

A regular meeting of the Ishpeming City Council was held on Wednesday, April 7, 2010 at the Ishpeming Senior Center. Mayor Gary Nelson called the meeting to order at 7:00 p.m.

Present: Mayor Gary Nelson, Council Members Patricia Bureau, Claudia Demarest, Pat Scanlon and John Stone. Present: Five (5). Absent: None (0). Also present were City Manager Jered Ottenwess and City Attorney David Savu.

PUBLIC COMMENT

Mr. Robert Nadeau, 526 "D" Street, stated that he is President of the Ishpeming School Board. Mr. Nadeau announced that there will be a School Election on Tuesday, May 4, 2010. Mr. Nadeau stated that the School Board will be asking for 2.95 in capital improvement millage for the purpose of expanding the Birchview Elementary School and closing the Phelps Middle School. Mr. Nadeau stated that if the millage is successful, they will have the renovations completed for the beginning of the 2012 school year.

Mr. Nadeau announced that the Ishpeming School District will host an open house on Thursday, April 22, 2010, from 6:00 p.m. to 8:00 p.m. at the Birchview Elementary School. Mr. Nadeau stated that residents will have an opportunity to tour the building and review the plans for the proposed addition. Mr. Nadeau stated that residents are also encouraged to attend the next regular meeting of the School Board.

Mr. John Thomas, AFSCME Staff Representative, stated that the AFSCME bargaining units are gaining public support as they conduct their informational pickets on a nightly basis. Mr. Thomas requested the City Council to come up with a workable plan during the closed session tonight that can be presented to the negotiating team at the session scheduled for tomorrow morning. Mr. Thomas stated that previous negotiation sessions have caused the union to leave very frustrated. Mr. Thomas stated that the union has not received a response from their last offer that was made two weeks ago. Mr. Thomas urged the City Council to come prepared for tomorrow's negotiating session with a plan and a workable offer.

Mrs. Shana Alderton, Michigan AFSCME Council #25, stated that the union is hopeful that the City Council will look at the facts that have been presented and come into the negotiating session tomorrow in good faith. Mrs. Alderton recognized the AFSCME employees in attendance at tonight's meeting. Mrs. Alderton stated that collectively, they have 350 years of experience working with the City of Ishpeming. Mrs. Alderton stated that 90% of these employees live, pay taxes or have family members that live in the City. Mrs. Alderton stated that 100% of these employees have high school diplomas and 86% of them have continuing education that is required for their jobs. Mrs. Alderton urged the City Council to look at these employees as members of this community; the men and woman that represent this community and provide vital services to this community. Mrs. Alderton stated that the union is hopeful that the City Council will look at the facts and figures and come prepared to offer a fair contract at the bargaining table.

Mr. Charlie Anderson, resident of 115 Cleveland Avenue and Chairman of the Ishpeming Business Association (IBA), thanked the Mining Journal for the article in today's newspaper

regarding the IBA's efforts to bring more business activity into the downtown. Mr. Anderson stated that the IBA is exploring options for developing a west-end Chamber of Commerce and stated that the Lake Superior Community Partnership is supporting their efforts.

Mr. Stuart Skauge stated that as the staff representative of the Michigan Education Association, he represents the school employees in Marquette and Alger Counties. Mr. Skauge stated that he resides at 458 Oak Street and is a life-long resident of the City of Ishpeming. Mr. Skauge spoke in support of the City employees. Mr. Skauge stated that he served as a City Council Member in the early 1980s. Mr. Skauge stated that at that time, the DPW was on strike. Mr. Skauge encouraged this City Council to fund the employees first and fund the projects last. Mr. Skauge stated that he was on the City Council when the TIF District was established and stated that it may be necessary to eliminate the TIF District so the money can go back into the General Fund.

Mrs. Angela Kiviniemi, 841 N. Main Street, stated that she is the Treasurer of the Ishpeming School Board. Mrs. Kiviniemi stated that the Ishpeming School District is disappointed that the City Council is not supportive of the Ishpeming School District's millage proposal for the May Election. Mrs. Kiviniemi stated that after reviewing her property tax bill, she learned that she pays more millage for trash services than she would for the new improvements to the Birchview School if the millage is successful. Mrs. Kiviniemi stated that the School Board believes that a yes vote for this millage is a vote for the sustainability of our schools and the sustainability of our City.

