

AUGUST 5, 2009

CITY COMMISSION
AGENDA
WEDNESDAY, AUGUST 5, 2009
6:00 P.M.

- A. CALL TO ORDER OF REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENTS (non-agenda items)
- C. OLD CITY BUSINESS
 - 1. Shelter Bay Tomato LLC Purchase & Sales Agreement Tabled from last Meeting
 - 2. Approve Resolution Authorizing Notice of Intent to Issue Bonds and Declaration of Intent to Reimburse from Bond Proceeds - Fire Hall - Police Hall
 - 3. Approve Treasurer's June Monthly Report Tabled from last Meeting
- D. NEW CITY BUSINESS
 - 1. Approve Loan Renewal with Alger Conservation District and Update on Projects
 - 2. Approve Identity Theft Prevention Program to Comply with Fair and Accurate Credit Transactions Act (FACTA)
 - 3. Approve Resolution Approving Purchase Contract, Note Agreement and Related Matters - Street Sweeper
 - 4. Approve Resolution Approving Purchase Contracts, Note Agreement and Related Matters - Snowplow Truck and Trackless Tractor
 - 5. WWTP Underground Air Piping Quotes
 - 6. WWTP Equalization Pumps Quotes
 - 7. Building & Grounds Recommendation - Cemetery Hill Road & Proposal from AECOM
 - 8. Agreement with Alger County Road Commission - Cemetery Hill Road
 - 9. Approve Miller Canfield Agreement - Fire/Police Facility
 - 10. Acceptance of Equipment Bids - City Attorney Opinion
 - 11. Signed DNR Marina Grant and Instructions
 - 12. Approval of 24' wide road for Boat Launch Driveway
 - 13. Boat Launch Bid Dates
 - 14. Request to Use Munising Logo
 - 15. Signal Light Dedication
 - 16. Approve City Commission Meeting Minutes of 7/20/09
 - 17. Check Register - List of Bills
 - 18. City Manager Report
- E. CORRESPONDENCE
- F. PUBLIC COMMENTS (non-agenda items)
- G. ADJOURNMENT

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CITY COMMISSION

Official Proceedings

A. CALL TO ORDER OF REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL

The Regular Meeting of the City Commission was duly called and held on Wednesday, **August 5, 2009**, in the City Commission Meeting Room of City Hall. Mayor Pro-Tem Lovellette called the Regular Meeting to order at 6:00 p.m.

PRESENT: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
ABSENT: Mayor DesJardins - absent excused

Moved by Commissioner Beauprey to amend the agenda to include under New City Business 1A- Accept Rod DesJardins resignation from the Greater Munising Bay Partnership for Commerce Development and Appoint Commissioner Beauprey to that seat and 1B - Approve Resolution of Support for the Establishment of a Self-Sustaining Museum. Support by Commissioner Bornslaeger.

Unanimous Voice Vote:

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

B. PUBLIC COMMENTS (non-agenda items)

There were none.

C. OLD CITY BUSINESS

1. Shelter Bay Tomato LLC Purchase & Sales Agreement Tabled from last Meeting

Moved by Commissioner Bornslaeger to table this item until the Agreement comes up again. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

2. Approve Resolution Authorizing Notice of Intent to Issue Bonds and Declaration of Intent to Reimburse from Bond Proceeds - Fire Hall - Police Hall

Moved by Commissioner Beauprey to approve the Resolution Authorizing Notice of Intent to Issue Bonds and Declaration of Intent to Reimburse from Bond Proceeds for the Fire Hall- Police Hall. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

3. Approve Treasurer's June Monthly Report Tabled from last Meeting

Moved by Commissioner Beauprey to approve the Treasurer's June monthly report as submitted. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

D. NEW CITY BUSINESS

1. Approve Loan Renewal with Alger Conservation District and Update on Projects

Terry Grout gave a brief update of projects in the works at the Alger Conservation District.

Moved by Commissioner Beauprey to approve the Loan Renewal with Alger Conservation District. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette

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Nays: None

Liz Coyne with the Alger Conservation District then gave a short update she presented a flower she pulled from the Anna River area. She asked if the flowers could be pulled, if they are not they will overtake the area and the growth of the vegetation and other plants would be harmed. The Commission agreed the flowers could be pulled. Liz also indicated that she would be willing to help with planning something for Cemetery Hill Road and the run off problem. She also stated that if we were in need of filling out grant applications and such she was available to help.

