

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, September 13, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, Sept. 13, 1965 at 7:00 o'clock, p.m.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore, Rydholm.

Absent: None.

On motion of Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted the reading of the minutes of the previous meeting be waived.

Mayor Downey called for the reading of the bills payable in total. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the bills payable now on file with the City Clerk in the sum of \$73,430.27 be allowed and ordered paid.

A communication from Henry L. Croisetiére, Parade Chairman, Marquette General Assembly, Fourth Degree, Knights of Columbus, was read wherein he informs the Commission of the cancellation of that organizations parade. This communication was ordered received and placed on file.

A communication from Don Moore, President, Student Council, Marquette Senior High School was read wherein a request was made for permission to held that school's Annual Homecoming parade on Friday, October 8, 1965. On motion of Commissioner Carlson, supported by Commissioner Rydholm and unanimously adopted permission as requested be granted, with the Chief of Police having power to act.

A report from James N. Braddock, Chairman, Urban Renewal Advisory Committee was read wherein that Committee recommends that the City Commission consider the adoption of the Michigan State Plumbing Code for the City of Mar-

quette. Following a short discussion on this matter it was moved by Commissioner Rydholm, supported by Commissioner Moore and unanimously adopted that upon recommendation of the Urban Renewal Advisory Committee the City Commission consider the adoption of the Michigan State Plumbing code for the City of Marquette and that a hearing be held on the adoption of this code at the first October Meeting of the Commission.

A report from City Manager T. R. McNabb was read wherein he informed the Commission of the desire of the Michigan Gas and Electric Company to acquire right-of-way rights to cross City owned property in Blemhubers Addition No. 1. Following a discussion on this matter it was moved by Commissioner Moore, supported by Commissioner Johnson and unanimously adopted that upon recommendation of the City Manager the City enter into an agreement conveying right-of-way rights to the Michigan Gas and Electric Company to cross City owned Lots 15 and 16 in Blemhubers Addition No. 1, with a six inch Natural Gas pipeline and that the Mayor and City Clerk be authorized to sign said conveyance in behalf of the City of Marquette.

A report from City Manager T. R. McNabb was read wherein he informed the City Commission of a solution to the disposal of the Summit Street storm water east of Presque Isle Avenue. Attached to his report and recommendation Mr. McNabb submitted a license form granting the City permission to extend the 24 inch sewer pipe 100 feet further east and the privilege of opening a ditch across Cliff Dow property to allow this water an outfall in the existing City storm sew-

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er system at the corner of Fair Avenue and Pine Street. Following considerable discussion on this matter it was moved by Commissioner Johnson, supported by Commissioner Moore and unanimously adopted that upon recommendation of the City Manager the City acquire a license to extend the storm sewer on the east end of Summit Street over and upon a parcel of land owned by Cliff Dow Chemical Company and that the Mayor and City Clerk be authorized to sign said license in behalf of the city of Marquette.

A report and recommendation from City Manager T. R. McNabb was read wherein he incorporates the architectural report of the firm of Colvin, Robinson, Wright and Associates, in the matter of the Third Street parking structure. In his report the City Manager recommends to the City Commission that they consider obtaining the services of a financial consultant to study the method of financing this improvement and to determine if revenue bonds could be sold for the entire cost of the project. Following a short round table discussion on this matter wherein it was pointed out by various Commissioners and the Mayor that it would be well for the Commission to proceed with caution in a matter of this nature, it was moved by Commissioner Moore, supported by Commissioner Carlson and unanimously adopted that upon recommendation of the City Manager the City Commission proceed in obtaining a financial consultant to study this matter and recommend action to the City Commission.

A report from City Manager T. R. McNabb was read wherein he submitted a tabulation of bids received for an Ambulance. On motion of Commissioner Rydholm, supported by Commissioner Johnson and unan-

imously adopted that upon recommendation of the City Manager and the Fire Chief the City accept the low bid of Dennis Distributor Company of Flint, Michigan in the sum of \$10,993.00 for a 1966 Ambulance.

A report from City Manager T. R. McNabb was read wherein he tabulated bids received for one 5 cubic yard material spreader to be used in the Public Works Department for ice control. On motion of Commissioner Moore, supported by Commissioner Carlson and unanimously adopted that upon recommendation of the City Manager and the Superintendent of Public Works Department, the City purchase one material spreader from the firm of Miller, Bradford and Risberg, Inc. of Eau Claire, Wisconsin, they being the low bidder in the sum of \$1,680.80.

A report and recommendation from City Manager T. R. McNabb was read wherein he tabulated bids for a sidewalk plow and an ice rink plow. Following a discussion on the matter of these bids it was moved by Commissioner Moore, supported by Commissioner Johnson and unanimously adopted that upon recommendation of the City Manager and the Superintendent of the Parks and Recreation Department, the low bid of Specker Motor Sales in the sum of \$2,154.18 for a Willys Jeep for plowing ice rinks be accepted, and that the low bid of Marquette Public Service Garage in the sum of \$2,504.00 be accepted for an International Scout to be used for sidewalk plowing.

Mayor Downey announced that this would be the time to consider an Ordinance to amend Ordinance No. 187, commonly known as the Fence Ordinance, to provide for the codification of same in conformance with the Marquette City Code.

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Commissioner Carlson moved, supported by Commissioner Rydholm that the following Ordinance Amendment be unanimously adopted:

The City of Marquette Ordains:

Sec. 1. Ordinance No. 187, commonly known as the Fence Ordinance, heretofore adopted on August 27, 1956, is hereby amended to designate same as Chapter 55 of the Marquette City Code, and the sections thereof, being Sections 1 through 12 respectively, are hereby designated as Sections 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.9, 11.10, 11.11 and 11.12, respectively.

Sec. 2. There being an emergency requiring the immediate effectiveness of this Ordinance because of the necessity of adopting a further ordinance and chapter of said Code relating to the health, safety and welfare of the public, this Ordinance is given immediate effect upon its adoption and publication.

On motion of Commissioner Moore, supported by Commissioner Johnson the following resolution be unanimously adopted:

RESOLVED, that the following proposed Ordinance be accepted as to form and substance and that the same be brought on for public hearing and consideration of adoption at the regular Commission meeting to be held October 11, 1965:

An ordinance to amend Chapter 24 of Title V of the Marquette City Code repealing Section 5.1 to 5.59 thereof and adopting new sections, which new sections shall be designated as Sections 5.1 to 5.33 thereof, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other

structures; to regulate and limit the density of population; and for said purposes to divide the city into districts and establish the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a board of appeals; and imposing penalties for the violation of this ordinance.

Mayor Downey announced that this was the date and time set for a public hearing on a petition duly filed for the vacating of a portion of a 30 foot alleyway lying east of the Lake Shore and Ishpeming Railroad right-of-way between Magnetic and Park Streets, extended, to Lake Shore Boulevard and to vacate that portion of Magnetic Street lying east of the Lake Shore and Ishpeming Railroad right-of-way to Lake Shore Boulevard. He then declared the public hearing open. There being no one present wishing to be heard on this matter, Mayor Downey declared the public hearing closed. On motion of Commissioner Rydholm, supported by Commissioner Johnson the following resolution be unanimously adopted:

WHEREAS, it appears by affidavit on file with the City Clerk that notice has been published in accordance with the provisions of the City Charter that the Commission would meet this date to consider a petition to vacate a certain designated street; and

WHEREAS, opportunity has been given all persons to be heard thereon, and no objections to the vacation of said street and alley, and due consideration having been had by the Commission;

RESOLVED, That that portion of Magnetic Street lying east of the Lake Superior and Ishpeming Railroad right-of-way to Lake Shore Boulevard

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be and the same is hereby vacated, and that an alleyway 30 feet in width lying east of the Lake Superior and Ishpeming Railroad right-of-way between Magnetic Street and Park Street extended, to Lake Shore Boulevard be and the same is hereby vacated.

A communication from Jack P. Miller, Chairman, Kid's Day Committee, Kiwanis Club, was read wherein a request is made by that organization to conduct a Peanut Sale on the streets of Marquette on Friday, Septem-

ber 24 and 25, 1965. On motion of Commissioner Johnson, supported by Commissioner Carlson and unanimously adopted this request be granted.

Various Commissioners commented on the publicity received on the street conditions. Comments were also made on the condition at the Sanitary Landfill site.

There being no other business before the Commission at this time, meeting adjourned.

Everett H. Kent
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, September 27, 1965

A Regular Meeting of the The Marquette City Commission was duly called and held Monday, September 27, 1965 at 4:00 o'clock, p.m.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore, Rydholm.

