

AUGUST 5, 2020

Meeting was held at the American Legion Building

CITY COMMISSION

AGENDA

WEDNESDAY, AUGUST 5, 2020

6:00 P.M.

- A. CALL TO ORDER THE PUBLIC HEARINGS AND REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENT (non-agenda items)
- C. PUBLIC HEARINGS:
 - 1. Second Reading/Adoption Recreational Marijuana Administrative Ordinance
 - a. Comments on Recreational Marijuana Administrative Ordinance
 - b. Adopt Recreational Marijuana Administrative Ordinance
 - c. Adjourn Public Hearing
 - 2. Second Reading/Adoption of proposed Recreational Marijuana Zoning Ordinance Amendment
 - a. Comments on Proposed Recreational Marijuana Zoning Ordinance Amendment
 - b. Adopt Recreational Marijuana Zoning Ordinance Amendment
 - c. Adjourn Public Hearing
 - 3. Second Reading/Adoption of Resolution to Vacate an Alley
 - a. Comments on Resolution to Vacate an Alley
 - b. Adopt Resolution to Vacate an Alley
 - c. Adjourn Public Hearing and enter Regular Meeting
- D. NEW CITY BUSINESS
 - 1. Approve Placement of Mini Murals on City Property
 - 2. Bond Refunding/Refinancing - Bakertilly
 - 3. Approve Resolution to Award the M-28 Water & Sewer Project to BACCO Construction Company - USDA Requirement
 - 4. Accept Jerry LaFlamme's resignation from the Planning Commission
 - 5. Purchase Snow Blower for Trackless \$17,120.00
 - 6. Approve City Commission Meeting Minutes of July 20, 2020
 - 7. Approve Check Register/List of Bills
 - 8. City Manager Report
- E. CORRESPONDENCE
- F. PUBLIC COMMENTS (non-agenda items)
- G. ADJOURNMENT

CITY COMMISSION

Official Proceedings

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

The Public Hearings and Regular Meeting of the City Commission were duly called and held on Wednesday, **August 5, 2020**, at the American Legion 610 W. Munising Ave., Munising, MI. Mayor DesJardins called the meetings to order.

AUGUST 5, 2020

PRESENT: Commissioners: Ballas, Berry, Bogater, Nettleton and Mayor
DesJardins
ABSENT: None

B. PUBLIC COMMENT (non-agenda items)

There were no public comments.

C. PUBLIC HEARINGS:

1. Second Reading/Adoption Recreational Marijuana Administrative Ordinance

a. Comments on Recreational Marijuana Administrative Ordinance

There were no comments on the Recreational Marijuana Administrative Ordinance.

b. Adopt Recreational Marijuana Administrative Ordinance

Moved by Commissioner Nettleton to adopt the Recreational Marijuana Administrative Ordinance. Support by Commissioner Berry.

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

c. Adjourn Public Hearing

The Commission convened into the second Public Hearing all remained seated.

2. Second Reading/Adoption of proposed Recreational Marijuana Zoning Ordinance Amendment

a. Comments on Proposed Recreational Marijuana Zoning Ordinance Amendment

There were no comments on the proposed Recreational Marijuana Zoning Ordinance Amendment.

b. Adopt Recreational Marijuana Zoning Ordinance Amendment

Moved by Commissioner Nettleton to adopt the Recreational Marijuana Zoning Ordinance Amendment. Support by Commissioner Bogater.

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

c. Adjourn Public Hearing

The Commission convened into the third Public Hearing all remained seated.

3. Second Reading/Adoption of Resolution to Vacate an Alley

a. Comments on Resolution to Vacate an Alley

There were no comments on the Resolution to Vacate an Alley.

b. Adopt Resolution to Vacate an Alley

Moved by Commissioner Nettleton to adopt the resolution to vacate an alley, this being in the public's best interest. Support by Commissioner Ballas.

