

A regular meeting of the Ishpeming City Council was held on Wednesday, September 8, 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 and John Stone. Present: Four (4). Absent: One (1). Also present was City Manager Jered Ottenwess.

PUBLIC COMMENT

Mr. Angelo Bosio, 773 Juniper, reserved time for comment on Agenda Item No. 10. Mr. Bosio requested the City Council to move Agenda Item No. 10 to Agenda Item No. 14.

Mr. Lee Guizetti, 225 S. Marigold, stated that he is one of two representatives on the Ishpeming Area Joint Wastewater Authority. Mr. Guizetti stated that he is not speaking on behalf of the Wastewater Authority tonight. Mr. Guizetti stated that the City of Negaunee is considering the possibility of coming into the Wastewater Authority as a customer. Mr. Guizetti stated that the citizens of Negaunee will vote on a bond issue in November and stated that if the bond issue passes, Negaunee's wastewater project will continue.

Mr. Guizetti stated that two weeks ago, he attended the Negaunee City Council Meeting. Mr. Guizetti proposed that if the City of Negaunee has some stake in the Authority, they would come along and it would settle the political situation. Mr. Guizetti stated that due to the economies of scale, Negaunee's participation will have a positive financial effect on the City of Ishpeming and Ishpeming Township. Mr. Guizetti stated that the City of Ishpeming may want to consider a change to the inter-local agreement.

Mr. Guizetti stated that one of Negaunee's concerns is that as a customer and not a member, they will have no voice on the Wastewater Authority Board. Mr. Guizetti recommended that the Wastewater Authority seat currently held by a Health Department official, be given to the City of Negaunee.

Mr. Maurice Hansen, 757 Michigan Street, stated that he is a representative of the Pioneer Kiwanis Club. Mr. Hansen requested City Council support of the Annual Kiwanis Peanut Day. Mr. Hansen stated that all of their fundraising efforts are used to support local community programs. Mr. Hansen stated that the Pioneer Kiwanis Club has constructed over 300 handicap ramps throughout the County.

By Mayor Proclamation, Mayor Nelson designated September 24 and 25, 2010 as Pioneer Kiwanis Peanut Day in the City of Ishpeming.

AGENDA COMMENT

Mr. Andy Smith, owner of Smith Paving, stated that he was available for questions regarding Agenda Item No. 9.

Hearing no objections from the City Council, Mayor Nelson stated that Agenda Item No. 10 will be moved to Agenda Item No. 14(a).

CONSENT AGENDA

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

1. Minutes of Previous Meetings (August 4 and 17, 2010)
2. Approval of Disbursements
3. Monthly financial report
4. Reappoint Victor DePaoli and Maurice Hansen to the Commission on Aging
5. Recommend appointment of Harry Weikel to the MarqTran Board
6. Business Associate Agreement
7. Part-time Library Clerk

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

SOLID WASTE COLLECTION BIDS

City Manager Jered Ottenwess reported that the City of Ishpeming and the City of Negaunee had submitted a request for bids for a joint solid waste collection contract. City Manager Ottenwess stated that the joint bids did not result in any cost savings.

City Manager Ottenwess stated that North Country Disposal is the lowest bidder for solid waste collection services to be provided solely to the City of Ishpeming. The City Manager stated that in the FY2011 budget, solid waste collection will no longer be a part of the annual property taxes but will be charged on the monthly utility bill. City Manager Ottenwess stated that based on the bid from North Country Disposal, a single family residence would be charged \$14.01 a month or \$168.12 annually for garbage collection.

The City Manager highlighted some of the additional terms of the contract which include:

1. No collection for commercial customers, including multi-family residential over 4 units.
2. Recycling provided by the contractor, not the City. Customers will no longer be required to sort recyclable items.
3. City's recycling center will no longer provide recycling services.
4. Two (2) 5-day bagged leaf pickups in the autumn.
5. Two (2) separate, Friday through Saturday, spring cleanup containers at compost site.
6. Monthly date for roll-off containers at compost site.

The City Manager stated that he and the City Attorney are recommending an addendum to the contract to clarify the number of roll-off containers provided during the summer months.