Absent: None.

On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the reading of the minutes of the previous meeting was waived.

Commissioner Ryholm moved, supported by Commissioner Johnson and unanimously adopted that the bills payable now on file with the City Clerk in the sum of \$139,399.02 be allowed and ordered paid.

A communication from Glen B. Wilson, Director, Marquette County Office of Civil Defense was read wherein he informs the Commission of a need for additional refrigerator units to store drugs with the Civil Defense Emergency Hospital unit. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the request of the Civil Defense Director for additional refrigeration units be granted.

A report and recommendation from City Manager T. R. McNabb was read wherein he incorporated a lease agreement with the Marquette Hockey Club for the use of the Palestra building by that Organization. Following a discussion on the matter of this lease wherein it was amended, it was moved by Commissioner Carlson, supported by Commissioner Moore and unanimously adopted that the City enter into a lease agreement with the Marquette Hockey Club for the use of the Palestra building and that the Mayor and City Clerk be authorized to sign

said agreement in behalf of the City of Marquette.

A report and recommendation from City Manager T. R. McNabb was read wherein he tabulated bids received on snow plow equipment for the Public Works Department. Following a discussion on the matter of these bids it was moved by Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted that upon recommendation of the City Manager and the Superintendent of the Public Works Department, the City purchase two units for snow plowing from the Ted Fulsher Motor Sales, one unit to be purchased outright and the other to be purchased and paid for over a three year period, the net cost per unit being \$22,944.00.

A report and recommendation from City Manager T. R. McNabb was read wherein he tabulated bids received for a grader to be used in the Public Works Department. Following the reading of the tabulation of bids and an oral explanation of the recommendation, it was moved by Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted that upon recommendation of the City Manager and the Superintendent of the Public Works Department the City purchase a Caterpillar Grader from the Brebner Machinery Company in the sum of \$21,440.00

On motion of Commissioner Carlson, supported by Commissioner Johnson the following resolution be unanimously adopted:

RESOLVED, That the following proposed Ordinance be accepted as to form and substance and that the same be brought on for public hearing and consideration of adoption at a Reg-

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ular Commission meeting to be held Monday, October 25, 1965 at 7:00 o'clock, p.m. AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MARQUETTE BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 56 OF TITLE X OF SAID CODE: REGULATING THE INSTALLATION AND MAINTENANCE OF PLUMBING AND DRAINAGE, AND OF MATERIALS USED IN PLUMBING AND DRAINAGE: AND PROVIDING FOR PERMITS, INSPECTION AND LICENSES WITH RESPECT THERETO; AND A PENALTY FOR VIOLATION THEREOF.

A communication from Jean Thoren, Homecoming Committee Chairman, was read wherein a request was made for Northern Michigan University to hold a Homecoming Parade on October 9, 1965. On motion of Commissioner Moore, sup-

ported by Commissioner Carlson and unanimously adopted this request be granted and the Chief of Police authorized to cooperate in the conduct of this parade.

Various matters of City business were discussed by the City Commission. Matters of budget, traffic direction and Pioneer road and the dump grounds were covered extensively.

Following a short discussion on the matter of the facilities at the Palestra, it was moved by Commissioner Moore, supported by Commissioner Rydholm and unanimously adopted that the City Commission join the Hockey Club in the plan to expand facilities at the Palestra if material and labor are available.

There being no other business before the Commission at this time, meeting adjourned.

Everett H. Kent

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, October 11, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, October 11, 1965 at 7:00 o'clock, p.m.

Present: Mayor Downey, Commissioners Johnson, Moore, Rydholm.

Absent: Commissioner Carlson.

On motion of Commissioner Moore, supported by Commissioner Rydholm and unanimously adopted the absence of Commissioner Carlson be excused, he being away from the City.

On motion of Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted the reading of the minutes of the previous meeting be waived.

Mayor Downey called for the reading of the bills payable in total. On motion of Commissioner Johnson supported by Commissioner Moore and unanimously adopted the bills payable now on file with the City Clerk in the sum of \$94,824.84 be allowed and ordered paid.

A communication from Walter M. Noack, Director of Enforcement, Michigan Liquor Control Commission was read wherein he informed the City Commission of a request received by the Liquor Control Commission from the Marquette County Recreation, Inc. for a special permit to sell, serve and consume alcoholic beverages in the concourse area at the Recreation Center, and request the City Commission to act upon this request from the standpoint of the City of Marquette. On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted this request of the Marquette County Recreation, Inc. be granted.

A communication from Harold Vanlerberghe, Chairman,

U. P. Air Service Committee, UPCAP, was read wherein he informs the City Commission of the discontinuance date of the Aerial Bridge Airline Flight over Lake Michigan from Marquette and Escanaba to Traverse City and points south. In his communication Mr. Vanlerberghe incorporated a resolution of support asking the City Commissions' support at a hearing to extend the authorization for this flight. Various Commissioners expressed their opinion of the air line service from the Upper Peninsula to the Lower Peninsula and also expressed their feelings about any discontinuance of any of the flights between the two peninsulas. On motion of Commissioner Moore, supported by Commissioner Rydholm the following resolution be unanimously adopted:

RESOLVED, That the City Commission of the City of Marquette County, Michigan reaffirms its support of the "aerial bridge" flight over Lake Michigan between the peninsulas of Michigan by North Central Airlines, and urges the Civil Aeronautics Board to extend the authorization for trial of the flight because:

1. The route originally proposed in the Great Lakes local service case to meet the air transportation needs of the Upper Peninsula was not realized in the route that was authorized.
2. The economy suggested by the mileage saving was not realized.
3. The trial period was started without adequate notice in a period of low traffic.
4. The trial was suspended suddenly after inadequate promotion.
5. The route had the support of North Central Airlines in its

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inception, but lost the airlines support and currently suffers from its dis-interest. The circuitous route now in existence serves the needs of the airlines, but not the needs of the Peninsulas of Michigan.

6. The suspension of air service comes at a time of rapid economic growth in the Upper Peninsula and in the face of an expanding need for such service.

A communication from Alvin W. Weiland, Supervisor of Marquette Township, was read wherein a request was made to purchase an acreage of City-owned land where the Township plans to develop a water well site. Following considerable discussion on the matter of the exploration agreement between the City and the Township it was pointed out that this matter should be deferred until such time as a meeting between the Township Officials and the City Officials could be had in order to reach a thorough understanding and agreement on this matter.

A report and recommendation from City Manager T. R. McNabb was read wherein he tabulated bids received on a quantity of No. 1 and No. 2 Fuel Oil for the heating season. Following a short discussion on the matter of bids it was moved by Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted that upon recommendation of the City Manager, the City accept the low bid of Nowak Oil Company in the sum of .132 cents per gallon for No. 1 Fuel Oil and .122 cents per gallon for No. 2 Fuel Oil.

A report from City Manager T. R. McNabb was read wherein he informs the Commission of a request having been sent for bids on electrical work necessary to automate the City Water Plant. In his report Mr. Mc-

Nabb pointed out that on bid opening day no bids had been received for this work. Based on Section 12.1 of the City Charter, contracts for this type of work can be awarded where there is no advantage to the city in requesting formal bids. Based on this section of the Charter and the fact that bids were requested and no one showing an interest in the work, the City Manager and the Superintendent of the Water Department recommend that an electrical firm be hired to automate the water plant. Following a short discussion on this matter it was moved by Commissioner Johnson, supported by Commissioner Moore and unanimously adopted that upon recommendation of the City Manager, the firm of M. and J. Electric, Inc. of Marquette be hired to automate the water plant at a cost of \$4,755.00 and that the monies for this work be taken from the Water Supply Bond Proceeds to the extent of \$3,284.00 and the remaining money to be paid from the Water Utility General fund.

A report from City Manager T. R. McNabb was read wherein he informs the Commission of bids called for, for the Palestra Skate Shop Concession. On motion of Commissioner Rydholm, supported by Commissioner Moore and unanimously adopted the bid of Holcomb Saw Shop in the sum of \$40.00 per month for the Skate Shop concession at the Palestra be accepted.

A report from City Manager T. R. McNabb was read wherein he incorporated an easement and permits granting the City permission to install a 12 inch Sanitary Sewer across the Soo line Railroad Company property along with two permits to cross under the trackage with water and sewer lines. On motion of

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Commissioner Johnson supported by Commissioner Moore and unanimously adopted that upon recommendation of the City Manager the City enter into easement and permits with the Soo Line Railroad Company for the forementioned installation and that the Mayor and City Clerk be authorized to sign these documents on behalf of the City of Marquette.

