

A regular meeting of the Ishpeming City Council was held on Wednesday, July 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

None.

AGENDA COMMENT

AECOM Representatives, Mr. Mike Pond and Mr. Scott Richards, reserved time for comment on Agenda Item No. 8.

CONSENT AGENDA

A motion was made by Councilman Stone and seconded by Councilman Scanlon to remove item "e", *Request of YMCA to use Al Quaal for a disc golf clinic and tournament*, from the consent agenda and to add the item as 6A on the agenda. Ayes: Five (5). Nays: None (0). Motion carried.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to approve the consent agenda as follows, but with the exclusion of item "e":

- a. Minutes of Previous Meetings (June 1, 9, and 22, 2010)
- b. Approval of Disbursements
- c. Monthly financial report
- d. Confirm reappointment of Diane Gauthier, David Aeh, and Rosemarie Strom to four year terms on the Downtown Development Authority
- e. ~~Request of YMCA to use Al Quaal for a disc golf clinic and tournament~~
- f. Onsite construction testing for Greenwood Bridge/Culvert Replacement Project
- g. Authorize Mayor and City Clerk to sign Quit Claim Deed for 630 Vine Street
- h. Request to close the Library on July 15, 2010

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

REQUEST OF YMCA TO USE AL QUAAL FOR A DISC GOLF CLINIC AND TOURNAMENT

Councilman Stone requested that this item be referred to the Parks and Recreation Commission. Councilman Stone stated that the Parks and Recreation Commission receives many requests each year to waive the park fees and they have been trying to avoid this situation. Councilman Stone stated that it is appropriate for the Parks and Recreation Commission to review these requests prior to action by the City Council.

A motion was made by Councilman Stone and seconded by Councilman Scanlon to send the request from the YMCA to use the Al Quaal Recreation Area for a disc golf clinic and

tournament to the Parks and Recreation Commission for their consideration and recommendations. Ayes: Five (5). Nays: None (0). Motion carried.

Councilwoman Bureau stated that the disc golf course equipment was installed by a group of young people at their own expense. Councilwoman Bureau stated that they will be hosting a tournament. Councilwoman Bureau recommended that the City make a contribution to this group for equipment maintenance and requested that this issue be brought to the Parks and Recreation Commission for their recommendation.

APPEAL OF NOTICE OF VIOLATION OF ORDINANCE NO. 7-100 FOR UNSAFE BUILDING CONDITIONS AT 232 HILL STREET

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to adjourn with no date specific the Appeal of Notice of Violation of Ordinance No. 7-100 for Unsafe Building Conditions at 232 Hill Street. Ayes: Five (5). Nays: None (0). Motion carried.

AECOM - PARTRIDGE CREEK

Mr. Mike Pond and Mr. Scott Richards offered an informative PowerPoint presentation detailing the history of Partridge Creek, funding options available for the Partridge Creek diversion project and the proposed construction phases.

Mr. Richards stated that prior to 1970, Partridge Creek flowed through a combined sewer and storm system. Mr. Richards stated that flooding was a common problem. Mr. Richards stated that the City of Ishpeming requested CCI to divert Partridge Creek into the New York Mine Pit. Mr. Richards stated that CCI agreed to divert Partridge Creek with conditions. Mr. Richards stated that the City assumed all risks and CCI had the right to terminate the agreement with 90 days notice.

Mr. Richards stated that there is now a need to divert Partridge Creek away from the New York Mine Pit and Cliffs is required to divert the creek by November 2015. Mr. Richards stated that the existing storm sewer is over 100 years old and stated that a 2005 inspection of the storm sewer documented structural deficiencies. Mr. Richards stated that it is necessary to have long-term infrastructure for Partridge Creek.

Mr. Richards stated that studies of the existing storm system were conducted in 2005, 2007 and in 2009. Mr. Richards stated that the deteriorating condition of the storm sewer has been well documented.

Mr. Richards presented a map of the proposed route for the Partridge Creek diversion and reviewed the construction phases. Mr. Richards stated that Phase I of the project would begin on the east end of the creek and go as far west as possible as funding permits.

