

A regular meeting of the Ishpeming City Council was held on Wednesday, March 9, 2011 at the Ishpeming Senior Center. Mayor Scanlon called the meeting to order at 7:00 p.m.

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

Mr. James Bjerne apologized to Councilwoman Demarest for a comment he made to her after the February City Council meeting regarding her position on his retirement transfer request.

#### AGENDA COMMENT

None.

#### CONSENT AGENDA

A motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to accept the Consent Agenda as presented, but with the removal of item "f":

- a. Minutes of Previous Meetings (February 9 and 23, 2011)
- b. Approval of Disbursements
- c. Monthly financial report
- d. Support the initiative of the Marquette County Treasurer's Department to upload settled tax information for online access to property tax information
- e. Approve letter of support for County Road 595 from the Marquette County Road Commission to be sent to Governor Snyder, the State Legislators and the U.S. Legislators
- ~~f. Appoint City Representative to the CUPPAD Regional Commission~~
- g. Accept bid from Cheyka Motors in the amount of \$6,711 for the 2005 Tahoe surplus police vehicle and accept bid from Asia Motors in the amount of \$4,579 for the 2008 Impala surplus police vehicle
- h. Rescind the motion of May 6, 2009, approving a loan in the amount of \$100,000 to Mather Inn Enterprises from the Revolving Loan Fund
- i. Declare 400 Library books as surplus property
- j. Lift the hiring freeze and authorize the Head Librarian to fill the vacant janitorial position and the vacant part-time library clerk position

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

#### PUBLIC HEARING ON AMENDMENTS TO CHAPTERS 9 AND 10 OF THE CITY MASTER PLAN

City Manager Ottenwess explained that the amendments to the Master Plan include support for the Safe Routes to School initiative and support for the Complete Streets Policy.

Mr. Ray Roberts, Ishpeming Planning Commission Chairman, stated that it is important that the Master Plan stays current to what is happening both internal and external to the City.

Mr. Roberts stated that the City was successful in obtaining a grant for the Safe Routes to School (SR2S) project. Mr. Roberts stated that the SR2S infrastructure improvements will be made later this year. Mr. Roberts stated that these infrastructure improvements will provide a safe route for the youth of our community to walk and bike between the playground area and Birchview Elementary School.

Mr. Roberts stated that the City Council Members have been provided with the background information regarding Public Act 135 and Public Act 134. Mr. Roberts stated that it is necessary for the City to get these amendments into the Master Plan so that the Master Plan has the correct supporting language for Complete Streets. Mr. Roberts stated that the legislation states that communities that have Complete Streets policies in place will be given consideration for grant approval over those communities that do not have the policy. Mr. Roberts stated that Complete Streets is not a mandate, but it does serve as a means to provide guidance for the planning, design and construction of future capital improvement projects within the City.

Mayor Scanlon opened the public hearing at 7:09 p.m. to hear and receive comments regarding the proposed amendments to Chapters 9 and 10 of the City of Ishpeming Master Plan.

Hearing no comments, Mayor Scanlon closed the public hearing at 7:10 p.m.

APPROVAL OF AMENDMENTS TO CHAPTERS 9 AND 10 OF THE CITY MASTER PLAN

At the recommendation of the Planning Commission and the City Manager, a motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to approve the amendments to Chapters 9 and 10 of the City Master Plan, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

PUBLIC HEARING ON THE CLOSE-OUT OF THE CDBG SECOND, THIRD AND FOURTH STREETS FLOOD CONTROL PROJECT IN THE AMOUNT OF \$720,000 FOR IMPROVEMENTS TO STORM SEWERS, WATER MAINS, ROADWAY, SIDEWALK, AND CURB AND GUTTER.

City Manager Ottenwess reported that the improvements were made in an area south of Division Street on 2<sup>nd</sup> Street, 3<sup>rd</sup> Street and 4<sup>th</sup> Street. The City Manager stated that the scope of improvements included, but were not limited to, storm sewer catch basins, pipes, and manholes; potable water lines, valves, and fire hydrants; and sanitary sewer pipes and manholes. City Manager Ottenwess stated that the total cost of improvements to date is \$594,310 of Community Development Block Grant (CDBG) funds. City Manager Ottenwess stated that the City of Ishpeming funded a 12% local share, which is \$81,042. The City Manager stated that the CDBG and City funds were used to pay for construction, engineering and administration expenses.