On motion of Commissioner Rydholm, supported by Commissioner Moore the following resolution be unanimously adopted:

RESOLVED, That the following Ordinance be accepted as to form and substance and that the City Clerk fix a date and time for the public hearing and consideration of adoption of same, and that such date be published as provided by Charter:

An Ordinance to repeal Sections 5.80 to 5.117, inclusive, of Chapter 25 of Title V of the Code of the City of Marquette, and to substitute new sections therefor, which new sections shall be designated as Sections 5.80 to 5.99 inclusive, of Chapter 25 of Title V of said code, to provide standards, procedures, rules and regulations related to the making and filing of plats and to provide for preliminary and final approval or rejection of such plats by the City of Marquette, Marquette County, Michigan, and to provide the penalties for violations hereof.

A communication from Leonard W. Johnson, Secretary, Exchange Club of Marquette, was

read wherein that Organization requests permission to conduct their Annual Toothbrush Drive in the City. On motion of Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted the request of the Exchange Club to conduct a Toothbrush Drive in the City of Marquette on Friday, October 15 and Saturday, October 16, be granted.

Mayor Downey announced that this was the date and time set for a public hearing on the proposed zoning ordinance. He then declared the public hearing open. Various letters from interested citizens were read regarding certain sections of this ordinance and presented criticisms pertaining to these sections. Citizens present at the hearing were heard orally regarding various other sections of the proposed ordinance. During the course of discussion it was pointed out that the City Manager be instrumental in setting up a meeting with the retail merchants regarding certain sections of the proposed zoning ordinance, following which meeting the City Commission and the Planning board would meet to discuss various changes in this ordinance. Mayor Downey then recessed the public hearing to the first meeting in November, Monday, November 8, 1965 at 7:00 o'clock, P.M.

There being no other business before the Commission at this time, meeting adjourned.

EVERETT H. KENT
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, October 25, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, October 25, 1965 at 7:00 o'clock, P.M.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore, Rydholm.

Absent: None.

On motion of Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted the reading of the minutes of the previous meeting be waived.

Commissioner Carlson moved, supported by Commissioner Moore and unanimously adopted the bills payable now on file with the City Clerk in the sum of \$114,683.96 be allowed and ordered paid.

A petition signed by three property owners on Kimber Avenue was read wherein a request was made for the installation of sewer and water in that Avenue during the 1966 construction season. Mayor Downey referred this petition to the City Manager for a study and report.

A communication from George Taack, Lands Division, Department of Conservation was read wherein he incorporated an agreement allowing the City permission to utilize State owned bottom land adjacent to Government Lot No. 2. Following a lengthy discussion on this matter wherein the need for this land was pointed out, it was then moved by Commissioner Johnson, supported by Commissioner Moore and unanimously adopted that the City enter into an agreement with the Department of Conservation for the use of State owned bottom lands and that the Mayor and City Clerk be authorized to sign said agreement in behalf of the City of Marquette subject to the approval of this agreement by the Light and

Power Board.

A communication from Walter M. Noack, Director of Enforcement, Liquor Control Commission was read wherein he informs the City Commission of a request received by the Liquor Control Commission from Harold and Ruby O'Dell to transfer the location of a 1965-66 S.D.M. License with the living quarters permit from 516 Wright Street to across the street. During the discussion on this request it was pointed out that zoning regulations are pending in this area and land ownership was also discussed. Mayor Downey directed this matter of business be tabled until such time as the forementioned questions could be clarified.

A report from City Manager T. R. McNabb was read wherein he tabulated bids received on two new Patrol cars to be used in the Police Department. Following a discussion on a matter of these bids it was moved by Commissioner Moore, supported by Commissioner Rydholm that upon recommendation of the City Manager and the Chief of Police the City waive one item in the specifications and accept the low bid submitted by Olson Motors, Inc. at a net cost to the city of \$1,600.00 for the purchase of two 1966 Police patrol cars. The vote on the foregoing was as follows: Yeas: Mayor Downey, Commissioners Moore, Rydholm. Nays: Commissioner Carlson and Johnson. Mayor Downey declared the motion duly adopted.

A report from City Manager T. R. McNabb was read wherein he tabulated bids received for the installation of a storm sewer in Norwood Street. Following the reading of the tabulation of bids received it was moved by Commissioner Carlson, supported by Commissioner Rydholm and unanimously

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adopted that upon recommendation of the City Manager the City award the contract to the L. W. Brumm Company in the sum of \$3,925.00, thye being the low bidder meeting the City specifications.

On motion of Commissioner Moore, supported by Commissioner Johnson the following resolution be unanimously adopted:

RESOLVED, that the following proposed Ordinance be accepted as to form and substance and that the same be brought on for public hearing and consideration of adoption at a Regular Commission Meeting to be held Monday, November 29, 1965 at 7:00 o'clock, P.M.

An ordinance to amend the Code of the City of Marquette by adding a new chapter, which new chapter shall be designated as Chapter 57 of Title X of said Code: Regulating the construction, alteration by equipment, use and occupancy, location and maintenance of buildings and structures and to the appurtenances such as vaults, areaways and street encroachments, hereafter erected and where expressly stated, existing on land or over water and to buildings and structures and equipment for the operation thereof hereafter moved or demolished in the city: And providing for permits, inspections and licenses with respect thereto: And penalties for the violation thereof.

Mayor Downey announced that this was the date and time set for a public hearing to consider the adoption of a Plumbing Code for the City of Marquette.

He then declared the public hearing open. Following questions and answers by those in attendance at the meeting, Mayor Downey declared the public hearing closed. On motion of Commissioner Carlson, supported by Commissioner Moore, the

An ordinance to amend the Code of the City of Marquette following Ordinance Amend-

ment be unanimously adopted: by adding a new chapter, which new chapter shall be designated as Chapter 56 of Title X of said code: Regulating the Installation and Maintenance of Plumbing and Drainage, and of Materials used in Plumbing and Drainage: And Providing for Permits, Inspections and Licenses with Respect Thereto; and a Penalty for Violation Thereof.

The City of Marquette Ordains:

Sec. 1. The Code of the City of Marquette is hereby amended by adding a new chapter, which new chapter shall be designated as Chapter 56 of Title X of said Code, as follows:

CHAPTER 56

PLUMBING CODE

12.1. Adoption of State Plumbing Code and Laws. The latest edition of the Plumbing Code and Statutes of the State of Michigan, published under the entitlement of "Plumbing Laws, Rues and Regulations of the State Plumbing Board of Michigan Pertaining to the Licensing of Plumbers, the Supervision and Inspection of Plumbing and the adoption and Enforcement of Uniform Minimum Standards Governing the Construction, Installation and Inspection of Plumbing and Drainage," and all subsequent editions thereof, as approved by the State Plumbing Board, and all subsequent amendments to the statutes of the State of Michigan set forth therein, and hereby adopted by reference and made a part of this ordinance with the same effect as if said Code, statutes, rules and regulations were repeated herein, word for word.

12.2. Publication and Distribution of Code. Said Plumbing Code shall be published by providing to the public in the office of the City Clerk printed copies in book form available for inspection by and distribution at cost to the public at all times, and the public is hereby noti-

Downey

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fied that a complete copy or copies thereof are available for public use and inspection at the office of the City Clerk.

12.3. Plumbing Inspector. The City Manager shall appoint a Plumbing inspector, qualified as required by law, whose duty it shall be to enforce the provisions of this ordinance. Such inspector may be employed or retained upon such basis as shall appear to the City Manager most practicable and advantageous, and shall be responsible to the City Manager or to the person designated by the City Manager.

12.4. Fees. Fees for licenses, registrations, permits and inspections shall be charged and collected in accordance with a schedule thereof filed by the City Commission by resolution from time to time. Such fees shall be sufficient to pay for the cost of administration and inspections required by this ordinance.

12.5. Expiration of Permits. All permits issued under the provisions of this ordinance shall terminate on the expiration of one year from the date of issuance unless exercised within such period.

12.6. Penalties. Any person who shall violate the provisions of this ordinance may be fined not less than ten (\$10.00) dollars not more than fifty (\$50.00) dollars, or imprisoned in the county jail for not more than thirty (30) days, or both fine and imprisonment in the discretion of the Court. Each day of violation shall be treated as a separate offense. Any person applying to the City for a license or permit who shall unlawfully make any false statement in such application shall be guilty of a misdemeanor and subject to the above penalty. Any master plumber who shall employ an apprentice on plumb-

ing, representing him to be a journeyman, shall be deemed guilty of a misdemeanor and subject to the above penalty.

