

APRIL 4, 2018

CITY COMMISSION  
AGENDA  
WEDNESDAY, APRIL 4, 2018  
6:00 P.M.

- A. CALL TO ORDER THE REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENTS (non-agenda items)
- C. OLD CITY BUSINESS
  - 1. Committee Reports - Updates
  - 2. Police Vehicle Comparison
- D. NEW CITY BUSINESS
  - 1. First Reading of the City of Munising Animals Ordinance No. 3
  - 2. Surplus Material Disposal Agreement with BACCO
  - 3. Royalty Agreement with BACCO for Sand
  - 4. Request to Place Cigarette Butt Containers and Storm Drain Pollution Warning Stenciling for Munising City Streets - David Kronk
  - 5. Coleman Engineering Company Invoice SAW Sanitary Sewer \$10,799.75
  - 6. Coleman Engineering Company Invoice H-58 FLAP Phase II \$5,567.25
  - 7. Accept/Award Bids for City Website Development
  - 8. Approve City Commission Meeting Minutes of 3-19-18
  - 9. Check Register - List of Bills
  - 10. City Manager Report
- E. CORRESPONDENCE
- F. PUBLIC COMMENTS (non-agenda items)
- G. ADJOURNMENT

CITY COMMISSION

Official Proceedings

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

The Regular Meeting of the City Commission was duly called and held on Wednesday, **April 4, 2018**, in the City Commission Room of City Hall. Mayor DesJardins called the meeting to order at 6:00 p.m.

PRESENT: Commissioners: Cotey, Nettleton and Mayor DesJardins  
Commissioner Bornslaeger was seated at 6:03 p.m.  
ABSENT: Commissioner: Deisenroth - excused

- B. PUBLIC COMMENTS (non-agenda items)

There were no public comments.

- C. OLD CITY BUSINESS

- 1. Committee Reports - Updates

City Manager Olson stated that the Planning Commission and the Downtown Development Authority held a meeting last week, he felt it went very well.

APRIL 4, 2018

2. Police Vehicle Comparison

Moved by Commissioner Cotey to approve the purchase of a 2018 Dodge Charger for the Police Department in the amount of \$21,139.46. Support by Commissioner Nettleton.

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

D. NEW CITY BUSINESS

1. First Reading of the City of Munising Animals Ordinance No. 3

There was discussion regarding the Animal Ordinance no action was necessary at this time. A Public Hearing will be scheduled.

2. Surplus Material Disposal Agreement with BACCO

Moved by Commissioner Cotey to approve the Surplus Material Disposal Agreement with BACCO. Support by Commissioner Bornslaeger.

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

**AGREEMENT  
SURPLUS MATERIAL DISPOSAL**

**THIS AGREEMENT** made this 4<sup>th</sup> day of April, 2018, by and between **BACCO CONSTRUCTION COMPANY, A MICHIGAN CORPORATION**, of N3676 North US-2, P.O. Box 458, Iron Mountain, Michigan 49801-0458, hereinafter referred to as **BACCO, AND Property owner(s) City of Munising** of 301 E. Superior St., Munising, Michigan 49862 (p)906-387-2095 (f)906-387-4512, being the true and rightful owner(s) of a tract of land situated in the State of Michigan, County of Alger, and more particularly described as North half of the Southwest quarter of Section 12, T46N-R19W, Lehen Road site, has this date agreed to permit BACCO to dispose of surplus excavation and/or pavement on the above described property in connection with a project known as H-58 Reconstruct, East Munising Avenue Project, MDOT Contract ID: 02000-200394.

**IN FURTHER CONSIDERATION** for this right, BACCO agrees to hold the property owner(s) forever harmless from all suits and claims for damage or injury to any employee or person, or any accident arising from the use of said property by BACCO Construction Company. Upon completion of operations, BACCO agrees to leave the property in a neat and presentable condition. Also noting that BACCO is not responsible for any repositioning of the material to any other property, nor is BACCO responsible for any acts the property owner(s) does with the said dumped waste material

**SPECIAL CONDITIONS:** (If None Write NONE) Approximately 2,200 cyd concrete, 18,000 cyd excavation. No hazardous or contaminated materials.

**WITNESS:** **BACCO CONSTRUCTION COMPANY**  
By: \_\_\_\_\_

**PROPERTY OWNERS (S)**  
By: \_\_\_\_\_

3. Royalty Agreement with BACCO for Sand

Moved by Commissioner Cotey to approve the Royalty Agreement with BACCO for sand. Support by Commissioner Bornslaeger.