Mr. Ken Maddock, 373 Winthrop Street, stated that the City Council is scaring the employees away. Mr. Maddock stated that he is a former employee of the Ishpeming DPW and he left to find employment with Cleveland Cliffs. Mr. Maddock stated that as a DPW employee, he spent many nights plowing the roads and cleaning the sewers. Mr. Maddock stated that he believes there is a lot of money wasted on other projects that should be used to support the employees instead. Mr. Maddock stated that Ishpeming is a beautiful town and the City Council should do whatever they can to hold on to our skilled workers.

AGENDA COMMENT

Mr. Eric Smith and Mr. Don Salo, NMU Representatives, reserved time for comment on Agenda Item No. 14.

Mr. Robert Airaudi, reserved time for comment on Agenda Item No. 7.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to amend the agenda to include Old Business as item No. 14(a). Ayes: Five (5). Nays: None (0). Motion carried.

CONSENT AGENDA

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

- a. Minutes of Previous Meeting (March 3, 2010)
- b. Approval of Disbursements (Council Members Stone and Demarest)

- c. Monthly Financial Report
- d. Surplus Library property
- e. Appoint Jered Ottenwess to the Building Authority (term to expire June 2011)

Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST TO AMEND ROBERT AIRAUDI LEASE AGREEMENT

City Manager Ottenwess reported that Mr. Airaudi submitted a written request to the City Council to dissolve the lease agreement with Everlast Industries and for the City Council to reconsider Mr. Airaudi's request for tax abatement as an Industrial Development District.

Mr. Robert Airaudi, Everlast Industries, addressed the City Council regarding his lease agreement for the property near Malton Road. Mr. Airaudi stated that the lease agreement was executed eight months ago but he has been unable to proceed with his construction plans because the Malton Road paving project has not been done. Mr. Airaudi stated that it was his understanding that Malton Road would be paved and the necessary improvements to the railroad crossing would be completed. Mr. Airaudi stated that due to the miscommunication between the City, CUPPAD and the MEDC, the grant award has not been made and the road improvements were not completed. Mr. Airaudi stated that it is still his intention to get the new business up and running as soon as possible. Mr. Airaudi requested that the City convey the land that is outlined in the agreement to Everlast Industries. Mr. Airaudi also requested tax abatement for up to 12 years.

Mayor Nelson acknowledged Mr. Airaudi's disappointment that the grant issues have not been resolved. Mayor Nelson encouraged Mr. Airaudi to continue with his plans to construct the building so that it does not hold up his business plans. Mayor Nelson stated that the City would continue to pursue other options for paving Malton Road.

By consensus of the City Council, a meeting with Mr. Airaudi, City Manager Ottenwess and Mayor Nelson will be scheduled for early next week to discuss in detail the requests submitted by Mr. Airaudi.

SPECIAL LIQUOR LICENSES ON MILITARY INSTALLATIONS

Mayor Nelson reported that the City Council has the authority to provide "blanket approval" of applications for liquor licenses requested by non-profit organizations for events held at the Ishpeming Armory. Mayor Nelson stated that currently, each individual organization must obtain approval from the City Council prior to their event.

Police Chief Bjorne reported that all special liquor license requests submitted to the City Council since 1989 had been approved. Police Chief Bjorne stated that the "blanket approval" would eliminate one of the steps and speed up the process for the non-profit organizations requesting the liquor licenses.

City Attorney Savu stated that he opposes the resolution to provide "blanket approval" for special liquor licenses at the Ishpeming Armory. The City Attorney recommended that the City Council continue to approve the special liquor licenses on an individual basis.

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to approve the *Local Legislative Body Resolution for Special Licenses on Military Installations Only*, for the Ishpeming Armory, as presented. Roll Call Vote: Ayes: None (0). Nays: Councilwoman Bureau, Councilwoman Demarest, Councilman Scanlon, Councilman Stone and Mayor Nelson. Five (5). Motion defeated.

