

October 3, 2018

CITY COMMISSION  
AGENDA  
WEDNESDAY, OCTOBER 3, 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
- D. NEW CITY BUSINESS
  - 1. Lot Split Pat Gariepy - Shooters and Laundry Mat
  - 2. Coleman Engineering Company - invoice \$20,065.75 - SAW - Sanitary Sewer
  - 3. Payment of \$19,608.78 to State of Michigan for FLAP - Foster St. to Bay St.
  - 4. SORVA License
  - 5. Munising Bay Trail Network, Inc. License
  - 6. Revised quote for 14' dump box for 1994 Ford Tandem
  - 7. Accept/Award Tourist Park Concessionaire Bids
  - 8. Supporting Resolution for a Roundabout at M-28 & H-58
  - 9. Request for road closure for ReKindle the Spirit event - Superior St. from M-28 to Lynn St. Thursday, November 29<sup>th</sup> from 4:50 p.m. 7:00 p.m.
  - 10. Approve City Commission Meeting Minutes of 9-17-18
  - 11. Check Register - List of Bills
  - 12. 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, **October 3, 2018**, in the City Commission Room at City Hall. Mayor DesJardins called the Regular Meeting to order at 6:00 p.m.

PRESENT: Commissioners: Bogater, Bornslaeger, Nettleton and Mayor DesJardins

ABSENT: Commissioner: Cotey - excused

- B. PUBLIC COMMENTS (non-agenda items)

Toni Jurinen voiced her opinion regarding blight caused by her neighbor and a nuisance tree.

- C. OLD CITY BUSINESS

- 1. Committee Reports - Updates

Regarding updates the City health insurance only increased 6% this year, so the City will stay with Blue Cross Blue Shield that they currently have.

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D. NEW CITY BUSINESS

1. Lot Split Pat Gariepy - Shooters and Laundry Mat

Moved by Commissioner Nettleton to approve the lot split for Pat Gariepy as requested, subject to the City Attorney and City Manager to work on a license for the right of way. Support by Commissioner Bornslaeger.

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

2. Coleman Engineering Company - invoice \$20,065.75 - SAW - Sanitary Sewer

Moved by Commissioner Bogater to approve the Coleman Engineering Company payment request of \$20,065.75 for the SAW grant. Support by Commissioner Bornslaeger.

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

3. Payment of \$19,608.78 to State of Michigan for FLAP - Foster St. to Bay St.

Moved by Commissioner Nettleton to approve payment of \$19,608.78 to the State of Michigan for the FLAP project Foster St. to Bay St. project. Support by Commissioner Bogater.

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

4. SORVA License

Moved by Commissioner Nettleton to approve the License for the SORVA group. Support by Commissioner Bornslaeger.

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

License Agreement

This Agreement is entered into on the 3rd day of October, 2018, between the City of Munising, a Michigan Municipal Corporation, of 301 East Superior St., Munising, Michigan 49862 ("City"), and S.O.R.V.A. of Alger County ("SORVA"), of 1021 Foster St., Munising, MI 49862.

Whereas, City wishes to assist SORVA to provide residents and members of the public with a location for developed, groomed, and maintained snowmobile, ORV, and multi-use trails on certain City owned or City controlled land that is known to the parties;

Whereas, SORVA wishes to build, mark, maintain, and operate those trails on those identified lands that are owned or controlled by City;

Whereas the parties have come to an agreement with respect to these matters and wish to reduce that agreement to writing.

Now, therefore, in consideration of the mutual covenants contained in this License Agreement, the parties agree as follows:

1. City shall make available, rent free, those lands described in Exhibit A and Exhibit B to this License Agreement, for a snowmobile, ORV, and multi-use trail, to SORVA;

2. This license is not exclusive to SORVA: The land that is the subject of this license may be used by City, by other persons authorized by City, and by others, generally, while the land is being used by SORVA pursuant to this license;

3. SORVA may use the land that is the subject of this license solely for the purpose of building, marking, maintaining, and operating a snowmobile, ORV, multi-use trail;

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4. During the term of this license, SORVA shall be solely responsible for building, marking, maintaining and operating the trail so the trail is in an as safe as can be reasonably made condition when available for use by residents and the public;

5. At a minimum, "building" shall mean creating a trail/grade that is suitable for use by snowmobiles, ORVs, bicycle, and foot traffic, and "maintaining" shall mean grading, leveling, filling, and repairing, as necessary and as needed, all to keep the trail is an as safe as can reasonably be made condition;

6. SORVA shall mark the trail at any and all points where the trail crosses, or will cross, the existing bike trail that travels through the same area, using MDNR or other State of Michigan approved signage for that purpose;

