

A regular meeting of the Ishpeming City Council was held on Wednesday, May 4, 2011 at the Ishpeming Senior Center. Mayor Pat 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

Ms. Denise Platteborze, 450 W. Empire Street, stated that her neighbor constructed a 6 foot high fence along the property line between their two homes. Mrs. Platteborze distributed pictures of the fence to the City Council. Mrs. Platteborze stated that the fence is a visual hazard.

Ms. Platteborze stated that the fence extends almost to the sidewalk. Ms. Platteborze stated that the fence has created a very dangerous situation for pedestrians and bicyclists. Ms. Platteborze stated that there is no way to see walkers or bikers on the sidewalk as she backs out of her driveway. Mrs. Platteborze requested the City Council to adopt a fence ordinance that would regulate the construction of fences. Mrs. Platteborze stated that she is not opposed to the fence, but she is opposed to the height of the fence and its proximity to the sidewalk.

A motion was made by Councilman Stone and seconded by Councilwoman Demarest to table Agenda Item #14, Ordinance No. 8-600, *An Ordinance Regulating Fences in the City of Ishpeming*, in order to allow the City Manager and the City Attorney an opportunity to further review the language in the ordinance and present the ordinance at the next meeting of the City Council. Ayes: Five (5). Nays: None (0). Motion carried.

#### AGENDA COMMENT

Mrs. Joni Gleason and Mr. Philip Gleason, 255 W. Water Street, Negaunee, and owners of Heritage Hills Horseback Riding, reserved time for comment on Agenda Item No. 7.

Mr. John French, 621 N. 4<sup>th</sup> Street, reserved time for comment on Agenda Item No. 17.

#### CONSENT AGENDA

A motion was made by Councilwoman Demarest and seconded by Councilman Tall to approve the Consent Agenda as presented, but with the removal of item "e".

- a. Approve Minutes of previous meetings (April 6 and 15, 2011)
- b. Approve disbursements
- c. Approve monthly financial report
- d. Declare 600 library books as surplus property and offer items for sale on bids
- e. ~~Proclaim week of May 15-21, 2011, as EMS Week~~
- f. Approve request to transfer ownership of the liquor license for the 2011 Class C licensed business, located at 122 W. Division Street from Paradise Corner, Inc. to WE Paradise Bar and Grill, LLC

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

ORDER TO PHIL AND JONI GLEASON TO REMOVE BARRICADES

The City Manager stated that at the April 6 meeting, the City Council took action to approve the Hematite Heights Task Force report with the exception not to implement the “Limited Access” portion of the report. The City Manager stated that Mr. and Mrs. Gleason were then notified that they must remove the barriers that were erected on City property. City Manager Ottenwess stated that if the City Council had chosen to implement the “Limited Access” portion of the report, the City would probably have improved and/or maintained the barriers that are currently in place.

Mrs. Joni Gleason, owner Heritage Hill Horseback Riding, stated that they have constructed barriers, installed signs, and put up road blocks in an effort to stop people from gaining access to their property. Mrs. Gleason stated that people have not been respecting their property. Mrs. Gleason stated that people are using their property as a way to get from one end of Hematite Heights to the other.

Mrs. Gleason stated that they are concerned about the safety of their customers should they encounter motor vehicles or ATVs on the property while riding the horses. Mrs. Gleason stated that they cannot allow their customers to be placed in danger.

Mrs. Gleason stated that ATV riders entered their property in the springtime and caused a significant amount of damage to their property. Mr. Gleason distributed several pictures of the damaged property. Mrs. Gleason stated that they also have trouble with loud vehicles and motorbikes on the property. Mrs. Gleason stated that the noise is very disturbing for the horses and the riders.

Mrs. Gleason requested the City Council to allow the barricades to remain in place. Mrs. Gleason stated that more barricades should be constructed to further eliminate access onto their property. Mrs. Gleason also recommended that the City Council allow the Wabash Heights gate to remain locked to help discourage trespassers from gaining access to their property.