12.7. Repeal of Previous Conflicting Ordinances. Any ordinance, or part of an ordinance, which may be in conflict herewith, is hereby repealed to the extent of such conflict.

Sec. 2. This ordinance shall become operative and effective ten (10) days after its adoption and publication.

A communication from Florence L. Marshall, Corresponding and Financial Secretary, Marquette Women's Club, was read wherein she calls the attention of the City Commission to the open ditch beginning at the corner of Pine and Fair Avenue terminating at the lake.

Following a round table discussion on this matter and after comments by various Commissioners the matter of attention to this ditch was referred to the City Manager for a study and report.

A communication signed by various Officers of the Local No. 643, Marquette Fire Fighters Association was read wherein attention is drawn to the newly enacted Labor Mediation legislation. This communication requested that the Governing Body indicate recognition of their Local as their bargaining representative. On motion of Commissioner Johnson, supported by Commissioner Carlson the following resolution be unanimously adopted:

RESOLVED, That Local No. 643 of the Marquette Fire Fighters Association is hereby recognized as the exclusive bargaining representative of the Marquette Fire Department.

There being no further business before the Commission at this time, meeting adjourned.

EVERETT H. KENT
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, November 8, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, November 8, 1965 at 7:00 o'clock, P.M.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore, Rydholm.

Absent: None.

On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted, the reading of the minutes of the previous meeting be waived.

Mayor Downey called for the reading of the bills payable in total. On motion of Commissioner Johnson, supported by Commissioner Carlson and unanimously adopted the bills payable now on file with the City Clerk in the sum of \$69,-227.25 be allowed and ordered paid.

A communication from Kenneth S. Lowe, President, Peter White Library Board was read wherein he submitted the Annual report of that board. Mayor Downey ordered this report received and placed on file with the City Clerk for public inspection.

A report from City Manager T. R. McNabb was read wherein he informed the Commission of the cost of extending the existing storm sewer from Fair Avenue and Pine Street to the Lake. In his report Mr. McNabb pointed out the costs involved and informed the Commission of the lack of funds in the present budget to commence this project. Mr. McNabb recommends that this matter be studied at the 1966-67 budget time with the thought in mind that construction be scheduled for next summer. Following a short discussion on this matter it was moved by

Commissioner Carlson, support by Commissioner Johnson and unanimously adopted that upon recommendation of the City Manager the City Commission schedule this project for study and consideration at the next budget time.

A report from the City Clerk was read wherein he informs the Commission that the 90 day trial period on the one way street system has now been fulfilled. Attached to his report was a petition signed by 35 merchants on Third Street informing the Commission that one way traffic has been unsatisfactory business-wise. Following a lengthy discussion on this matter wherein various spokesmen for these merchants addressed the Commission expressing their desire to eliminate one way traffic on Third St.; various Commissioners expressed their views on the technical problems of one way street systems and pointed out the necessity for their use in the movement of traffic and safety control. It was unanimously agreed by the Commission that a study be made to see if there is a possibility of moving the one way street to a thoroughfare other than Third Street. Mayor Downey pointed out that the Commission is faced with the matter of either continuing or discontinuing the one way system. It was then moved by Commissioner Carlson, supported by Commissioner Rydholm and unanimously adopted that the temporary traffic order designating Third Street a one way street from Fair Avenue to Fisher Street is hereby approved and made a permanent traffic order.

It was then moved by Commissioner Carlson, supported

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by Commissioner Moore and unanimously adopted that the City Manager make a study and report within 60 days on an alternate north-south one way street instead of Third Street.

On motion of Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted that a meeting with the Third Street Merchants be held in March or April of 1966 to discuss their experience with the routing and traffic on Third Street and the advisability of continuing such routing.

A communication from James N. Braddock, Chairman, Urban Renewal Citizens Advisory Committee was read wherein he incorporates a proposed electric code for the City of Marquette. Following a short discussion on this matter it was moved by Commissioner Moore, supported by Commissioner Carlson that the following resolution be unanimously adopted:

RESOLVED, That the following Ordinance be accepted as to form and substance and that the City Clerk fix December 13, 1965 as the date and 7:00 o'clock, P. M. as the time for a public hearing and consideration of adoption of same, as provided by Charter:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MARQUETTE BY REPEALING SECTIONS 10.31 TO 10.44 INCLUSIVE, OF CHAPTER 54 OF TITLE X AND TO ADOPT A SUBSTITUTE THEREFOR A NEW CHAPTER 54 ENTITLED ELECTRICAL CODE, AND NEW SECTIONS 10.31 TO 10.40, INCLUSIVE, PROVIDING FOR THE SUPERVISION AND INSPECTION OF ELECTRICAL WIRING, THE

ADOPTION AND ENFORCEMENT OF MINIMUM STANDARDS THEREFOR, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

A report from Everett H. Kent, Secretary, Marquette City Planning Board was read wherein that Board recommends that the City Commission accept the preliminary plat plan of Shiras Hills Subdivision No. 3. Following a short discussion on this matter it was moved by Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted that upon recommendation of the Marquette City Planning Board the City Commission accept the preliminary plat of Shiras Hills Subdivision No. 3 as presented.

A communication from Cathie Swanson, Chairman, Girl Scout Troup No. 50 was read wherein a request was made for permission to sell baked goods door to door in the North Section of Marquette on November 20, 1965. On motion of Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted permission as requested be granted.

Mayor Downey announced that this was the date and time set for a public hearing to consider the adoption of a proposed Ordinance governing the making and filing of plats. He then declared the public hearing open. There being no interested persons wishing to be heard on this Ordinance adoption the Mayor declared the public hearing closed. Following a lengthy discussion by the Commission on Section 5.92, Improvements, Table 1, it was moved by Commissioner Ryd-

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holm, supported by Commissioner Johnson and unanimously adopted that consideration of the proposed subdivision ordinances be deferred to the next Regular Meeting of the City Commission to permit further study on Table 1 of Section 5.92.

Mayor Downey announced that this was the date and time set for the continuation of a public hearing on the proposed zoning ordinance for the City of Marquette. He then directed the Clerk to read various communications and petitions received regarding this ordinance.

A communication from Patrick J. Lowney, Vice-President, Elder Agency, Inc. was read regarding certain zoning on Bluff Street and requesting that the Commission consider placing this property in a Commercial Zone. After careful consideration by the City Commission it was moved by Commissioner Carlson, supported by Commissioner Moore and unanimously adopted that the zoning map be amended to place Lots 10, 11, 12, 13, 14, 15, 16, 17, and the west 20 feet of the north 150 feet of Lot 1, all in Block 4 of Nesters Addition No. 1 in Commercial Zone.

A petition signed by Henry Korhonen and 17 others was read petitioning for Single Family Residence District south of Wright Street near Woodland.

Following a discussion on this matter it was moved by Commissioner Moore, supported by Commissioner Carlson and unanimously adopted that the City Commission follow the recommendation of the Marquette City Planning Board and include the property bounded on the south by Center Street, on the west by Gray Street, on the North by Wright Street

and on the East by the west line of the existing proposed RM-1 district to be included in the RM-1 district.

A petition signed by 29 property owners was read wherein they request that the proposed zoning map be amended and that the first tier of lots on the west side of Division Street between Genesee and Craig Streets be included in the commercial zoning. On motion of Commissioner Carlson, supported by Commissioner Rydholm and unanimously adopted that the proposed zoning map be amended and that the first tier of lots on the west side of Division Street between Genesee Street and Craig Street be included in the B-1 District.

On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted the proposed Industrial area east of Division Street from Hampton Street north to the South boundary of the proposed B-1 District be included in the B-3 District.

The matter of the 500 Block on South Front Street was discussed at some length. This discussion entailed the matter of two lots on the west side of Front Street, north of Fisher Street. On motion of Commissioner Rydholm, supported by Commissioner Carlson and unanimously adopted the 500 block on the west side of south Front Street be zoned RM-2 from the south boundary of B-3 District south to Fisher Street.

On motion of Commissioner Moore, supported by Commissioner Rydholm and unanimously adopted Section 5.24 (1) of the proposed zoning ordinance be amended to delete from the requirements of Zones O-S, B-1, T, P-1, F, B-2, B-3, I-1 and I-2, the paragraphs referring to the projection of signs

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beyond the overhanging walls and that Section 5.24 (2) of said proposed ordinance be amended by deleting subparagraphs b thereof and advancing the designation of subparagraphs following, to proper letter sequence. Mayor Downey then declared the public hearing closed.