7. During the term of this license, SORVA shall obtain and maintain general liability insurance, in an amount of not less than \$1,000,000.00, naming City as an additional insured;

8. SORVA shall indemnify City, and hold City harmless, from any and all claims, of whatsoever kind or nature, occurring during the term of this license or after the expiration of this license, caused by, partially caused by, related to, or pertaining to SORVA's activities upon the land that is the subject of this license;

9. This license is for an indeterminate term, subject to provision that either party may cancel this license, at any time, upon 60 day's written notice to the other party and without liability to the other party for cancellation; provided, however, that all obligations of SORVA to indemnify and hold City harmless under this license shall survive cancellation; and

10. Any and all improvements made to the land that is the subject of this license shall inure to and become the sole property of City when this license terminates, for any reason whatsoever, and City shall have no obligation to purchase those improvements from SORVA or reimburse SORVA, in any manner or for any amount, for those improvements.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
City of Munising  
By: Devin Olson  
Its: Manager

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
SORVA  
By:  
Its: President

5. Munising Bay Trail Network, Inc. License

Moved by Commissioner Bogater to approve the license for the Munising Bay Trail Network, Inc. Support by Commissioner Bornslaeger.

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

License Agreement

This Agreement is entered into on the 3rd day of October, 2018, between the City of Munising, a Michigan Municipal Corporation, of 301 East Superior St., Munising, Michigan 49862 ("City"), and Munising Bay Trail Network, Inc., a Michigan nonprofit corporation, ("MBTN"), of \_\_\_\_\_.

Whereas, City wishes to assist MBTN to provide residents and members of the public with a location for a system of developed, maintained non-motorized trail/mountain bike and walking trails on certain City owned or City controlled land that is known to the parties;

Whereas, MBTN has developed a system of those trails, with City's permission, and may want to develop additional trails on the same lands;

Whereas the parties have come to an agreement with respect to these matters and wish to reduce that agreement to writing.

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Now, therefore, in consideration of the mutual covenants contained in this License Agreement, the parties agree as follows:

1. City shall make available, rent free, those lands described in two Declarations of Notice pertaining to lands identified by property tax identification number 051-484-010-00 and number 051-484-019-00, copies of which are attached to this License Agreement as Exhibits 1 and 2, for all non-motorized trail/mountain bike and walking trails currently on those lands, and for additional such trails to MBTN; provided, however, that both the development and location of future trails must be approved by City in advance;
2. This license is not exclusive to MBTN: The land that is the subject of this license may be used by City, by other persons so authorized by City, and by others, generally, while the land is being used by MBTN pursuant to this license;
3. MBTN may use the land that is the subject of this license solely for the purposes of marking, maintaining, and operating the existing system of non-motorized trail/mountain bike and walking trails, and developing additional trails subject to City's prior approval, above;
4. During the term of this license, MBTN shall be solely responsible for marking, maintaining, and operating the existing trails, and shall be solely responsible for building, marking, maintaining, and operating any future approved trails, so the trails are in an as safe as can reasonably be made condition when available for use by residents and the public;
5. At a minimum, "maintaining" shall mean grading, leveling, filling, and repairing, as necessary and as needed, and "building" shall mean creating trails for non-motorized trail/mountain bike and foot traffic, all to keep the trails in an as safe as can reasonably be made condition;
6. MBTN shall ensure that the trails are marked at any and all points where trails cross, or will in the future cross, any snowmobile, ORV, or other motorized vehicle trail, using MDNR or other State of Michigan approved signage for that purpose;
7. During the term of this license, MBTN shall obtain and maintain general liability insurance, in an amount of not less than \$1,000,000.00, naming City as an additional insured;
8. MBTN shall indemnify City, and hold City harmless from any and all claims, of whatsoever kind or nature, occurring during the term of this license or after the expiration of this license, caused by, partially caused by, related to, or pertaining to MBTN's activities upon the land that is the subject of this license;
9. This license is for an indeterminate term, subject to provision that either party may cancel this license, at any time, upon 60 days written notice to the other party, and without liability to the other party for cancellation; provided, however, that all obligations of MBTN to indemnify and hold City harmless under this license shall survive cancellation; and
10. Any and all improvements made to the land that is the subject of this license shall inure to and become the sole property of City when this license terminates, for any reason whatsoever, and City shall have no obligation to purchase those improvements from MBTN or reimburse MBTN, in any manner or for any amount, for those improvements.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
 City of Munising  
 By: Devin Olson  
 Its: Manager

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
 By:  
 Its:

6. Revised quote for 14' dump box for 1994 Ford Tandem

Moved by Commissioner Bornslaeger to approve the quote for a 14' dump box for the 1994 Ford Tandem in the amount of \$12,552.00. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Bogater, Bornslaeger, Nettleton and Mayor

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DesJardins  
Nays: None

7. Accept/Award Tourist Park Concessionaire Bids

Moved by Commissioner Bornslaeger to award Upper Peninsula Recreation a 1 year contract with a provision to add an additional 4 years at the closing of the first year. Support by Mayor DesJardins.

