

**MINUTES
CITY OF NEGAUNEE REGULAR MEETING
FEBRUARY 11, 2010**

A Regular Meeting of the Negaunee City Council was held on Thursday February 11, 2010 at 7:00 p.m. in the Negaunee Senior Center.

Members Present: Mayor Gravedoni, Council Members Wills, Maino, Dompierre, VanStraten, Haines and Menhennick

Members Absent: None

APPROVAL OF AGENDA

Mayor Gravedoni moved the January 14th Regular Minutes and January 14th Closed Session Minutes to #8.6.

Council Member Menhennick asked that #8.7 – Accept City Manager resignation letter be added to the agenda.

Council Member Wills asked that #8.8 – Appoint Interim City Manager be added to the agenda.

A motion was made by Council Member Dompierre, supported by Council Member Maino and unanimously carried to approve the agenda as amended.

PUBLIC COMMENT

Mr. George Sedlacek addressed the Council regarding Old Towne, Economic Development and the resubmittal of the Jackson Park Grant.

Mr. Bob Dobson addressed the Council regarding his letter to the editor, the Carnegie Library in the early 1900's and the City audit.

Ms. Dawn Schuhknecht addressed the Council stating that she was glad to see the City Manager had given his letter of resignation and how the "City Manager Comments" were left off of the Special Meeting agenda last month. She also reserved time for agenda #7.1.

Bonnie Jarvi addressed the Council regarding the City Manager taking direction from the Council.

Errol Lukkarinen addressed the Council regarding his sewer backup and that his claim was denied. He asked that this issue be revisited.

Alan Ammosmaki addressed the Council regarding an article in the Mining Journal about the City Manager's resignation.

Greg Degabrielle addressed the Council regarding accepting the City Manager's resignation.

Tom Stanaway addressed the Council regarding the sale of Jackson Park and the money being used for Old Towne, and stated that the City Manager was only asked two questions at the last meeting and he quit.

PUBLIC HEARING

Rich Uren is the owner of Northern Design Works located at 420 Rail Street. Mr. Uren would like to construct a garage/storage building at this location. The City has a 30 foot easement on the east side of this property for "construction and maintenance purposes, for access and egress purposes and for overhead and/or underground electrical lines, and sewage and water line" as written and contained in a 1976 deed which transferred the property from the City to private owners. A resolution of the City Council's intent to vacate this easement has been published as required.

Mayor Gravedoni opened the Public Hearing at this time. Mr. Tom Stanaway addressed the Council and stated that they should grant the easement. No other comments were received.

A motion was made by Council Member Wills, supported by Council Member Maino and unanimously carried to grant the 13 foot easement at 420 Rail St.

STATE OF THE CITY

City Manager Peterson addressed the Council with a presentation regarding the State of the City of Negaunee. He discussed Economic Development, Grants awarded, General Fund Capital Investments, Pending and Under Consideration Investments/Initiatives/Projects, General Fund Year End Balances, 2009 General Fund Deficit, General Fund 2009 Wages and Benefit Costs, City of Negaunee Challenges and Opportunities. Council Member Dompierre asked for the City Manager to discuss the rising cost of health care for its employees and retirees. Mr. Peterson stated that he would be giving a series of presentations in the future regarding the Enterprise Accounts. Ms. Dawn Schuhknecht addressed the Council stating that the short fall in the General Fund should be cleaned up.

APPOINTMENT TO ZONING BOARD OF APPEALS

A motion was made by Council Member VanStraten, supported by Council Member Haines and unanimously carried to appoint Mr. Mark Rogers to the Zoning Board of Appeals.

PROPOSED ORDINANCE TO CREATE CHAPTER 1066-PARKS-FIRST READING

A motion was made by Council Member Wills, supported by Council Member Menhennick and unanimously carried to approve the first reading and set a public hearing for March 11, 2010 at 7:00 p.m. for the following proposed ordinance:

ORDINANCE NO. 2010-1
AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, PART 10, CHAPTERS 1064 AND 1066

The City of Negaunee ORDAINS:

REPEALER

That any ordinance, resolution, order or part thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

That **Part 10** of the Codified Ordinances of the City of Negaunee, Michigan shall be, and hereby is, amended to add **Chapter 1066, PARKS**, to read as follows:

CHAPTER 1066
PARKS

1066.01. The Negaunee City Council may, by resolution, designate any City owned parcel of land or any portion thereof to be a City park. City owned property shall not be considered open to public access or use unless designated as a public park or otherwise specifically allowed.