ENGINEERING SERVICES – PINE STREET PHASE II DESIGN ENGINEERING

City Manager Jered Ottenwess reported that the City of Ishpeming is eligible for \$375,000 in State funding for road work in 2011 and recommended that this funding be used for the Pine Street Phase II project. The City Manager stated that this grant would require a \$125,000 match from the City. The City Manager stated that in order to be eligible for the funds, the City must complete construction plans by July 2010 for the scheduled bid letting in December 2010. The City Manager stated that there is insufficient time to collect competitive bids for the engineering services.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to authorize Engineering Consultants, Inc. (ECI) to prepare and complete the construction plans for the Pine Street Phase II project, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

ENGINEERING SERVICES – SOUTH SECOND, THIRD AND FOURTH STREETS

Public Works Director Kangas reported that the MEDC ICE project for the South 2nd, 3rd and 4th Streets is moving forward. Public Works Director Kangas reported that the grant requires the City to obtain competitive bids for the engineering services. The Public Works Director stated that the City received Statements of Qualifications from five (5) prospective engineering firms. The Public Works Director reviewed the results of the proposals. Public Works Director Kangas stated that ECI has been involved in this project from the early stages. Public Works Director Kangas stated that ECI prepared the grant application, the cost estimates and the preliminary design work.

At the recommendation of the City Manager and the Public Works Director, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to award the engineering services for the MEDC ICE Infrastructure Project for South 2nd, 3rd and 4th Streets to Engineering Services, Inc. (ECI). Ayes: Five (5). Nays: None (0). Motion carried.

ENGINEERING SERVICES – AUTHORIZE RFQ – CONTINUING ENGINEERING SERVICES

City Manager Ottenwess recommended that the City solicit Requests for Qualifications from engineering firms. The City Manager stated that this process would save time and money on future projects which require competitive bids for engineering services. City Manager Ottenwess stated that upon the review and the ranking of the proposals, the City could enter into engineering continuing services agreements with the top three firms and eliminate the need to go through the process of requesting proposals each time it is required for a project.

At the recommendation of City Manager Ottenwess, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the City Manager and the Public Works

Director to advertise a Request for Qualifications for engineering services. Ayes: Five (5). Nays: None (0). Motion carried.

BIDS FOR USED FORKLIFT

At the recommendation of Public Works Director Jon Kangas, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to approve the purchase of a used/reconditioned forklift in the amount of \$10,000.00 from Superior Equipment and Supply Co., Inc. of Iron Mountain, Michigan; purchase to be paid from the fork lift line item of the Capital Improvement Fund. Ayes: Five (5). Nays: None (0). Motion carried.

SPRING CLEANUP

Mayor Nelson stated that for the last several years, the City has offered a curbside, spring cleanup for City residents. Mayor Nelson stated that the City pays \$8,300 to Waste Management for this service in addition to the tipping fees. Mayor Nelson stated that in the past, the annual spring cleanup has caused some problems such as residents putting out too much trash.

Police Chief Bjorne discussed some of the issues that the Police Department has had to address as a result of people abusing the rules for the spring cleanup. Police Chief Bjorne stated that the Police Department spends a significant amount of time enforcing the miscellaneous debris ordinance after the City has had a spring cleanup day.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilman Stone to forego the annual spring rubbish cleanup in 2010 and to publish a notice for the property owners. Ayes: Five (5). Nays: None (0). Motion carried.

CONTRACT WITH CUPPAD FOR GRANT ADMINISTRATION

City Manager Ottenwess reported that the 2nd, 3rd and 4th Street Flood Control Project requires immediate grant administration. The City Manager stated that it would be in the best interest of the City of Ishpeming for CUPPAD to administer the grant. The City Manager stated that CUPPAD is exempt from the competitive bidding requirements. The City Manager stated that \$10,000 has been allocated in the grant agreement for the grant administration.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the Central Upper Peninsula Planning and Development Commission (CUPPAD) to be the grant administrator of the CDBG Grant for the 2nd, 3rd and 4th Street Flood Control Project. Ayes: Five (5). Nays: None (0). Motion carried.

DISPOSAL OF 630 VINE STREET

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to declare the City-owned property located at 630 Vine Street as surplus property to the City and to authorize the City Attorney to prepare a purchase agreement to sell the property to Habitat for Humanity. Ayes: Five (5). Nays: None (0). Motion carried.

