

A regular meeting of the Ishpeming City Council was held on Wednesday, January 5, 2011 at the Ishpeming Senior Center. Mayor Pro-tem Claudia Demarest called the meeting to order at 7:00 p.m.

Present: Mayor Pro-tem Claudia Demarest, Council Members Elaine Racine, John Stone, and Mike Tall. Present: Four (4). Absent: Mayor Pat Scanlon. One (1). Also present were City Manager Jered Ottenwess and City Attorney David Savu.

PUBLIC COMMENT

None.

AGENDA COMMENT

Ms. Caralee Swanberg, LSCP Business Development Specialist, Mrs. Amy Clickner, LSCP CEO and Ms. Lindsay Hemmila, LSCP Director of Marketing and Membership, were present to answer questions from the City Council regarding Agenda Item No. 10.

Darley Kempainen, 416 S. Lake Street, reserved time for comment on Agenda Item No. 8.

CONSENT AGENDA

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

- a. Minutes of previous meetings (December 8 and December 15, 2010)
- b. Approval of Disbursements
- c. Monthly financial report
- d. Designate the Mining Journal as the official publishing organ for 2011
- e. Designate the Ishpeming Community Federal Credit Union, the Peninsula Bank and Wells Fargo as the depositories for 2011
- f. Appoint John Jackson to fill a vacancy on the Housing Appeals Board
- g. Declare the 2008 Chevrolet Impala police vehicle and the 2005 Chevrolet Tahoe police vehicle as surplus property to the City and to advertise the vehicles for sale.
- h. Declare two (2) recycling balers as surplus property to the City and to advertise the balers for sale.

Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

CONTRACT WITH MICHIGAN DEPARTMENT OF TRANSPORTATION FOR PINE STREET IMPROVEMENTS FROM ANGELINE STREET TO DIVISION STREET

City Manager Ottenwess reported that the Michigan Department of Transportation has awarded the City of Ishpeming a \$375,000.00 grant through the Small Urban Program for road improvements on South Pine Street from Angeline Street to Division Street. The City Manager stated that the grant requires a \$125,000.00 local match. City Manager Ottenwess stated that the City is responsible for and has completed the construction plans for the project at a cost of nearly \$45,000.00. The City Manager stated that the City will also be responsible for the construction engineering, testing and inspection services at a cost of approximately \$25,000.00. City

Manager Ottenwess stated that a FY2011 budget amendment will be necessary to cover these engineering costs.

At the recommendation of the City Manager, a motion was made by Councilman Stone and seconded by Councilman Tall to approve Michigan Department of Transportation Contract No. 10-5772, Project No. STP 1152(309) for the South Pine Street resurfacing project and to authorize Mayor Scanlon and City Clerk Rajala to execute the contract on behalf of the City of Ishpeming. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

AMENDMENTS TO ORDINANCE NO. 7-100, UNSAFE BUILDING ORDINANCE

City Manager Ottenwess stated that the City Attorney recommends several changes to the Unsafe Building Ordinance. The City Manager stated that the City Attorney recommends that the Housing Appeals Board be designated as the appeal board, rather than the City Council. In addition, the City Attorney recommends a provision for deteriorating foundations, a \$150 appeal filing fee and a provision to record notice of violations with the County.

City Attorney Savu reviewed the proposed amendments to the Unsafe Building Ordinance. The City Attorney stated that the amendments would allow the City to declare a building or structure as unsafe if the foundation has been significantly weakened, if the water service has been terminated for a period of two years or more, or if the building or structure has been totally or partially demolished, by fire or other cause.

The City Attorney stated that the most significant change is to require all appeals to be presented to the Housing Appeals Board rather than the City Council. The City Attorney stated that the Housing Appeals Board has particular expertise in this area.

Mrs. Darley Kemppainen, 416 S. Lake Street, addressed the City Council regarding her concerns about the former Catholic Church building on South Lake Street. Mrs. Kemppainen stated that this all-wooden structure, constructed in 1887, has been deteriorating for years. Mrs. Kemppainen stated that shingles frequently clutter her yard after a wind storm. Mrs. Kemppainen stated that she and her husband, along with many neighbors, are very concerned about the potential of fire. Mrs. Kemppainen stated that the building is old, huge and like a tinder box. Mrs. Kemppainen requested the City Council to have the building torn down in order to protect the safety of the neighbors. Mrs. Kemppainen stated that former parishioners of the Church have said how they lament the fact that the Church has been relegated to secular use.

Councilwoman Racine questioned the proposed change to the ordinance that would designate the Housing Appeals Board as the hearing board rather than the City Council. Councilwoman Racine stated that she would not be in favor of removing the City Council from the appeals process.

The City Attorney stated that the appeals are complicated and the hearings can take several hours. The City Attorney stated that the hearings are typically scheduled during regular City Council meetings.

Councilman Stone stated that the advantage of having the Housing Appeals Board address the unsafe building appeals rather than the City Council, is that it takes the politics out of the process.