Roll Call Vote:

Disapproved: Yeas: Commissioners: Bornslaeger and Mayor DesJardins  
Nays: Commissioners: Nettleton and Bogater

Motion did not pass and discussion was had to table item 7 until the next meeting when the City Attorney can be present.

8. Supporting Resolution for a Roundabout at M-28 & H-58

Moved by Commissioner Nettleton to approve the Supporting Resolution for a roundabout at the M-28 and H-58 intersection. Support by Commissioner Bornslaeger.

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

CITY OF MUNISING  
RESOLUTION SUPPORTING A ROUND ABOUT  
AT THE M-28/H-58 INTERSECTION

WHEREAS, State Highway M-28 provides a heavy traffic volume through the City of Munising by providing an East to West trunk line with a major intersection at the locally owned road H-58, and

WHEREAS, the current configuration of the M-28/H-58 intersection has proven insufficient in design posing a direct risk to the safety of trunkline users, and

WHEREAS, the City of Munising is the gateway community to the Pictured Rocks National Lakeshore which has experienced an increase in visitors by over 30% in five years, and

WHEREAS, MDOT will be performing a complete reconstruct of the M-28 corridor within the City of Munising in summer of 2020 with the M-28/H-58 intersection being within the project boundaries, and

WHEREAS, the Road Safety Audit performed by an independent third party states that a roundabout would assist in remedying the traffic and safety issues currently experienced at the intersection, and

WHEREAS, the City Commission is respectfully requesting that MDOT be provided sufficient funding for the engineering and construction of a roundabout at the M-28/H-58 intersection, and

THEREFORE, Be it be resolved that the City Commission hereby directs the City Manager to forward this resolution in original form to all current legislative representatives as well as the Manager of the MDOT Newberry TSC.

Motion made by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the Resolution as stated above. Effective October 3<sup>rd</sup>, 2018.

Upon roll call vote, the following voted:

YES:

NO:

Mayor Rod DesJardins declared the motion \_\_\_\_\_ on the 3<sup>rd</sup> of October, 2018

\_\_\_\_\_  
Sue Roberts, City Clerk

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9. Request for road closure for ReKindle the Spirit event - Superior St. from M-28 to Lynn St. Thursday, November 29<sup>th</sup> from 4:50 p.m. 7:00 p.m.

Moved by Commissioner Nettleton to approve the road closure as requested for the ReKindle the Spirit event on November 29<sup>th</sup> from 4:50 p.m. to 7:00 p.m. Support by Commissioner Bogater.

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

10. Approve City Commission Meeting Minutes of 9-17-18

Moved by Commissioner Nettleton to approve the City Commission Meeting Minutes of 9-17-18 as submitted. Support by Commissioner Bornslaeger.

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

11. Check Register - List of Bills

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

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

12. City Manager Report

City Manager Olson stated that the website design has been completed, he will continue to build the website in house as things are completed. The City email migration to the cloud is complete. New exchange emails for the Commissioners, hardware upgrades are 90% complete, four more computers to go. As for the SAW Grant the first review of the draft Asset Management Plan are to take place soon for the Wastewater Treatment Plant, Sanitary Collection and Storm Sewer. Around five hundred pages must be reviewed. Coleman will be presenting the plans to the Commission in December. Regarding the audit, Anderson, Tackman will be here next week. They have scheduled two weeks for compiling information and will present the audit in January. The 2020 project will have a revised engineering agreement. Olson will be meeting with MDOT Representatives about grant funding next week. It is possible that small sewer elements will be discussed to possibly be incorporated into the project. The local law enforcement, school representatives and city administration met with MDOT designers and the 2020 team had a safety and access review meeting for the corridor last week. Last, Kathy Reynolds and the City Manager have a conference call with the Redevelopment Ready Communities planner (MEDC) on Friday. A progress meeting will be held also the creation of a roadmap is necessary to complete best practices training.

E. CORRESPONDENCE

There was an email from Stabenow's office regarding the Restoration of Parks Act and deferred maintenance, if it passes it could mean ten million dollars for the Park Service.