On motion of Commissioner Johnson supported by Commissioner Carlson the following resolution was unanimously adopted:

RESOLVED, That the following Ordinance as amended, and the amended zoning map be and the same is hereby adopted:

AN ORDINANCE TO AMEND CHAPTER 24 OF TITLE V OF THE MARQUETTE CITY CODE REPEALING SECTIONS 5.1 TO 5.59 THEREOF AND ADOPTING NEW SECTIONS, WHICH SECTIONS SHALL BE DESIGNATED AS SECTIONS 5.1 TO 5.33 THEREOF, TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND FOR PUBLIC AND SEMI-PUBLIC OR OTHER SPECIFIED USES; AND TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS AND ESTABLISH THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PRO-

VIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

FURTHER RESOLVED, That because the full text of said Ordinance is over five hundred words in length, the title thereof as hereinbefore stated shall constitute a digest thereof, and a summary and statement of purpose of same shall be as follows:

The summary of said Ordinance for the purposes of Section 7.4 of the Charter of the City of Marquette shall be as stated in the title thereof, and the statement of purpose of said Ordinance shall be: to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Marquette by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light; air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements and by other means, all in accordance with a comprehensive plan.

FURTHER RESOLVED, that in accordance with said Section 7.4 of the Charter, the digest, summary and statement of purposes as herein approved may be published in a newspaper as defined in Section 17.4 of the Charter, with provisions as to availability of printed copies of the full text for inspection by

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and distribution to the public as provided in Section 7.4 of the Charter.

Mayor Downey and the City Commission unanimously agreed that the last meeting of December month will be held

December 29, 1965 at 7:00 o'clock, P.M.

There being no other business before the Commission at this time, meeting adjourned.

EVERETT H. KENT
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, November 29, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, November 29, 1965 at 7:00 o'clock, P.M.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore, Rydholm.

Absent: None.

On motion of Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted, the reading of the minutes of the previous meeting was waived.

Mayor Downey called for the reading of the bills payable by total. On motion of Commissioner Carlson, supported by Commissioner Johnson and unanimously adopted, the bills payable now on file with the City Clerk in the sum of \$96,810.56 be allowed and ordered paid.

Mayor Downey announced that this was the date and time set for the Commission to take action on the Subdivision Ordinance that was introduced at the October 11, 1965 meeting and on which a public hearing was held November 8, 1965. Following considerable discussion on the various parts of this ordinance it was moved by Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted that Section 5.92 of the proposed Subdivision Ordinance be amended by striking out the final paragraph thereof relating to the refunding of the cost of water mains and taps. On motion of Mayor Downey, supported by Commissioner Carlson and unanimously adopted Section 5.92 of the proposed Subdivision Ordinance be amended to change the wording of the completion date for paving in Table I to read: "When two-thirds of the lots in the plot are sold."

On motion of Mayor Downey, supported by Commissioner Carlson and unanimously adopt-

ed Section 5.92 of the proposed Subdivision Ordinance be amended by adding a paragraph at the end thereof: "All streets shall be surfaced with material not inferior to a 6" compacted gravel surface consisting of crushed gravel, clay and calcium chloride in proper amounts to insure stability. Surfacing with gravel according to the specifications currently being followed by the City of Marquette shall be deemed in compliance with this section. "Such gravel surfacing shall be maintained by the subdivider, until the street is paved."

On motion of Commissioner Rydholm, supported by Commissioner Moore, the following resolution was unanimously adopted:

RESOLVED, That the following Ordinance, as amended, be and the same is hereby adopted:

An ordinance to repeal Sections 5.80 to 5.117, inclusive, of Chapter 25 of Title V of the Code of the City of Marquette, and to substitute new sections therefor, which new sections shall be designated as Sections 5.80 to 5.99 inclusive of Chapter 25 of Title V of said code, to provide standards, procedures, rules and regulations related to the making and filing of plats and to provide for preliminary and final approval or rejection of such plats by the City of Marquette, Marquette County, Michigan, and to provide the penalties for violations hereof.

FURTHER RESOLVED, that because the full text of such Ordinance is over 500 words in length, the following digest, summary and statement of purposes of the Ordinance is hereby approved for publication in accordance with Section 7.4 of the Charter:

The digest and summary of said Ordinance is as stated in

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the Title thereof. The statement of purpose of the Ordinance is as follows: To promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Marquette; to provide for orderly growth and harmonious development of land; to secure adequate traffic circulation and to lessen congestion in the streets and highways; to facilitate adequate provisions for transportation, water, sewage, and other public requirements; to facilitate the further subdivision of larger tracts into smaller parcels of land; to provide for the best possible environment for human habitation, and for encouraging the most appropriate land development throughout the City; and to provide logical procedures for the achievement of these purposes.

A communication from Ernst and Ernst, Auditors, was read wherein the annual audit for the past fiscal year was presented including recommendations regarding physical inventories, appraisal reports, payroll preparation and time slips. The Mayor and City Commission unanimously agreed that the annual audit be received and placed on file for public examination.

A communication from Walter Briggs, Captain, The Salvation Army, was read, wherein a request was made for permission to erect and maintain a Christmas Booth on the streets of Marquette from November 26 through December 26, 1965. On motion of Commissioner Rydholm, supported by Commissioner Johnson and unanimously adopted this request was granted.

A communication from Wilbert J. Keskey was read, wherein an appeal was made on the zoning of certain property lying south of Wright Street and east of Gray Street in the City

of Marquette. This appeal was referred to the Planning Board for a study and report.

A report from City Manager T. R. McNabb was read, wherein he tabulated bids received for rock salt. On motion of Commissioner Johnson, supported by Commissioner Rydholm and unanimously adopted the bid of The International Salt Company in the sum of \$15.00 per ton for a quantity of rock salt be accepted.

A report from City Manager T. R. McNabb was read wherein he tabulated bids received on Calcium Chloride. On motion of Commissioner Moore, supported by Commissioner Carlson and unanimously adopted the City accept the low bid of the Chemical Supply Company of Neenah, Wisconsin, in the sum of \$42.60 per ton for a quantity of Calcium Chloride.

A communication from James N. Braddock, Chairman, Urban Renewal Citizens Advisory Committee, was read wherein he submits a Housing Code for the City of Marquette. Following a short discussion on this matter, it was moved by Commissioner Moore, supported by Commissioner Johnson, that the following resolution be unanimously adopted:

RESOLVED, that the following Ordinance be accepted as to form and substance and that the City Clerk fix December 29, 1965 as the date and 7:00 o'clock P.M. as the time for a public hearing and consideration of adoption of same, as provided by Charter:

An ordinance to amend the Code of the City of Marquette by adding a new chapter, which new chapter shall be designated as Chapter 58 of Title X of said Code; establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions

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essential to insure that dwellings are safe, sanitary, and fit for human habitations; establishing minimum standards governing the condition of dwelling offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings, and the condemnation of dwellings unfit for human habitation, and the demolition of such dwellings; and fixing penalties for violation.

Mayor Downey announced that this was the date and time set for a public hearing to consider the adoption of a Building Code introduced at the Commission meeting of October 25, 1965. He then declared the public hearing open. There being no person present wishing to be heard on this Building Code, Mayor Downey declared the public hearing closed. On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted the last sentence in Section 13.4 of the proposed Building Code be amended to read as follows: "Such plans shall bear the signature of a licensed architect, recognized contractor or the building inspector." On motion of Commissioner Carlson, supported by Commissioner Moore, the following resolution was unanimously adopted:

RESOLVED, that the following Ordinance, as amended, be and the same is hereby adopted:

An ordinance to amend the Code of the City of Marquette by adding a new chapter, which new chapter shall be designated as Chapter 57 of Title X of said code: Regulating the construction, alteration by equipment, use and occupancy, location and maintenance of buildings and structures and to the appurtenances such as vaults, areaways and street encroachments, hereafter erected and

where expressly stated, existing on land or over water and to buildings and structures and equipment for the operation thereof hereafter moved or demolished in the city; and providing for permits, inspections and licenses with respect thereto; and penalties for the violation thereof.

