

A regular meeting of the Ishpeming City Council was held on Wednesday, November 4, 2009 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 Interim City Manager Jim Bjorne and City Attorney David Savu.

PUBLIC COMMENT

None.

AGENDA COMMENT

Mr. Angelo Bosio, 773 Juniper Street, reserved time for comment on Agenda Item No. 8.

Ms. Carol Fulsher, Iron Ore Heritage Recreation Authority, reserved time for comment on Agenda Item No. 13.

CONSENT AGENDA

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

- a. Minutes of Previous Meeting (October 7, 2009)
- b. Approval of Disbursements (Mayor Nelson and Councilman Stone)
- c. Monthly financial report
- d. Appoint David Johnson to the Zoning Board of Appeals
- e. Reappoint Angelo Bosio, Ray Roberts and Seth Johnson to the Planning Commission
- f. Reappoint Seth Johnson to the Negaunee – Ishpeming Water Authority
- g. Reappoint David Johnson to the Housing Appeals Board
- h. Appoint Clara Kutchie to fill a vacancy on the Library Board
- i. Surplus Library books and videos
- j. Nominate Angelo Bosio for reappointment to the MarqTran Board and John Stone for reappointment to the Central Dispatch Policy Board

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

PUBLIC HEARING ON THE DISPOSAL OF PROPERTY AT 407 ELY STREET

Mayor Nelson opened the public hearing at 7:03 p.m. to hear and receive comments regarding the disposal of property at 407 Ely Street.

Mayor Nelson stated that Mr. & Mrs. Robert Corradina, 413 E. Ely Street, have expressed an interest in purchasing the property at 407 E. Ely Street when it becomes available.

Hearing no comments, Mayor Nelson closed the public hearing at 7:04 p.m.

LEASE FOR CROSS COUNTRY SKI TRAILS

Interim City Manager Bjorne reported that at the October Council meeting, the City Council received a letter from CCI notifying the City of Ishpeming that a parcel of land located north of Teal Lake had been given to Ishpeming Township. Interim City Manager Bjorne stated that a portion of the Ishpeming cross ski trail system is located on the parcel that is now owned by the Township of Ishpeming. Interim City Manager Bjorne reported that at the October meeting, the City Council directed him to send a notice to CCI and Ishpeming Township to terminate the City's lease of that property.

Mr. Angelo Bosio, 773 Juniper Street, stated that approximately 1 ½ years ago, the City of Ishpeming, City of Negaunee and Ishpeming Township formed a joint recreation committee for the purpose of exploring ideas for developing the property north of Teal Lake. Mr. Bosio stated that CUPPAD was hired to assist the committee. Mr. Bosio stated that this committee was aware that CCI would transfer ownership over to Ishpeming Township and that the trail system would continue to be maintained by the City.

Mr. Bosio stated that the Al Quaal cross country trail system is included in the City's 5-year Recreation Plan. Mr. Bosio stated that he is not in favor of the City terminating the lease

because the City has already invested so much into the development of the cross country trail. Mr. Bosio stated that the trails located on this parcel generate a lot of traffic and the trails are used by NMU for training and competitions. Mr. Bosio stated that the trails are also used for snowshoeing. Mr. Bosio stated that our entire cross country trail system is an asset to our local economy.

Interim City Manager Bjorne has requested the Public Works Director to gather trail usage data and a summary of maintenance expenses for the Deer Lake trail. The Interim City Manager stated that Public Works Director Kangas has estimated that 80% of the Deer Lake trail lies within the Township of Ishpeming. Interim City Manager Bjorne stated that he contacted Ishpeming Township officials and was told that Ishpeming Township has no funding available to assist with the maintenance of the cross country ski trails at this time.

Interim City Manager Bjorne stated that should the City choose to move forward with the decision to terminate the lease agreement, the agreement does require a six-month notice which would take the City through the 09-10 ski season. A lengthy discussion ensued regarding maintenance costs, lease payments and taxes, revenue generated from trail fees and trail usage.

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau that the City of Ishpeming will continue to perform the necessary maintenance work and grooming of the Deer Lake cross country ski trail on a month to month basis, as needed. The City staff shall continue to evaluate the cost of trail maintenance and gather other relevant trail statistics. Ayes: Five (5). Nays: None (0). Motion carried.

At the recommendation of the City Attorney, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to rescind the motion of October 7, 2009 to terminate Lease No. 7926 (Cross Country Ski Trail Lease). Ayes: Five (5). Nays: None (0). Motion carried.