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

**SAND AND/OR GRAVEL ROYALTY AGREEMENT**

**THIS AGREEMENT**, made and entered into as of the 4<sup>th</sup> day of April, 2018, by and between **BACCO CONSTRUCTION COMPANY**, a Michigan Corporation, whose address is P.O. Box 458, Iron Mountain, Michigan 49801-0458, hereinafter referred to as "BACCO", and **City of Munising** whose address is 301 E. Superior St., Munising,

APRIL 4, 2018

Michigan, 49862. Phone Number 906-387-2095, hereinafter referred to as "Owner (s)".

**RECITALS**

**WHEREAS**, BACCO is a heavy/highway contractor and has been awarded a project know as H-58 Reconstruct, East Munising Avenue Project. MDOT Contract ID: 02000-200394; and

**WHEREAS**, BACCO and/or its representatives have identified a potential source of sand, gravel, rock or other pit run material to be used on the above project(s), and

**WHEREAS**, BACCO estimates that, if it exercises the right to enter and remove material from the Owner(s) property, the quantity to be removed would be approximately 15,000 cyds. Both parties agree that this is an estimate only and more or less and of the material may be taken as desired by BACCO. Provided, however, that if significantly more material is needed, BACCO will obtain the Owner(s) written permission to extract additional material: and

**WHEREAS**, the parties also understand that BACCO may decide not to take any material from the Owner(s) property, and nothing in this Agreement shall be construed as establishing a minimum requirement of raw material to be taken.

**NOW THEREFORE**, the parties agree as follows:

1. The Owner(s), for a period of 6 months, grants BACCO the right to enter the above-described property for the purpose of extracting raw materials from the property including sand, gravel, rock and other pit run material, from the date in which the Agreement has been executed.
2. BACCO agrees to pay the Owner(s) \$1.00 per cyds/ton of materials removed from the property.
3. BACCO, at its sole discretion, may opt not to extract any raw material from Owner(s) property. However, should any raw material be removed during the contract period, payment for said material from BACCO to the Owner(s) will be made as soon as payment for the borrowed materials is made by the project owner to BACCO.
4. The parties agreed that the right to enter and extract raw materials is not an exclusive agreement and Owner(s) is free to allow contractors the same right to enter and extract raw material; provided, however while this Agreement is in effect, Owner(s) will have sufficient quantities of raw materials to comply with the terms of this Agreement.
5. The parties agree that should BACCO not be awarded this bid for projects specified above, this Agreement will be deemed null and void.
6. Any dispute regarding the terms and conditions of the Agreement shall be construed in accordance with the laws of the State of Michigan.
7. This document incorporates the entire agreement of the parties. Neither party has made oral representations inconsistent with the terms of this Agreement. The Agreement is binding on both parties and Owner(s) agree that, in the event of sale of the property during the effective date of this Agreement, any subsequent purchases will be bound by the terms of this Agreement.
8. BACCO agrees that upon the expiration of this Agreement, if it extracted raw material from the Owner(s) property, it will smooth over the surface from which the raw materials have been removed and shall slope the property and restore the topsoil to the excavated areas and shall leave the property in a neat and presentable condition.
9. BACCO agrees to hold the Owner(s) harmless from all suits and claims for damages or injury to any employee or person, or any accident arising from the raw material extraction process.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on this 4<sup>th</sup> day

APRIL 4, 2018

of April, 2018.

**SPECIAL CONDITIONS:** (if none write NONE) to be left in a condition specified by City of Munising.

WITNESS:

**BACCO CONSTRUCTION COMPANY,  
A Michigan Corporation**

\_\_\_\_\_

\_\_\_\_\_

**BY:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**CITY OF MUNISING**

\_\_\_\_\_

**Owner(s)**

- 4. Request to Place Cigarette Butt Containers and Storm Drain Pollution Warning Stenciling for Munising City Streets - David Kronk

Moved by Commissioner Cotey to approve the request to place cigarette butt containers and to paint the storm drains in the City of Munising. Support by Commissioner Nettleton.

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

- 5. Coleman Engineering Company Invoice SAW Sanitary Sewer \$10,799.75

Moved by Commissioner Nettleton to approve the invoice from Coleman Engineering Company for the SAW Sanitary Sewer in the amount of \$10,799.75. Support by Commissioner Cotey.