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

RESOLUTION TO VACATE AN ALLEY

WHEREAS, the City Commission of the City of Munising, Michigan, after due investigation and consideration, determined, at a Public Hearing held on August 5th, 2020, the public interest will be served by the vacation of the public alley described in this resolution.

AUGUST 5, 2020

NOW, THEREFORE, based upon the findings and the determination made by the City Commission on August 5th, 2020, it is resolved by the City Commission of the City of Munising:

1. That all that part of the alley shown in the Re-Plat of Block 14 of the Plat of Bay View Addition to the Village (now City) of Munising, Alger County, Michigan, as recorded in the Office of the Register of Deeds of Alger County, Michigan, in Liber 1 of Plats, on page 36, and more particularly described as the alley lying East of the Southerly line of Commercial Street and adjacent to Lots 20 and 21 of the Re-Plat, as shown on the attached Exhibit 1, is no longer required for public use and the public interest is served by vacation of that part of the alley.

2. That this vacation is made expressly subject to private and public utility easements for water, sewer, telephone, cable, electricity, gas and any and all other utilities or utility easements which cross or otherwise burden the vacated property, and the right, in perpetuity, to maintain and expand existing utilities and to install future utilities.

3. That this Resolution shall take effect and be in force immediately, provided that there is caused to be recorded in the Office of the Register of Deeds of Alger County, a certified copy of this Resolution, and provided that there is caused to be filed with the State Treasurer a certified copy of this Resolution.

Dated: _____, 2020

Rod DesJardins, Mayor

Dated: _____, 2020

Devin Olson, City Manager

c. Adjourn Public Hearing and enter Regular Meeting

The Commission convened into the Regular Meeting all remained seated.

D. NEW CITY BUSINESS

Moved by Commissioner Berry to amend the agenda to include 1A. Resolution for Dispersion of USDA Funds - Water Project, and 1B. Authorize the City Treasurer to Transfer \$90,000.00 from the Leachate Cash Account to the Sewer Construction Account. Support by Commissioner Ballas.

Roll Call Vote:

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

Agenda Amended:

1A. Resolution for Dispersion of USDA Funds - Water Project

Moved by Commissioner Nettleton to approve the Resolution for Dispersion of USDA funds for the Water Project. Support by Commissioner Bogater.

**Approved: Yeas: Commissioners: Ballas, Berry, Bogater, Nettleton and Mayor DesJardins
Nays: None**

RESOLUTION FOR DISPERSION OF USDA FUNDS

WHEREAS, The City of Munising is the applicant for the USDA-Rural Development Grant and Loan Program consisting of a \$4,650,000 loan for the City of Munising M-28 Water Improvements Project, and

WHEREAS, The City of Munising is the agency that will receive and disburse these funds, and

WHEREAS, invoices or appropriate documentation of delivery of services or goods have been received, review and approved,

THEREFORE, The City of Munising hereby approves for payment the following amounts which are to be paid as cash is available:

Engineering (UPEA): Basic \$154,191.77

AUGUST 5, 2020

Additional	\$ 17,735.87
Resident Engineering	\$ 27,709.92
UPEA Total	\$199,637.56

Legal/Administration:	Miller, Canfield, Paddock & Stone	\$ 36,200.00
	City of Munising-Admin Expend	\$ -0-
	Munising News	\$ 2,167.20
	Michigan Treasury	\$ 930.00
	Ferguson Law Office	\$ -0-
	Sub Total	\$ 39,297.20
	Total	\$238,934.76

Motion by Commissioner Nettleton supported by Commissioner Bogater to approve Resolution for payment of funds for the City of Munising M-28 Water Improvements project.

Roll Call Vote:

Ayes: 5
Nays: 0
Absent: 0

Adopted this 5th day of August, 2020.

Sue Roberts, City Clerk

1B. Authorize the City Treasurer to Transfer \$90,000.00 from the Leachate Cash Account to the Sewer Construction Account

Moved by Commissioner Berry to authorize the City Treasurer to transfer \$90,000.00 from the Leachate Cash Account to the Sewer Construction Account. Support by Commissioner Bogater.

