

A regular meeting of the Ishpeming City Council was held on Wednesday, June 9, 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 Airaudi, Everlast Industries, thanked all of the individuals and businesses that supported the job rally tonight. Mr. Airaudi read from a prepared statement and reviewed the timeline of events from 2008 to the present, pertaining to his business project for the Malton Road property.

#### AGENDA COMMENT

Mr. John French, 621 N. 4<sup>th</sup> Street and Renaissance Festival Committee member, reserved time for comment on Agenda Item No. 15.

Mr. Greg Perttula, CFO Bell Hospital, reserved time for comment on Agenda Item No. 8.

Mr. Ernie Harsila, 394 Winthrop Street, commented on Agenda Item No. 13, Second Reading to an Amendment to Ordinance No. 4-500. Mr. Harsila stated that he opposes the proposed amendment to Ordinance No. 4-500.

#### CONSENT AGENDA

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

- a. Minutes of Previous Meetings
- b. Approval of Disbursements
- c. Monthly Financial Report
- d. Reappoint David Savu to a three year term on the Building Authority
- e. Request for street closures for wind turbine construction
- f. Use of Lake Bancroft Park for Renaissance Faire
- g. Marquette County Labor Council requests for Labor Day festival/parade
- h. Ratify DPW union contract

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

#### PUBLIC HEARING ON DISPOSAL OF CLEVELAND AVENUE LOTS

Mayor Nelson opened the public hearing at 7:21 p.m. to hear and receive comments regarding the disposal of City-owned property described as Lots 67, 68 and 69 of Cleveland Iron Mining Company's Addition (406 Cleveland Avenue). Hearing no comments, Mayor Nelson closed the public hearing at 7:22 p.m.

BELL HOSPITAL AMBULANCE LEASE BUYOUT REQUEST

City Manager Jered Ottenwess stated that Bell Hospital has presented a proposal to the City of Ishpeming to buyout the existing lease for the ambulances. City Manager Ottenwess reviewed the details of the proposal as submitted by Bell Hospital.

Mr. Greg Perttula, CFO Bell Hospital, stated that Bell Hospital is looking for an early buyout of the existing lease for the ambulance vehicles. Mr. Perttula stated that Bell Hospital has determined that the fair market value of the four (4) leased vehicles is \$24,000. Mr. Perttula stated that Bell Hospital also requests that the monthly payments scheduled from now until December 2010 be applied towards the \$24,000 and then they would make a lump sum final payment at the end of the year.

City Attorney Savu stated that under the terms of the lease, Bell Hospital is required to keep all vehicles in good repair. City Attorney Savu stated that the 2001 Sprinter Ambulance has a blown engine and has not been repaired by Bell Hospital.

Mr. Perttula stated that Bell Hospital has kept all of the vehicles in good repair; however the blown engine in the Sprinter was an unexpected and catastrophic event.

A discussion ensued.

A motion was made by Mayor Nelson and seconded by Councilman Scanlon to reject Bell Hospital's proposal for an early buyout of the ambulance vehicle lease and to authorize the City Manager to meet with the Bell Hospital representatives for the purpose of re-negotiating an agreement. Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST FOR QUALIFICATIONS FOR CONTINUING ENGINEERING SERVICES

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to accept the *Request for Qualifications to Provide Municipal Engineering Services*, as prepared by the City Manager and the City Engineer and to direct the City Manager to advertise the *Request for Qualifications*. Ayes: Five (5). Nays: None (0). Motion carried.

MDOT CONTRACT FOR GREENWOOD STREET BRIDGE REPLACEMENT

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize the City Manager and the City Clerk to execute MDOT Contract No. 10-5312 for the Greenwood Street Bridge Replacement, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

MDOT CONTRACT FOR IRON ORE HERITAGE TRAIL

At the recommendation of the City Manager, a motion was made by Councilwoman Bureau and seconded by Councilman Scanlon to authorize the City Manager and the City Clerk to execute MDOT Contract No. 10-5347 for the Iron Ore Heritage Trail, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

AMENDMENTS TO ORDINANCE NO. 8-100, ZONING ORDINANCE, TO CHANGE LOTS 15 AND 16 OF PALMS-BOOK ADDITION FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL

At the recommendation of the Planning Commission and the City Manager, a motion was made by Councilwoman Bureau and seconded by Councilwoman Demarest, to approve an amendment to Ordinance No. 8-100, Zoning Ordinance, to change Lots 15 and 16 of Palms Book Addition from Single Family Residential to General Commercial, as of the first reading. Ayes: Five (5). Nays: None (0). Motion carried.

