

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: Yeas: 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, and 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 person 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.

ADOPTED: April 16, 2018.

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

2. Monthly Reports - Committee - Fire - Police - WWTP

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 Schimpf 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 Cotey 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 Cotey 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 Cotey 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 Cotey 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.

Rod DesJardins, Mayor

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