Agenda Amended:

- 1A. Accept Rod DesJardins Resignation from the Greater Munising Bay Partnership for Commerce Development and to Appoint Commissioner Beauprey to the Seat

Moved by Commissioner Scholtz to accept Rod DesJardins resignation from the Greater Munising Bay Partnership for Commerce Development. Support by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

Moved by Commissioner Scholtz to approve Mayor Pro-Tem Lovellette's appointment of Commissioner Beauprey to the Greater Munising Bay Partnership for Commerce Development. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

- 1B. Approve Resolution of Support for the Establishment of a Self Sustaining Museum

Moved by Commissioner Beauprey to approve the Resolution of Support for the Establishment of a Self Sustaining Museum. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

RESOLUTION

The City of Munising hereby resolves that it supports the establishment of a self-sustaining endowed museum open to the public in the Old North Lighthouse on Grand Island and further supports the proposed land exchange between Loren and Pat Graham and the United States Forest Service that is necessary to establish this museum.

Date

Rod DesJardins, Mayor

Date

Sue Roberts, City Clerk

2. Approve Identity Theft Prevention Program to Comply with Fair and Accurate Credit Transactions Act (FACTA)

Moved by Commissioner Beauprey to approve the Identity Theft Prevention Program Policy as presented. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

**City of Munising
Identity Theft Prevention Program**

Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the

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code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

A **Covered Account** means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A **Red Flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

The Program

The City of Munising sewer and water utility establishes an Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program.
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor for identity theft.

The Program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

Administration of Program

1. The City of Munising's Manager shall be responsible for the development, implementation, oversight and continued administration of the Program.
2. The Program shall train staff, as necessary, to effectively implement the Program; and
3. The Program shall exercise appropriate and effective oversight of service provider arrangements.

Identification of Relevant Red Flags

1. The Program shall include relevant red flags from the following categories as appropriate:
 - a. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
 - b. The presentation of suspicious documents;
 - c. The presentation of suspicious personal identifying information;
 - d. The unusual use of, or other suspicious activity related to, a covered account; and
 - e. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.
2. The Program shall consider the following risk factors in identifying relevant red flags for covered accounts as appropriate;
 - a. The types of covered accounts offered or maintained;
 - b. The methods provided to open covered accounts;

- c. The methods provided to access covered accounts; and
 - d. Its previous experience with identity theft.
3. The Program shall incorporate relevant red flags from sources such as:
 - a. Incidents of identity theft previously experienced;
 - b. Methods of identity theft that reflect changes in risk; and
 - c. Applicable supervisory guidance.

Detection of Red Flags

The Program shall address the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

1. Obtaining identifying information about, and verifying the identity of, a person opening a covered account; and
2. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts.

Response

The Program shall provide for appropriate responses to detected red flags to prevent and mitigate identity theft. The response shall be commensurate with the degree of risk posed. Appropriate responses may include:

1. Monitor a covered account for evidence of identity theft;
2. Contact the customer;
3. Change any passwords, security codes or other security devices that permit access to a covered account;
4. Reopen a covered account with a new account number;
5. Not open a new covered account;
6. Close an existing covered account;
7. Notify law enforcement; or
8. Determine no response is warranted under the particular circumstances.

Updating the Program

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

1. The experiences of the organization with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the organization offers or maintains;
5. Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures and service provider arrangements.

Oversight of the Program

1. Oversight of the Program shall include:
 - a. Assignment of specific responsibility for implementation of the Program;
 - b. Review of reports prepared by staff regarding compliance; and
 - c. Approval of material changes to the Program as necessary to address changing risks of identity theft.
2. Reports shall be prepared as follows:
 - a. Staff responsible for development, implementation and administration of the Program shall report to the Munising City Commission at least annually in compliance by the organization with the Program.
 - b. The report shall address material matters related to the Program and evaluate issues such as:
 - i. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - ii. Service provider agreements;

- iii. Significant incidents involving identity theft and management's response;
- iv. Recommendations for material changes to the Program.

Oversight of Service Provider Arrangements

The City of Munising shall take steps to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the organization engages a service provider to perform and activity in connection with one or more covered accounts.

Duties Regarding Address Discrepancies

The City of Munising shall develop policies and procedures designed to enable the organization to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the organization receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report. The organization (utility) may reasonably confirm that an address is accurate by any of the following means:

- 1. Verification of the address with the consumer report;
- 2. Review of the utility's records;
- 3. Verification of the address through third-party sources; or
- 4. Other reasonable means.