1066.02. The City Council may, by resolution, adopt or change rules for any City park. Said rules shall be maintained and made available to the public by the City clerk and may be posted at an entrance to the park. Violation of any such rule constitutes a violation of this ordinance.

1066.03. Violations of this ordinance shall be considered Civil Infractions pursuant to Michigan statutes, and shall be subject to penalties as provided in this Code of Ordinances. All park rules shall be enforced by the Negaunee City Police Department, and officers shall have the power to order any individual to immediately leave a park, in addition to all other enforcement powers provided by law.

1066.04. The Negaunee City Council may allow individuals to reserve any portion of a park or park structure for exclusive use for a designated period of time. The Council may, by resolution, adopt procedures and requirements for park reservations and may require a fee for said reservations.

That **Chapter 1064** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Section 1064.11 Promulgation of Rules for Use of Beach Area of the Codified Ordinances of the City of Negaunee, Michigan, and any other ordinance, resolution, order or part thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal includes the following language of Section 1064.11:

PROMULGATION OF RULES FOR USE OF BEACH AREA

1064.11. The City's Recreation and Parks Commission shall promulgate Rules governing the use of the beach and waterfront in the Limited Control Area, which shall be approved annually by the City Council at, or prior to, its April Regular Meeting. Once the rules are approved by City Council resolution, they shall be publicly posted at the entrance to the Limited Control Area and copies shall be maintained and made available to the public by the City Clerk. Any violation of these rules shall be considered a civil infraction.

This repeal shall be effective as of the effective date of this amendment.

AMENDMENT

Chapter 1064.11 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following section:

The Negaunee City Council may designate any portion of City owned property adjacent to

Teal Lake as a City park and may promulgate rules for said park as provided in **Chapter**

1066 of the Negaunee City Code.

REQUEST FOR QUALIFICATIONS ENGINEERING SERVICES AT MINER'S PARK IMPROVEMENTS

On December 8, 2009 the City was notified by the Michigan Department of Natural Resources (MDNR) it was awarded a \$75,000 grant from Land and Water Conservation Fund for improvements to Miner's Park. The project includes; pavilion upgrades, construction of a two (2) stall unisex universal access restroom, new sidewalk along Maas Street, drinking fountain, and site amenities up to the approved budget. Total project costs of \$121,700 include \$700 in donations, \$21,000 in City force account labor, \$25,000 cash from the City General Fund, and \$75,000 from MDNR grant funds. MDNR grant funds will be provided to the City on a reimbursement basis.

A motion was made by Council Member Dompierre, supported by Council Member Maino and unanimously carried to authorize Request for Qualifications for design and engineering services for Miner's Park Improvements and authorize this RFQ to be advertised.

RESOLUTION AUTHORIZING TRANSFER OF MAJOR STREET FUNDS TO LOCAL STREET SYSTEM

A motion was made by Council Member Dompierre and supported by Council Member VanStraten to adopt the following resolution:

RESOLUTION AUTHORIZING TRANSFER OF MAJOR STREET FUNDS TO LOCAL STREET SYSTEM

WHEREAS, the cost of repair and maintenance of local streets exceeds state and local revenue budgeted for said purpose; and

WHEREAS, the cost of repair and maintenance of major streets is less than funds received from the State of Michigan for said purpose; and

WHEREAS, Act 51 of the Public Acts of 1951, as amended, Section 13(6)(a) authorized a city to transfer up to 50% of the funds received from the state for use on the major street system to the local street system;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Negaunee, Marquette County, Michigan, that authorization is hereby granted to transfer an amount not to exceed 50% of the funds returned to the City for use on the major street system to the local street system in accordance with the provisions of Act 51 of the Public Acts of 1951, as amended for the 2009 budget year.

Upon roll call vote Council Member voting aye: Council Members Wills, Maino, Dompierre, VanStraten, Haines, Menhennick and Mayor Gravedoni

Council Member voting nay: None

The motion passed 7-0.

REQUEST FOR FUNDING, IRON ORE HERITAGE RECREATION AUTHORITY

City Staff received a letter from Jim Thomas Chair of the Iron Ore Heritage Recreation Authority outlining progress made on the Iron Ore Heritage Trail including construction and interpretation elements. The Authority is seeking contributions of \$500 from each member community to assist with Authority activities pending a millage election vote for funding of .2 mills in August, 2010.

