). As directed by the City Council, the City Manager and City Attorney drafted an amendment to the Ordinance so that the Miscellaneous Debris section is enforceable on all residential parcels, including those within an Industrial zoning district. The Miscellaneous Debris section would also apply to any property in a Commercial zoning district, residential or otherwise.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Racine to approve the amendments to Ordinance No. 4-500, *An Ordinance Regulating Noxious Weeds, Tall Grass, and Miscellaneous Debris*, requiring all residential properties to comply with the Ordinance, including those residential properties located within Industrial zoning districts, and to adopt the amendments as an emergency Ordinance. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

AMENDMENT TO ORDINANCE NO. 10-100, SECTION 10-102, AN ORDINANCE RELATIVE TO THE OWNING AND KEEPING OF DOGS AND CATS

City Manager Ottenwess stated that at the last regular meeting, the City Council had requested that an ordinance be developed to create a penalty for dog owners who neglect to properly dispose of the dog waste on their property which may cause an offensive odor to adjacent property owners. The City Attorney has prepared an amendment to Ordinance No. 10-100, *An Ordinance Relative to the Owning and Keeping of Dogs and Cats*, to make it unlawful for a property owner to allow the accumulation of animal waste on the property which can be detected by any person on adjoining property.

The City Manager stated that as written, the amendment to the ordinance would be very difficult to enforce and he suggested that conditions be added to the ordinance to make it more practically enforceable.

A motion was made by Councilwoman Racine and seconded by Councilman Stone to table the approval of the amendments to Ordinance No. 10-100 until the September 2011 meeting of the City Council. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

VOLUNTEER FIRE DEPARTMENT JOB DESCRIPTIONS

A motion was made by Mayor Scanlon and seconded by Councilwoman Racine to table the approval of the Volunteer Fire Department Job Descriptions until the September 2011 meeting of the City Council. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

PROPOSALS FOR INFORMATION TECHNOLOGY SERVICES

City Manager Ottenwess reported that the City received proposals from four (4) qualified firms for information technology services. After meeting with representatives from each of the firms

and reviewing their proposals, the City Manager ranked the firms and will negotiate a service agreement with the number one ranked firm.

At the recommendation of the City Manager, a motion was made by Councilman Stone and seconded by Mayor Scanlon to approve the City Manager's ranking of the firms who had submitted RFP's for information technology services and to authorize the City Manager to negotiate a service agreement with the top ranked firm. Ayes: Three (3). Nays: None (0). Two (2). Motion carried.

NEGAUNEE SEWER MAIN - AMENDMENT TO EASEMENT AGREEMENT

City Manager Ottenwess reported that on May 12, 2011, the City Council approved an amendment to the easement agreement with the City of Negaunee for the 30" sewer transmission line. The approval of the amendment was contingent upon the USDA's approval and acceptance of the amendment. The USDA reviewed the easement agreement and had requested changes to paragraph "H" and added paragraph "I". The City Manager stated that the proposed amendments specifically reference the signed agreement between the City of Negaunee and the Waste Water Authority, and that the changes have no direct impact on the City of Ishpeming.

At the recommendation of the City Manager, a motion was made by Councilman Stone and seconded by Mayor Scanlon to approve the *First Amendment to Sanitary Sewer Transmission Line Easement Agreement*, as presented and as amended by the USDA, and to authorize the Mayor and the City Clerk to execute the document on behalf of the City of Ishpeming. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

POLICE OFFICER REQUEST TO PURCHASE MILITARY SERVICE TIME

City Manager Ottenwess stated that Sergeant Brandon Nylander submitted a request to purchase and transfer four (4) years of military service to the City's retirement system. The transfer of military service is authorized by the collective bargaining agreement with the Police Union and State of Michigan Act 345 of 1937. The City Manager stated that the Act 345 Board reviewed the request at their meeting on July 27, 2011 and recommended that the City Council approve Sergeant Nylander's request.

At the recommendation of the City Manager, a motion was made by Councilman Stone and seconded by Councilwoman Racine to approve the request from Sergeant Brandon Nylander to purchase four (4) years of military service towards retirement for approximately \$9,300, as authorized by the Police Union contract and State of Michigan Act 345 of 1937. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

Councilman Stone and Mayor Scanlon thanked Sergeant Nylander for his service time in the United States Marine Corp.