By consensus of the City Council, a special meeting will be arranged next week to allow the City Council Members an opportunity to make an on-site visit to Mr. and Mrs. Phil Gleason’s property in Hematite Heights (Heritage Hills Horseback Riding).

MARQUETTE COUNTY BROWNFIELD PLAN

City Manager Ottenwess reviewed the definition of a Brownfield Site and explained the function and purpose of a Brownfield Authority.

The City Manager reported that the Marquette County Brownfield Redevelopment Authority recently approved a Brownfield Plan for property located on US Hwy 41 known as Jim’s Union 76 gas station. The City Manager stated that Northern Michigan Bank and Trust has purchased the property and intends to construct a new banking facility. The City Manager presented the details of the plan as outlined in his memo to the City Council dated May 4, 2011. City Manager Ottenwess stated that in order for this Brownfield Plan to take effect, the plan must be approved by the City Council and the Marquette County Board of Commissioners.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to adopt the *Resolution of Concurrence with the Brownfield Plan for Former Jim's Union 76 of the Marquette County Brownfield Redevelopment Authority*, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

PROCLAIM WEEK OF MAY 15, 2011 AS EMS WEEK

By Mayoral proclamation, Mayor Pat Scanlon declared the week of May 15-21, 2011 as Emergency Medical Services Week.

NEGAUNEE SEWER MAIN EASEMENT AGREEMENT

City Manager Ottenwess reported that the amendments to the easement agreement between the City of Ishpeming and City of Negaunee for the 30-inch sewer line was approved "in concept" by the Ishpeming City Council at a meeting held on May 5, 2010. The City Manager stated that it is necessary to have an amendment to the agreement for two reasons: (1) to authorize the tie-in of Negaunee's sewer line into the City of Ishpeming's manhole that leads to the treatment plant and (2) to finalize the route, including legal descriptions. City Manager Ottenwess stated that the easement agreement has an expiration date of December 31, 2029. The City Manager stated that because of the timing of Negaunee's funding, the USDA would like the easement agreement to coincide with the date of Negaunee's bonds which mature on December 31, 2059.

City Manager Ottenwess presented the details of the amendment to the sewer transmission line agreement between the Cities of Ishpeming and Negaunee and presented the associated exhibits attached to the amendment.

City Attorney Savu recommended that additional language be incorporated into the amendment which would require the City of Negaunee to bear all costs associated with any backup caused by the flow coming into the line from Negaunee. The City Attorney stated that Negaunee has proposed that any damages caused by a backup should be shared by the three users of the system. Mayor Scanlon stated that he had the understanding that this issue was addressed in Negaunee's agreement with the Ishpeming Area Joint Wastewater Authority.

A lengthy discussion ensued regarding the amendment to the sewer line transmission agreement.

A motion was made by Councilwoman Demarest and seconded by Councilman Tall to schedule a special City Council meeting within one week in order to allow the City Attorney adequate time to review the language in the agreements pertaining to the transmission line from the City of Negaunee to the Ishpeming Area Waste Water Treatment Facility. Roll Call Vote: Ayes: Councilwoman Demarest, Councilman Stone, and Councilman Tall. Three (3). Nays: Councilwoman Racine and Mayor Scanlon. Two (2). Motion carried.

LIBRARY TECHNOLOGY PLAN

At the recommendation of the City Manager and the Library Director, a motion was made by Mayor Scanlon and seconded by Councilman Stone to approve the Ishpeming Carnegie Public Library Technology Plan for July 2011 through June 2014, as presented. Ayes: Five (5). Nays: None (0). Motion carried.

LIBRARY SURPLUS ITEMS – RESERVE REVENUES FOR LIBRARY CAPITAL IMPROVEMENT PROJECTS

At the recommendation of the City Manager and the Library Director, a motion was made by Councilman Stone and seconded by Councilman Tall to reserve all revenue from the sale of surplus library items specifically for library projects within the Public Improvement Fund. Ayes: Five (5). Nays: None (0). Motion carried.

