

February 3, 2016

CITY COMMISSION
AGENDA
WEDNESDAY, FEBRUARY 3, 2016
6:00 P.M.

- A. CALL TO ORDER REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENTS (non-agenda items)
- C. PRESENTATION - Anderson Tackman 2014-2015 Audit
 - 1. Accept/Approve 2014-2015 Audit
- D. OLD CITY BUSINESS
 - 1. Committee Reports - Updates
 - 2. Discussion/Possible Action Outstanding Water Bill for 206 E. Superior St.
- E. NEW CITY BUSINESS
 - 1. Appointment to City Commission
 - 2. Ray Berg Reimbursement Request \$1,000.00
 - 3. Resolution Accepting Terms of Michigan Department of Natural Resources Big "P" Project
 - 4. Request to be Plaintiff on Behalf of Alger County to Amend LaPorte Addition Plat
 - 5. Request from Coleman Engineering Company for Services from 12-06-15 - 01-02-2016 \$1,483.50 SAW Grant Sanitary Sewer
 - 6. UPPCO Letter of Understanding St. Martins Hill Project - Underground Cable by Directional Bore, Pole Replacement, Junction Box Installation
 - 7. Valve Bank Repair for #2 2010 International \$1,425.00
 - 8. Resolution Opposing Public Act 269
 - 9. Accept/Award WWTP Storage Building bids
 - 10. Approve City Commission Meeting Minutes of 1-18-16
 - 11. Check Register - List of Bills
 - 12. City Manager Report
- F. CORRESPONDENCE
- G. PUBLIC COMMENTS (non-agenda items)
- H. ADJOURNMENT

CITY COMMISSION

Official Proceedings

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

The Regular City Commission Meeting was duly called and held on Wednesday, **February 3, 2016**, in the City Commission Room of City Hall. Mayor DesJardins called the meeting to order at 6:00 p.m.

PRESENT: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
ABSENT: None

- B. PUBLIC COMMENTS (non-agenda items)

There were none.

- C. PRESENTATION - Anderson Tackman 2014-2015 Audit

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1. Accept/Approve 2014-2015 Audit

Mike Greutz with Anderson Tackman went over his findings and audit results. Commissioners asked questions and explained certain expenditures in the audit that affected funding areas negatively.

Moved by Commissioner Cotey to accept and approve the 2014-2015 Audit as presented. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

D. OLD CITY BUSINESS

1. Committee Reports - Updates

There were no updates from the Commission.

2. Discussion/Possible Action Outstanding Water Bill for 206 E. Superior St.

Moved by Commissioner Cotey to authorize the City Manager to reduce the outstanding water bill at 206 E. Superior St. balance by \$2,592.90. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

E. NEW CITY BUSINESS

1. Appointment to City Commission

Moved by Commissioner Bornslaeger to appoint Ben Deisenroth to fill the unexpired term of Commissioner Dolaskie. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

2. Ray Berg Reimbursement Request \$1,000.00

Moved by Commissioner Nettleton to approve Ray Berg's reimbursement request of \$1,000.00 pending a release and final settlement agreement to be prepared by City Attorney Ferguson. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

3. Resolution Accepting Terms of Michigan Department of Natural Resources Big "P" Project

Moved by Commissioner Nettleton to approve the Resolution accepting the terms of the Michigan Department of Natural Resources regarding the Big "P" project. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

RESOLUTION

Upon motion made by Commissioner Nettleton, seconded by Commissioner Cotey the following Resolution was adopted:

"RESOLVED, that the City of Munising, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Five Hundred Fifteen Thousand Two Hundred Eighty-four dollars (\$515,284.00) to match the One Million Four Hundred Sixty-six Thousand Five Hundred Seventy-seven dollars (\$1,466,577.00) State grant authorized by the Department.

2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.

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3. To construct the facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.

4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.

5. To establish and appoint the City Manager to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the city pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.

7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded: 4
The following nay votes were recorded: 0

STATE OF MICHIGAN)
)
COUNTY OF ALGER)

I, Sue Roberts, City Clerk of the City of Munising, Michigan, certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which was adopted by the City Board at a meeting held February 3, 2016.