WIMAX AGREEMENT WITH NORTHERN MICHIGAN UNIVERSITY

Mr. Eric Smith, Northern Michigan University, stated that NMU launched WiMAX approximately two (2) years ago in order to secure frequencies from the FCC that allows the University to install 4th generation internet service. Mr. Smith stated that this wireless radio system allows laptops and other portable devices to connect directly to the internet. Mr. Smith stated that NMU provides each student with a laptop computer and students have good access to the internet while they are on campus. Mr. Smith stated that NMU recognized that the students have more difficulty connecting to the internet and do their on-line coursework when they are off campus.

Mr. Smith explained the details of the WiMAX technology and stated that with the cooperation of the City of Ishpeming, NMU will be able to offer the WiMAX technology to their students, staff and faculty that live in the Ishpeming area. Mr. Smith stated that NMU is requesting permission to install antennas on high points in the City. Mr. Smith stated that as part of the agreement, the City of Ishpeming would have access to the signal and would be able to provide internet service to departments that currently lack service.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to move forward with the WiMAX agreement as presented by Northern Michigan University; contingent upon favorable review of the City Attorney. Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

Councilwoman Demarest stated that in November 2008, a letter was sent to the Ishpeming Housing Authority to request the installation of security fencing around the base of the wind turbine structure. Councilwoman Demarest stated that the fencing was never installed.

The City Manager was directed to send a letter to the Director of the Ishpeming Housing Authority and to Mr. Bryan Zaplitny, President of MTI Energy Management, for the purpose of requesting the installation of security fencing around the base of the wind turbine.

Councilman Scanlon questioned the status of the Senior Center bathroom renovations. Public Works Director Kangas reported that the women's restroom has been completed and the men's restroom is nearly finished.

NEW BUSINESS

Councilman Scanlon recommended that the Lake Bancroft fountains be evaluated in order to determine whether or not they will be operational for the summer season.

Councilman Scanlon stated that the Ishpeming Business Association needs the support of the City Council for the City-wide cleanup day on Saturday, May 15th. Councilman Scanlon stated that we have cancelled the curbside pickup, but we have not cancelled spring cleanup. Councilman Scanlon suggested that the City authorize the Fire Department and the DPW to be involved with the IBA's spring clean up efforts.

City Manager Ottenwess announced that the 4th of July Committee will no longer sponsor the annual community picnic at Al Quaal. Mayor Nelson stated that the 4th of July Committee will

continue to organize the parade and the fireworks display. Mayor Nelson stated that the 4th of July Committee has requested that the City restrict access into the Al Quaal Recreation Area on Saturday, July 3rd in order to prevent vehicles from being parked too close to the fireworks display.

Public Works Director Kangas stated that the Greenwood Bridge is at a critical stage and could fail at anytime. The Public Works Director stated that the bridge is scheduled for another inspection this month. The Public Works Director stated that bid letting for the Greenwood Bridge Replacement Project is scheduled for June 2010 with construction to take place later in the summer.

At the recommendation of Public Works Director Kangas, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to move forward with the reconstruction of the Greenwood Bridge and to authorize Mayor Nelson and City Manager Ottenwess to sign the project plans. Ayes: Five (5). Nays: None (0). Motion carried.

By common consent of the City Council, City staff will submit a letter to the State as notification that all Right of Way needs have been satisfied and that all ADA requirements have been met.

At the request of the Ishpeming Business Association, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to approve the closure of certain downtown streets, as presented, for the annual Festival of Treasures to be held on Friday, July 2, 2010. Ayes: Five (5). Nays: None (0). Motion carried.

City Manager Ottenwess commented on the City of Negaunee's request to connect to the existing 30" sewer main that is owned by the City of Ishpeming near the Waste Water Treatment Facility. City Manager Ottenwess stated that it will be necessary for the agreement to be amended. A discussion ensued.

By common consent of the City Council, a meeting will be arranged with the City of Negaunee for the purpose of working out the details of an amendment to the sewer project agreement regarding a connection to the City's 30" sewer main. City Manager Ottenwess and Public Works Director Kangas were directed to attend the meeting and City Council Members were directed to submit their comments, questions and concerns related to the amendment to the City Manager prior to the meeting.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she attended the Cemetery Board meeting and the Downtown Development Authority meeting. Councilwoman Demarest reported that she attended the City Manager's Open House and stated that the Open House was well-attended.

COUNCILWOMAN BUREAU

Councilwoman Bureau reported that she attended the City Manager's Open House.