DISPOSAL OF TWO PARCELS OF PROPERTY IN THE HEMATITE HEIGHTS AREA, EAST OF WABASH HEIGHTS

Mayor Nelson reported that the public hearing was held last month for the disposal of two parcels in the Hematite Heights area. Mayor Nelson stated that there is a potential buyer for the property. Mayor Nelson stated that the City Council must consider whether or not to pay for an appraisal on the property or to consider the value of the property as determined by the City Assessor.

City Attorney Savu recommended that the City obtain a professional appraisal and recommended that the property be advertised for sale.

Councilman Scanlon recommended that the City move forward with the potential buyers.

Mr. Angelo Bosio, Planning Commission Member, stated that the Planning Commission has already approved Mr. & Mrs. Gleason's project for the property in Hematite Heights. Mr. Bosio stated that the Planning Commission is very eager to get this project moving forward. Mr. Bosio stated that the Planning Commission is very hopeful that the Gleason's project will be a catalyst for future development in Hematite Heights.

Mrs. Joni Gleason stated that she and her husband have been working on this project for over a year. Mrs. Gleason stated that it was her understanding that she would be offered the same price as Mr. Airaudi was offered for his property.

Councilman Stone stated that there is no existing road leading to this property and questioned whether or not the DDA will fund the construction of a new road. Councilman Stone stated that the existing dirt road generates a considerable amount of dust and is a problem for the Wabash Heights residents.

A motion was made by Mayor Nelson and seconded by Councilman Scanlon to authorize Interim City Manager Bjorne to negotiate the sale of the two parcels in Wabash Heights II with the potential buyer. Starting price for the sale of the two parcels will begin at \$1,000.00 per acre, all costs and fees associated with the boundary survey shall be the responsibility of the purchaser, and the City shall offer temporary access to the parcels until such time that a permanent road can be constructed. Ayes: Five (5). Nays: None (0). Motion carried.

DRAFT MASTER PLAN PREPARED BY CUPPAD

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to approve the draft Master Plan as presented. Ayes: Five (5). Nays: None (0). Motion carried.

PLACE DELINQUENT UTILITY CHARGES AS A LIEN ON PROPERTY TAXES

At the recommendation of City Treasurer Keto, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to approve the list of delinquent utility bills and the list of special assessments and to authorize the City Treasurer to place the delinquent utility bills and special assessments on the December 1, 2009 tax bills according to Ordinance No. 12-103. Ayes: Four (4). Nays: None (0). Abstained. Mayor Nelson. One (1). Motion carried.

REQUEST TO LIFT HIRING FREEZE AND HIRE A PART-TIME LIBRARY ASSISTANT

Head Librarian Cindy Mack reported that Ms. Asta has resigned her part-time, 12 hours per week, position at the library. Head Librarian Mack stated that in order to maintain the current level of library services, it will be necessary to fill the library vacancy.

At the request of Head Librarian Mack, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to lift the hiring freeze for the purpose of hiring a replacement for the part-time, 12 hour per week, librarian position. Ayes: Five (5). Nays: None (0). Motion carried.

DNR RESPONSE REGARDING THE IRON ORE HERITAGE TRAIL DEVELOPMENT PROJECT AGREEMENT

Carol Fulsher, Iron Ore Heritage Recreation Authority, stated that the DNR grant will provide funding to extend the Iron Ore Heritage Trail an additional 2.5 miles through the City of Ishpeming from the Brownstone area to Winthrop Junction.

At the recommendation of the Interim City Manager and the City Attorney, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to adopt Resolution No. 2009-14, to approve the DNR Project Agreement #TF08-105 as presented and to authorize the appropriate parties to sign the agreement on behalf of the City of Ishpeming. Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST OF A. LINDBERG & SONS FOR LETTER OF SUPPORT FOR THE CONSTRUCTION OF WOODLAND ROAD

Interim City Manager Bjorne reported that the City of Ishpeming has received a letter from A. Lindberg and Sons, Inc. requesting support of the construction of Woodland Road. The Interim City Manager stated that the road would be a designated haul road from the Kennecott mining sight on AAA to the Humboldt Mine sight south of Hwy 41 and east of M-95.