Mayor Scanlon opened the public hearing at 7:11 p.m. to hear and receive comments regarding the close-out of the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Street Flood Control Community Development Block Grant (CDBG) Project (MSC 209093-ICE) for improvements to storm sewers, water mains, roadway, sidewalk, and curb and gutter.

Hearing no comments, Mayor Scanlon closed the public hearing at 7:12 p.m.

TRANSFER OF MARQUETTE COUNTY BENEFITS FOR JIM BJORNE

Mayor Scanlon apologized to the City Council for losing his temper at last month's City Council meeting. Mayor Scanlon stated that this subject has become a very sensitive issue and he feels very strongly about his position.

Mayor Scanlon reported that he was contacted by the President of the DPW Union and was told that the union supports the transfer of service credits for Police Chief Bjorne. Mayor Scanlon reported that the President of the Police Union notified him that they are also in support of the transfer of service credits. Mayor Scanlon stated that this is not a buyout situation and it sets no precedence for future retirees. Mayor Scanlon asked for the City Council's support on this matter.

City Manager Ottenwess reviewed several key points concerning the request from Police Chief Bjorne to transfer service credits from the County of Marquette to the City of Ishpeming. The City Manager reviewed these key points as outlined in his memo to the City Council dated March 4, 2011.

Councilman Tall stated that he spoke to representatives from both MERS and Act 345 earlier today. Councilman Tall stated that he is still uncomfortable with the idea of approving the transfer of funds that would be distributed to only one individual and not evenly distributed to all members of the plan.

Mayor Scanlon stated that the City Manager has done extensive research on this subject and has made his recommendation to the City Council. Mayor Scanlon stated that this request to transfer service credit has been approved MERS, our local Act 345 board, and the County of Marquette. Mayor Scanlon stated that the City Manager has recommended that the City Council approve this request.

Councilman Stone stated that previous City Councils have had to address special retirement and pension situations in the past. Councilman Stone offered several examples of past City Council action to purchase years of service and to approve early retirement to employees of the City. Councilman Stone stated that it is important to look at each circumstance and make a decision that is in the best interest of the City and the employee. Councilman Stone stated that provisions have been made for past employees and stated that he does not think that Jim Bjorne should be treated any differently.

Councilman Stone stated that there are two bankers that serve on our local Act 345 Board and the Act 345 Board is in favor of this transfer. Councilman Stone stated that the City Manager has carefully examined this request and he also recommends that the City Council approve the transfer of service credit.

Councilwoman Racine explained her rationale for not wanting to discuss this issue at a special City Council meeting. Councilwoman Racine stated that the meeting was announced only two days prior and she did not feel that City Council Members had adequate time to prepare or research the issue. Councilwoman Racine stated that she supported having this item at a regular

Council meeting so that the people of this City could understand what was happening. Councilwoman Racine stated that this is not intended to be anything personal against Mr. Bjorne.

Councilman Tall stated that this is not personal. Councilman Tall stated that previous City Council action to approve matters related to retirement had been from one City pension plan to another City pension plan. Councilman Tall stated that this transfer is not the same because it is from the County to the City. Councilman Tall stated that he has listened to the opinions of many people, not just from here, but from people all over Michigan and stated that he is voting his conscience.

A motion was made by Mayor Scanlon and seconded by Councilman Stone to adopt the *Resolution to Accept Transfer of Retirement Benefits from the County of Marquette for James Bjorne*, to approve the transfer of the 3 years and 10 months of credited service from the County to the City, and to approve the transfer of assets to the City; assets from Mr. Bjorne in the amount of \$4,479 and assets from MERS on behalf of the County in the amount of \$22,475, as presented. Roll Call Vote: Ayes: Councilman Stone and Mayor Scanlon. Two (2). Nays: Councilwoman Demarest, Councilwoman Racine and Councilman Tall. Three (3). Motion defeated.

Mayor Scanlon suggested that a special work session be scheduled next week for the purpose of discussing the staffing issues at the police Department.

Police Chief Bjorne stated that he has no intention of retiring with 21 ½ years of service at 50 years of age and then to wait until he is 60 to collect the remainder of his pension. Police Chief Bjorne stated that he would have no health care benefits upon retirement and cannot afford to retire without the full pension. Police Chief Bjorne stated that he will continue to work for the next four (4) years.

