

A special meeting of the Ishpeming City Council was held on Thursday, May 12, 2011 at the Ishpeming City Hall. Mayor Pro Tempore Claudia Demarest called the meeting to order at 2:30 p.m.

Present: Mayor Pro Tempore 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.

MEETING TO BE ADJOURNED AND RECONVENED AT PHIL AND JONI GLEASON PROPERTY IN HEMATITE HEIGHTS

Mayor Pro Tempore Demarest announced at 2:31 p.m. that the meeting would be adjourned and reconvened at the property owned by Phil and Joni Gleason in Hematite Heights in order to allow the City Council Members an opportunity to inspect the barricades that were placed on City-owned property.

No members of the public requested transportation to the Gleason's property.

Councilman Stone stated that he will not attend the tour of the Gleason's property. Councilman Stone stated that he lives in that area, has walked the property on numerous occasions, and is very familiar with the location of the barricades.

REVIEW OF BARRICADE ISSUES WHILE AT/ADJACENT TO GLEASON PROPERTY

The City Council reconvened at the Gleason's property in Hematite Heights at 2:50 p.m.

The following persons were present during the walking tour of the Gleason's property: Mayor Pro Tempore Demarest, Councilwoman Racine, Councilman Tall, City Manager Ottenwess, City Attorney Savu, Public Works Director Kangas, Negaunee City Council Member Mike VanStraten, Mrs. Joni Gleason, Mr. Phil Gleason and Mining Journal reporter Johanna Boyle.

Mr. and Mrs. Phil Gleason directed the City Council Members to several areas along the southern border of their property where trespassers have gained access to their property. Mr. Gleason stated that they have posted signs, hung caution tape and created barriers to their property, but the trespassers continue to enter their property. Mrs. Gleason stated that the signs and caution tape continue to be torn down by the trespassers.

Public Works Director Kangas stated that there is a locked gate at the Malton Road entrance, but it does not deter people from entering the property. Public Works Director Kangas stated that people have been cutting through the fence or finding alternative ways to get around the fence.

Mr. Gleason stated that the barricades were placed on City property to block access into their property.

Councilman Tall questioned whether or not the barricades would make it difficult for emergency vehicles to access the property. Public Works Director Kangas stated that emergency personnel would cut through the chains on the gates to gain access to the property.

Mr. Gleason stated that ATVs are supposed to use designated trails, but the riders continue to ride on their property and the other areas within Hematite Heights. Mr. Gleason stated that the vehicles and ATVs have caused a considerable amount of damage to their property. Mr. Gleason stated that these trespassers also litter their property with trash.

MEETING ADJOURNED AND RECONVENED AT CITY HALL

Mayor Pro Tempore Demarest adjourned the meeting at 3:05 p.m. and announced that the meeting would be reconvened at City Hall.

Mayor Pro Tempore Demarest reconvened the meeting at Ishpeming City Hall at 3:32 p.m.

NEGAUNEE SEWER MAIN EASEMENT AGREEMENT

Ms. Deb Pellow, Director of the Ishpeming Area Wastewater Treatment Facility, stated that a no flow alarm has now been installed on the sewer transmission line. Ms. Pellow stated that in the event that there is no flow or low flow detected for 10 minutes, the alarm will alert the staff at the wastewater facility. Ms. Pellow stated that the staff will then implement the proper emergency procedures.

City Manager Ottenwess reported that the Cities of Negaunee and Ishpeming have been working on an amendment to paragraph "g" of the Sanitary Sewer Transmission Line Easement Agreement. The City Manager presented the proposed revision to paragraph "g". The City Manager stated that he is confident that the amendment addresses the concerns from all parties involved.

City Manager Ottenwess recommended that the amendment be adopted with exhibits A, B, C, D.1, D.2, D.3, and E.

Public Works Director Kangas stated that he does have some concerns about the constructability of this project and stated that he has discussed these issues with the engineers. Public Works Director Kangas stated that there are several road crossings involved. Public Works Director Kangas stated that the areas of concern include Washington Street, Lakeshore Drive, Division Street, Hematite Drive, 3rd Street and 7th Street.

The Public Works Director reported that the easement agreement states that in order to minimize impact to the residents and businesses during the sewer construction, one lane of traffic must be open at all times. Public Works Director Kangas stated that there are areas where full width construction would be best for the custodians of the system. Public Works Director Kangas stated that full width construction will prevent settlement at the center lines which often occurs as a result of partial width construction. Public Works Director Kangas recommended that the agreement be amended to allow full width construction and weekend construction.

