

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, September 10, 1984

A regular meeting of the Marquette City Commission was duly called and held on Monday, September 10, 1984 at 7:00 p.m. in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne, Johnson, Kulisheck, LaBrecque.
Absent: Commissioner Ling (who arrived later).

Mayor Stow said that Commissioner Ling had called and said that he would be late. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried to excuse Commissioner Ling temporarily.

It was moved by Commissioner LaBrecque, supported by Commissioner Johnson, and carried to accept the minutes of the August 27, 1984 meeting and to waive their reading.

Total bills payable in the amount of \$237,018.17 were presented. It was moved by Commissioner Johnson, supported by Commissioner LaBrecque, and carried that these bills be paid as presented.

During the time set for announcing additional agenda items, Mayor Stow added Item 21, two letters from Marquette Cablevision regarding aspects of the cable franchise and City Manager Svanda requested that Item 22, a letter from Robert Taylor, be added.

Mayor Stow then stepped to the podium and introduced Carl Mangold. Mayor Stow said that Mr. Mangold has been very active in youth activities in Marquette and that he had recently saved the life of a young person who was adrift in Lake Superior in a small sailboat during a time of very heavy south winds. He presented Mr. Mangold with a formal letter of commendation and a certificate awarding him the Marquette Citizens' Award for this action. Mr. Mangold said that he felt that he had not done much and that many other people who work on civic welfare projects throughout the community should also be recognized.

Mayor Stow then announced that this was the time set for a public hearing on the vacation of an alley in West End Addition. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Johnson, supported by Commissioner Berube, and carried to concur with the recommendation of the Planning Commission and to vacate the alley in Block 6 of West End Addition with the maintenance of a utility easement.

During the time set for citizens wishing to address the Commission, Edward Faccio, representing the American Federation of State, County, and Municipal Employees, asked to speak on Item 9 and said that this item should be discussed in a closed session. Mayor Stow said that the closed session had to be requested by the employee

being discussed in this matter. Robert Black, the employee, asked to have a closed session on his grievance. Mrs. Ruth Melchiori complained about the water rate structure. City Attorney Martin advised Commissioners that this is a matter of litigation in federal court and should not be discussed by the Commission. Peter Embley said that the Commission should have discussed the water rate issues and complained about the length of time set for public speaking.

A communication from representative D.J. Jacobetti, regarding the circuit breaker property tax relief program and its effect in Marquette, was read.

A communication from the Chocolay Township Board, regarding user fees for recreation facilities, was read. Following a brief discussion, it was moved by Commissioner Kulisheck, supported by Commissioner Berube, and carried to direct the Parks and Recreation Director and City Manager to review the recreation facility user fee structure for modification and to report back to the Commission.

A communication from the Native Americans of Marquette Advisory Board, requesting support for a substance abuse drop-in center, was read. This letter was referred to Dr. Coyne as a member of the Substance Abuse Advisory Panel. Commissioners Johnson and Coyne both asked that more information on this Advisory Board be obtained.

A communication from the Lake Superior Art Association, thanking the City Commission for all of the support from Commissioners and City staff for the 25th Anniversary Art on the Rocks, was read. Commissioner Johnson thanked Mrs. Hiebel for her gracious letter.

A communication from the Marquette Transit Authority, regarding the service of Al Janron as a representative of the City and the Marquette Transit Authority on the Marq-Tran Consolidation Committee, was read. Mayor Stow personally thanked Mr. Jandron for his extensive service to the MTA and to the City in working on the Consolidation Committee.

A communication from the Marquette Americans Hockey Team, requesting permission to address the Commission, was read. Greg Mingay, President of the Marquette Americans, presented a proposal to begin paying back their debt for ice time at the Lakeview Arena. It was moved by Commissioner Berube, supported by Commissioner Johnson, and carried to ask the City Manager to prepare a debt repayment schedule that is satisfactory to both the administration and the Marquette Americans and to bring that schedule back to the City Commission for approval.

Mayor Stow announced that the employee sighted in Item 9, a grievance, had requested that his grievance be discussed in closed session. It was moved by Commissioner Coyne, supported by Commissioner Berube, and carried with no dissent to go into closed session to discuss this grievance.