FIRST READING OF AN AMENDMENT TO ORDINANCE NO. 4-500, NOXIOUS WEEDS, LONG GRASS, AND MISCELLANEOUS DEBRIS

City Attorney Savu stated that the proposed amendment to Ordinance No. 4-500, would add language to the Ordinance to make it unlawful for a property owner or occupant of the property to accumulate miscellaneous debris on any property in Industrial District (I) that is intended for residential use or is being used for residential purposes.

Mr. Ernie Harsila, 394 Winthrop Street, stated that he objects to the amendment to this ordinance.

Councilwoman Bureau stated that the Planning Commission is not in favor of this amendment to Ordinance No. 8-100. Councilwoman Bureau stated that the neighborhood in question is zoned as industrial and if people choose to live there, that is their choice. Councilwoman Bureau advised the City Council to adhere to the recommendation of the Planning Commission.

Mr. Mark Dallas, stated that he is a resident of that neighborhood and he is opposed to the amendment to the ordinance. Mr. Dallas stated that he feels he has been treated unfairly and feels that the Police Department never should have issued him a ticket for miscellaneous debris.

Ms. Charlie Grasso stated that she feels that this amendment has been directed towards Mr. Dallas because of the equipment in his yard.

Councilman Scanlon stated that the purpose of this ordinance is to help clean up the City.

A lengthy discussion ensued.

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to request the Planning Commission to review the proposed amendment to Ordinance No. 8-100 as it pertains to the Stone Street neighborhood and to request the Planning Commission to consider rezoning that area from Industrial to Residential. Ayes: Five (5). Nays: None (0). Motion carried.

SECOND READING OF AN AMENDMENT TO ORDINANCE NO. 7-500, RENTAL CODE ENFORCEMENT

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to approve the amendments to Ordinance No. 7-500, Rental Code Enforcement, as presented and as of the second reading. Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST FOR FINANCIAL ASSISTANCE FROM THE ART FAIRE AND RENAISSANCE FESTIVAL

Mr. John French, 621 N. 4<sup>th</sup> Street, announced that the 11<sup>th</sup> Annual Art Faire and Renaissance Festival will be held on August 14, 2010. Mr. French stated that the festival is organized by a very dedicated committee of volunteers. Mr. French stated that the Renaissance Festival Committee is grateful for the City's past support and is hopeful the City will be able to offer financial assistance for this year's event.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize up to \$500.00 for payment towards advertising, promotions or entertainment for the 2010 Renaissance Festival and Art Faire; payment shall be made from the Community Promotions Fund. Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

City Manager Ottenwess updated the City Council on the status of the City-owned property located at 407 Ely Street. City Manager Ottenwess stated that Wells Fargo has not offered to forgive the lien on the property. City Manager Ottenwess stated that Mr. & Mrs. Corradina had previously expressed an interest in purchasing the property, but are no longer interested because of the cost to purchase the property.

City Manager Ottenwess stated that the City could place a tax lien on the property for the cost of the demolition.

A motion was made by Councilman Scanlon and seconded by Councilwoman Bureau to direct the City Manager and the City Attorney to place a tax lien against the property located at 407 Ely Street, in the amount of the demolition costs incurred by the City. Ayes: Five (5). Nays: None (0). Motion carried.

NEW BUSINESS

Councilman Scanlon requested Public Works Director Kangas and City Manager Ottenwess to assess the condition of the sidewalk in front of the St. John's Church on South Pine Street.

Councilman Stone stated that he frequently gets requests from residents who would like to be able to pay their utility bills and tax bills with a credit card. Councilman Stone stated that he has learned of a company that could provide that service with no cost to the City. City Treasurer Keto stated that she has already made contact with that company.