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

1. Approve Placement of Mini Murals on City Property

Moved by Commissioner Ballas to approve placement of mini murals on City Property. Support by Commissioner Berry.

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

2. Bond Refunding/Refinancing - Bakertilly

Moved by Commissioner Berry to authorize the City Manager and Treasurer to continue to work on refinancing with Bakertilly. Support by Commissioner Ballas.

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

3. Approve Resolution to Award the M-28 Water & Sewer Project to BACCO Construction Company - USDA Requirement

Moved by Commissioner Bogater to approve the Resolution to Award the M-28 Water & Sewer Project to BACCO Construction Company. Support by Commissioner Berry.

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

**City of Munising
RESOLUTION**

A RESOLUTION TO AWARD THE M-28 WATER & SEWER PROJECT TO BACCO CONSTRUCTION COMPANY BY THE CITY OF MUNISING

WHEREAS, the following bids were received in March, 2020 by MDOT for the M-28 Water & Sewer Project. Bid totals below:

	Bacco Construction Company	M & M Excavating Company	A Lindberg & Sons, Inc.
Total Bid	\$15,455,871.18	\$18,705,183.11	\$22,812,868.63

THEREFORE, be it resolved, that the City of Munising hereby awards the unit price contract to Bacco Construction Company of Iron Mountain, MI Water Subtotal of \$3,061,315.45, Sewer Subtotal of \$1,026,395.04 and a Total Base Bid of \$15,455,871.18; subject to Rural Development approval and funding.

FURTHERMORE, authorizes the City Manager as the designated representative to sign the necessary financial applications and contract documents required by Rural Development throughout the project.

Motion made by Commissioner Bogater seconded by Commissioner Berry to adopt the Resolution as stated above. Effective August 5th, 2020.

Upon roll call vote, the following voted:

YES: Commissioners: Ballas, Berry, Bogater, Nettleton and Mayor DesJardins

NO: None

Mayor DesJardins declared the motion approved on the 5th of August, 2020

Clerk, Sue Roberts

4. Accept Jerry LaFlamme's resignation from the Planning Commission

Moved by Commissioner Ballas to accept with regret Jerry LaFlamme's resignation from the Planning Commission and to advertise for the vacancy. Support by Commissioner Bogater.

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

5. Purchase Snow Blower for Trackless \$17,120.00

City Manager's Recommendation:

My recommendation is to sole source the purchase of the replacement snowblower and chute attachment to MacQueen Equipment at a cost of \$17,120.00, I base my recommendation on the comparable bids are not able to be obtained due to the fact that MacQueen Equipment is the only authorized retailer of Trackless equipment and accessories in our region.

Moved by Commissioner Ballas to approve the sole source purchase of a snow blower and chute attachment for the trackless in the amount of \$17,120.00 from MacQueen Equipment. Support by Commissioner Berry.

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

6. Approve City Commission Meeting Minutes of July 20, 2020

Moved by Commissioner Ballas to approve the City Commission Meeting Minutes of July 20, 2020 as presented. Support by Commissioner Bogater.

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

7. Approve Check Register/List of Bills

AUGUST 5, 2020

Moved by Commissioner Ballas to approve the Check Register/List of Bills as submitted. Support by Commissioner Berry.

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

8. City Manager Report

The City of Munising continues to work towards carrying out our municipal responsibilities as the fluidity of the COVID issue continues to provide challenges and opportunities. As region 8 was placed under additional restrictions with revised best practices the organization had minimal impact. City Hall and our municipal facilities continue to be restricted to employees and necessary contractors and customers. With the election on Tuesday, August 4th, we will be opening City Hall for the first time since March. City Clerk Roberts and Deputy Clerk Artress have put together an exceptional plan to ensure in-person voting can occur within social distancing and sanitization guidelines.