Councilman Stone stated that he respects the vote of each Council Member. Councilman Stone stated that when there is a sensitive issue such as this one, he believes it is appropriate for all members to provide the rationale for their vote, especially when a nay vote is cast. Councilman Stone stated that the constituents deserve an explanation from their elected officials.

#### AMENDMENTS TO ORDINANCE NO. 7-100, UNSAFE BUILDINGS AND STRUCTURES

City Manager Ottenwess stated that the City Council originally reviewed proposed amendments to Ordinance No. 7-100, *An Ordinance to Regulate Unsafe Buildings and Structures, and to Provide for the Repair and Demolition Thereof*, at the January 5, 2011 meeting. The City Manager stated that in response to the City Council's discussion at that meeting, the City Attorney revised the original amendments so that the City Council will remain as the Hearing Board to hear all appeals. The City Manager stated that the filing fee for an appeal has been left blank and must be decided by the City Council.

City Manager Ottenwess presented the proposed changes to the ordinance as prepared by the City Attorney. The City Manager stated that the primary purpose of the filing fee is to discourage frivolous appeals and recommended that the City Council set the filing fee at \$150. The City Manager stated that other changes include adding accessory and collapsed structures under the

definition of dangerous buildings and replacing the City Manager with the City staff for the purpose of communicating with property owners and making determinations.

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. 7-100, *An Ordinance to Regulate Unsafe Buildings and Structures, and to Provide for the Repair and Demolition Thereof*, as presented and to approve a \$150 appeal filing fee. Ayes: Five (5). Nays: None (0). Motion carried.

#### CEMETERY / PARKS OFFICE

The City Manager stated that it is necessary to modify the Cemetery office hours in order to remain within budget at the Cemetery. The City Manager stated that he and the Public Works Director have discussed this matter to find the best approach. The City Manager stated that the Cemetery is currently open five days per week. City Manager Ottenwess stated that he and the Public Works Director are recommending that the hours be changed to Monday, Wednesday, and Friday; 7:00 a.m. to 3:00 p.m. The City Manager stated that the Cemetery Board has been notified and supports the recommendation.

At the recommendation of the City Manager and the Public Works Director, a motion was made by Councilwoman Demarest and seconded by Mayor Scanlon to reduce the hours at the Cemetery office to Monday, Wednesday, and Friday from 7:00 a.m. to 3:00 p.m. Ayes: Four (4). Nays: None (0). Abstained: Councilman Tall. One (1). Motion carried.

#### CITY HALL SECURITY

Mayor Scanlon stated that security issues at City Hall have been discussed with City staff. Mayor Scanlon stated that there will be no major adjustments made at this time.

#### OLD BUSINESS

At the recommendation of the City Manager and the Public Works Director, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to approve the purchase of a 2011 John Deere 544K loader from Nortrax for the MiDEAL price of \$153,520.50, to approve the trade-in of the City's 1989 Case W14-B loader in the amount of \$23,520.50 towards the purchase, and to approve the City Manager's recommendation to waive competitive bidding. Purchase to be paid from the loader line item of the Public Works Public Improvement Fund. Ayes: Five (5). Nays: None (0). Motion carried.

#### NEW BUSINESS

Councilman Stone expressed his concerns about the increased water and sewer rates. Councilman Stone recommended that the City Council consider a sinking fund for our water and sewer departments. Councilman Stone stated that the City has an aging water and sewer system and repairs are continuously needed. Councilman Stone stated that a sinking fund would provide the City with the necessary resources to pay for major repairs.

Councilman Stone stated that much water is wasted at the Cemetery because there are people who allow their sprinklers to run on their Cemetery lots throughout the night. Councilman Stone stated that this practice is very wasteful and expensive. Councilman Stone recommended that

the City install automatic shut-off valves at the Cemetery in order to control the hours that water is available.

Mayor Scanlon announced that the City Council Members have been invited to attend a special Public Officials Workshop, hosted by the Marquette County Emergency Management Authority, at the Michigan State Police Post on Wednesday, April 13, 2001.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to approve the *Local Governing Body Resolution for Charitable Gaming Licenses*, for the Bell Foundation, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

City Manager Ottenwess reviewed the liability limit requirements in the new solid waste contract between the City and North Country Disposal. City Manager Ottenwess stated that the City had originally set the minimum limit for liability insurance at \$5 million. The City Manager stated that North Country Disposal feels this limit is excessive and has requested that the amount be reduced.