If an accurate address is confirmed, the organization (utility) shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

- 1. The organization establishes a continuing relationship with the consumer; and
- 2. The organization, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

Approved:

Date

Doug Bovin, City Manager

Date

Sue Roberts, City Clerk

- 3. Approve Resolution Approving Purchase Contract, Note Agreement and Related Matters - Street Sweeper

Moved by Commissioner Bornslaeger to approve the Resolution Approving Purchase Contract, Note Agreement and Related Matters regarding the Street Sweeper. Support by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

- 4. Approve Resolution Approving Purchase Contracts, Note Agreement and Related Matters - Snowplow Truck and Trackless Tractor

Moved by Commissioner Beauprey to approve the Resolution Approving Purchase Contracts, Note Agreement and Related Matters regarding the Snowplow Truck and Trackless Tractor. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor Pro-Tem Lovellette
Nays: None

- 5. WWTTP Underground Air Piping Quotes

Moved by Commissioner Bornslaeger to accept and place on file quotes received for the underground air piping at the Wastewater Treatment Plant. Support by Commissioner Beauprey.

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Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

Bids Received: John E. Green Company \$32,500.00, Gogebic Mechanical, Inc.
\$25,480.00 and JAMAR \$33,366.00.

Moved by Commissioner Bornslaeger to award the underground air piping job to
Gogebic Mechanical, Inc. in the amount of \$25,480.00. Support by
Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

6. WWTP Equalization Pumps Quotes

Moved by Commissioner Beauprey to accept and place on file quotes received
for the Equalization Pumps at the Wastewater Treatment Plant. Support by
Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

Bids Received: John E. Green Company \$99,750.00, Gogebic Mechanical, Inc.
\$93,873.00 and JAMAR \$112,840.00.

Moved by Commissioner Beauprey to award the equalization pump job to Gogebic
Mechanical, Inc. in the amount of \$93,873.00. Support by Commissioner
Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

7. Building & Grounds Recommendation - Cemetery Hill Road & Proposal
from AECOM

Moved by Commissioner Beauprey to approve the Engineering Services Proposal
from AECOM for Cemetery Hill Road pending approval City Attorney approval of
the proposal. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

8. Agreement with Alger County Road Commission - Cemetery Hill Road

Moved by Commissioner Scholtz to approve the Agreement with the Alger County
Road Commission as the lead agency regarding fixing Cemetery Hill Road,
pending City Attorney approval of the Agreement. Support by Commissioner
Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

9. Approve Miller Canfield Agreement - Fire/Police Facility

Moved by Commissioner Beauprey to approve the Miller Canfield Agreement for
the Fire/Police Facility. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

10. Acceptance of Equipment Bids - City Attorney Opinion

Moved by Commissioner Beauprey to approve acceptance of equipment bids for
the snowplow truck and trackless tractor City Attorney Opinion. Support by
Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

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Moved by Commissioner Beauprey to approve acceptance of equipment bids for the street sweeper City Attorney Opinion. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

11. Signed DNR Marina Grant and Instructions

City Manager Bovin explained what was going on with the DNR Marina Grant and instructions regarding the Marina Expansion. This was informational only no action was necessary.

12. Approval of 24' wide road for Boat Launch Driveway

Moved by Commissioner Beauprey to approve a 24' wide road for the Boat Launch driveway (2' shoulder each side). Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

13. Boat Launch Bid Dates

Moved by Commissioner Beauprey to approve the Boat Launch Bid Dates of Tuesday August 18th Pre-bid meetings at 10:00 and 11:00 a.m. on site, Wednesday August 26th bids due to City of Munising City Clerk's office 2:00 p.m. for public bid opening, Thursday August 27th bid recommendation and Wednesday September 2nd bid recommendation presented to City Commission for action. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

14. Request to Use Munising Logo

Moved by Commissioner Bornslaeger to let William Kearns use the City Logo for only his own personal use. Support by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

15. Signal Light Dedication

City Manager Bovin indicated that the signal light dedication will take place on August 28th and if the Commission has any ideas as what to do they should let him know.