The City of Marquette Ordains:

Sec. 1. The Code of the City of Marquette is hereby amended by adding a new chapter, which new chapter shall be designated as Chapter 57 of Title X of said Code, as follows:

CHAPTER 57 BUILDING CODE

13.1. Adoption of National Building Code. The regulations of the 1955 edition of the National Building Code recommended and published by the National Board of Fire Underwriters, published in book form, excepting Sections 106 and 107 thereof relating to penalties and Board of Appeal, are hereby adopted as the regulations governing the construction of buildings and other structures in the City; and it shall be unlawful to erect or construct any building or structure in the City in violation of, or without complying with, such regulations; same being hereby adopted by reference and made a part of this Ordinance with the same effect as if said Code were repeated herein, word for word.

13.2. Publication and Distribution of Code. Said National Building Code shall be published by providing to the public in the office of the City Clerk printed copies in book form available for inspection by and distribution at cost to the public at all times, and the public is hereby notified that a complete copy or copies thereof are available for public use and inspection at the office of the City Clerk.

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13.3. Building Inspector. The term "Building Official" as used in said Code shall mean the Building Inspector, or any other officer of the City designated by the City Manager having the duty to enforce the building regulations of the City.

13.4. Permit Required. It shall be unlawful to construct any building or structure, other than a fence, in the City where the cost of such construction exceeds One Hundred (\$100.00) Dollars, or to alter or remodel any building or structure so as to change the bearing walls, beams, supports or the roof thereof, without having first secured a permit therefor, or in violation of the terms of such permit, or in violation of the terms of this Chapter.

13.4. Plans. No permit shall be issued for the construction of any building or structure, or for remodeling or repairing affecting bearing walls, roofs other than resurfacing, or chimneys, or for moving a building on to premises in the City, unless the application is accompanied by a plat or sketch of proposed location showing lot boundaries, by plans and specifications showing work to be done.

13.5. Other Ordinances. All work done under any permit issued shall be in full compliance with the Zoning Ordinance, or other ordinances pertaining to water, street excavation and all other ordinances pertaining thereto. And in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances. Fees for permits under this ordinance shall be charged and collected in accordance with the schedule thereof fixed by the City Commission by resolution from time to time. Such fees shall be sufficient to pay for the cost of administration and inspections required by this Ordinance.

13.6. Administration. The Building Inspector shall have the power and duty to enforce the provisions of this Ordinance; and all fees provided therein shall be paid to the City Clerk. All permits shall be issued by the Building Inspector.

13.7. Stop Order. Whenever any work is being done in violation of the provisions of this Ordinance, or in variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such time as any violation or variance is eliminated and any work or installation made in violation of this Ordinance corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Building Inspector, or the City Commission.

13.8. Interpretation. Wherever in the building regulations it is provided that anything must be done to the approval of or subject to the direction of, the Building Inspector or any other officer of the City, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulation or standards shall be, or power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discriminatory manner.

13.9. Certificate of Occupancy. No certificate of occupancy for any building or structure erected, altered or repaired after

Official Proceedings of the City Commission —Continued

the adoption of this Ordinance shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Ordinance.

13.10. Board of Appeal. The Board of Appeal, as provided in the Zoning Ordinance heretofore adopted, shall constitute the Board of Appeal to pass upon matters pertaining to building construction under the terms of this Ordinance. The term of office, quorum, meetings and records and procedure shall be the same as provided in the Zoning Ordinance for such Board of Appeal.

13.11. Appeals.

(a) Any person aggrieved or the head of any agency of the municipality may take an appeal to the Board of Appeal from any decision of the Building Inspector.

(b) An appeal may be taken within thirty (30) days from the date of the decision appealed, by filing with the Building Inspector and with the Board of Appeal notice of appeal, specifying the grounds thereof, excepting that in case of a building or structure which in the opinion of the Building Inspector, is unsafe or dangerous, the Building Inspector may in his order limit the time for such appeal to a shorter period. The Building Inspector shall forthwith transmit to the Board of Appeal all the papers upon which the action appealed from was taken.

13.12. Modifications and Variations by the Board of Appeal.

(a) The Board of Appeal, when so appealed to and after a public hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion, the interpretation of the Build-

ing Inspector should be modified or reversed.

(b) A decision of the Board of Appeal to vary the application of any provision of this Code, or to modify an order of the Building Inspector, shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

13.13. Decisions of the Board of Appeal.

(a) The Board of Appeal shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board of Appeal shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Inspector and shall be open to public inspection. A certified copy shall be sent by first class U. S. mail to the appellant and a copy shall be kept for public inspection in the office of the Building Inspector for two (2) weeks after filing.

(b) If a decision of the Board of Appeal reverses or modifies a refusal, order, or disallowance of the Building Inspector, or varies the application of any provision of this Code, the Building Inspector shall take action immediately in accordance with such decision.

13.14. Appeals from Decisions of the Board of Appeal. A person aggrieved by a decision of said Board, whether previously a party to the proceeding or not, or an officer or Board, may, within fifteen (15) days after the filing of such decision in the office of the Building Inspector, apply to the appropriate court to correct errors of law in such decisions.

13.15. Penalties. Any person who shall violate the provisions of this Ordinance may be fined

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not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, or imprisoned in the county jail for not more than thirty (30) days, or both fine and imprisoned in the discretion of the court. Any person applying to the City for a permit who shall unlawfully make any false statement in such application shall be guilty of a misdemeanor and subject to the above penalty.

13.16. Repeal of Previous Conflicting Ordinances. Any ordinance, or part of an ordinance, which may be in conflict herewith, is hereby repealed to the extent of such conflict.

Sec. 2. This ordinance shall become operative and effective ten (10) days after its adoption and publication.

A communication from Adorno Salani, Chairman, Support of

Churches Committee, Marquette Kiwanis Club of Marquette was read wherein he requests the City to participate financially in the Christmas lighting program for the City. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the Commission approve the Kiwanis Club's Christmas light program and participate financially as requested.

Mayor Downey reported on the City's project activity over the past six months. He also outlined projects to be completed during the remainder of the fiscal year.

There being no other business before the Commission at this time, meeting adjourned.

Everett H. Kent
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Monday, December 13, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Monday, December 13, 1965 at 7:00 o'clock, P.M.

Present: Mayor Downey. Commissioners Johnson, Moore, Rydholm.

Absent: Commissioner Carlson.

On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted, the absence of Commissioner Carlson be excused, he being ill.

Commissioner Rydholm moved, supported by Commissioner Johnson and unanimously adopted the reading of the minutes of the previous meeting be waived.

On motion of Commissioner Moore, supported by Commissioner Rydholm and unanimously adopted the bills now on file with the City Clerk in the sum of \$113,027.20 be allowed and ordered paid.

A communication from P. J. LaFreniere of the Auditing Firm of Ernst and Ernst was read wherein he suggests that the City Commission consider selecting an independent auditor well in advance of the close of the fiscal year in order to have consultation privileges during the fiscal year. Following a short discussion on this matter it was unanimously agreed that the matter of appointing an auditing firm for the current fiscal year be deferred until the next Commission meeting which will be held December 20, 1965.

A communication from Walter M. Noack, Director of Enforcement, Liquor Control Commission was read wherein he informs the City Commission of a request received from Robert E. St. Onge for the transfer of ownership of a 1965 Class C and SDM Licensed business at 113 S. Front Street, Marquette,

from Wallace H. Dorie. In his communication Mr. Noack requests the City Commission to adopt a resolution approving or disapproving of this transaction. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the request of Robert E. St. Onge to the Michigan Liquor Control Commission be approved.

A report from City Manager T. R. McNabb was read wherein he incorporates an easement agreement between the City of Marquette and the Clark-Adriance estate granting permission to the City for an easement to cross the estate property with a Sanitary Sewer. On motion of Commissioner Rydholm, supported by Commissioner Moore and unanimously adopted that upon recommendation of the City Manager the City enter into an easement agreement with the Clark-Adriance estate and that the Mayor and City Clerk be authorized to sign said agreement in behalf of the City of Marquette.

A report from the Marquette City Planning Board was read informing the Commission of a request received from the St. Luke's Hospital Board requesting the vacation of Lee Street from Magnetic Street North to College Avenue. The Planning Board unanimously recommends that the City Commission consider the vacation of this street in order to permit the expansion program planned by the Hospital Board. On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted, the City Commission consider the vacation of Lee Street between Magnetic Street and College Avenue, and the Clerk be directed to set a date for a public hearing on said vacation.

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A report from City Manager T. R. McNabb was read regarding the transfer of funds in accordance with Ordinance No. 165 and Ordinance No. 200 of the Marquette City Code of Ordinances. On motion of Commissioner Johnson, supported by Commissioner Moore the following resolution be unanimously adopted:

RESOLVED, That 40% (\$13,561.05) of the Receiving Fund Balance (\$33,902.63) in the Water Supply and Sewage Disposal System, as of June 30, 1965 be transferred, as provided by Ordinance No. 165, and applied on the amount owing by that System for property tax equivalent.