The meeting was recessed to closed session at 7:45 p.m.

The Commission returned to open session at 8:30 p.m. with Commissioner Ling present. It was moved by Commissioner Berube and supported by Commissioner Johnson to concur with the City Manager's recommendation and to deny the grievance. Commissioner Ling asked to be excused due to his absence from the discussion in the closed session. The following vote was taken:

Ayes: Mayor Stow. Commissioners Berube, Coyne, Johnson,
Kulisheck, LaBrecque.

Nays: None.

Abstention: Commissioner Ling.

The motion was carried.

A report and recommendation from the City Manager, regarding water distribution and sewage collection system problems, was read. It was agreed to consider each of the three proposed projects separately. It was moved by Commissioner Berube, supported by Commissioner Johnson, and carried unanimously to authorize the corrections addressed in Project #1 with an amount up to \$20,000 to be taken from the General Fund Contingency Fund to pay for the project but with the property owners to be assessed on a single lot assessment basis for permanent parts of this installation. Public Works Director Etelamaki and Public Works Superintendent Lawry answered questions about the various projects. It was moved by Commissioner Coyne, supported by Commissioner Johnson, and carried unanimously to authorize short-term borrowing by the Water and Sewer Authority of funds up to \$150,000 to correct the problems identified in Project #2 with these funds to be paid back over a five-year period. It was then moved by Commissioner Coyne, supported by Commissioner Johnson, and carried unanimously to authorize short-term borrowing by the water and sewer authority of up to \$40,000 to be paid back over a five-year period for correcting the problems identified in Project #3 with the property owners to be assessed for the portions of the project extending the utilities into their homes.

A report and recommendation from the City Manager, regarding the establishment of a Plant Rehabilitation and Industrial Development District, was read. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to set the regular City Commission meeting on September 24, 1984 as the time and date for a public hearing on the creation of a Plant Rehabilitation and Industrial Development District for lots 19 and 20 of the Marquette Industrial Park in accordance with P.A. 198 of 1974.

A report and recommendation from the City Manager, regarding the Peninsula Sanitation Project EDC request, was read. It was moved by Commissioner Coyne, supported by Mayor Stow, and carried unanimously to adopt the following resolution:

WHEREAS, the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended

(the "Act"), recognizes that there exists in the State of Michigan the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Marquette and its residents to promote forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and WHEREAS, the Act provides a means by which these needs may be addressed; and

WHEREAS, Peninsula Sanitation, Inc., a Michigan Business Corporation (the "Company") has proposed a project (the "Project") to the Economic Development Corporation of the City of Marquette (the "Issuer") which would assist in the alleviation of the aforementioned conditions; and WHEREAS, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this City Commission for its approval thereof.

NOW, THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF MARQUETTE, AS FOLLOWS:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

Lots numbered Nineteen (19) and Twenty (20) of the Recorded Plat of the Marquette Industrial Park, City of Marquette, County of Marquette, State of Michigan.

2. The Project District Area is hereby established as the entirety of the Marquette Industrial Park, City of Marquette, County of Marquette, State of Michigan, as set forth in the recorded Plat thereof.

3. Pursuant to Section 20 (e) of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. This Commission hereby advises and consents to the appointment by the chief executive officer of the City of Marquette of Robert Funk and Michael Pond as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

5. The City Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Issuer.

A report and recommendation from the City Manager, regarding the sale of special assessment bonds for the Downtown Improvement Project, was read. It was moved by Commissioner Ling, supported by Mayor Stow, and carried unanimously to authorize the Mayor and City

Clerk to execute all documents related to the bond sale and to adopt the following resolution:

WHEREAS, pursuant to Act 279, Public Acts of Michigan, 1909, as amended, the necessary proceedings have been taken for the construction of public improvements in the City of Marquette, and to defray the cost thereof special assessments have been made against lands in Downtown Improvement District Nos. 1983A on Special Assessment Rolls Nos. 487 and 488; and

WHEREAS, the special assessments made on Special Assessment Roll No. 487 have been divided into 10 approximately equal installments, the first installment being due August 9, 1984, and the subsequent installments being due consecutively on July 1, in each of the years 1985 through 1993, together with interest on installments from time to time remaining unpaid at the rate of 10% per annum or such higher rate, authorized by law, as may be necessary to meet payments of interest on bonds issued in anticipation of said assessments; and