Councilwoman Bureau reported that she attended the Planning Commission meeting. Councilwoman Bureau stated that the Planning Commission is working on their list of goals and

objectives from the City Council and stated that their first priority is the study of the streets and sidewalks.

Councilwoman Bureau reported that she attended the Neighborhood Watch meeting. Councilwoman Bureau stated that the law enforcement agencies encourage citizens to report suspicious activity. Councilwoman Bureau stated that some citizens are reluctant to report suspicious activity out of concern that their name will be broadcast and heard by others who listen to police scanners. Councilwoman Bureau stated that as a result of this concern, Central Dispatch has revised their protocol and will refrain from using an individual's name when relaying information to the police officers over the radio.

Councilwoman Bureau reported that she attended the Ishpeming Business Association (IBA) meeting. Councilwoman Bureau stated that the IBA is exploring the idea of creating a west-end Chamber of Commerce. Councilwoman Bureau stated that the IBA will sponsor a City-wide clean-up day on Saturday, May 15, 2010.

Councilwoman Bureau recognized all of the employees in attendance at tonight's meeting and thanked them for attending.

COUNCILMAN STONE

Councilman Stone welcomed our new City Manager, Mr. Jered Ottenwess, to his first City Council meeting. Councilman Stone reported that he attended the City Manager's Open House.

Councilman Stone reported that he attended the Ishpeming Housing Commission meeting. Councilman Stone stated that the Ishpeming Housing Commission will meet tomorrow and he will present the City Council's concern about the lack of fencing around the base of the wind turbine.

Councilman Stone reported that he attended the Central Dispatch meeting, the Library Board meeting, a crime watch meeting, the NMPSA Board meeting and the District Library Committee meeting.

COUNCILMAN SCANLON

Councilman Scanlon welcomed our new City Manager, Mr. Jered Ottenwess. Councilman Scanlon stated that he is very happy to have Mr. Ottenwess here and stated that he is looking forward to working with him.

MAYOR NELSON

Mayor Nelson reported that he attended the DDA meeting.

Mayor Nelson stated that he attended a meeting to discuss the Partridge Creek issue. Mayor Nelson stated that there are many unknown variables related to this issue, but they are moving ahead with the project.

Mayor Nelson welcomed Mr. Jered Ottenwess to the City of Ishpeming and stated that he is looking forward to working with him over the next several months.

Mayor Nelson thanked Mr. Robert Nadeau and Mrs. Angela Kiviniemi for their public comment regarding the Ishpeming School District's request for millage on the May 4, 2010 ballot. Mayor Nelson stated that he appreciates the School District's initiative to consolidate services. Mayor Nelson stated that the Ishpeming School District is a great school system. Mayor Nelson expressed his concerns related to the School District's request for new millage.

MANAGER'S REPORT

City Manager Ottenwess thanked everyone for their kind words and stated that he appreciates the support he has received from everyone since he arrived in Ishpeming.

City Manager Ottenwess recommended that the City of Ishpeming begin work on a new agreement for solid waste collection. The City Manager stated that the City of Ishpeming's and the City of Negaunee's agreements for solid waste collection expire this year. The City Manager stated that this is an excellent opportunity to combine services and go out for bids together in order to obtain a competitive rate.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilman Stone to authorize the City Manager and the staff to meet with representatives of the City of Negaunee to discuss a cooperative agreement for joint solid waste collection services. Ayes: Five (5). Nays: None (0). Motion carried.

PUBLIC WORKS DIRECTOR / CITY ENGINEER REPORT

Public Works Director Kangas reported that he had been requested to present a financial report for the Recycling Center. Public Works Director Kangas stated that he will have the report available at the next regular meeting of the City Council.

ATTORNEY'S REPORT

None.

ADJOURN TO CLOSED SESSION TO DISCUSS STATUS OF UNION NEGOTIATIONS

A motion was made by Councilwoman Bureau and seconded by Councilman Stone to enter into closed session at 8:55 p.m. to discuss the status of labor negotiations. Roll Call Vote: Ayes: Councilwoman Bureau, Councilwoman Demarest, Councilman Scanlon, Councilman Stone and Mayor Nelson. Five (5). Nays: None (0). Motion carried unanimously.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to return to open session at 10:12 p.m. Ayes: Five (0). Nays: None (0). Motion carried.

ADJOURNMENT

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to adjourn the meeting at 10:15 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala
City Clerk