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

- 6. Coleman Engineering Company Invoice H-58 FLAP Phase II \$5,567.25

Moved by Commissioner Bornslaeger to approve the invoice from Coleman Engineering Company for the H-58 FLAP Phase II in the amount of \$5,567.25. Support by Commissioner Nettleton.

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

- 7. Accept/Award Bids for City Website Development

Moved by Commissioner Cotey to accept and place on file the bids received for the City website development. Support by Commissioner Bornslaeger.

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

**Bids received: My Web Maestro \$4,650.72 and 906 Technologies \$9,224.00.**

Moved by Commissioner Nettleton to award the City Website development to My Web Maestro in the amount of \$4,650.72. Support by Commissioner Bornslaeger.

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

- 8. Approve City Commission Meeting Minutes of 3-19-18

Moved by Commissioner Nettleton to approve the City Commission Meeting Minutes of 3-19-18 as submitted. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Cotey, Bornslaeger, Nettleton and Mayor DesJardins

APRIL 4, 2018

Nays: None

9. 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

10. City Manager Report

City Manager Olson informed the Commission that the application for funding for the USDA was submitted last week. It will be 30-90 days before we hear anything about the Grant/Loan. He also stated that he would begin working on additional state and federal grants to help fund the project. UPPCO is scheduled to upgrade all street lights to LED in 2019. As for the Ice Arena grant, it has been submitted to the DNR, we should hear something back sometime in September. Merrie Carlock needs additional information. The SAW grant is in the third and final year. Coleman Engineering will be around town again this summer to do inventory, flow metering and televising RFP. Olson then stated that the meeting for the H-58 project was held last week, reviewing the logistics regarding access and closures, 3 residents attended. Regarding the MDARD H-58 project, it should be out to bid by the end of this week for the mill and overlay, Olson is hopeful to have the bids to the Commission for review on May 2<sup>nd</sup>. Last, Olson informed the Commission that a Grand Opening-ribbon cutting ceremony for the Marina will be held on June 4<sup>th</sup>.

E. CORRESPONDENCE

There was no correspondence.

F. PUBLIC COMMENTS (non-agenda items)

There were no public comments.

G. 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 6:35 p.m.

---

Rod DesJardins, Mayor

---

Sue Roberts, City Clerk

LIST OF BILLS

32554)	TRUCK EQUIPMENT, INC.	84.86
32555)	CHARTER COMMUNICATIONS	99.81
32556)	ERA	301.46
32557)	UPPER MICHIGAN COMMUNITY CREDIT UNION	140.37
32558)	POMASL FIRE EQUIPMENT	183.82
32559)	U.P. FIRE CHIEF'S ASSOCIATION	50.00
32560)	BLUE CROSS BLUE SHIELD OF MICHIGAN	23421.49
32561)	UPPER PENINSULA POWER COMPANY	25920.66
32562)	UPPER PENINSULA RECREATION INC.	1230.77
32563)	DENMAN'S HARDWARE	94.81
32564)	DTE ENERGY	2854.21
32565)	COLEMAN ENGINEERING COMPANY	5567.25
32566)	ALGER PARKS & RECREATION	6477.25
32567)	ALTRAN	3750.00
32568)	STANDARD INSURANCE COMPANY	297.69
32569)	STANDARD INSURANCE COMPANY	461.10
32570)	TELNET WORLDWIDE, INC.	12.25
32571)	TRAFFIC SAFETY STORE	745.24

APRIL 4, 2018

32572)	UPPER MICHIGAN COMMUNITY CRDIT UNION	14.07
32573)	DISPLAY SALES COMPANY	1585.00
32574)	MARIE A. ST. AMOUR	140.00
32575)	PHIL HANSEN	140.00
32576)	RITA HALE	120.00
32577)	VISION SERVICE PLAN	456.37
32578)	HOLIDAY COMPANIES	2272.72
32579)	AN*SER SERVICES	62.52
32580)	SKIP'S AUTO REPAIR LLC	804.40
32581)	OLSON TRAILER & BODY	43.90
32582)	PAYNE DOLAN, INC.	1001.82
32583)	VERIZON WIRELESS	460.01
32584)	HIAWATHA TELEPHONE COMPANY	1049.69
32585)	DSTECH	64.58
32586)	MARIE A. ST. AMOUR	30.00
32587)	PHIL HANSEN	30.00
32588)	RITA HALE	30.00
32589)	COLEMAN ENGINEERING COMPANY	13216.25