WHEREAS, the special assessments made on Special Assessment Roll No. 488 have been divided into 10 approximately equal installments, the first installment being due August 9, 1984, and the subsequent installments being due consecutively on July 1, in each of the years 1985 through 1993, together with interest on installments from time to time remaining unpaid at the rate of 10% per annum or such higher rate, authorized by law, as may be necessary to meet payments of interest on bonds issued in anticipation of said assessments.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION, CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN, as follows:

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the City of Marquette, Marquette County, Michigan, shall be issued in the aggregate principal sum of Four Hundred Twenty-Four Thousand Dollars (\$424,000), in anticipation of the collection of an equal amount of installments of assessments against lands in Downtown Improvement District Nos. 1983A and 1983B to defray the cost of constructing public improvements in said City of Marquette. The rolls and districts, the amount assessed on the rolls against lands in the districts, and the amount of bonds allocated to each district and issued against each roll, are as follows:

<u>SPECIAL ASSESSMENT ROLL AND DISTRICT</u>	<u>AMOUNT ASSESSED AGAINST DISTRICT</u>	<u>AMOUNT OF BONDS ALLOCATED TO DISTRICT</u>
D.I.D. 1983A: S.A.R. 487	\$319,195.44	\$283,489.64
D.I.D. 1983B:	\$165,542.70	\$140,510.36

2. BOND DETAILS. The bonds shall be designated "Public Improvement Special Assessment Bonds, Series 1984"; shall be dated as of October 1, 1984; shall be numbered consecutively from 1 upwards; shall be fully registered; shall be in the denomination of \$1,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 12% per annum to be determined upon the sale thereof payable on April 1, 1985 and semi-annually thereafter on the first days of October and April in each year; and shall mature on October 1 in each year as follows:

\$44,000 in the year 1985;
\$50,000 in each of the years 1986 through 1992; and
\$30,000 in the year 1993

3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION. The bonds shall not be subject to redemption prior to maturity.

5. BOND REGISTRAR AND PAYING AGENT. The Treasurer designate, and may enter into an agreement with a bond registrar and paying agent for the bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Treasurer may from time to time as required designate a similarly qualified successor bond registrar and paying agent.

6. EXECUTION, AUTHENTICATION, AND DELIVERY OF BONDS. The bonds shall be executed in the name of the City of Marquette by the facsimile signatures of the Mayor and the Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City of Marquette (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the Treasurer to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the Mayor and

the Clerk and upon which the seal of the City of Marquette (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication.

7. EXCHANGE AND TRANSFER OF BONDS. Any bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner of his duly authorized attorney, may, at the option of the registered owner thereof, be exchanged for bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond.

Each bond shall be transferable only upon the registration books of the City of Marquette, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney. Upon the exchange or transfer of any bond, the bond registrar and paying agent on behalf of the City of Marquette shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____."

The City of Marquette and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the registration books of the City of Marquette as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with provisions of Section 3 of this resolution shall be valid and effective to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the City of Marquette nor the bond registrar any paying agent shall be affected by any notice to the contrary. The City of Marquette agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgement, or liability

incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of bonds, the City of Marquette or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

8. FORM OF BONDS. The bonds shall be in substantially the form specified by the bond attorney.

9. SECURITY. The principal of and interest on the bonds shall be payable primarily out of the collections of the special assessments in anticipation of which they are issued but the full faith and credit of the City of Marquette are hereby pledged to the payment of such principal and interest. If the receipts from the special assessments in anticipation of which the bonds are issued shall not be sufficient to pay such principal and interest as the same shall become due, then an amount sufficient to pay the deficiency shall be advanced from the general fund of the City of Marquette. The ability of the City of Marquette to raise such funds is subject to applicable constitutional and statutory limitations on the taxing power of the City of Marquette.

10. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimated period of usefulness of the improvements for which the bonds are to be issued is hereby determined to be 15 years and upwards and the estimated cost thereof in the amount of \$484,738.14 as submitted to this City of Marquette, is hereby approved and adopted.