Mr. Richards presented funding options for the Partridge Creek Diversion Project. Mr. Richards stated that to date, CCI has paid for all of AECOM's engineering services. Mr. Richards stated that Phase I of the project is estimated to cost \$2.7 million. Mr. Richards stated that a \$2 million EPA - Great Lakes Restoration Grant is available and stated that the grant funds are contingent

upon a City match of 35% or \$700,000. Mr. Richards stated that AECOM recommends that the City apply for a \$700,000 USDA loan. Mr. Richards stated that the loan could be repaid through the City's water fund at \$1.00 per user per month over the 40 year term of the loan. Mr. Richards stated that it is important to show the EPA that the City's 35% match is secure and requested the City to authorize AECOM to submit a loan application to the USDA.

A motion was made by Councilwoman Bureau and seconded by Councilman Scanlon to authorize AECOM to submit a USDA Rural Development loan application in the amount of \$700,000.00; loan to be repaid from the water utility fund. Ayes: Five (5). Nays: None (0). Motion carried.

DISPOSAL OF LOTS 67, 68, AND 69 OF CLEVELAND IRON MINING COMPANY'S ADDITION (CLEVELAND AVENUE)

A motion was made by Councilman Stone and seconded by Councilwoman Demarest to approve the sale of Lots 67, 68 and 69 of the Cleveland Iron Mining Company's Addition (Cleveland Avenue) in the amount of \$2,500.00 per lot by means of a Quit Claim Deed and to split the proceeds of the sale equally among the City of Ishpeming, Ishpeming School District and Bell Hospital. Ayes: Five (5). Nays: None (0). Motion carried.

PCBM DEVELOPMENT AGREEMENT

City Manager Jered Ottenwess stated that PCBM Management would like to move forward with Phase II of the Ishpeming Hills development project. The City Manager stated that the City Council approved the preliminary plat in April 2009. The City Manager stated that the developer has indicated that he does not intend to go through the platting process and would like to proceed with the Development Agreement with the City. The City Manager stated that City staff has worked with PCBM to modify the Development Agreement. The City Manager outlined the concerns held by the City staff regarding some items in the Development Agreement. City Manager Ottenwess requested direction from the City Council regarding the funding of water improvements in Ishpeming Hills II.

A lengthy discussion ensued and no action was taken on the issue. By consensus of the City Council Members, the City Manager was requested to meet with the developer to address the concerns of the City Council and to modify the Development Agreement.

SECOND READING OF AN AMENDMENT TO ORDINANCE NO. 8-100 TO REZONE LOTS 15 AND 16 OF THE PALMS-BOOK ADDITION FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL

A motion was made by Mayor Nelson and seconded by Councilwoman Bureau to adopt the amendment to Ordinance No. 8-100 to rezone lots 15 and 16 of the Palms-Book Addition from Single Family Residential to General Commercial, as of the second reading. Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST FOR QUALIFICATIONS SELECTION COMMITTEE

A motion was made by Mayor Nelson and seconded by Councilwoman Bureau to appoint Councilwoman Claudia Demarest and Councilman Pat Scanlon to serve on the committee with

City Manager Jered Ottenwess and Public Works Director Jon Kangas to review the Request for Qualifications. Ayes: Five (5). Nays: None (0). Motion carried.

SOLID WASTE REQUEST FOR BIDS

City Manager Ottenwess reported that a designated committee from both the City of Ishpeming and the City of Negaunee met recently to draft a request for bids for solid waste collection and disposal. City Manager Ottenwess stated that the request for bids will be advertised jointly and also advertised separately. The City Manager stated that we can then demonstrate the potential cost savings that may result by having a joint contract with the City of Negaunee.