Councilwoman Demarest stated that she is concerned about the condition of the property at 634 Maurice Street. Councilwoman Demarest stated that the buildings on the property had been torn down, however there is a sizeable hole remaining with many large boulders.

City Manager Ottenwess stated that he had deferred this issue to the City Attorney because he was unsure whether or not the City's miscellaneous debris ordinance would pertain to this situation.

City Manager Ottenwess reported that the County Treasurer has announced that the property at 150 Salisbury Street has been foreclosed for non-payment of taxes. City Manager Ottenwess stated that after the State of Michigan exercises its first right of refusal, the City of Ishpeming will have the opportunity to purchase the property from Marquette County in the amount of \$1,760.29. City Manager Ottenwess stated that the City has funds available for the demolition of this property.

At the recommendation of the City Manager, a motion was made by Councilman Scanlon and seconded Councilman Stone to authorize the purchase of property located at 150 Salisbury Street in the amount of \$1,760.29. Ayes: Five (5). Nays: None (0). Motion carried.

City Attorney Savu reminded the City Council that the building located on the corner of High Street and 2<sup>nd</sup> Street (411 High Street) should come down before any other building.

A motion was made by Councilman Scanlon and seconded by Councilwoman Demarest to authorize an expenditure of up to \$500.00 from the Community Promotions Fund for the purchase of fireworks for the 4<sup>th</sup> of July celebration. Ayes: Five (5). Nays: None (0). Motion carried.

#### COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she attended the Cemetery Board meeting.

Councilwoman Demarest reported that she attended the 3-day MML Region 7 Conference that was held here in Ishpeming last month. Councilwoman Demarest stated that the meeting was very informative.

Councilwoman Demarest reported that she attended the City-wide cleanup held on Saturday, May 15<sup>th</sup>. Councilwoman Demarest stated that only seven adults and three children showed up for the cleanup project.

Councilwoman Demarest reported that she attended the Memorial Day service and stated that it was well-attended.

#### COUNCILWOMAN BUREAU

Councilwoman Bureau reported that she attended the DDA meeting and stated that the DDA discussed the \$20,000 contribution to the IBA for the start up of the new Ishpeming Chamber of Commerce.

Councilwoman Bureau stated that she attended the Planning Commission meeting.

Councilwoman Bureau stated that she attended the MML Region 7 Conference and stated that the event was very successful.

Councilwoman Bureau reported that she attended the open house at the library. Councilwoman Bureau stated that the event was sponsored by UPPCO and the Rotary Club.

Councilwoman Bureau reported that she attended the District Library Committee meeting. Councilwoman Bureau stated that the next meeting will be held in November 2010.

Councilwoman Bureau reported that she attended the Neighborhood Watch meeting.

Councilwoman Bureau reported that the Annual National Night Out has been scheduled for Tuesday, August 3<sup>rd</sup>. Councilwoman Bureau encouraged residents to participate in the event and volunteer to host an open house in their neighborhood.

COUNCILMAN STONE

Councilman Stone reported that he attended all of his monthly committee meetings.

COUNCILMAN SCANLON

Councilman Scanlon stated that he had to work on the day of the City-wide clean up and apologized for not being available to help. Councilman Scanlon stated that he was disappointed to learn that there so few volunteers showed up for the project.

MAYOR NELSON

Mayor Nelson stated that due to other commitments, he was unable to attend the DDA meeting and the ACT 345 meeting.

Mayor Nelson reminded the City Council Members that they are to bring all concerns to the City Manager and should not be directing their concerns to the staff. Mayor Nelson stated that once a concern is brought to the City Manager's attention, it is his job to delegate the work to the appropriate staff person.

MANAGER'S REPORT

City Manager Ottenwess reported that he continues to work on the 2011 budget, including the DDA budget. City Manager Ottenwess stated that work continues on the Partridge Creek Diversion Project and the topic will likely be on the next meeting agenda.

City Manager Ottenwess stated that a special City Council meeting will be scheduled in the next few weeks to receive the 2009 audit presentation and to discuss budget issues.

PUBLIC WORKS DIRECTOR/CITY ENGINEER REPORT

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

ATTORNEY'S REPORT

None.

ADJOURNMENT

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

Jenifer M. Rajala  
City Clerk