F. PUBLIC COMMENTS (non-agenda items)

Commissioner Bornslaeger stated that if Pat doesn't put up a new building the City will have to. City Manager Olson stated that an asset review of the Tourist Park, regarding improvements could be talked about with Coleman Engineering, a study could be done at the Tourist Park.

Commissioner Nettleton stated that Grand Marais is updating their town with grants, it is maybe something we should pursue.

G. ADJOURNMENT

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

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

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The Regular Meeting of the City Commission adjourned at 6:55 p.m.

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Rod DesJardins, Mayor

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Sue Roberts, City Clerk

LIST OF BILLS

33230)	GREAT AMERICAN DISPOSAL COMPANY	6659.20
33231)	MADIGAN'S HARDWARE	549.44
33232)	DENMAN'S HARDWARE	140.48
33233)	41 LUMBER COMPANY	88.23
33234)	HUNTINGTON BANK	20169.99
33235)	MUNETRIX LLC	2610.25
33236)	ALGER COUNTY ELECTRIC	145.00
33237)	UPPER PENINSULA RECREATION INC.	3100.46
33238)	TRI-COUNTY SEPTIC	450.00
33239)	U.P. PROPANE	665.23
33240)	A. LINDBERG & SONS, INC.	450.08
33241)	MANISTIQUE OIL COMPANY, INC.	1339.47
33242)	CHARTER COMMUNICATIONS	99.79
33243)	UPPER PENINSULA POWER COMPANY	19798.54
33244)	MIDWAY RENTALS	117.70
33245)	BECKER ARENA PRODUCTS, INC.	1110.00
33246)	UPPER PENINSULA RECREATION INC.	2849.50
33247)	RICHARD KNIGHT	138.16
33248)	QUILL CORPORATION	61.95
33249)	BLUE CROSS BLUE SHIELD OF MICHIGAN	21862.80
33250)	SUPERIOR WALK IN CENTER	75.00
33251)	SAFETY VISION	3360.00
33252)	DTE ENERGY	331.66
33253)	UPPER PENINSULA RECREATION INC.	1230.77
33254)	COLEMAN ENGINEERING COMPANY	4416.50
33255)	COLEMAN ENGINEERING COMPANY	32459.75
33256)	COLEMAN ENGINEERING COMPANY	6097.75
33257)	COLEMAN ENGINEERING COMPANY	54631.50
33258)	COLEMAN ENGINEERING COMPANY	529.00
33259)	MADIGAN'S HAREWARE	292.86
33260)	VOIDED	VOIDED
33261)	TDS MEDIA DIRECT, INC.	150.00
33262)	UPPER MICHIGAN COMMUNITY CREDIT UNION	45.24
33263)	U.S. POSTMASTER	142.00
33264)	LAMMI FIRE PROTECTION	261.58
33265)	JOSEPH LAKOSKY LLC	960.00
33266)	JOHNSON BROTHERS RENTALS LLC	214.00
33267)	GEROU EXCAVATING, INC.	62.50
33268)	MICHIGAN GOVT FINANCE OFFICES	120.00
33269)	BELL EQUIPMENT COMPANY	95.00
33270)	TRI-COUNTY SEPTIC	200.00
33271)	KLEIMAN PUMP & WELL DRILLING	6817.92
33272)	MIDWAY RENTALS	216.50
33273)	SUPERIORLAND SERVICES, INC.	140.80
33274)	STANDARD INSURANCE COMPANY	456.33
33275)	MICHIGAN/WISCONSIN SPRING & BREAK	2454.40
33276)	STANDARD INSURANCE COMPANY	344.79
33277)	NORTHWEST HYDRAULICS & ENGINEERING	2341.66
33278)	OK INDUSTRIAL SUPPLY	68.19
33279)	FASTENAL COMPANY	381.55
33280)	HALRON LUBRICANTS INC.	1144.05
33281)	UPPER PENINSULA RECREATION INC.	2875.18
33282)	ALGER COUNTY CLERK	250.64
33283)	HOLIDAY COMPANIES	2518.54
33284)	UPPER PENINSULA RECREATION INC.	2138.62
33285)	TELNET WORLDWIDE, INC.	13.03
33286)	TOTAL TOOL & EQUIPMENT SERVICE, INC.	3629.98
33287)	USA BLUE BOOK	100.95
33288)	OK INDUSTIRAL SUPPLY	21.38
33289)	NELSON OIL COMPANY	18.00
33290)	ETNA SUPPLY COMPANY	878.41
33291)	MANISTIQUE OIL COMPANY, INC.	2003.21
33292)	MY WEB MAESTRO	1080.00
33293)	BELL EQUIPMENT COMPANY	118.32
33294)	LASCO	85.00
33295)	MICHIGAN STATE POLICE	132.00

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