At the recommendation of Interim City Manager Bjorne, a motion was made by Councilwoman Bureau and seconded by Councilman Scanlon to authorize Interim City Manager Bjorne to draft a letter of support for the development of Woodland Road as the best alternate route for mining, logging and other truck traffic. Ayes: Five (5). Nays: None (0). Motion carried.

FIELD SURVEY WORK FOR MEDC INFRASTRUCTURE CAPACITY ENHANCEMENT GRANT PROJECT

Interim City Manager Bjorne reported that the City of Ishpeming has been awarded a \$720,700 MEDC Enhancement Grant to cover water main and storm sewer reconstruction in the area between South 2nd and South 4th Streets. Interim City Manager Bjorne stated that the City's local match of \$100,000 has been budgeted for FY2010.

At the recommendation of Interim City Manager Bjorne, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to authorize ECI to perform the necessary field survey work for the MEDC Infrastructure Capacity Enhancement Grant for a cost not to exceed \$5,000.00. Ayes: Five (5). Nays: None (0). Motion carried.

2009 PROMOTING ACTIVE COMMUNITIES PROGRAM AWARD

Interim City Manager Bjorne reported that the Governor's Council on Physical Fitness, Health and Sports has awarded the City of Ishpeming a Bronze award level as part of the 2009 Promoting Active Communities Program. The Interim City Manager stated that the award ceremony will be held on December 9, 2009 in Lansing.

At the recommendation of the Interim City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the City Clerk to locate Ishpeming residents attending college in the Lansing area to attend the PAC awards ceremony on the City's behalf and to authorize a meal expenditure of up to \$50.00. Ayes: Five (5). Nays: None (0). Motion carried.

POLICE / FIRE DEPARTMENT BUILDING ROOF UPDATE

Interim City Manager Bjorne announced that the City Council was notified last summer that the roof of the Police/Fire/DPW building is in dire need of repair. Interim City Manager Bjorne stated that funds to repair the roof have been allocated for FY2010. Interim City Manager Bjorne stated that over the past several weeks, the roof leak has worsened and water is leaking through the upstairs bathroom into the police department offices on the main floor.

By common consent of the City Council, the Interim City Manager is authorized to take the necessary steps to begin the bidding process for the roof repair in order for the project to begin as early as possible in 2010.

CITY MANAGER HIRING UPDATE

Interim City Manager Bjorne reported that he is preparing a comparison of each of the City Manager applicants. The report will compare education, work experience, and completion of the application requirements. Interim City Manager Bjorne recommended that the City Council choose two Council Members to serve on the search committee. Interim City Manager Bjorne stated the he and Mr. Bakalarski would also serve on this committee.

A motion was made by Mayor Nelson and seconded by Councilman Scanlon to authorize Councilwoman Bureau and Councilwoman Demarest to serve on the City Manager search committee. Ayes: Five (5). Nays: None (0). Motion carried.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize Interim City Manager Bjorne to enter into a part-time employment contract with Mr. Alan Bakalarski, hours not to exceed 40 (forty) hours, for his assistance with the City Manager search process. Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

Councilwoman Bureau reported that she will be traveling to Lansing tomorrow with Mr. Mike Pond from AECOM. Councilwoman Bureau stated that she and Mr. Pond will be meeting with State officials for the purpose of gaining financial support of the Partridge Creek diversion project. Councilwoman Bureau stated that in the event that the meetings are later than expected, she was requesting permission for one additional day of lodging and meal expenses.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the necessary lodging and meal expenses for Councilwoman Bureau while she is in Lansing, November 5 and 6, 2009, for the meetings with State officials to discuss the Partridge Creek diversion project. Ayes: Five (5). Nays: None (0). Motion carried.

Councilwoman Bureau questioned whether or not the DDA office would be moving back to the City Hall building in December. Mayor Nelson requested that the issue be added to the next DDA agenda.

NEW BUSINESS

Councilwoman Demarest recommended that all engineering services be sent out on the competitive bidding process.

Mayor Nelson stated that in some instances, waiting for competitive bids could cause the City to miss grant deadlines.

City Attorney Savu read the City's purchasing procedure as outlined in the City Charter, Article X, Section 10.6.

A discussion ensued regarding the City's working relationship with ECI. Councilman Scanlon stated that he does not disagree with the suggestion to request competitive bidding; however the

Council must also consider that ECI has extensive knowledge of the City and ECI is a local business.

Councilman Stone stated that he sees no reason to change our working relationship with ECI at this time.