Two opportunities that the City will be attempting to take advantage of are two grant programs that are directed at assisting public safety and first responder employees. The City has submitted for a reimbursement for our Police Department payroll and fringe costs for the months of April and May. This total is over \$65,000.00 and will assist the City in stabilizing our general fund budget for the fiscal year. Another grant opportunity that the City will be taking advantage of is the First Responder Hazard Pay Premiums Program (FRHPPP). This program provides a \$1,000.00 pay to all police and fire employees on our payroll. There is no cost share for the City so there is no financial impact on general fund budget. The state of Michigan anticipates providing notice of awards for these programs sometime this month.

The M-28 project is beginning to pick up steam as multiple crews are now working on the project. New watermain has been placed from Lynn St. heading east to the roundabout. The main has been pressure tested and sampled for water quality and has passed all required tests without issue. The age of the existing main coupled with negligent historic water service abandonment practices has kept the BACCO crew on their toes the past few weeks. BACCOS crews continue to strike and forcibly remove untraceable live abandon services lines along the length of the water main. Many of these same services have been leaking without surfacing due to the high-grade sand that is present in the area. As of last week, our well meter trends were showing a decrease in pumping at an average of 80,000 gallons a day due to the removal and plugging of these water services. The replacement of water main along these three blocks should lower our yearly pumping number by 2.4 million gallons.

We are currently working with the USDA and our bond attorneys at Miller/Canfield to finalizing the closing of our Water bond as the required referendum period expired last Monday. The sewer bond notice was published last Wednesday which establishes a referendum period that expires on September 14th. Currently our loan portions of these projects are locked in at an interest rate of 1.375% over a 40-year term.

The Public Works department has been busy as they have spent the past two weeks rehabilitating the Lynn Street and Browns Addition Tot Lots. Our street painting orders have been delivered as all the high visibility safety yellow curb locations and handicap parking emblems have been completed. The parking lines and crosswalks should begin to be addressed this week as small portions will be done a time in order to minimize the impact on parking in the downtown.

July proved to be one of the rainiest in the recorded history of the Upper Peninsula. Although it had a minimal impact on the BACCO/M-28 project in town, other contractors had major delays on projects. The contractor that was selected for the Sand Point Road Project should have a soft start date sometime in the next two weeks. Actual pavement removal and gravel placement should start around the 24th of this month however signage and traffic control will most likely be placed sometime in the weeks leading up to this date.

The City continues to work on continually upgrading our internal systems and this month will see a lot of progress. Our GIS server and program that was compromised by a ransomware bug in June has been rebuilt and will be brought back online this month. When this occurs, we will be working with our network management providers on putting better controls in place to ensure that this does not happen again. Additionally, we are slated to have our facility wide security camera system installed in the near future. This will provide real time footage as well as a minimum of a month of recordings to assist our organization in case of an event that would require such information. The last piece of the technology puzzle that we will be address this month is establishing a way for auditors to begin their pre-audit this

AUGUST 5, 2020

month and possibly complete their full audit this fall without stepping foot onsite. This will ensure our audit is performed in a timely fashion while minimizing interaction and promoting COVID best practices.

I have been working with Rhonda Lassila on identifying ways that we can work cooperatively on a license agreement for MBTN. City Attorney Robb Ferguson has been on vacation the past week but we hope to have an acceptable document for both the City of Munising and the MBTN group in the near future that can be brought to the commission for review. Additionally, I anticipate having the request for the City to sell publicly owned lots along H-58 on the agenda for the August 17th City Commission meeting. If any commissioners have not had a chance to visit or view the parcels in question, please contact me and I can get a GIS printout of the subject properties with directions.

E. CORRESPONDENCE

Correspondence included a letter from the Vietnam Vets regarding selling raffle tickets on Tuesday nights at the Concert in the Parks. Mayor DesJardins indicated that Alger Parks and Recreation made that decision, not the City.

F. PUBLIC COMMENTS (non-agenda items)

There were no public comments.