OLD BUSINESS

A motion was made by Councilman Stone and seconded by Mayor Scanlon to rescind a motion from May 4, 2011 which approved a wage increase for all non-union employees contingent upon ratification of the Supervisory Union Contract and the Police Union Contract. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

A motion was made by Councilman Stone and seconded by Mayor Scanlon to approve a wage increase for all non-union employees as recommended by the City Manager in his memo to the City Council dated May 4, 2011. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

NEW BUSINESS

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilman Stone to approve the request from the Vietnam Veterans Chapter 380 for a special liquor license for their Annual Dinner Dance to be held at the Ishpeming National Guard Armory on Saturday, October 15, 2011. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Racine to approve the request from the Ore to Shore Mountain Bike Race Committee for assistance from the Department of Public Works and the Police Department at the necessary road crossings for their annual event on Saturday, August 13, 2011. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

City Manager Ottenwess stated that the Police Department has six (6) long guns that have been declared as surplus property. Police Chief Bjorne obtained three (3) bids:

Kings Firearms, Columbia, TN	\$1,000.00
Wilderness Sports, Ishpeming, MI	\$955.00
OMB Guns, Olathe Kansas	\$815.00

Police Chief Bjorne recommended that the bid be awarded to the local business, Wilderness Sports. City Attorney Savu stated that the Charter requires the City to sell surplus property to the highest bidder. By consensus of the City Council, no action will be taken on this item until it is determined whether or not shipping fees are included in the bid from Kings Firearms.

COUNCILMAN STONE

Councilman Stone reported that he attended all of his committee meetings.

COUNCILWOMAN RACINE

Councilwoman Racine reported that she attended the DDA meeting and the board discussed the possibility of doing some finishing work to the wall adjacent to the Congress where the JCPenney building was torn down. The DDA may extend the hours of the Festival of Treasures event next year to allow individuals who work during the day an opportunity to attend.

Councilwoman Racine reported that she had the opportunity to ride along with the Code Enforcement Officer yesterday. She anticipated a leisurely ride around town looking for long grass. Instead, she discovered buildings with crumbling foundations, fallen porches, roofs that had caved in, grass taller than lawn furniture, and yards full of old toys, appliances, tires and furniture. They toured every section of town and she witnessed countless violations of unsafe buildings, long grass, noxious weeds and miscellaneous debris. Councilwoman Racine stated that she learned that many of these properties are continually in violation of the ordinance and

the property owners will do the least amount of clean up required to avoid penalty. Councilwoman Racine stated that Ishpeming was known at one time as being a beautiful, clean City. She encouraged residents to take the initiative to help clean up litter and reminded pet owners that they are to clean up after their pets.

MAYOR SCANLON

Mayor Scanlon stated that Hilltop RV hosted an After Hours Business Hours event last week. The event was very successful and attended by at least 125 people. Mayor Scanlon thanked everyone who attended and thanked the community for supporting local businesses.

Mayor Scanlon read a letter from Mr. Lyle Smith and Mr. John Oehlerking of Muskegon, Michigan. On their way to an area campground and after driving for several hours, their truck became disabled while traveling down Main Street in Ishpeming on a Sunday evening. Mr. Smith described the amazing hospitality and kindness that was shown to him by area business owners Mike Koski and Randy Harsila and others who stopped by to offer their assistance. Mr. Smith stated that Ishpeming is a fine community and stated that he will always remember the kindness and generosity that was shown to him by the great people of Ishpeming.

Mayor Scanlon announced that he and the City Manager will attend a special meeting with Governor Snyder on August 16, 2011 to discuss the issues faced by local governments.

MANAGER'S REPORT

City Manager Ottenwess reported that the Downtown Development Authority approved a service agreement with U.P. Engineers and Architects for projects associated with the bond issue including the infrastructure improvements, extension of Malton Road, Hematite Heights and downtown improvements.

PUBLIC WORKS DIRECTOR / CITY ENGINEER REPORT

A written report from the Public Works Director was provided to the City Council Members.

ATTORNEY'S REPORT

City Attorney Savu reported that he continues to work on the Fire Hall renovation project, the Cemetery Ordinance revision, the Volunteer Fire Department job descriptions, several code enforcement issues and unsafe building notices.

The City Attorney reported that one of the worst properties in this City was torn down last year and the City has just received a reimbursement from the property owner for the demolition fees.

The City Attorney reported that a vicious dog complaint was taken to trial. This dog had bitten a Deputy Sheriff and an Ishpeming Police Officer. Mr. Savu stated that these complaints are taken very seriously and an order was secured to have the dog put down.

ADJOURNMENT

A motion was made by Councilman Stone and seconded by Mayor Scanlon to adjourn the meeting at 7:47 p.m. Ayes: Three (3). Nays: None (0). Absent: Two (2). Motion carried.

Jenifer M. Rajala
City Clerk