Councilman Tall recommended that additional language be added to the ordinance to require the City Council to make the final decision after the Housing Appeals Board has conducted the hearing.

Mayor Pro-tem Demarest stated that she opposes the \$150.00 filing fee and stated that she is not in favor of taking the decision making out of the City Council's hands.

City Attorney Savu stated that the \$150.00 filing fee was included for the purpose of discouraging frivolous appeals and also because the City incurs costs while preparing for the hearings. The City Attorney stated that an appeals hearing would be much like a court proceeding and it would take a great deal of the City Council's time to sit through the hearing.

At the request of Councilwoman Racine, Agenda Comment was reopened.

Mrs. Mary Farmer, 415 S. Lake Street, expressed her concerns about the former Catholic Church building on South Lake Street. Mrs. Farmer stated that she believes there are many vehicles, boats and motor homes stored in the building. Mrs. Farmer is very concerned about the potential of fire. Mrs. Farmer stated that she frequently sees young people going in and out of the building.

Mrs. Ann Donato, 316 W. Johnson Street, expressed her concerns about the former Catholic Church building on South Lake Street. Mrs. Donato stated that she frequently sees kids coming and going out of the building and is concerned that there may be illegal activity going on inside the building. Mrs. Donato stated that the building is a danger to the community.

At the recommendation of the City Manager and the City Attorney, a motion was made by Councilman Stone 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 or Demolition Thereof*, as presented. Roll Call Vote: Ayes: Councilman Stone. One (1). Nays: Councilwoman Racine, Councilman Tall and Mayor Pro-tem Demarest. Three (3). Absent: Mayor Scanlon. One (1). Motion defeated.

REPEAL ORDINANCE NO. 11-400, HAULING OF TRASH BY THE CITY DPW AND ESTABLISHING FEES

City Manager Ottenwess reported that Ordinance No. 11-400 is antiquated and is no longer applicable.

At the recommendation of the City Manager, a motion was made by Councilman Tall and seconded by Councilwoman Racine to rescind Ordinance No. 11-400, *An Ordinance Providing for the Hauling of Trash by the City Department of Public Works and Establishing Fees Therefor*. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

LAKE SUPERIOR COMMUNITY PARTNERSHIP 2011 DUES

City Manager Ottenwess reported that in recent years, the City has paid the LSCP membership dues out of the unallocated line item of the General Fund. The City Manager stated that the FY2011 budget reduces that line item from \$5,000 to \$2,500 and stated that the line item is insufficient to cover the LSCP membership dues. The City Manager stated that a budget amendment would be necessary if the City Council approves the LSCP membership dues. The City Manager stated that there would be sufficient cost savings across the General Fund to cover the shortage for the LSCP dues. City Manager Ottenwess stated that the FY2011 budget anticipated that the City Council would not approve the membership dues, in part, because the City is funding the new Chamber of Commerce.

A motion was made by Councilman Tall and seconded by Councilwoman Racine to not approve the City of Ishpeming's 2011 membership dues to the Lake Superior Community Partnership. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES – PARTRIDGE CREEK

City Manager Ottenwess reported that the Great Lakes Restoration Initiative (GLRI) Grant has a very tight timeline for completing the project by November 2012. The City Manager stated that it is imperative that the engineering process begin as soon as possible. The City Manager stated that the Request for Qualifications is the first step towards hiring an engineering firm.

At the recommendation of the City Manager, a motion was made by Councilwoman Racine and seconded by Councilman Tall to approve the *Request for Qualifications to Provide Professional Engineering Services for Phase I Partridge Creek Diversion Project*, to authorize the City Manager to make the necessary modifications to the document as he deems necessary, and to authorize the City Manager to publish the *Request for Qualifications*. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

ADOPTION OF NOTICE OF INTENT RESOLUTION TO ISSUE BONDS

City Manager Ottenwess reported that the Downtown Development Authority (DDA) passed a resolution at their December meeting which requested the City Council to issue a bond on their behalf. The City Manager stated that the bond payments will be made by the DDA, but the City Council must authorize it. City Manager Ottenwess stated that the City Council must first issue a notice of intent to formally declare the City's intent to issue a bond. The City Manager stated that after the resolution is published, there is a 45-day referendum period during which time a petition can be filed to require the bond issue to be brought before the voters.

City Manager Ottenwess stated that the bond, in the amount of \$2.475 million, will be used to complete projects that would otherwise be budgeted on an annual basis or would not be completed at all. The City Manager explained that the bond issue is the best means for a TIF plan to be implemented because the bond borrows against a future revenue stream.