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 City Attorney to draft an addendum to the solid waste contract between the City and North Country Disposal for the purpose of reducing the limit of liability from \$5 million to \$2 million. 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 appoint City Manager Jered Ottenwess as the local representative to the Central Upper Peninsula Planning and Development (CUPPAD) Regional Commission. Ayes: Five (5). Nays: None (0). Motion carried.

#### MAYOR SCANLON

Mayor Scanlon reported that he was disappointed to see a few snowmobilers travelling up 2nd Street at excessive speeds earlier today. Mayor Scanlon stated that the City is making every effort to be snowmobile friendly and has been working to encourage cooperation among the various recreational user groups. Mayor Scanlon urged snowmobile riders and ATV riders to be courteous and comply with the City ordinances so that tighter rules do not have to be imposed in the future.

#### COUNCILMAN TALL

Councilman Tall reported that he attended the Planning Commission meeting. Councilman Tall stated that the Planning Commission has some exciting ideas for the future of the Hematite Heights property.

Councilman Tall reported that he attended the EMS meeting.

COUNCILMAN STONE

Councilman Stone reported that he attended the Ishpeming Housing Commission meeting. Councilman Stone stated that the wind turbine project has been delayed until the warmer weather returns.

Councilman Stone reported that he attended the Central Dispatch meeting and the Northern Michigan Public Service Academy (NMPSA) meeting.

COUNCILWOMAN RACINE

Councilwoman Racine reported that she attended a Complete Streets workshop in Houghton, the Downtown Development Authority meeting, and a presentation at Northern Michigan University concerning the economic condition of the State of Michigan.

Councilwoman Racine stated that several individuals have told her that they are disappointed that the City Council did not approve a motion last month to purchase additional tubes for the tube slide at Al Quaal. Councilwoman Racine stated that one organization has notified her that they will donate a new tube to the City next year. Councilwoman Racine stated that she intends to work diligently in the future on this project to see that more tubes are available for our youth.

Councilwoman Racine announced that the Skerbeck Carnival will be in the City of Ishpeming from April 28 through April 30. Councilwoman Racine stated that the proceeds from this event are donated to the Bay Cliff Health Camp and the Ishpeming Volunteer Fire Department. Councilwoman Racine stated that each organization received \$3,600 last year from this fundraiser.

Councilwoman Racine reported that she had an opportunity to meet with another Public Works employee to learn about his job duties.

Councilwoman Racine thanked all of the individuals who wrote letters and contacted her in support of her decisions at last month's City Council meeting.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she received many positive comments from individuals in support of her vote at last month's City Council meeting. Councilwoman Demarest stated that she appreciates all of the support that she has received from the community

MANAGER'S REPORT

City Manager Ottenwess reported that the Partridge Creek project is ongoing and stated that he expects to have the contract delivered very soon for the engineering services of Phase I of the construction project.

City Manager Ottenwess reported that the bond issue will be brought forward at the April meeting of the City Council. The City Manager stated that the resolution to issue the bonds for the Partridge Creek project and the DDA's project will be presented to the City Council at that meeting.

City Manager Ottenwess reported that he continues to work on the new, revised job description for the Cemetery/Parks/DPW secretary.

City Manager Ottenwess reported that Governor Snyder is expected to present his plan to replace statutory revenue sharing in the next few weeks. The City Manager stated that following that announcement, he will request the City Council to hold a special work session in the coming weeks to review the budget.

City Manager Ottenwess announced that the City of Negaunee has hired Mr. Jeff Thornton as their new City Manager and stated that he is looking forward to meeting him.

PUBLIC WORKS DIRECTOR / CITY ENGINEER REPORT

Public Works Director Kangas stated that the State of Michigan Corrections Department has notified the City of Ishpeming that prison labor will no longer be available starting May 1, 2011.

Public Works Director Kangas stated that there has been some abuse of the City's dumpsters. The Public Works Director stated that as a result of this abuse, dumpsters are now locked and security cameras have been installed. The Public Works Director stated that the gate at the compost site has also been locked because people were leaving their trash at this site. The Public Works Director stated that the site will be reopened on the last Saturday of the month for trash collection. The Public Works Director stated that once spring arrives, the site will be re-opened Monday-Friday to allow residents to bring compost to the site.

ATTORNEY'S REPORT

None.

ADJOURNMENT

A motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to adjourn the meeting at 8:35 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala  
City Clerk