City Manager Ottenwess stated that two of the notable changes in the request for bids would be the elimination of commercial pickup and the addition of curbside recycling.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to approve the request for bids for solid waste collection and disposal as amended by the City Attorney, to authorize the City Manager to advertise the request for bids jointly with the City of Negaunee, to authorize the City Manager to advertise the request for bids individually, and to approve the Residential Garbage and Refuse Collection Agreement as amended, pending the clarification of the definition of "residence". Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

Councilwoman Demarest questioned whether or not the new accounting/utility software has been purchased for the Treasurer's Department. City Treasurer Anita Keto reported that the item is budgeted for this year and stated that she and the City Manager are reviewing the bid specifications.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to not seek the guidance of Mr. Alan Bakalarski for the upcoming police union negotiations. Ayes: Five (5). Nays: None (0). Motion carried.

NEW BUSINESS

Mayor Nelson reported that Mr. Robert Airaudi is negotiating with Mr. Parkkonen to purchase a building in the Brownstone. Mayor Nelson stated that Mr. Parkkonen owns the building but leases the property from the City of Ishpeming. Mayor Nelson stated that Mr. Airaudi has requested that the City of Ishpeming transfer the lease from Mr. Parkkonen to him.

A motion was made by Councilman Scanlon and seconded by Mayor Nelson to grant the transfer of the Brownstone property lease from Mr. Parkkonen to Mr. Robert Airaudi with the following three conditions: (1) The City of Ishpeming receives a copy of the recorded Bill of Sale; (2) City of Ishpeming receives proof that all utilities are current; and (3) City receives proof that property taxes are current. Roll Call Vote: Ayes: Councilman Scanlon and Mayor Nelson. Two (2). Nays: Councilwoman Bureau, Councilwoman Demarest and Councilman Stone. Three (3). Motion defeated.

A motion was made by Councilman Scanlon and seconded by Mayor Nelson to grant the transfer of the Brownstone property lease from Mr. Parkkonen to Mr. Robert Airaudi with the following four conditions: (1) The City of Ishpeming receives a copy of the recorded Bill of Sale; (2) City of Ishpeming receives proof that all utilities are current; (3) City receives proof that property taxes are current; and (4) that language be added to the Brownstone lease that is consistent with Mr. Airaudi's existing Malton Road lease in terms of the use of the premises. Roll Call Vote: Ayes: Councilwoman Demarest, Councilman Stone and Mayor Nelson. Three (3). Nays: Councilwoman Bureau and Councilman Scanlon. Two (2). Motion carried.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she attended the 4th of July parade. Councilwoman Demarest stated that there were many spectators at the parade and stated that there were fireworks at Al Quaal in the evening.

COUNCILWOMAN BUREAU

Councilwoman Bureau reported that the 4th of July parade was outstanding and believes it may have been our largest parade ever. Councilwoman Bureau stated that she received several complaints about the closure of Al Quaal for the 4th of July. Councilwoman Bureau stated that she did not see a single person in the park for the entire day and hopes that we can make some changes for next year.

Councilwoman Bureau stated that she has attended all the meetings for the new Ishpeming Chamber of Commerce. Councilwoman Bureau stated that the board is in the process of selecting an Executive Director for the Chamber.

Councilwoman Bureau reported that she attended the Planning Commission meeting.

Councilwoman Bureau reported that she attended a budget seminar at NMPSA.

COUNCILMAN STONE

Councilman Stone reported that he attended the Central Dispatch meeting. Councilman Stone stated that legislation has been introduced to reduce the number of 911 dispatch centers down to three and stated that the legislation would eliminate the Upper Peninsula call center. Councilman Stone encouraged everyone to contact our legislators and let them know that the Upper Peninsula 911 call center is vital to the citizens in the Upper Peninsula.

Councilman Stone reported that he attended the Festival of Treasures and stated that it was a wonderful event. Councilman Stone stated that the 4th of July parade was great. Councilman Stone thanked all of the volunteers who donate their time and talents to organize these events.

Councilman Stone reported that the blades have been installed on the wind turbine. Councilman Stone stated that the wind turbine will be tested in approximately one month.

COUNCILMAN SCANLON

Councilman Scanlon stated that he was very pleased to see the blades installed on the wind turbine and stated that he is anxious to see the wind turbine in operation.