APPOINTMENT TO THE CEMETERY BOARD

A motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to appoint Mr. Joseph Juidici to the Cemetery Board for a five-year term. Ayes: Five (5). Nays: None (0). Motion carried.

REQUEST FOR FINANCIAL ASSISTANCE FOR BUZZ THE GUT

A motion was made by Mayor Scanlon and seconded by Councilman Tall to authorize up to \$250 for payment towards advertising and promotions for the 2011 Buzz the Gut event; payment shall be made from the Community Promotions line item. Ayes: Five (5). Nays: None (0). Motion carried.

ORDINANCE NO. 8-600, FENCE ORDINANCE

Item tabled until the next regular meeting of the City Council.

NON-UNION WAGE CHANGE

A motion was made by Councilman Stone and seconded by Mayor Scanlon to approve a wage increase to all non-union employees, as presented by the City Manager, upon ratification of the Supervisory Union Contract and the Police Union Contract. Ayes: Five (5). Nays: None (0). Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Councilman Stone questioned whether or not it is permissible for residents to rake yard debris into the city streets.

Public Works Director Kangas stated that it is not a good idea for yard debris to be raked into the public roadway and stated that it is not good for the street sweepers.

City Attorney David Savu stated that Ordinance No. 6-100, *Use and Protection of Streets*, prohibits persons from depositing yard debris or any other materials into the roadway. The City Attorney stated that violators of this ordinance are guilty of a misdemeanor.

Councilman Stone stated that he has concerns about the hiring practices for the student, summer positions. Councilman Stone stated that he does not feel the process has been fair and equitable for our residents. Councilman Stone stated that the city has a hiring freeze in effect and no employees are to be hired without City Council approval. Councilman Stone requested that in

future years, the City Council be notified prior to the hiring of summer students. Councilman Stone also recommended that the summer, student employment positions be advertised.

A motion was made by Councilman Stone and seconded by Mayor Scanlon to advertise the student, summer job vacancies on public access channel 19, the city web-site and at City Hall. 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 authorize up to \$500 for payment towards advertising, promotions, and entertainment for the 2011 Renaissance Festival and Art Faire; expenses shall be paid from the Community Promotions line item. Ayes: Five (5). Nays: None (0). Motion carried.

City Manager Ottenwess reported that on April 1, 2011, seven (7) parcels located in the City of Ishpeming were foreclosed for non-payment of 2008 real property taxes. The City Manager presented an address list of the foreclosed properties. The City Manager provided a map which represented the two parcels that are of particular interest to the City. City Manager Ottenwess stated that he attended a meeting with the City Attorney, the City Assessor and the County Treasurer to discuss the disposition of these foreclosed properties.

City Manager Ottenwess stated that the Marquette County Land Bank Authority provides the County a tool to handle foreclosed properties. The City Manager stated the County Land Bank Authority has the flexibility to buy and sell property. The City Manager stated that three of the properties on the list are in very poor condition and should be demolished. These properties include: 201 E. Division Street, 610 N. Second Street, and 313/315 S. 3<sup>rd</sup> Street. The City Manager stated that he is hopeful that the Marquette County Land Bank Authority and the City will be able to partner together to have the structures demolished.

City Manager Ottenwess stated that two of the properties, 212 E. Superior Street and 748 E. Michigan Street, are likely to be sold successfully at the public auction.

The City Manager stated that the two remaining properties located near South Pine and Excelsior Street, are of interest to the City of Ishpeming. The City Manager stated that a sewer line in that area runs behind a row of houses and the City currently has no access to the line. The City Manager stated that these foreclosed properties are adjacent to the property where the sewer line lies. City Manager Ottenwess stated that should the City acquire this property, the City would then have access to the sewer line.

