CITY COMMISSION OF THE CITY OF MUNISING
AGENDA
MONDAY, APRIL 16, 2018
6:00 P.M.

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

B. PUBLIC COMMENT (non-agenda items)

C. PUBLIC HEARING
   1. 2nd Reading of the City of Munising Animals Ordinance No. 3

D. Adjourn Public Hearing Enter Regular Meeting

E. OLD CITY BUSINESS
   1. Treasurer’s Monthly Report
   2. Monthly Reports - Committee - Fire - Police - WWTP
   3. DDA - Partnership Updates - Kathy Reynolds

F. NEW CITY BUSINESS
   1. Victor Patronik Water Bill
   2. Coleman Engineering Invoice in the amount of $8,643.75 for H-58 FLAP Phase II Washington St. to Connors Rd.
   3. Approve Purchase of SCBA Cylinders for the Munising Volunteer Fire Department - City’s portion $1,250.00
   4. Approval of Revised Hiawatha Development Bottomlands Conveyance Resolution
   5. Review Parking License - Joe DesJardins
   6. Approve City Commission Meeting Minutes of 4-4-2018
   7. Check Register/List of Bills
   8. City Manager Report

G. CORRESPONDENCE

H. PUBLIC COMMENTS (non-agenda items)

I. ADJOURNMENT

CITY COMMISSION
Official Proceedings

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

The Regular Meeting/Public Hearing of the City Commission was duly called and held on Monday, April 16, 2018, 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: Commissioner: Deisenroth - excused

B. PUBLIC COMMENT (non-agenda items)

There were no public comments.

C. PUBLIC HEARING
   1. 2nd Reading of the City of Munising Animals Ordinance No. 3

Moved by Commissioner Cotey to adopt the City of Munising Animals Ordinance No. 3 as submitted. Support by Commissioner Bornslaeger.

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

D. Adjourn Public Hearing Enter Regular Meeting
Moved by Commissioner Cotey to adjourn the Public Hearing and Enter the Regular Meeting. Support by Commissioner Nettleton.

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

CITY OF MUNISING

ANIMALS

ORDINANCE NO. 3

An Ordinance regulating or prohibiting using, raising, harboring, keeping, or maintaining animals, livestock, and fowl, within the City of Munising.

THE CITY OF MUNISING ORDAINS: SECTION

1. Livestock and Fowl:

   A. “Animals”, "livestock", and "fowl" as used in this ordinance includes equine, cattle, swine, sheep, goats, chickens, turkeys, ducks, geese and other animals commonly kept for entertainment, work, riding, or consumption, excludes pets as defined herein, and includes wild animals as defined herein.

   B. Subject only to the specific exceptions included in this Ordinance, it is unlawful to use, raise, harbor, keep or maintain animals, livestock or fowl within the limits of the City of Munising.

   C. It is unlawful to ride or display any livestock within the City of Munising, except upon special permission given by the City Manager for parades and other authorized public exhibitions.

SECTION 2. Pets:

   A. For the purpose of this ordinance, the term "pet" means any domesticated animal, including mammals, birds, and fish but excluding horses, ponies, mules, cattle, swine, sheep, goats, chickens, turkeys, ducks, geese, kept primarily for pleasure rather than for utility, consumption, or business purposes and which is of a species not generally regarded as being dangerous, does not pose a threat to the health or safety of people, and is normally considered a domesticated, household animal.

   1. The term "wild animal" means any animal other than a pet, livestock, or fowl.

   B. Pets; Threat to Personal Safety; Prohibited:

      Notwithstanding the foregoing, no person shall use, raise, harbor, keep or maintain any pet or animal that by its demeanor, conduct or natural instinct poses a threat to the personal safety or property of residents of the public.

   C. Pet in Public, Private Place; Rabies:

      No person shall allow his or her pet to run in any public place or upon any private property not owned or rented by such person unless the pet is under the control of such person or other adult capable of restraining the pet by leash or by electronic means. No pet shall be permitted at any time to be in any public place or on private property unless the pet has been immunized against rabies.