G. ADJOURNMENT

Moved by Commissioner Bogater to adjourn the City Commission meeting. Support by Commissioner Berry.

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

The City Commission Meeting of the City Commission adjourned at 6:25 p.m.

Rod DesJardins, Mayor

Sue Roberts, City Clerk

LIST OF BILLS

35429)	HIAWATHA TELEPHONE COMPANY	40.20
35430)	KATHY REYNOLDS	50.00
35431)	GREATER MUNISING BAY	23537.74
35432)	CRANKING GRAPHICS	214.00
35433)	MADIGAN'S HARDWARE	147.64
35434)	BIG BROTHERS PROPERTY MANAGEMENT LLC	55.00
35435)	ANGRY PC	159.22
35436)	ANGRY PC	310.79
35437)	UPPER PENINSULA RECREATION INC.	3253.80
35438)	SUPERIORLAND SERVICES, INC.	131.76
35439)	AXON ENTERPRISE INC.	204.00
35440)	GREATER MUNISING BAY	2500.00
35441)	USA BLUE BOOK	302.99
35442)	SUPERIOR ICE	123.15
35443)	NORTH CENTRAL LABORATORIES	485.92
35444)	UPPER PENINSULA RECREATION INC.	3064.38
35445)	MILLOY ELECTRIC LLC	465.00
35446)	US BANK EQUIPMENT FINANCE	106.59
35447)	UPPER PENINSULA POWER COMPANY	21970.15
35448)	PEOPLES STATE BANK	8716.53
35449)	VISION SERVICE PLAN	438.80
35450)	BLUE CROSS BLUE SHIELD OF MICHIGAN	28000.92
35451)	DELTA DENTAL	1765.93
35452)	STANDARD INSURANCE COMPANY	506.92
35453)	STANDARD INSURANCE COMPANY	305.64
35454)	ACUITY SPECIALTY PRODUCTS, INC.	157.99
35455)	FLOTATION DOCKING SYSTEMS, INC.	10000.00
35456)	DENMAN'S HARDWARE	570.45
35457)	UPPER PENINSULA RECREATION INC.	1230.77
35458)	DTE ENERGY	387.56
35459)	STATE OF MICHIGAN	119,853.91

AUGUST 5, 2020

35460)	GEROU EXCAVATING, INC.	7981.00
35461)	VERIZON WIRELESS	637.44
35462)	CHARTER COMMUNICATIONS	111.07
35463)	UPEA ENGINEERS & ARCHITECTS	2990.00
35464)	SHELL FLEET PLUS	689.15
35465)	UPPER PENINSULA RECREATION INC.	3106.62
35466)	SPECTRUM PRINTERS INC.	270.00
35467)	UPPER PENINSULA RECREATION INC.	3081.98
35468)	MIDWAY RENTALS	328.00
35469)	BERGDAHL'S INC.	367.96
35470)	MANISTIQUE OIL COMPANY INC.	6292.95
35471)	HILLSIDE PARTY STORE LLC	47.00
35472)	QUILL CORPORATION	234.96
35473)	TRI-COUNTY SEPTIC & SONS LLC	420.00
35474)	USA BLUE BOOK	214.98
35475)	NORTH CENTRAL LABORATORIES	666.07
35476)	DSTECH	23.75
35477)	UPPER PENINSULA RECREATION INC.	3291.64
35478)	LMAS	250.00
35479)	UPPER PENINSULA POWER COMPANY	5787.20
35480)	FABICK CAT	1300.61
35481)	HILLSIDE PARTY STORE LLC	45.20
35482)	HOLIDAY COMPANIES	916.88
35483)	DSTECH	487.00
35484)	LADY KILLERS PEST CONTROL	450.00
35485)	NELSON PAINT COMPANY	523.12
35486)	FABICK CAT	97322.00
35487)	BS&A SOFTWARE	819.00
35488)	PARAGON LABORATORIES, INC.	292.00