At the recommendation of the City Manager, a motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to authorize the City Manager to proceed with the purchase of the foreclosed properties identified by property numbers 52-51-572-008-00 and 52-51-716-004-00 for a total cost not to exceed \$5,000. Ayes: Five (5). Nays: None (0). Motion carried.

COUNCILMAN TALL

Councilman Tall read a letter from Mr. Kurt Kipling, agent for Skerbeck Bros. Shows, thanking the City of Ishpeming and the community members for their generous support of the recent Skerbeck Bros. Carnival. Mr. Kipling stated in his letter that the carnival raised \$5,546 and that the proceeds will be shared equally between the Ishpeming Volunteer Fire Department and the Bay Cliff Health Camp. In his letter, Mr. Kipling clarified some issues that were raised concerning the use of electric and water service by Skerbeck Bros.

COUNCILMAN STONE

Councilman Stone refuted comments presented in Mr. Kipling's letter. Councilman Stone stated that he did inquire about Skerbeck Bros. use of electricity and water, but he did not accuse them of tapping into the lines.

Councilman Stone reported that he attended his committee meetings.

Councilman Stone wished all mothers a happy Mother's Day.

COUNCILWOMAN RACINE

Councilwoman Racine reported that she attended the special budget work session on April 15, 2011. Councilwoman Racine stated that the City Manager's PowerPoint presentation was well done and very informative. Councilwoman Racine stated that the City Council was also presented with information about the Partridge Creek project and the Lake Angeline boat launch.

Councilwoman Racine reported that while visiting the Department of Public Works, she learned that their raking equipment is in poor condition and many of the rakes have been repaired with old flag poles and shovel handles. Councilwoman Racine recommended that the employees be provided better equipment.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that despite some poor weather conditions, the carnival was a huge success.

MAYOR SCANLON

Mayor Scanlon thanked the Skerbeck Bros. Carnival for their donation to the Ishpeming Volunteer Fire Department and to the Bay Cliff Health Camp.

Mayor Scanlon stated that the wind turbine was featured on the TV6 news earlier this evening. Mayor Scanlon reminded the public that no tax dollars have been used for this project and the wind turbine is not a City project.

MANAGER'S REPORT

City Manager Ottenwess reported that the Partridge Creek booklet has been completed and will be distributed to property owners and residents very soon. The City Manager stated that the booklet was published to provide information to the public about the Partridge Creek project. The City Manager stated that the Partridge Creek booklet was funded with a grant from the Department of Natural Resources.

PUBLIC WORKS DIRECTOR/CITY ENGINEER REPORT

Public Works Director Jon Kangas provided a written report to the City Council.

ATTORNEY'S REPORT

The City Attorney reminded City residents that the Code Enforcement Officer is actively enforcing the miscellaneous debris, long grass and inoperable vehicle ordinances.

CLOSED SESSION TO DISCUSS UNION NEGOTIATIONS

A motion was made by Councilwoman Demarest and seconded by Councilwoman Racine to enter into closed session at 8:50 p.m. to discuss union negotiations. Roll Call Vote: Ayes: Councilwoman Demarest, Councilwoman Racine, Councilman Stone, Councilman Tall and Mayor Scanlon. Five (5). Nays: None (0). Motion carried unanimously.

A motion was made by Mayor Scanlon and seconded by Councilwoman Demarest to return to open session at 9:15 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

APPROVE SETTLEMENT PROPOSAL WITH POLICE UNION

A motion was made by Councilwoman Demarest and seconded by Councilman Stone to approve the Tentative Agreement between the City of Ishpeming and the Police Union, dated April 20, 2011 and as presented. Ayes: Five (5). Nays: None (0). Motion carried.

ADJOURNMENT

A motion was made by Councilman Demarest and seconded by Councilwoman Racine to adjourn the meeting at 9:16 p.m. Ayes: Five (5). Nays: None (0). Motion carried.

Jenifer M. Rajala  
City Clerk