Mayor Nelson stated that ECI has been a valuable resource for the City as they have notified us when certain grants were available and they have been instrumental in helping the City meet the deadlines. Mayor Nelson recommended that a memo be sent to all department heads as a reminder of the bidding requirements as outlined in the City Charter.

Councilwoman Bureau stated that she has confidence in ECI. Councilwoman Bureau stated that it is important that the City continue to support local businesses.

COUNCILMAN SCANLON

No report.

COUNCILMAN STONE

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

COUNCILWOMAN BUREAU

Councilwoman Bureau reported that she has heard several positive comments about the installation of the Mutt Mitt stations in the City parks.

Councilwoman Bureau reported that she attended the Planning Commission meeting. Councilwoman Bureau reported that she attended a meeting on establishing a Brownfield Authority. Councilwoman Bureau reported that she attended the Neighborhood Watch meeting.

Councilwoman Bureau reported that she attended the District Library meeting. Councilwoman Bureau stated that the District Library committee will be visiting Crystal Falls to tour their District Library.

COUNCILWOMAN DEMAREST

No report.

MAYOR NELSON

Mayor Nelson reported that he attended the ACT 345 meeting. Mayor Nelson stated that the fund has made some progress in the last few months; however until the fund has fully recovered the City will be required to increase its contribution to the ACT 345 fund for the next few years.

MANAGER'S REPORT

Interim City Manager Bjorne reported that the City has received notice that the wind turbine at the Pioneer Bluff Apartments will be installed during November and December. The Interim City Manager stated that MTI Lighting Specialists has requested street closures during the installation period.

At the recommendation of the Interim City Manager, a motion was made by Councilman Scanlon and seconded by Councilman Stone to authorize the closure of Main Street between Bluff Street and Johnson Street from November 23 to December 20, 2009. MTI's request to close Bluff Street from the Pioneer Bluff Apartments across Main Street shall not be approved. Ayes: Five (5). Nays: None (0). Motion carried.

Interim City Manager Bjorne reported that the State of Michigan has announced that there will be an 11% decrease in State Revenue Sharing. Interim City Manager Bjorne stated that the 11% decrease will equate to \$107,000 for the City of Ishpeming.

At the recommendation of the Interim City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to authorize two (2) Fire Department employees to travel to Mackinaw City to accept delivery of the new Fire Department transport vehicle and to authorize reimbursement for meals and mileage. Ayes: Five (5). Nays: None (0). Motion carried.

At the recommendation of the Interim City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to approve a budget amendment in the amount of \$32,503 from the FY2010 budget to the FY2009 budget for the purchase of the Fire Department transport vehicle. Ayes: Five (5). Nays: None (0). Motion carried.

Interim City Manager Bjorne announced that the City of Ishpeming has been awarded a \$10,000 School Safety Grant to purchase two (2) solar powered school crossing warning flashers for Third Street at the Phelps School. Interim City Manager Bjorne stated that ECI was instrumental in helping the City apply for this grant.

Interim City Manager Bjorne reported that the Greenwood Bridge inspection was conducted by U.P. Engineers and Architects on October 12, 2009. The Interim City Manager stated that the Greenwood Bridge culverts are deteriorating and the Department of Public Works has been advised to monitor the culverts.

At the recommendation of the Interim City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to approve a 30-day extension to Mr. Jesse Freeman for the inoperable vehicle on his property at 1313 N. 3rd Street. Ayes: Five (0). Nays: None (0). Motion carried.

PUBLIC WORKS DIRECTOR/CITY ENGINEER REPORT

Interim City Manager Bjorne stated that the City Council was provided with a written report from Public Works Director Jon Kangas.

ATTORNEY'S REPORT

City Attorney David Savu reported that former City Manager Alan Bakalarski has been subpoenaed to give a deposition for the lawsuit filed by PCBM against Waste Management.

At the recommendation of City Attorney David Savu, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the City Attorney to serve as an advisor to Mr. Alan Bakalarski in the matter of the deposition for the lawsuit filed by PCBM against Waste Management and to authorize the City Attorney to meet with Mr. Bakalarski and review the documents pertaining to the deposition. Ayes: Five (5). Nays: None (0). Motion carried.

CLOSED SESSION TO DISCUSS STATUS OF UNION NEGOTIATIONS

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to enter into closed session at 8:50 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 10:02 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

ADJOURNMENT

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to adjourn the meeting at 10:03 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala
City Clerk