At the recommendation of the City Manager, a motion was made Councilman Stone and seconded by Councilwoman Bureau to accept the bid, as presented, from North Country Disposal for solid waste collection services for a contact period of five (5) years, effective January 1, 2011, and to authorize the City Manager and the City Attorney to prepare an addendum to the agreement to address the roll-off containers. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

BIDS FOR POLICE PATROL VEHICLE

At the recommendation of the City Manager and the Police Chief, a motion was made by Councilman Stone and seconded by Councilwoman Bureau to accept the bid from Berger Chevrolet in the amount of \$20,171.56 for the purchase of a 2011 Chevrolet Impala police vehicle; to be paid from the FY2010 Police Department Capital Improvement Fund. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

AWARD BID FOR SECOND, THIRD AND FOURTH STREET FLOOD CONTROL PROJECT

At the recommendation of the City Engineer and ECI, a motion was made by Councilwoman Demarest and seconded by Mayor Nelson to accept the bid, in the amount of \$477,661.00 from Smith Paving for the Second, Third and Fourth Street Flood Control Project, as presented. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

At the recommendation of the City Engineer and ECI, a motion was made by Councilman Stone and seconded by Councilwoman Demarest to accept the bid, in the amount of \$4,510.00, from Coleman Engineering for construction materials testing services for the Second, Third and Fourth Street Flood Control Project, as presented. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

Councilman Stone and Councilwoman Bureau requested the City staff to research the policy that authorizes the Council to approve a bid if it is within 5% of the lowest bid. The clarification is requested to determine if it is an internal policy or one that is authorized through the various grant sources and/or governmental agencies.

DEFICIT IN THE TUBE SLIDE FUND

City Manager Ottenwess reported that State law requires that if a local unit of government ends its fiscal year in a deficit condition, the local unit of government must file a deficit elimination plan with the Department of Treasury to correct the deficit. The City Manager stated that the City of Ishpeming received this notice from the Department of Treasury for the Tube Slide Fund on August 6, 2010.

At the recommendation of the City Manager, a motion was made by Councilman Stone and seconded by Councilwoman Demarest to approve the transfer of \$4,931.00 from the General Fund to the Tube Slide Fund to cover the deficit from FY2009, to approve the letter to the Department of Treasury dated August 24, 2010 with the attached copy of the journal entry, and to reincorporate the Tube Slide Fund back into the General Fund. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

Councilwoman Bureau questioned what steps will be taken to address this deficit from occurring each year.

Public Works Director Kangas stated that due to the lack of skiers on the south hill, it is not economically feasible to continue to operate the south ski tow.

DPW AND CEMETERY BUDGET AMENDMENT REQUESTS

At the recommendation of Public Works Director Kangas, a motion was made by Councilman Stone and seconded by Councilwoman Demarest to authorize a budget amendment that would allow the Public Works Director to purchase a new sidewalk/municipal tractor with attachments, funds to come from the street sweeper line item, and to authorize the purchase of twelve (12) signs with six (6) sign stands in the amount of \$1,500.00, to be used in the ROW as required by MDOT. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

At the recommendation of Public Works Director Kangas, a motion was made by Councilwoman Demarest and seconded by Councilwoman Bureau to approve a budget amendment, in the amount of \$5,000.00, to the building improvement line item in the cemetery budget to cover all labor and fringe costs to complete the roofing repair project on the cemetery vault building; \$1,500.00 to come from the cemetery land improvements line item and \$3,500.00 to come from the parks fencing line item. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

DESIGNATE OFFICIAL REPRESENTATIVE AND DELEGATE TO THE MML ANNUAL CONFERENCE

A motion was made by Councilman Stone and seconded by Mayor Nelson, to designate Councilwoman Bureau as the City's official delegate to the MML Annual Conference, at no expense to the City. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

COMMITTEE TO MEET WITH THE SCHOOL BOARD

City Manager Ottenwess reported that at the last meeting of the City Council, Councilwoman Demarest and Councilman Scanlon were appointed to meet with the Ishpeming School Board to discuss the plans to close the Phelps School and a possible millage. City Manager Ottenwess stated that he later learned that Councilman Stone and Councilwoman Bureau already serve as the "School Liaisons". City Manager Ottenwess requested clarification on this issue.