   D. Rabies; Veterinarian; Seizure:

      Any person who shall have in his or her possession or control an animal that has contracted rabies, or has been exposed to rabies, or is reasonably suspected of having rabies, or has bitten any person shall immediately deliver the animal to a veterinarian, and if that is not done the animal may be seized by or for the City and delivered to a veterinarian. In the event of seizure the owner of the animal, if known, shall be promptly notified. At the sole expense of the owner, the veterinarian shall test the animal for the existence of rabies and any other diseases which, given the species of animal involved, could pose a health hazard to persons coming into contact with the animal. If, at the conclusion of the test(s), it appears the animal is afflicted with rabies it shall be destroyed. Otherwise, it shall be returned to the owner. If the animal has bitten any person the return of the animal to the owner may be made subject to reasonable conditions to ensure the animal does not bite again. Violation of the conditions is a violation of this Ordinance and will empower the City to immediately destroy the animal.

   E. Proper Care and Control, Owner's Duty:

      Owners of pets shall exercise proper care and control of their pets to prevent them from becoming a public nuisance. Excessive, continuous, or untimely barking, attacking members of the public, chasing vehicles, attacking other pets or animals lawfully kept under this Ordinance, entering upon school grounds, or entering upon private property in such manner as to damage property, is deemed a nuisance and is prohibited.
F. **Business Sale Profit Prohibited:**

No person shall engage in the business of raising or selling any animal, livestock, fowl, or pet in the City.

G. **Pet Waste:**

Owners of pets shall bag and dispose of pet excrement in a public trash receptacle immediately after the owner’s pet produces the excrement.

**SECTION 3. Keeping of Chickens:**

A. Subject to the following restrictions, female chickens may be used, raised, kept, or maintained in the City of Munising for production of eggs for personal consumption but not for sale:

1. The owner’s Land upon which the chickens are kept must be not less than 1 acre in size.
2. The owner is allowed to possess not more than 3 chickens for each full acre of land within a parcel. No more than 18 chickens shall be possessed by an owner.
3. The principal use of the owner’s property must be as a single-family dwelling or two-family dwelling;
4. Male chickens shall not be kept;
5. Female chickens shall be kept for egg production and not primarily for consumption of flesh or production of feathers or waste;
6. The owner shall provide the chicken with access to a covered enclosure at all times;
7. Chickens shall only be kept in the backyard of the owner’s property. For purposes of this section, “backyard” means that portion of a lot enclosed by the property’s rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear-most portion of the single-family or two-family structure and extending to the side lot lines;
8. No covered enclosure or fenced enclosure shall be located closer than 40 feet from any property line;
9. All enclosures for the keeping of chickens shall be constructed, maintained, and repaired to prevent rats, mice, or other rodents from entering the enclosure;
10. All feed and bedding associated with the keeping of chickens be kept in a manner that will prevent rats, mice, or other rodents from coming into contact with the feed or bedding;
11. Chickens shall be kept in accord with Section 4;
12. Waste produced by chickens shall be composted, or bagged and removed. Dead chickens shall be promptly buried or otherwise disposed of so as not to create a danger to public health.

B. Using, raising, keeping, or maintaining chicken in violation of any of the foregoing restrictions is a violation of this Ordinance.

**SECTION 4. Cruelty to Animals:**

No personal shall torture, torment, deprive of necessary substance, beat, mutilate or cruelly kill, or cause the torturing, tormenting, depriving of necessary sustenance, beating, mutilating or cruel killing of any animal. “Deprive of necessary sustenance” includes failing to provide any animal owned or under a person’s care with appropriate food, drink, shelter and protection from the weather.

**SECTION 5. PENALTY-CIVIL INFRACTION/MISDEMEANOR:** A person who violates this Ordinance is guilty of a civil infraction or a misdemeanor, as provided below.

A. A person who violates this Ordinance up to two times in one year shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year $50.00;
Second offense within one year $100.00.

B. Any person who violates this Ordinance three or more times in one year shall be guilty of a misdemeanor and shall be fined not more than $500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period under this Section, time shall run from the date the first ticket was issued.

