

November 19, 2012

CITY COMMISSION OF THE CITY OF MUNISING
AGENDA
MONDAY, NOVEMBER 19, 2012
6:00 P.M.

- A. CALL TO ORDER OF REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENT (non-agenda items)
- C. OLD CITY BUSINESS
 - 1. Lease Agreement with ALTRAN-DDA-City "Pocket Park" tabled from 11-7-12
 - 2. Purchase Agreement on "Cox Building" Property tabled from 11-7-12
 - 3. Treasurer's Report
 - 4. Monthly Reports - Committee - Fire - Police - WWTP
- D. NEW CITY BUSINESS
 - 1. Munising Sno-Show 2013 Information
 - 2. Approve Resolution Recognizing Bill Riordan for Serving on Volunteer Fire Department
 - 3. Approve Safe Routes to Schools Contract - Coleman Engineering
 - 4. Approve Anderson, Tackman & Company, PLC Contract for Services
 - 5. Approve Purchase of Tires (2) From Willey's \$1015.32
 - 6. Approve Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse Water Supply System Improvements
 - 7. Approve Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse Sewage Disposal System Improvements
 - 8. Approve City Commission Meeting Minutes of 11-7-12
 - 9. Check Register/List of Bills
 - 10. City Manager Report
- E. CORRESPONDENCE
- F. PUBLIC COMMENTS (non-agenda items)
- G. CLOSED SESSION
 - 1. For the purpose of discussing Union Contract Negotiation Strategies
- H. COMMISSION ADJOURN CLOSED SESSION AND REENTER REGULAR MEETING
- I. ADJOURNMENT

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 Monday, **November 19, 2012**, in the City Commission Room of City Hall. Mayor DesJardins called the Regular Meeting to Order at 6:00 p.m.

PRESENT: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
ABSENT: Commissioners: Cotey and Bornslaeger

November 19, 2012

B. PUBLIC COMMENT (non-agenda items)

There were none.

C. OLD CITY BUSINESS

1. Lease Agreement with ALTRAN-DDA-City "Pocket Park" tabled from 11-7-12

Moved by Commissioner Nettleton to table this item until the 12-5-12 Meeting. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

2. Purchase Agreement on "Cox Building" Property tabled from 11-7-12

Moved by Commissioner Nettleton to table this item until the 12-5-12 Meeting. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

3. Treasurer's Report

Moved by Commissioner Dolaskie to approve the Treasurer's report as presented. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

4. Monthly Reports - Committee - Fire - Police - WWTP

There were no comments on the Committee or Monthly reports.

D. NEW CITY BUSINESS

Moved by Commissioner Dolaskie to amend the agenda to include #1A Meter Replacement Recommendation. Support by Commissioner Nettleton.

Unanimous Voice Vote:

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

Agenda Amended:

1A. Meter Replacement Recommendation

Moved by Commissioner Nettleton to authorize the purchase of one large meter for the prison \$15,000.00 and one hundred residential meters \$12,500.00; from ETNA total cost \$27,500.00. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

1. Munising Sno-Show 2013 Information

This was an informational handout; Ken McNally will come to the Commission with his requests at a later date.

2. Approve Resolution Recognizing Bill Riordan for Serving on Volunteer Fire Department

Moved by Commissioner Dolaskie to approve the Resolution Recognizing Bill Riordan for serving on the Volunteer Fire Department. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

RESOLUTION RECOGNIZING
BILL RIORDAN
YEARS SERVED ON THE
MUNISING VOLUNTEER FIRE DEPARTMENT

November 19, 2012

Whereas, in August 1978 Bill Riordan joined the Munising Volunteer Fire Department and,

Whereas, the past thirty four (34) year Bill has served and protected the citizens of the City of Munising and surrounding townships and,

Whereas, Bill has been Assistant Hose Captain, Hose Captain and ended his career as Assistant Chief and,

Whereas, Bill has decided to retire after thirty four (34) years of faithful service and he will be missed and,

Now Therefore let it be resolved that the City of Munising commends Bill Riordan for his years of volunteer service. Best wishes to Bill and his family.