At the recommendation of the Downtown Development Authority, a motion was made by Councilman Stone and seconded by Councilman Tall to approve the *Resolution Authorizing Notice of Intent to Issue Capital Improvement Bonds and Declaring Intent to Reimburse*, to issue

and sell general obligation capital improvement bonds in an amount not to exceed \$2,475,000.00 for the purpose of completing certain capital improvement in the City, as presented. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

OLD BUSINESS

City Manager Ottenwess reported that 407 E. Ely Street had been foreclosed by Wells Fargo. The City Manager stated that the City took possession of the property and demolished the dilapidated structure that was on the property, at the cost of the City. City Manager Ottenwess stated that when the City took possession of the property, it included a lien that Wells Fargo had placed on the property in the amount of \$6,648.89. The City Manager stated that Mr. & Mrs. Robert Corradina have expressed interest in the property for several months, but they do not want to assume the lien. City Manager Ottenwess suggested that the City split the cost of the lien with Mr. & Mrs. Corradina. The City Manager stated that he presented that idea to the Corradina's and stated that they have agreed to the proposal.

At the recommendation of the City Manager, a motion was made by Councilwoman Racine and seconded by Councilman Tall to authorize the sale of City-owned property located at 407 E. Ely Street to Mr. and Mrs. Robert Corradina in the amount of \$3,324.45 and to discharge the mortgage lien. This action shall be subject to confirmation that the public hearing had previously been held for the disposition of that parcel. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

NEW BUSINESS

Councilwoman Racine commented on the former Catholic Church building on South Lake Street. Councilwoman Racine stated that the residents living near this property are very concerned about their safety and stated that no one in this City should have to live in fear. Councilwoman Racine questioned whether or not it would be permissible for the City Council and the Police Chief to tour the property. Councilwoman Racine asked how we can go about deciding if this property should be taken down.

City Attorney Savu stated that this situation is an administrative decision to be made by the City Manager.

City Manager Ottenwess stated that he and the Police Chief have been working on it and have discussed the matter with the City Attorney. The City Manager stated that the City must use its ordinances as a tool to resolve these issues. The City Manager stated that they are investigating and researching the matter to determine if the City can enforce the Unsafe Building Ordinance in this instance. City Manager Ottenwess stated that it is very important that the Ordinance is enforced properly and not with haste.

Councilman Tall stated that the City Council is not qualified to assess a building to determine its safety. Councilman Tall stated that it is important for the City Council to look at both sides of the issue. Councilman Tall stated that the building belongs to somebody and they have a right to own a building.

Councilman Stone stated that he understands the concerns of the neighbors living near this building. Councilman Stone stated that he is confident that the City Manager will have the appropriate individuals assess the building and identify any safety issues that may be present.

At the recommendation of the City Manager, a motion was made by Councilwoman Racine and seconded by Councilman Tall to approve the request from the Ishpeming Business Association for the annual Torch Trek Cross Country Ski event in downtown Ishpeming on Thursday, January 27, 2011, as presented. The Department of Public Works is authorized to provide snow hauling and snow removal services for the event, with the condition that the Downtown Development Authority (DDA) shall be billed for DPW work. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

COUNCILMAN TALL

Councilman Tall reported that he attended the EMS Medical Control meeting.

COUNCILMAN STONE

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

Councilman Stone stated that he was contacted by a citizen who has concerns about the changes in the garbage and recycling services. Councilman Stone reminded residents that curbside recyclables will be collected on the same day as the trash and stated that all trash and recyclables must be at the curb no later than 7:00 a.m. Councilman Stone stated that the recycling center has been closed, but the compost area and metal collection area will remain open for residents of the City. Councilman Stone announced that roll-off containers will be available for residents on the last Saturday of each month from 9:00 a.m. to 2:00 p.m. Councilman Stone stated that later in the spring, dumpsters will be available on two separate, consecutive Friday and Saturdays to help residents with their spring cleanup efforts.

COUNCILWOMAN RACINE

Councilwoman Racine reported that she had the opportunity to ride along in a snowplow during a storm in December. Councilwoman Racine stated that it was an interesting experience and she learned about the difficult conditions that the drivers encounter while keeping our streets clear and safe. Councilwoman Racine stated that she also had the opportunity to visit with the DPW mechanic and learned about his responsibilities.

MAYOR PRO-TEM DEMAREST

Mayor Pro-Tem Demarest reported that she also had the opportunity to ride along in a snowplow and stated that it was a very interesting experience.

MANAGER'S REPORT

City Manager Ottenwess reported that the winter edition of the City newsletter is done and is available on the City web-site, at City Hall, the Senior Center and the Library.

PUBLIC WORKS DIRECTOR/CITY ENGINEER REPORT

A written report from the Public Works Director was provided to the members of the City Council in the meeting packet.

Public Works Director Jon Kangas reported that the Ishpeming Ski Club is hosting their annual Ski Jumping Tournament this weekend. The Public Works Director stated that the event coincides with the World Junior Championship Trials and the North American Junior Championship. Public Works Director Kangas encouraged everyone to support these events.

ATTORNEY'S REPORT

City Attorney Savu commented on the curbside recycling program. The City Attorney reminded residents that it is necessary for the recyclables to be visible in some fashion so that the trash collectors can clearly distinguish trash from recyclables.

ADJOURNMENT

A motion was made by Councilman Tall and seconded by Councilwoman Racine to adjourn the meeting at 8:20 p.m. Ayes: Four (4). Nays: None (0). Absent: One (1). Motion carried.

Jenifer M. Rajala
City Clerk