On motion of Commission Rydholm, supported by Commissioner Johnson the following resolution be unanimously adopted:

RESOLVED, That, of the \$11,906 balance in the Receiving Fund of the Automobile Parking System, as of June 30, 1965, \$1,000 be transferred, as provided by Ordinance No. 200, to pay the amount owing by that System for property tax equivalent at the end of the 1964-65 fiscal year.

On motion of Commissioner Johnson, supported by Commissioner Rydholm the following resolution be unanimously adopted:

RESOLVED, That the general cash balance in the Water Supply and Sewage Disposal System, as of June 30, 1965, in the amount of \$31,769.72 be transferred to the General Fund of the City of Marquette and applied on the amount owing by that System for property tax equivalent.

A report from City Manager T. R. McNabb was read regarding an anti-trust litigation agreement between the City of Marquette and the law firm of Cohen, Shapiro, Berger and Cohen for legal counsel in the matter of an anti-trust proceedings in

the United States District Court, civil action. Following a short discussion on this matter it was moved by Commissioner Moore, supported by Commissioner Johnson and unanimously adopted that the City of Marquette enter into an agreement with the forementioned law firm and that the Mayor and City Clerk be authorized to sign said agreement in behalf of the City of Marquette.

A communication from W. C. Evert, Vice President, Marquette County Association for Retarded Children was read wherein a request was made for permission for the Organization to canvass the City singing Christmas Carols and solicit contributions for the Marquette Area Sheltered Workshop for the Handicapped. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted permission as requested be granted subject to the condition that the Carolers stop only where a porch light is lighted inviting them.

Mayor Downey announced that this was the date and time set for a public hearing and consideration of the Adoption of an Electrical Code for the City of Marquette. He then declared the public hearing open. There being no interested citizens present wishing to be heard on this code, the Mayor declared the public hearing closed. Following a discussion on the various details of the Code it was moved by Commissioner Rydholm, supported by Commissioner Johnson that the following Ordinance be and the same is hereby unanimously adopted:

An Ordinance to amend the Code of the City of Marquette by repealing Sections 10.31 to 10.44 inclusive, of Chapter 54 of Title X and to adopt a substitute therefor a new Chapter 54 entitled Electrical Code, and

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new sections 10.31 to 10.40, inclusive, providing for the supervision and inspection of electrical wiring, the adoption and enforcement of minimum standards therefor, and to provide penalties for violations thereof, and to repeal all ordinances in conflict therewith.

The City of Marquette Ordains:

Sec. 1. Sections 10.31 to 10.44, inclusive, of Chapter 54 of Title X of the Code of the City of Marquette are hereby repealed, and in lieu thereof new sections are hereby adopted, which new sections shall be designated as Sections 10.31 to 10.40, inclusive, of said Chapter and Title, as follows:

CHAPTER 54 —

ELECTRICAL CODE

10.31 Adoption of National Electrical Code. The 1965 National Electrical Code as recommended by the National Fire Protection Association and approved by American Standards Association, and all subsequent editions thereof, as so approved, and all subsequent amendments thereto, from time to time, are hereby adopted by reference and made a part of this ordinance with the same effect as if said Code were repeated herein, word for word, as a minimum safe and practical standard for the installation, alteration and use of electrical equipment in the City.

10.32. Publication and Distribution of Code. Such National Electrical Code shall be published by providing to the public in the office of the City Clerk printed copies in book form available for inspection by and distribution at cost to the public at all times, and the public is hereby notified that a complete copy or copies thereof are available for public use and inspection at the office of the City Clerk.

10.33. Definition. The term "electrical equipment" as used in this ordinance shall be con-

strued to mean and include conductors and equipment installed for the utilization of electricity supplied for light, heat or power, but does not include radio apparatus or equipment for the wireless reception of sounds and signals, nor ordinary household equipment or equipment such as toasters, vacuum cleaners and washing machines, and does not include apparatus, conductors and other equipment installed for and by public utilities, including common carriers, which are under the jurisdiction of the Public Utilities Commission for use in their operation as public utilities, or for and by the City's electric utility.

10.34. Permits. It shall be unlawful to install or alter any electrical equipment or wiring without having first secured a permit therefor. Applications for such permits shall be made in writing to the City Clerk and shall be referred by him to the Director of the Board of Light and Power of the City.

Each Application shall contain the name of the owner of the premises to be served, the name of the contractor doing the work, and the nature of the work to be done; and where the work consists of new installations or extensive repairs or alterations, plans and specifications of the work shall accompany the Application. The Director of the Board of Light and Power is hereby authorized to issue permits as herein provided upon the payment of a fee therefor in advance, and in such amount as may be determined by the Board of Light and Power.

10.35. Inspection and Certificate of Approval. The Director of the Board of Light and Power may make such inspections, in addition to inspections by the State Inspector, as may be necessary to insure compliance with the provisions of this ord-

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inance, and may from time to time inspect any premises served with electricity to determine whether the wiring complies with the provisions hereof. Such inspections shall be for the Board's purpose and are not intended to substitute for or supersede the inspection of the State Inspector.

10.36. Certificate of Approval. The Director of the Board of Light and Power shall issue a certificate of approval after each inspection in which wiring or apparatus is found to be in compliance with the terms of this ordinance and with the rules adopted hereby. It shall be unlawful to use or to turn on power into any wires or apparatus hereinafter installed for which such certificate has not been issued because the permit was not secured for installation or because the work was not completed in accordance with the terms of this Ordinance.

10.37. Connections. No connection with the municipal electrical distribution system shall be made, and no current from the municipal distribution plant shall be furnished, to any premises where the wiring does not conform to the requirements of this ordinance.

10.38. Trailers. Any trailer, semi-trailer, or similar Vehicle used for residence purposes and receiving electric service shall be considered for that purpose as a residence, and the permit and connection fees shall be paid for connections, and a separate meter provided for each

such trailer. Provided, however, that trailers in a licensed trailer camp may receive service through the meter of the licensee.

10.39. Penalties. Any person, firm or corporation violating any provision of this ordinance shall be fined not more than One Hundred (\$100.00) Dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

10.40. Repeal of Previous Conflicting Ordinances. Any ordinance, or a part of an ordinance which may be in conflict herewith is hereby repealed to the extent of such conflict.

Sec. 2. This ordinance shall become operative and effective Ten (10) days after its adoption and publication.

Mayor Downey announced the resignation of Mr. Earl Closser, A member of the Marquette City Planning Board. Various Commissioners expressed their gratitude to Mr. Closser for the fine work he has contributed to the Community through his tireless efforts as a member of the Planning Board.

The Mayor and City Commission unanimously agreed that the Clerk write a letter of appreciation to Mr. Closser for his services.

There being no other business before the Commission at this time, meeting adjourned.

Evertet H. Kent
City Clerk

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION

Wednesday, December 29, 1965

A Regular Meeting of the Marquette City Commission was duly called and held Wednesday, December 29, 1965 at 7:00 o'clock, P.M.

Present: Mayor Downey, Commissioners Carlson, Johnson, Moore.

Absent: Commissioner Rydholm.

On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the absence of Commissioner Rydholm be excused, he being ill.

Commissioner Carlson moved, supported by Commissioner Moore and unanimously adopted that the reading of the minutes of the previous meeting be waived.

Mayor Downey then called for the reading of the bills payable. On motion of Commissioner Moore, supported by Commissioner Johnson and unanimously adopted the bills payable now on file with the City Clerk in the sum of \$54,813.41 be allowed and ordered paid.

A communication from P. J. LaFreniere was read wherein he suggests the Commission consider the selecting of an audit firm well in advance of the close of the fiscal year. The Mayor and City Commission unanimously agreed that this matter be held over until the next Regular meeting of the City Commission.

Mayor Downey announced that this was the date and time set for a public hearing on the matter of adopting an amending ordinance to the code of the City of Marquette by adding a new chapter, which new chapter would be designated as Chapter 58 — Housing Code. He then declared the public hearing open. Following a round table discussion on the contents of the proposed Housing Code

it was moved by Commissioner Carlson, supported by Commissioner Moore and unanimously adopted the hearing on the proposed Housing Code be adjourned until the January 31, 1966 City Commission Meeting.