A motion was made by Councilman Tall and seconded by Councilwoman Racine to go along with the recommendation from Public Works Director Kangas to allow full width road construction for Washington Street and 7th Street. Ayes: Four (4). Nays: None (0). Absent: Mayor Scanlon. One (1). Motion carried.

At the recommendation of the City Manager, a motion was made by Councilwoman Racine and seconded by Councilman Tall to approve the *First Amendment to Sanitary Sewer Transmission Line Easement Agreement*, with the exhibits A, B, C, D.1, D.2, D.3, and E, contingent upon the USDA's approval and acceptance of the amendment, as presented. Ayes: Four (4). Nays: None (0). Absent: Mayor Scanlon. One (1). Motion carried.

AGENDA COMMENT

Mrs. Joni Gleason, owner of Heritage Hills Horseback Riding, requested the City Council to allow the road blocks to remain on the City-owned property for the safety of their customers. Mrs. Gleason stated that they would be in favor of the City installing additional barricades as deemed necessary.

Councilwoman Racine questioned whether or not there are any liability issues associated with the barricades that are currently in place on the City-owned property.

City Attorney Savu stated that the barricades are "open and obvious". City Attorney Savu recommended that the City post additional signage and install something that is more visible and permanent than the existing plastic barrier tape.

Councilwoman Racine stated that she sees no problem with the barricades.

ORDER TO REMOVE BARRICADES FROM CITY PROPERTY

Councilman Tall questioned whether or not it would be possible to increase road patrol in that area. Police Chief Bjorne stated that this has been discussed and it is in the works.

Councilman Stone stated that he is not in favor of leaving the barricades in place. Councilman Stone stated that allowing the barricades to remain will create precedence. Councilman Stone stated that he is concerned about liability issues should someone have an accident on one of the barricades. Councilman Stone stated that he is also concerned that emergency vehicles would have difficulty getting access into the area. Councilman Stone recommended that the Gleason's property be enclosed with fencing.

City Manager Ottenwess stated that the Hematite Heights Task Force Report recommended limiting access to the Hematite Heights property, not just the Gleason's property. The City Manager stated that the City Council had unanimously approved the report with the exception of implementing the limited access portion of the report. The City Manager stated that approval of the barricades would be contradictory to that action.

Councilwoman Racine stated that emergency vehicles would have access to the property. Councilwoman Racine stated that Mr. and Mrs. Gleason have installed many signs, but trespassers continue to remove the signs. Councilwoman Racine stated that a fence would be too costly for the Gleason's.

Mayor Pro Tempore Demarest stated that she agrees that the City may be setting precedence if the barricades are permitted to remain in place.

A motion was made by Councilwoman Racine and seconded by Councilman Tall that the City allow the barricades to remain in place on the City-owned property adjacent to the property owned by Mr. and Mrs. Phil Gleason in Hematite Heights. Roll Call Vote: Ayes: Councilwoman Racine and Councilman Tall. Two (2). Nays: Councilman Stone and Mayor Pro Tempore Demarest. Two (2). Motion defeated.

OLD BUSINESS

None.

NEW BUSINESS

Councilman Stone stated that the Partridge Creek booklet was distributed to Ishpeming residents earlier this week. Councilman Stone complimented the City Manager for his outstanding work in creating this very informational booklet.

Councilwoman Racine stated that she heard many positive comments about the Partridge Creek booklet.

City Manager Ottenwess stated that the Partridge Creek booklet was a collaborative effort with assistance from AECOM, the DNR and City staff. The City Manager stated that a local resident has recommended that the City continue to provide public outreach and conduct town hall meetings as the project moves forward.

Councilman Stone stated that he is concerned about the condition of the old landfill. Councilman Stone recommended that Ishpeming, Negaunee and Negaunee Township work together to install fencing around the old landfill.

City Manager Ottenwess stated that the route for the Negaunee sewer transmission line goes through that area and stated that the plan includes funds to fence that area if the USDA approves it. The City Manager stated that the City also has funds budgeted this year for construction of the fence.

ADJOURNMENT

A motion was made by Councilman Tall and seconded by Councilwoman Racine to adjourn the meeting at 4:06 p.m. Ayes: Four (4). Nays: None (0). Absent: Mayor Scanlon. One (1). Motion carried.

Jenifer M. Rajala
City Clerk