4. Request to be Plaintiff on Behalf of Alger County to Amend LaPorte Addition Plat

Moved by Commissioner Bornslaeger to join Alger County as a plaintiff to amend the LaPorte Addition Plat. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
Nays: None

5. Request from Coleman Engineering Company for Services from 12-06-15 - 01-02-2016 \$1,483.50 SAW Grant Sanitary Sewer

Moved by Commissioner Cotey to approve the request from Coleman Engineering Company for services from 12-6-15 - 1-2-16 SAW Grant Sanitary Sewer Project in the amount of \$1,483.50. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
Nays: None

6. UPPCO Letter of Understanding St. Martins Hill Project - Underground Cable by Directional Bore, Pole Replacement, Junction Box Installation

Moved by Commissioner Cotey to agree to the Letter of Understanding with UPPCO. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
Nays: None

LETTER OF UNDERSTANDING

Project Name: St. Martin Hill Reconstruction

Work Request#: 2107067

Project Description: Install 2400' of primary underground cable by directional bore. Project includes replacing pole #4619-3R42 and installing (3) junction boxes along the primary cable route on St. Martin Hill Rd. (includes 2 bores under roadway)

Agreement: Uppco is authorized to install and maintain facilities in road right of way. The City of Munising shall grant Uppco an easement for said facilities of no more than 10' centered on cable route as installed in the field. An official easement to be drafted by Uppco after work is completed. Any variation(s) from attached Project Sketch(s) will be discussed with the City of Munising. Uppco shall make every effort to return the work site to its pre-construction condition. Uppco shall refill any trenches in which said

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wires are laid, promptly and properly tamp the same and restore the surface of the ground and if Uppco shall at any future time open said trenches for the purpose of repairing, renewing, or removing said wires, it will, as soon as said work is done, restore the surface of the ground, and that all work performed by Uppco (or contractor) on said land will be performed in a proper workmanlike manner, and that during the progress of the work, Uppco will properly safeguard said trench.

The City of Munising agrees that it will not construct any improvements, including buildings, concrete structures, or other objects, or change the grade more than four (4) inches over service or electric cable, without first securing the prior written consent of Uppco. This agreement is to insure the conformance of the use of the easement with the (National Electrical Safety Code) and Uppco construction standards. The City of Munising further agrees that all costs incurred through the relocation of said facilities to avoid such buildings, concrete structures, or other objects or to obtain proper depth of land cover shall be borne by the City of Munising.

Sign Name _____

Print Name _____ Date: _____

Sign Name _____

Print Name _____ Date: _____

STATE OF MICHIGAN
COUNTY OF ALGER
R/C# U-27 MUNISING
LOCATION#4619-3R42 (South end of Project)

7. Valve Bank Repair for #2 2010 International \$1,425.00

Moved by Commissioner Bornslaeger to approve the repairs for the 2010 International from Monroe Truck Equipment in the amount of \$1,425.00. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
Nays: None

City Manager Recommendation

Recommended Action- My professional recommendation is to sole source the purchase of the replacement valve bank to Monroe Truck Equipment at the price of \$1,425.00. They are the only OEM certified supplier that services the U.P. Region therefore it is my belief that competitive bids will not benefit the City.

Budget Implications- This expense would be made out of the Motor Pool-Repairs and Maintenance line item.

8. Resolution Opposing Public Act 269

Moved by Commissioner Cotey to approve the Resolution Opposing Public Act 269 as presented. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins
Nays: None

RESOLUTION No. 2016-02

A RESOLUTION OF THE MUNISING CITY COMMISSION DECLARING ITS OPPOSITION TO PUBLIC ACT 269

WHEREAS, Governor Snyder signed into law, with immediate, effect Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

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WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Munising calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Commission of the City of Munising Directs its City Manager to forward a certified copy of this Resolution to Representative John Kivela in the Michigan House of Representatives and Senator Tom Casperson in the Michigan Senate.