Mayor Downey announced that this was the date and time set for a public hearing on Special Assessment Roll No. 354 for the paving of West Kaye Avenue from Norway Avenue to Lincoln Avenue. He then directed the Clerk to read the roll in its entirety. Following the reading of the roll Mayor Downey declared the public hearing open. There being no interested citizen present wishing to be heard on this matter the public hearing was declared closed. On motion of Commissioner Moore, supported by Commissioner Carlson the following resolution be unanimously adopted:

WHEREAS, It appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, of the filing with the City Clerk of the special assessment roll for the following improvement:

Paving of W. Kaye Avenue from Norway Avenue to Lincoln Avenue.

and appointing this day and time when the City Commission and Assessor would meet to review said assessments and special assessment roll therein; and

WHEREAS, It appears further by said affidavit that a like notice has been sent by mail to each owner of property subject to such assessment; and

WHEREAS, All suggestions and objections made to said assessment roll therein, have been heard and considered; and

WHEREAS, Said assessment roll and the assessments therein having been reviewed by the

Official Proceedings of the City Commission

—Continued

Commission and the Assessor and all needful corrections of the same having been made;

RESOLVED, That said assessment roll, to-wit: Special Assessment Roll #354, and the respective assessment therein, are hereby confirmed;

FURTHER RESOLVED, That such assessments may be paid in equal annual installments at the time fixed for the payment of regular city taxes, together with interest on such installments at the rate of 4% per annum from the date of the confirmation of said special assessment roll.

Mayor Downey announced that this was the date and time set for a public hearing on Special Assessment Roll No. 353 for the installation of curbing on Birch Avenue to serve Lots 68 through 72 and a portion of lots 76 in Asires Addition. The paving of Birch Ave. from Fair Ave. to Center St. and on Lynn Ave. from Waldo Street to Center St. and on Center Street from Lynn Ave. to Birch Ave. He then directed the Clerk to read the roll in its entirety. Following the reading of the roll Mayor Downey declared the public hearing open. There being no interested citizen present wishing to be heard on this matter, the public hearing was declared closed.

On motion of Commissioner Johnson, supported by Commissioner Carlson the following resolution be unanimously adopted:

WHEREAS, It appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, of the filing with the City Clerk of the special assessment roll for the following improvement:

The installation of curbing on Birch Ave. to serve Lots 68 through 72 and a portion of Lots 76 in Asires Addition. The paving of Birch Ave. from Fair Ave. to Center Street and on

Lynn Ave. from Waldo St. to Center St. and on Center St. from Lynn Avenue to Birch Avenue.

and appointing this day and time when the City Commission and Assessor would meet to review said assessments and special assessment roll therein; and

WHEREAS, It appears further by said affidavit that a like notice has been sent by mail to each owner of property subject to such assessment; and

WHEREAS, All suggestions and objections made to said assessment roll therein, have been heard and considered; and

WHEREAS, Said assessment roll and the assessments therein having been reviewed by the Commission and the Assessor and all needful corrections of the same having been made;

RESOLVED, That said assessment roll, to-wit: Special Assessment Roll #353, and the respective assessment therein, are hereby confirmed;

FURTHER RESOLVED, That such assessments may be paid in equal annual installments at the time fixed for the payment of regular city taxes, together with interest on such installments at the rate of 4% per annum from the date of the confirmation of said special assessment roll.

Mayor Downey announced that this was the date and time set for a public hearing on Special Assessment Roll No. 356 for the installation of Sewer and Water Mains on West Washington Street from Meeske Avenue to City Limits. He then directed the Clerk to read the roll in its entirety. Following the reading of the roll Mayor Downey declared the public hearing open. There being no interested citizen present wishing to be heard on this matter the public hearing was declared closed. On motion of Commissioner Carlson, supported by Commissioner

Official Proceedings of the City Commission

—Continued

Moore the following resolution be unanimously adopted:

✓ WHEREAS, It appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, of the filing with the City Clerk of the special assessment roll for the following improvement:

Installation of Sewer and Water Mains on W. Washington St. from Meeske Ave. to City Limits.

and appointing this day and time when the City Commission and Assessor would meet to review said assessments and special assessment roll therein; and

WHEREAS, It appears further by said affidavit that a like notice has been sent by mail to each owner of property subject to such assessment; and

WHEREAS, All suggestions and objections made to said assessment roll therein, have been heard and considered; and

WHEREAS, Said assessment roll and the assessments therein having been reviewed by the Commission and the Assessor and all needful corrections of the same having been made;

RESOLVED, That said Assessment roll, to-wit; Special Assessment Roll #356, and the respective assessment therein, are hereby confirmed;

FURTHER RESOLVED, That such assessments may be paid in equal annual installments at the time fixed for the payment of regular city taxes, together with interest on such installments at the rate of 4% per annum from the date of the confirmation of said special assessment roll.

✓ Mayor Downey announced that this was the date and time set for a public hearing on Special Assessment Roll No. 348 for the paving and installation of curbing on Eighth Street between Kaye Avenue and Fair Avenue. He then directed the Clerk to read the roll in its en-

tirety. Following the reading of the roll Mayor Downey declared the public hearing open. Interested citizens present wishing to be were heard on this matter and the public hearing was then declared closed. On motion of Commissioner Johnson, supported by Commissioner Carlson the following resolution be unanimously adopted:

✓ WHEREAS, It appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, of the filing with the City Clerk of the special assessment roll for the following improvement:

The paving and installation of curbing on Eighth Street between Kaye Avenue and Fair Avenue.

and appointing this day and time when the City Commission and Assessor would meet to review said assessments and special assessment roll therein; and

WHEREAS, It appears further by said affidavit that a like notice has been sent by mail to each owner of property subject to such assessment; and

WHEREAS, All suggestions and objections made to said assessment roll therein, have been heard and considered; and

WHEREAS, Said assessment roll and the assessments therein having been reviewed by the Commission and the Assessor and all needful corrections of the same having been made;

RESOLVED, That said assessment roll, to-wit; Special Assessment Roll #348, and the respective assessment therein, are hereby confirmed;

FURTHER RESOLVED, That such assessments may be paid in equal annual installments at the time fixed for the payment of regular city taxes, together with interest on such installments at the rate of 4% per annum from the date of the confirmation of said special assessment roll.

Official Proceedings of the City Commission
—Continued

✓ Mayor Downey announced that this was the date and time set for a public hearing on Special Assessment Roll No. 355 for the paving and curbing on Furnace Street between Division Street and U.S. Highway 41. He then directed the Clerk to read the roll in its entirety. Following the reading of the roll Mayor Downey declared the public hearing open. All interested citizens present wishing to be heard on this matter. The public hearing was then declared closed. On motion of Commissioner Carlson, supported by Commissioner Johnson the following resolution be unanimously adopted:

✓ WHEREAS, It appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, of the filing with the City Clerk of the special assessment roll for the following improvement.

Paving and Curbing on Furnace St. between Division St. and U.S. Highway 41. and appointing this day and time when the City Commission and Assessor would meet to review said assessments and special assessment roll therein; and

WHEREAS, It appears further by said affidavit that a like notice has been sent by mail to each owner of property subject to such assessment; and

WHEREAS, All suggestions and objections made to said assessment roll therein, have been heard and considered; and

WHEREAS, Said assessment roll and the assessments therein having been reviewed by the Commission and the Assessor and all needful corrections of the same having been made;

RESOLVED, That said assessment roll, to-wit: Special As-

essment Roll #355, and the respective assessment therein, are hereby confirmed;

FURTHER RESOLVED, That such assessments may be paid in equal annual installments at the time fixed for the payment of regular city taxes, together with interest on such installments at the rate of 4% per annum from the date of the confirmation of said special assessment roll.

A report and recommendation from City Manager T. R. McNabb was read wherein he incorporated an Urban Renewal Appraisal Contract. Following a short discussion on this matter it was moved by Commissioner Moore, supported by Commissioner Carlson and unanimously adopted that upon recommendation of the City Manager the City enter into an Appraisal Agreement with Dick A. J. Behr for a re-appraisal use of all properties in the Urban Renewal area and that the Mayor and City Clerk be authorized to sign said agreement in behalf of the City of Marquette.

✓ A communication from Walter M. Noack, Director of Enforcement, Liquor Control Commission, was read wherein he informs the City Commission of a request received by the Liquor Control Commission for a transfer of ownership of a 1965 SDM licensed business located at 601 Division Street from Gladys Burbey to Agnes Contois. On motion of Commissioner Johnson, supported by Commissioner Moore and unanimously adopted the City Commission approve the transfer as requested.

There being no other business before the Commission at this time, meeting adjourned.

EVERETT H. KENT
City Clerk