Councilman Scanlon stated that he received several complaints about the closure of Al Quaal for the 4th of July. Councilman Scanlon stated that the barricades and fencing were needed to keep the public safe from the fireworks. Councilman Scanlon stated that we will need to make some adjustments next year so that those that would like to use Al Quaal can have access to a portion of the park.

Councilman Scanlon reported that he received a few complaints about the BR M-28 resurfacing project. Councilman Scanlon stated that some people complained about their cars getting dirty. Public Works Director Jon Kangas reported that the resurfacing of BR M-28 was an MDOT project and the City had no direct involvement in this paving project.

Councilman Scanlon questioned whether or not someone from the City has assessed the condition of the sidewalk in front of the St. John's Church. Public Works Director Kangas stated that St. John's Church must file a sidewalk permit and follow the proper procedure for sidewalk replacement.

MAYOR NELSON

Mayor Nelson reported that he attended the DDA meeting. Mayor Nelson stated that the DDA is considering a future bonding issue to do some additional projects within the TIF District.

Mayor Nelson reported that he attended the 4th of July parade. Mayor Nelson thanked all of the community volunteers for organizing the parade, fireworks and other 4th of July activities.

Mayor Nelson stated that the Al Quaal Recreation Area was closed to vehicle traffic at the recommendation of the 4th of July Committee. Mayor Nelson stated that the area was fenced off to protect the public from parking too close to the fireworks. Mayor Nelson stated that the City will work with the committee and make some adjustments next year.

POLICE CHIEF'S REPORT

Police Chief Jim Bjorne reported that the number of complaints received over the three-day weekend were significantly lower than in the past. Police Chief Bjorne stated that he attributes this to the fact that Al Quaal was closed. Police Chief Bjorne stated that in the past, persons consuming alcohol throughout the day significantly contributed to the number of complaints. The Police Chief stated that the reason the park was closed for vehicle traffic was to protect the pedestrians. Police Chief Bjorne stated that because of the large number of spectators at the fireworks, we do not have an adequate number of officers to monitor the highway intersections and the Al Quaal traffic.

Police Chief Bjorne stated that in regard to the alumni softball games, no complaints were filed. Police Chief Bjorne stated that there were no problems related to the street closure in front of the Congress and the Tee Pee during the holiday weekend.

MANAGER'S REPORT

City Manager Jered Ottenwess updated the City Council on the status of the Lake Angeline project. The City Manager stated that he spoke to a DNRE official that is working directly on our project. The City Manager stated that the DNRE is currently in the land transaction closing

process and the land transfer should be finalized by September 2010. City Manager Ottenwess stated that the DNRE must then complete the construction plans and bid letting and stated that this process could take up to a year. The public access should be open by September 2011.

City Manager Ottenwess announced that the City newsletter was distributed and is now available at City Hall, the Senior Center, the Carnegie Library and on the City's web-site. The City Manager stated that the newsletter will be published on a quarterly basis.

City Manager Ottenwess stated that a request for proposals for the Hematite Heights subdivision project was advertised. The City Manager stated that no bids were received by the deadline. City Manager Ottenwess stated that he will follow-up with an interested party.

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.

Councilman Stone complimented the DPW staff for their excellent work in cleaning up the streets, sidewalks and parks after the 4th of July festivities.

ATTORNEY'S REPORT

City Attorney David Savu stated that the park ordinance does not prohibit golfing in the Al Quaal Recreation Area. City Attorney Savu suggested that the City Council consider amending the ordinance to prohibit conventional golf in the park.

Public Works Director Kangas stated that the Parks and Recreation Commission is not in favor of conventional golfing in the park.

Mayor Nelson requested that this topic be added to the next meeting agenda.

City Attorney Savu recommended that City Manager Ottenwess send a letter to our state representatives in order to express our opposition to the proposed legislation to close the Upper Peninsula 911 call center.

ADJOURNMENT

A motion was made by Councilman Scanlon and seconded by Councilman Stone to adjourn the meeting at 9:03 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala
City Clerk