Michigan do hereby certify that the foregoing Resolution No. 2016-02 was offered by Commissioner _____ and supported by Commissioner _____ and same was duly passed at a regular meeting of the City Council in the City Hall, held on ____ January ____, 2016, and that the vote was as follows:

9. Accept/Award WWTP Storage Building bids

Moved by Commissioner Cotey to accept and place on file the bids received for the WWTP Storage Building. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

Bids received: DesJardins' Construction \$188,000.00, Premeau Construction \$198,000.00, Roy Ness Contracting \$194,000.00, Cross Construction \$164,800.00, O'Shea Construction \$132,000.00, Johnson Brothers \$174,000.00, LJJ Construction \$172,937.00, Gundlach Champion \$200,500.00 and Hall Contracting \$179,680.00.

Moved by Commissioner Nettleton to award the bid to O'Shea Construction in the amount of \$132,000.00; subject to an accompanying Change Order reducing the bid to \$109,500.00. Support by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

10. Approve City Commission Meeting Minutes of 1-18-16

Moved by Commissioner Cotey to approve the City Commission Meeting Minutes of 1-18-16 as presented. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

11. Check Register - List of Bills

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

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

12. City Manager Report

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City Manager Olson began by stating that the Old City Hall bids came in and they were about 20% over budget, he and Kathy Reynolds are working on a solution to cut costs. Regarding the L-Dock Expansion project bids are due February 12th at 2:00 p.m. the Commission was invited to attend if they would like to. So far three contractors have pulled plans. Olson, then stated that Bill Sanders has a proposal for his services in grant writing for a few projects this should be on the next agenda. The School District is planning a Payment in Lieu of Taxes Ordinance for Mather Development, this will most likely be on the next agenda; Attorney Ferguson is reviewing documents; also Building and Grounds will be meeting regarding this issue. Olson then informed the Commission of a sewer issue behind the Shell Station; a 24" sanitary main collapsed and needed to be shored up, Gerou came in and did this; it will have to be addressed in the spring when it can be rerouted or rebuilt in the bad section. It is possible that some eligible costs could be covered by the SAW grant. Olson informed the Commission that he will be out of the office February 18th - 23rd and in Lansing for the Capital Conference March 22nd - 24th.

F. CORRESPONDENCE

Correspondence included an invoice from Coleman Engineering for the SAW grant Storm Sewer project; it was \$99.25 City Manager Olson wanted to keep the Commission up to date on the project even though he could approve payment without their consent.

G. PUBLIC COMMENTS (non-agenda items)

There were none.

H. ADJOURNMENT

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

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor
DesJardins
Nays: None

The Regular Meeting of the City Commission adjourned at 7:19 p.m.

Rod DesJardins, Mayor

Sue Roberts, City Clerk

LIST OF BILLS

30019)UPPER PENINSULA POWER COMPANY	10553.55
30020)CHARTER COMMUNICATIONS	96.82
30021)DAN MALONE	148.39
30022)TELNET WORLDWIDE, INC.	14.25
30023)VANTAGE FLEX, LLC	100.00
30024)ZAMBONI, FRANK J., & CO. INC.	110.62
30025)HONEYWELL BUILDING SOLUTIONS	3142.27
30026)UPPER PENINSULA POWER COMPANY	34.42
30027)UPPER MICHIGAN COMMUNITY CU	446.69
30028)ALGER GENERAL AGENCY	10284.54
30029)MONROE TRUCK EQUIPMENT, INC.	68.20
30030)STANDARD INSURANCE COMPANY	244.74
30031)STANDARD INSURANCE COMPANY	484.65
30032)MICHIGAN MUNICIPAL LEAGUE	8099.00
30033)SUPERIORLAND SERVICES, INC.	22.15
30034)MIDWEST REFRIGERATION SUPPLY CO.	961.55
30035)HOLIDAY COMPANIES	1570.69
30036)COMPASS MINERALS AMERICA INC.	14534.25
30037)JOE HILLIER	60.00
30038)UPPER PENINSULA RECREATION INC.	1230.77
30039)DEVIN OLSON	150.00
30040)DENMAN'S HARDWARE	179.83
30041)DSTECH26.92	
30042)DSTECH19.75	
30043)USA BLUE BOOK	62.89
30044)VISION SERVICE PLAN	764.76

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