A motion was made by Mayor Gravedoni, supported by Council Member Dompierre and unanimously carried to approve the \$500 request from the Iron Ore Heritage Trail Authority.

JANUARY 14, 2010 REGULAR MINUTES

Council Member Haines stated that on page #3 under Cash Inflow/Outflow Report the third line should read “another Council Member asked to see this report”.

A motion was made by Council Member Wills and supported by Council Member Maino to approve the January 14, 2010 Regular Minutes as amended. Council Member Dompierre abstained as he was not at that meeting.

The following roll call vote was taken:

Ayes: Council Members Maino, Vanstraten, Haines, Menhennick, Wills and Mayor Gravedoni

Nays: None

The motion passed on a 6-0 vote.

A motion was made by Council Member Wills and supported by Council Member Maino to approve the January 14, 2010 Closed Session Minutes as presented. Council Member Dompierre abstained as he was not at that meeting.

The following roll call vote was taken:

Ayes: Council Members VanStraten, Haines, Menhennick, Wills, Maino and Mayor Gravedoni

Nays: None

The motion passed on a 6-0 vote.

CITY MANAGER LETTER OF RESIGNATION ACCEPTANCE

A motion was made by Council Member Menhennick and supported by Council Member VanStraten to accept a letter of resignation from Gerald R. Peterson, LLC dated February 4, 2010 which is in each Council Members possession.

The following roll call vote was taken:

Ayes: Council Members VanStraten, Haines, Menhennick, and Wills

Nays: Council Members Maino, Dompierre and Mayor Gravedoni

The motion passed on a 4-3 vote.

APPOINTMENT OF AN INTERIM CITY MANAGER

A motion was made by Mayor Gravedoni and supported by Council Member Maino to appoint DPW Director Dan Czarnecki as the Interim City Manager.

The following roll call vote was taken:

Ayes: Council Members Maino, Dompierre and Mayor Gravedoni

Nays: Council Members Haines, Menhennick, Wills and VanStraten

The motion failed on a 3-4 vote.

A motion was made by Council Member Wills and supported by Council Member Haines to appoint an Interim City Manager Mr. Gerry Koski effective 91 days after Mr. Peterson's resignation.

The following roll call vote was taken:

Ayes: Council Members Menhennick, Wills, VanStraten, and Haines

Nays: Council Members Maino, Dompierre and Mayor Gravedoni

The motion passed on a 4-3 vote.

CONSENT AGENDA

A motion was made by Council Member Dompierre, supported by Council Member Menhennick and unanimously carried to approve the Consent Agenda as follows: January 20, 2010 Special Minutes, Claims and Accounts for January in the amount of \$483,708.50 (check #30808-#30948), Revenue/Expenditure Report, and Parks Department Pickup Truck Request to Bid.

PUBLIC COMMENT

George Sedlacek addressed the Council regarding the support for ongoing projects.

Bonnie Jarvi addressed the Council regarding sewage going to Ishpeming.

COUNCIL COMMITTEES

Mayor Gravedoni commented on contacting Norway regarding Internet.

Council Member Menhennick commented on the District Library meeting.

COUNCIL MEMBERS

Council Member Wills stated that for two years the vote on the Council was always 4-3 or 5-2 and that he was usually on the losing end of the vote. He state that that is nothing unusual and has been going on for a long time.

Council Member Maino commented on MSNBC.

Council Member Dompierre read a statement reflecting on his time on the Council. He discussed projects, CCI Property and employee and retiree health care costs for the City.

Mayor Gravedoni stated that the City of Negaunee was dealt a bad blow tonight and that everyone needs to pull together and make it better.

A motion was made by Council Member Dompierre, supported by Council Member Maino to direct the City Manager to reapply for the Jackson Park Grant.

CITY MANAGER

City Manager Peterson commented on the WIMAX being up and running and that he would be reporting on the Water Utility. He also commented on a piece of land that was for sale.

A motion was made by Mayor Gravedoni, supported by Council Member Menhennick to put 330 Tobin St. piece of land up for sale on bids with no minimum bid.

A motion was made by Council Member Dompierre, supported by Council Member Menhennick and unanimously carried to reactivate the Old Towne Advisory Committee.

ADJOURNMENT

There being no further business to conduct a motion was made by Council Member Dompierre, supported by Council Member Wills to adjourn the meeting at 9:55 p.m.

Ann Yoho
Deputy Clerk