**SECTION 6.** If any part of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that part or those parts shall be deemed separate, distinct, and independent from the rest of this Ordinance, and any such holding shall not affect the validity of the remaining parts.

**SECTION 7. NOTICE TO BE PUBLISHED.** The City Clerk shall publish this ordinance in the manner required by law.
SECTION 8. WHEN EFFECTIVE. This ordinance shall be in full force and effect in the City of Munising unit ten (10) days after the date of publication.


ROD DesJARDINS, Mayor

SUE ROBERTS, City Clerk

Date Introduced: April 4, 2018
Date Adopted: April 16, 2018
Date Published: April 25, 2018
Date Effective: May 4, 2018

All Commissioners remained seated.

E. OLD CITY BUSINESS

1. Treasurer’s Monthly Report

Moved by Commissioner Cotey to approve the Treasurer’s Monthly Report. Support by Commissioner Nettleton.

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


There were no comments or questions on the monthly reports.

3. DDA – Partnership Updates – Kathy Reynolds

Kathy Reynolds was not able to attend the meeting tonight her written report is as follows:

MUNISING CITY COMMISSION REPORT
MUNISING DDA & PARTNERSHIP
April 16, 2018

Munising Art in the Alley—to date we have received over 100 banner art submissions from K-12 and are in the process of judging. For the free-standing art (submitted from Alger Co. residents) we have over 60 submissions. The committee will be meeting this week to discuss how to proceed with all the submissions. We are working with the Alger Co. Conservation District regarding perennial plants and the Superior Watershed regarding a volunteer group that will come and assist with planting, etc. the week prior to Memorial Day. Also, I have had discussions with UP Fabrication about a design for the entrances to the area in between the Corktown and Harvest House buildings. Planters, benches, etc. will be ordered in the coming weeks.

Uppertunities Conference at the Island Resort and Casino was last week with the addition of a booth highlighting Alger County. The DDA budget for 2018-19 will be reviewed at this week’s DDA meeting for submission to the City Commission.

I will be meeting with Invest U.P. this week and the main topic of conversation will be the Industrial Park and how to market this space further.

There will be an Alger County Job Fair on May 2nd at the Alger Parks and Rec Community Building.

I am working with Delta and Marquette Co. economic groups in bringing an industrial site selector to the U.P. He will be spending an evening and part of a day here in Munising to discuss U.P. livability and tourism. The other day he will be spending in Marquette and Escanaba.

We will be having the Alger Co. Chamber annual dinner on Tuesday, May 1. Tickets are available at our office. Bowerman Funeral Home will be honored.

Our intern, Ben Schmipf has accepted a position with our office and the Munising Convention and Visitors Bureau. The Partnership will pay a quarter of his salary, the DDA one quarter and the Munising CVB the other half. He is still completing his internship and will begin his full-time duties in May.

F. NEW CITY BUSINESS

1. Victor Patronik Water Bill
Mr. Patronik stated that he had been paying for more than his establishment
for the last 25 years. Mayor DesJardins and City Attorney Ferguson stated
that his dispute is with his landlord not the City.

2. Coleman Engineering Invoice in the amount of $8,643.75 for H-58
FLAP Phase II Washington St. to Connors Rd.

Moved by Commissioner Cote to approve the invoice of $8,643.75 to Coleman
Engineering regarding the FLAP Phase II Washington St. to Connors Rd. Support
by Commissioner Bornslaeger.

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

3. Approve Purchase of SCBA Cylinders for the Munising Volunteer
Fire Department - City's portion $1,250.00

Moved by Commissioner Cote to approve the purchase of SCBA cylinders for the
Munising Volunteer Fire Department with the City's portion being $1,250.00.
Support by Commissioner Nettleton.

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

4. Approval of Revised Hiawatha Development Bottomlands Conveyance
Resolution

Moved by Commissioner Cote to approve the revised Hiawatha Development
Bottomlands Conveyance. Support by Commissioner Bornslaeger.