Date: _____

Rod DesJardins, Mayor

3. Approve Safe Routes to Schools Contract - Coleman Engineering

Moved by Commissioner Dolaskie to approve the contract with Coleman Engineering for the Safe Routes to Schools project with a not to exceed amount of \$21,326.00. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

4. Approve Anderson, Tackman & Company, PLC Contract for Services

Moved by Commissioner Dolaskie to approve the Anderson, Tackman & Company, PLC contract for services for the next three years. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

5. Approve Purchase of Tires (2) From Willey's \$1015.32

Moved by Commissioner Dolaskie to approve the purchase of two tires from Willey's in the amount of \$1015.32. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

6. Approve Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse Water Supply System Improvements

Moved by Commissioner Nettleton to approve the Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse Water Supply System Improvements in the amount of \$920,000.00. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE REVENUE BONDS AND
DECLARATION OF INTENT TO REIMBURSE
(WATER SUPPLY SYSTEM IMPROVEMENTS)

CITY OF MUNISING
County of Alger, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Munising, County of Alger, State of Michigan, held on the 19th day of November, 2012, at 6:00 p.m., Eastern Standard Time.

PRESENT: Members: Dolaskie, Nettleton and Mayor DesJardins

ABSENT: Members: Cotey and Bornslaeger

November 19, 2012

The following preamble and resolution were offered by Member Nettleton and supported by Member Dolaskie:

WHEREAS, the City of Munising, County of Alger, State of Michigan (the "City"), intends to issue and sell bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Nine Hundred Twenty Thousand Dollars (\$920,000.00) for the purpose of paying part of the cost to acquire, construct, furnish and equip improvements to the City's existing water supply system, consisting generally of the replacement of approximately 6,000 linear feet of watermain, together with interests in land and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"); and

WHEREAS, the City expects to sell the aforesaid bonds to the U.S. Department of Agriculture's Rural Development program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Munising News, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially in the form appearing at Appendix A attached hereto.

3. The City Commission of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the electors residing in the boundaries of the City of the City's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the water fund and/or the general fund of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$920,000.00.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under

November 19, 2012

Treas. Reg. § 1.150-2 (c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2 (h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000.00 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2 (f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation and similar costs incident to commencement of construction).

5. The City hereby retains Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the issuance of the Bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Dolaskie, Nettleton and Mayor DesJardins

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Sue Roberts, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Munising, County of Alger, State of Michigan, at a regular meeting held on the 19th day of November, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Sue Roberts, City Clerk

- 7. Approve Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse Sewage Disposal System Improvements

Moved by Commissioner Dolaskie to approve the Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration on Intent to Reimburse Sewage Disposal System Improvements in the amount of \$1,840,000.00. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE REVENUE BONDS AND
DECLARATION OF INTENT TO REIMBURSE
(SEWAGE DISPOSAL SYSTEM IMPROVEMENTS)

CITY OF MUNISING
County of Alger, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Munising, County of Alger, State of Michigan, held on the 19th day of November, 2012, at 6:00 p.m., Eastern Standard Time.

November 19, 2012

PRESENT: Members: Dolaskie, Nettleton and Mayor DesJardins
ABSENT: Members: Cotey and Bornslaeger

The following preamble and resolution were offered by Member Dolaskie and supported by Member Nettleton:

WHEREAS, the City of Munising, County of Alger, State of Michigan (the "City"), intends to issue and sell bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, an amount not to exceed One Million Eight Hundred Forty Thousand Dollars (\$1,840,000.00) for the purposed of paying part of the cost to acquire, construct, furnish and equip improvements to the City's existing sewage disposal system, consisting generally of approximately 5,000 linear feet of sanitary sewer collection lines, approximately 4,500 linear feet of storm sewer collection lines, lift station improvements, and wastewater treatment plant improvements including office renovations and a new storage garage, together with interests in land and all related sites, structures, equipment, appurtenances and attachments thereto serve the users of the City's sewage disposal system (the "Project"); and

WHEREAS, the City expects to sell the aforesaid bonds to the U.S. Department of Agriculture's Rural Development program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Munising News, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form appearing at Appendix A attached hereto.

3. The City Commission of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the sewage disposal system's users and the electors residing in the boundaries of the City of the City's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the sewer fund and/or the general fund of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$1,840,000.00.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2 (c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2 (h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i) costs for the issuance of the debt, (ii) an amount not in excess of the lesser of \$100,000.00 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2 (f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation and similar costs incident to commencement of construction).

5. The City hereby retains Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the issuance of the Bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Dolaskie, Nettleton and Mayor DesJardins

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Sue Roberts, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Munising, County of Alger, State of Michigan, at a regular meeting held on the 19th day of November, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Sue Roberts, City Clerk

8. Approve City Commission Meeting Minutes of 11-7-12

Moved by Commissioner Dolaskie to approve the City Commission Meeting Minutes of 11-7-12 as presented. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

9. Check Register/List of Bills

Moved by Commissioner Nettleton to approve and pay the Check Register/List of Bills as submitted. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

10. City Manager Report

City Manager Bovin stated that the snowmobile race people were happy with how everything went last year; also Tom Kusmirek with Roctoberfest was pleased with how his event turned out. Bovin briefly mentioned the Marina and Tourist Park yearly figures both did well. Regarding the recreation grants the Fishing Pier was the highest ranking then the Mountain Bike Path then the Tourist Park, Bovin indicated that we are still hopeful, if they get turned down we will reapply.