11. PRINCIPAL AND INTEREST FUND - CAPITALIZED INTEREST. There shall be established for the bonds a Principal and Interest Fund which shall be kept in a separate bank account. From the proceeds of the sale of the bonds there shall be set aside in the Principal and Interest Fund and premium and accrued interest received from the purchaser of the bonds at the time of delivery of the same. From such proceeds there also shall be set aside in the Principal and Interest Fund interest due on the bonds for a period of 6 months from their date, which interest is hereby capitalized. All collections (including assessments in anticipation of the collection of which the bonds are issued shall be placed in the Principal and Interest Fund and so long as the principal of or interest on any of the bonds shall remain unpaid, no moneys shall be withdrawn from such fund expect to pay such principal and interest.

12. CONSTRUCTION FUND. The remainder of the proceeds of the sale of the bonds and \$3.01 of the collections of the first installments shall be set aside in a construction fund and be used to acquire and construct the public

improvements heretofore described, including any engineering, legal and other expenses incidental thereto. Any unexpended proceeds of the sale of the bonds remaining after completion of the construction of the improvements shall be deposited in the Principal and Interest Fund.

13. APPROVAL OF DEPARTMENT OF TREASURY-EXCEPTION FROM PRIOR APPROVAL. The issuance and sale of the bonds has been granted an exception from prior approval by the Michigan Department of Treasury.

14. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Mayor, Clerk and Treasurer, and each of them, are hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the bonds in accordance with the provisions of this resolution.

15. NOTICE OF SALE. The Notice of Sale for the bonds shall be published in accordance with law in a publication to be selected by the Clerk and shall be in substantially the form specified by the bond attorney.

16. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

A report and recommendation from the City Manager, regarding purchase agreements for two parcels of Soo Line Railroad property, was read. It was moved by Commissioner Ling and supported by Mayor Stow to acquire the Dead River Spur for the purpose of providing rail service to the River Park Complex and Reynolds Industrial Park and to authorize the Mayor and City Clerk to execute the purchase agreement. Commissioner Coyne declared a potential conflict of interest in this matter. The following vote was taken:

Ayes: Mayor Stow, Commissioners Berube, Johnson, Kulisheck, LaBrecque, Ling.
Nays: None.

Abstention: Commissioner Coyne.
The motion was carried. It was then moved by Commissioner LaBrecque and supported by Commissioner Johnson to acquire the parcel of land adjacent to Baraga Avenue and West of the Soo Line roundhouse and to authorize the Mayor and City Clerk to execute the purchase agreement. Following a lengthy discussion regarding whether this was an appropriate location for a new Public Works, and Water and Sewer Maintenance Facility, it was moved by Mayor Stow, supported by Commissioner Ling, and carried unanimously to table this item until the next regular meeting and to request a report on alternate sites including access to them at that time.

A report and recommendation from the City Manager, regarding authorization to execute an agreement with the Michigan History Division, was read. It was moved by Commissioner Berube, supported by Commissioner Coyne, and carried unanimously to adopt the following resolution:

WHEREAS, the City of Marquette has agreed to enter into a

contract with the Michigan History Division, Michigan Department of State, for Survey and Planning Funds, AND WHEREAS, the City of Marquette will contribute \$1,000 as a cash match to the grant with in-kind services totaling \$11,000 to be provided by Main Street Marquette, Inc. NOW, THEREFORE, the City of Marquette authorizes the City Manager, David A. Svanda, to sign a contract, and any amendments thereof, with the Michigan History Division, Michigan Department of State.

Mayor Stow asked that the Commission consider the bids in Items 16, 17, 18, and 19 as one item. Commissioner Johnson suggested that the Commission reconsider awarding non-low bids to City bidders who come close to the low bid price. It was then moved by Commissioner LaBrecque, supported by Commissioner Coyne, and carried unanimously to concur with the City Manager's recommendations and to award to the low bidders the following bids:

- Paper Calmenson & Co. - the bids for stock steel in the amount of \$3,601.62.
- Paper Calmenson & Co. - the bids for snowplow/grader blades in the amount of \$8,549.87.
- First Liberty Construction Co., Inc. - construction and renovation of gym locker and restrooms at the City Hall Community Center in the amount of \$11,344.00.
- Independent Roofing and Siding - the repair of the #1 Fire Station roof in the amount of \$4,419.00.