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

5. Review Parking License - Joe DesJardins

Moved by Commissioner Bornslaeger to authorize the City Attorney to draw up a
quit claims deed to the owner of the property, also authorizing the Mayor to
sign the necessary documents. Support by Commissioner Cotey.

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

6. Approve City Commission Meeting Minutes of 4-4-2018

Moved by Commissioner Cote to approve the City Commission Meeting Minutes of
4-4-18 as presented. Support by Commissioner Nettleton.

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

7. Check Register/List of Bills

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

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

8. City Manager Report

City Manager Olson stated that a bid opening for the MDARD project is next
Wednesday at 2:00 p.m., there are multiple plan holders, included newly added
storm sewer portion. Bids will hopefully be to the Commission at the next
meeting. The Goose Management Plan was approved by the State and Fish and
Wildlife, it is the same plan as last years. Olson then stated that he is
currently reviewing old Ordinance’s with the Police Department and the City
Attorney.

G. CORRESPONDENCE

There was no correspondence.

H. PUBLIC COMMENTS (non-agenda items)

Johanna Bogater asked when the seat for appointment will be open. She was
told that we are not exactly sure.
I. ADJOURNMENT

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

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

The Regular Meeting of the City Commission adjourned at 6:34 p.m.

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Rod DesJardins, Mayor

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Sue Roberts, City Clerk

LIST OF BILLS

32590) ALGER COUNTY HUMANE SOCIETY 325.00
32591) DEVIN OLSON 190.00
32592) D ROBB FERGUSON 3000.00
32593) MICHIGAN MUNICIPAL LEAGUE 11249.00
32594) CITY OF MUNISING-WATER 1140.87
32595) NAPA AUTO PARTS 861.52
32596) COLEMAN ENGINEERING COMPANY 1245.75
32597) MICHIGAN MUNICIPAL LEAGUE 6074.01
32598) COLEMAN ENGINEERING COMPANY 949.75
32599) COLEMAN ENGINEERING COMPANY 445.50
32600) CMP DISTRIBUTORS INC. 3298.00
32601) CUMMINS SALES AND SERVICE 100.28
32602) GEROU EXCAVATING, INC. 662.50
32603) UPPER PENINSULA RECREATION INC. 1230.77
32604) LASCO 42.50
32605) PUTVIN DRUG STORE 89.99
32606) HILLSIDE PARTY STORE LLC 5.99
32607) 41 LUMBER COMPANY 592.85
32608) MUNISING FIRE DEPARTMENT 500.00
32609) GREATER MUNISING BAY 18074.50
32610) ACCIDENT FUND 231.50
32611) KATHY REYNOLDS 50.00
32612) HIAWATHA TELEPHONE COMPANY 50.89
32613) 41 LUMBER COMPANY 444.51
32614) FAMILY PRIDE LAUNDRY 143.50
32615) LMAS DISTRICT HEALTH DEPT 300.00
32616) GREATER MUNISING BAY 2500.00
32617) MILLER BRADFORD & RISBERG 2801.04
32618) VANTAGE FLEX, LLC 110.00
32619) PETERSON PUBLISHING INC. 518.10
32620) US BANK EQUIPMENT FINANCE 284.43
32621) GBS INC. 92.90
32622) PUTVIN DRUG STORE 20.96
32623) UPPER MICHIGAN COMM. CREDIT UNION 10.59
32624) UPPER MICHIGAN COMM. CREDIT UNION 2927.33
32625) ALL-PHASE ELECTRIC SUPPLY COMPANY 282.80
32626) MI-AWWA 345.00
32627) NORTH CENTRAL LABORATORIES 481.58
32628) PARAGON LABORATORIES, INC. 495.00
32629) GREAT AMERICAN DISPOSAL COMPANY 4337.03
32630) NORTHERN MICHIGAN UNIVERSITY 675.00
32631) SHELL FLEET PLUS 1101.24
32632) MADIGAN’S HARDWARE 148.96
32633) NORTH CENTRAL LABORATORIES 305.49
32634) QUILL CORPORATION 181.50