E. CORRESPONDENCE

There was none.

F. PUBLIC COMMENTS (non-agenda items)

There were none.

G. CLOSED SESSION

- 1. For the purpose of discussing Union Contract Negotiation Strategies

Moved by Commissioner Dolaskie to move into closed session for the purpose of discussing Union Contract Negotiation strategies. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

The Commission entered Closed Session at 6:26 p.m.

H. COMMISSION ADJOURN CLOSED SESSION AND REENTER REGULAR MEETING

The Commission reentered the Regular Meeting at 6:41 p.m.

I. ADJOURNMENT

Moved by Commissioner Dolaskie to adjourn the Regular Meeting of the City Commission. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Nettleton and Mayor DesJardins
Nays: None

The Regular Meeting of the City Commission adjourned at 6:42 p.m.

Rod DesJardins, Mayor

Sue Roberts, City Clerk

LIST OF BILLS

25803)	DSTECH	45.00
25804)	UPPER PENINSULA TIMBER CO. LLC	1750.00
25805)	41 LUMBER CO.	313.55
25806)	AECOM USA INC.	3274.19
25807)	AUTO VALUE OF MUNISING-OK AUTO	836.65
25808)	BADGER METER, INC.	25.46
25809)	DONNA BEAUDRY	138.13
25810)	BOWMAN GAS COMPANY	96.00
25811)	CITY OF MUNISING-PETTY CASH	86.79
25812)	JACK DOHENY SUPPLIES, INC.	555.44
25813)	FASTENAL COMPANY	8.74
25814)	GEROU EXCAVATING, INC.	40.20
25815)	DONNA GRIFFITHS	138.75
25816)	JANET LEZOTTE	133.13
25817)	MADIGAN'S HARDWARE	76.26
25818)	MML FOUNDATION	700.00
25819)	PUTVIN DRUG STORE	22.53
25820)	ROYCE WILLIAMS	7.50
25821)	ARVILLA SATTERLEE	138.75
25822)	MARIE A. ST. AMOUR	138.13

November 19, 2012

25823)	SYNAGRO CENTRAL	14452.20
25824)	TRIMEDIA CONSULTANTS	4634.50
25825)	DAWN TRZECIAK	138.75
25826)	US BANK EQUIPMENT FINANCE	330.32
25827)	VANTAGE FLEX, LLC	100.00
25828)	ZARNOTH BRUSH WORKS, INC.	612.50
25829)	JIM ZIELINSKI	207.18
25830)	ALGER COUNTY ELECTRIC	201.00
25831)	COOK SIGNS	222.81
25832)	DAYS INN MUNISING	5000.00
25833)	GEROU EXCAVATING, INC.	160.80
25834)	HEALTHY HOMES INC.	153.82
25835)	HIAWATHA TELEPHONE COMPANY	45.67
25836)	MADIGAN'S HARDWARE	7805.42
25837)	MADIGAN'S HARDWARE	46.58
25838)	NAPA AUTO PARTS	3727.50
25839)	PETERSON PUBLISHING INC.	188.36
25840)	REDPATH ORCHARDS	2000.00
25841)	U.P. POWER COMPANY	24.47
25842)	ALGER COUNTY HUMANE SOCIETY	325.00
25843)	ANDERSON, TACKMAN & COMPANY	7400.00
25844)	DOUG BOVIN INC.	9074.92
25845)	DTE ENERGY	185.99
25846)	GREAT AMERICAN DISPOSAL COMPANY	4542.16
25847)	MADIGAN'S HARDWARE	348.04
25848)	MICHIGAN DEPARTMENT OF ENVIRONMENTAL	1998.91
25849)	VOIDED	VOIDED
25850)	PETERSON PUBLISHING INC.	492.01
25851)	U.P. POWER COMPANY	15557.22
25852)	MICHIGAN DEPARTMENT OF ENVIRONMENTAL	2498.62
25853)	PUBLIC SERVICE GARAGE	15637.10
25854)	BLUE CROSS BLUE SHIELD OF MICHIGAN	3186.27
25855)	CITY OF MUNISING-WATER DEPT.	976.36
25856)	MANATRON INC.	930.32
25857)	MML-WORKER'S COMPENSATION	1115.00
25858)	THE SAFETY STORE	75.00
25859)	SHELL FLEET PLUS	2623.73