Mayor Stow then noted that Richard Schwemin's term on the Marquette Transit Authority had expired and that he could not be reappointed due to the Charter limitation of two terms of service. He concurred with the action of the Marquette Transit Authority to appoint Mr. Schwemin as an ex-officio member of the Authority and to designate him as the MTA's representative to the Marquette County Transportation Advisory Council. He appointed Dave Ottoson to replace John Frey on the Parks and Recreation Advisory Board and reappointed Wayne Premeau and Joseph LaBrecque to the Public Works Advisory Board. He then appointed the following persons to the Substance Abuse Advisory Committee: Commissioner Michael Coyne, Peter Treml, Sue Martin, Mike Russell, John Fawcett, William Chalfont, Sue Hefke, and Dick Meyers. He said there was still one opening on this Committee. He also appointed Commissioner Ling to the Economic Development Corporation Board and noted the resignation from Diane J. Zajdel from the Handicapped Citizens Advisory Board.

Mayor Stow then announced that he had received two agreements from Marquette Cablevision for execution. City Clerk Gruber said that one had to do with permission to begin construction of the cable system and one had to do with release of the construction bond. He said that these agreements had come to light during the investigation into compliance of the cable television franchise. Mayor Stow said that with no opposition from the Commission he would sign these agreements.

A communication from Robert Taylor regarding a refund for a slip at the Marina was read. A report and recommendation was requested on this matter for the next meeting.

Commissioner Berube thanked participants in the Triathlon on Labor Day weekend and noted the courtesy of drivers in Marquette towards Triathlon participants. He said that there were many good things happening in Marquette last weekend and that these things make Marquette a good place to live.

Commissioner Coyne said he had received calls about paving the circular walk in Williams Park and that an individual in a wheelchair had asked to have the bike path swept. He complimented the City Manager for his appropriate and tough stand in representing the City in its desire to have the new Acock's Facility located in Marquette. On behalf of the Marquette West Rotary Club, he thanked the City Commission and staff, all of the volunteers, and the Police and Parks and Recreation Departments for their assistance in the Seafood Fest last weekend. He said that it had been a great success and that he had received many compliments for it. He said that the Marquette West Rotary Club did pay for use of the Park and had given part of the proceeds from the event to the City to be used in upgrading the Park.

Commissioner Johnson, on behalf of the Marquette Beautification and Restoration Committee, asked all interested people to attend the annual awards luncheon to be held September 13, 1984. She congratulated the Marquette West Rotary Club noting that they had paid for use of the Park, said that she had received comments that Art on the Rocks should be held at the Lower Harbor also, that a good entrance to the Lower Harbor to the downtown area needs to be developed with railings on Main and Washington Streets, that everyone had had a good time during the Seafood Fest. She also said she had received many calls over the weekend on rowdiness from returning college students, asked about the status of the Rosewood Bar, and said that the County Courthouse is a grand building that has been beautifully renovated.

Commissioner Kulisheck thanked people who had helped on the Janzen Hotel Project and said that they had been recognized when tours of the Hotel were given last Sunday. He said the Seafood Fest was an excellent event in the Lower Harbor green space but that the green space needs improved access. He said overall it had been a very good weekend for activities in Marquette.

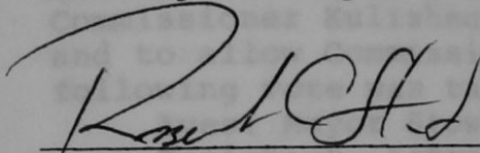
Commissioner LaBrecque said that people critical of the Downtown Development Authority should look at the two blocks of vacant stores in Marinette.

Commissioner Ling said that there were many good events downtown this weekend and that these had not happened by accident. He said there are always complaints when the college students return to town in the fall but that this is a university town and a certain amount of tolerance is required. He said that the Guts Frisbee

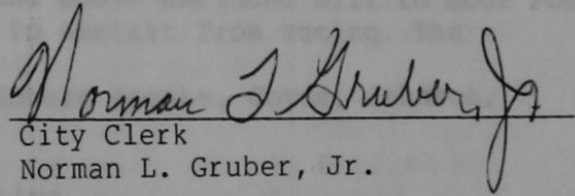
group is looking for a place to play and suggested the park behind Snowberry Heights. He urged the City Commission to ratify the stand City Manager Svanda took on moving the new Acock's Facility to Marquette. He said that the City is a warm place that the City had not complained when the City Auxiliary Facility was constructed and offices moved out of the County Courthouse or when the County garage was moved to the western part of the County from the City of Marquette. It was moved by Commissioner Ling, supported by Commissioner Coyne, and carried unanimously to ratify the statements of the City Manager to the County Commission as being those of the City Commission.