16. Approve City Commission Meeting Minutes of 7/20/09

Moved by Commissioner Bornslaeger to approve the City Commission Meeting Minutes of 7-20-09 as submitted. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

17. Check Register - List of Bills

Moved by Commissioner Bornslaeger to approve and pay the Check Register-List of Bills as submitted. Support by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

18. City Manager Report

City Manger Bovin began his report by stating that the Marina needs signs per the Waterways Commission. Then he informed the Commission that there is not enough parking on Vet's Memorial Drive and the North side of the street the no parking signs will be removed. Regarding the Fire Department he gave the Commission the stats from the Annual Tournament. Next, he stated that Pat

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Gariepy and Bruce Hawkinson are working on the site plan at the Tourist Park, some additional camping sites could be done by the City Crew but the electrical portion would have to be hired out. Nine sites are possible it could possibly cost \$20,000.00 to \$30,000.00 with gravel needs. Within three years it would pay for itself. Commissioner Beauprey asked about the Pavilion, his concern was not having enough money to complete the Pavilion before the August 20th dedication ceremony. Then Bovin stated that UPPCO has helped us out with power lines regarding the Brownfield Grant this can be closed out now.

E. CORRESPONDENCE

Correspondence included a letter from the Department of Natural Resources regarding the Arena, the Tourist Park and the Munising Marina and from the DEQ a Baseline Environmental Assessment of 109 W. Munising Ave.

F. PUBLIC COMMENTS (non-agenda items)

Commissioner Scholtz made comment about dogs in the Bayshore Park and their waste still not being picked up.

G. ADJOURNMENT

Moved by Commissioner Bornslaeger to adjourn the Regular Meeting of the City Commission. Support by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor
Pro-Tem Lovellette
Nays: None

The Regular Meeting of the City Commission adjourned at 7:58 p.m.

Rod DesJardins, Mayor

Sue Roberts, City Clerk

LIST OF BILLS

21126)	CITY OF MUNISING - PETTY CASH	159.03
21127)	D. ROBB FERGUSON	2812.50
21128)	VOIDED	VOIDED
21129)	PROFESSIONALS DIRECT	506.00
21130)	BIG "C"	1000.00
21131)	MUNISING PUBLIC SCHOOLS	1000.00
21132)	HALL CONTRACTING, INC.	64000.00
21133)	J. RANCK ELECTRIC, INC.	144509.51
21134)	PEOPLES STATE BANK	8335.38
21135)	WILCOX PROFESSIONAL SERVICES	230.00
21136)	ALGER TITLE AGENCY - TRUST ACCOUNT	99788.72
21137)	AN*SER SERVICES & TEL/SEE	61.73
21138)	AT&T MOBILITY	50.20
21139)	AT&T MOBILITY	247.05
21140)	BANC OF AMERICA LEASING	551.47
21141)	DOUG BOVIN, INC.	382.80
21142)	EL-COM SERVICES, INC.	241.00
21143)	D. ROBB FERGUSON	1666.66
21144)	GALL'S INC.	463.89
21145)	GEROU EXCAVATING, INC.	40.00
21146)	GREAT LAKES WOOD PRODUCTS	180.00
21147)	HEALTHY HOMES INC.	84.70
21148)	HIAWATHA TELEPHONE COMPANY	986.59
21149)	HOLMQUIST FEED MILL	142.70
21150)	INSTITUTE OF CONTINUING LEGAL	10.00
21151)	LAB SAFETY SUPPLY INC.	83.84
21152)	MANISTIQUE OIL COMPANY, INC.	1300.52
21153)	MICHIGAN ASSOCIATION OF CHIEF/POLICE	100.00
21154)	MICHIGAN DEPARTMENT OF AGRICULTURE	100.00
21155)	MIDWAY RENTALS	785.10
21156)	NAPA AUTO PARTS	52.35
21157)	NORTH CENTRAL LABORATORIES	220.47
21158)	NORTHERN MICHIGAN PUBLIC	15.00
21159)	NORTRAX EQUIPMENT INC.	48.81

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21160)	SKIP'S AUTO REPAIR LLC	14.00
21161)	STANDARD INSURANCE COMPANY	660.78
21162)	STREICHER'S	274.00
21163)	TELNET WORLDWIDE, INC.	29.62
21164)	TRI-COUNTY SEPTIC	80.00
21165)	TRUDELL PLUMBING & HEATING	584.99
21166)	UPPER PENINSULA RECREATION INC.	6982.89
21167)	WEST PAYMENT CENTER	50.00
21168)	WOODALL'S	991.44
21169)	ZARNOTH BRUSH WORKS, INC.	179.90
21170)	CHARLENE CARBERRY	769.23
21171)	CITY OF MUNISING-WATER DEPT	2160.09
21172)	SEABERG CONTRACTING INC.	1500.00
21173)	U.S. POSTMASTER-MUNISING	248.68