By common consent of the City Council, Councilman Stone and Councilwoman Bureau are to continue to serve as the School Liaisons should the Ishpeming School District request input from the City of Ishpeming.

AMENDMENT TO ORDINANCE NO. 4-500, NOXIOUS WEEDS AND MISCELLANEOUS DEBRIS

Mr. Ray Roberts, Chairman of the Planning Commission, stated that the Planning Commission objects to spot zoning and selective enforcement. Mr. Roberts stated that the Planning Commission is not in favor of the proposed amendment to Section 4-503(a) which states "... or any parcel of land or lot intended for residential use or being used for residential purposes in the Industrial District (I),..."

A motion was made by Mayor Nelson and seconded by Councilwoman Bureau to amend Ordinance No. 4-500, Sections 4-502(b), 4-502(c), 4-505, and 4-506 as presented, but to not include the amendment to Section 4-503. The amendments to Ordinance No. 4-500 shall be

adopted as an emergency ordinance and effective upon publication. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

A motion was made by Councilman Stone and seconded by Mayor Nelson to send a request to the Planning Commission to evaluate the residential developments within the Industrial Zoning Districts to determine if the residential developments should be rezoned as residential. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

At the recommendation of the City Manager and the City Treasurer, a motion was made by Councilman Stone and seconded by Councilwoman Demarest to authorize the purchase of new accounting and utility billing software in the amount of \$39,927.00 from Invision (Tyler Tech), as presented by the City Treasurer. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

COUNCILWOMAN DEMAREST

Councilwoman Demarest reported that she attended the EMS meeting.

Councilwoman Demarest reported that she attended the Labor Day Parade and Festival held at the Bancroft Lake Park. Councilwoman Demarest stated that the event was well-attended.

COUNCILWOMAN BUREAU

Councilwoman Bureau reported that she attended the Planning Commission meeting and the DDA meeting.

Councilwoman Bureau reported that she attended Governor Granholm's presentation that was held at Northern Michigan University. Councilwoman Bureau reported that the Governor stated that the State of Michigan is further along than most people believe.

Councilwoman Bureau stated that she attended several of the Chamber of Commerce planning meetings. Councilwoman Bureau stated that the new director will start on Monday, September 13, 2010.

Councilwoman Bureau reported that the Renaissance Festival and Art Faire was a phenomenal success. Councilwoman Bureau stated that over 2,000 people attended the event. Councilwoman Bureau stated that the organizers intend to expand the Festival next year.

COUNCILMAN STONE

No report.

MAYOR NELSON

Mayor Nelson reported that he attended the Downtown Development Authority (DDA) meeting. Mayor Nelson stated that he is hopeful that the DDA will continue to pursue the bonding opportunity and develop a list of potential projects.

Mayor Nelson stated that the City received a thank you letter from the Renaissance Festival Committee for its support of the Festival. Mayor Nelson extended his appreciation to all of the organizers and volunteers for their hard work and dedication to make the Renaissance Festival such a success.

MANAGER'S REPORT

City Manager Jered Ottenwess announced that a Special Council Meeting has been scheduled for Wednesday, September 22, 2010 at 7:00 p.m. at the Ishpeming Senior Center to adopt the FY2011 budget and millage rate.

PUBLIC WORKS DIRECTOR/CITY ENGINEER REPORT

Public Works Director Kangas reported that as a result of the major water main break on South Main Street, it will be necessary to repave a section of the road before the asphalt plant closes in November. Public Works Director Kangas stated that the road repair expenses will be paid from the water fund. Public Works Director Kangas stated that he will advertise for bids and present the bid results to the City Council at a future meeting.

CITY ATTORNEY REPORT

No report.

CLOSED SESSION TO DISCUSS UNION NEGOTIATIONS

No closed session.

ADJOURNMENT

A motion was made by Councilwoman Demarest and seconded by Mayor Nelson to adjourn the meeting at 9:05 p.m. Ayes: Four (4). Nays: None (0). Absent: Councilman Scanlon. One (1). Motion carried.

Jenifer M. Rajala
City Clerk