Mayor Stow said that last week there had been a great deal of activity on his part and City Manager Svanda's in support of moving the Acock's Facility to Marquette. He suggested that the evaluation process for the Acock's site was not proper. He said that Marquette General Hospital would be having a program entitled "Drinking and the Driver" on September 17 and noted a dinner-play honoring Forest Roberts on Thursday, September 13.

There being no citizens wishing to address the Commission, the meeting was adjourned at 10:18 p.m.



Mayor
Robert C. Stow, Sr.



City Clerk
Norman L. Gruber, Jr.

Absent: Commissioner Ling.
The motion was carried.

During the time set for agenda items, Commissioner Ling asked that item 14, a discussion of the satellite receiving issue, and a discussion of bids for a tractor-backhoe, be added. City Manager Svanda asked that a letter regarding the Native-American of Marquette, Inc. Advisory Board, be added. City Manager Svanda asked that item 17, a communication from the Marquette Sports Center Club, and 18, a communication from the Environmental Studies Center, be added.

Mayor Stow then announced that this was the time and date set for a public hearing on the establishment of an industrial development district for lots 19 and 20 in the Marquette Industrial Park. There being no one to address the Commission, the hearing was closed. Following questions of City Manager Svanda by the Commission, it was moved by Commissioner Ling, supported by Commissioner Marub, and carried unanimously to adopt the following resolution:

WHEREAS, Act 136 of 1974 provides for the establishment of plant rehabilitation and industrial development districts in local government units; for exemption from certain taxes, for a levy and collection of a specific tax upon the owners of certain facilities for the disposition of the tax for the obtaining and

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, September 24, 1984

A regular meeting of the Marquette City Commission was duly called and held on Monday, September 24, 1984 at 7:00 p.m. in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne, Johnson, Kulisheck, LaBrecque, Ling.
Absent: None.

It was moved by Commissioner Ling, supported by Commissioner Coyne, and carried unanimously to approve the minutes of the September 10 regular and closed meetings as presented.

Total bills payable in the amount of \$406,204.57 were presented. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried unanimously that these bills be paid as presented with the exception of the one to Scot Food in the amount of \$154.05. It was then moved by Commissioner Johnson and supported by Commissioner Kulisheck to pay the above excluded bill to Scot Food and to allow Commissioner Ling to abstain from voting. The following vote was taken:

Ayes: Mayor Stow. Commissioners Berube, Coyne, Johnson, Kulisheck, LaBrecque.

Nays: None.

Abstention: Commissioner Ling.

The motion was carried.

During the time set for announcing additional agenda items, Commissioner Ling asked that items 14, a discussion of the satellite receiving issue, and 15, discussion of bids for a tractor-backhoe, be added. Commissioner Coyne asked that a letter regarding the Native-Americans of Marquette, Inc. Advisory Board, be added. City Manager Svanda asked that items 17, a communication from the Marquette Sports Booster Club, and 18, a communication from the Environmental Protection Agency, be added.

Mayor Stow then announced that this was the time and date set for a public hearing on the establishment of an industrial development district for lots 19 and 20 in the Marquette Industrial Park. There being no one to address the Commission, the hearing was closed. Following questions of City Manager Svanda by the Commission, it was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to adopt the following resolution:

WHEREAS, Act 198 of 1974 provides for the establishment of plant rehabilitation and industrial development districts in local government units; for exemption from certain taxes, for a levy and collection of a specific tax upon the owners of certain facilities; for the disposition of the tax; for the obtaining and

transferring of an exemption certificate and for administration of the Act; and,
WHEREAS, Act 198 is designed to assist communities in industrial redevelopment efforts by granting the benefits to companies which rehabilitate obsolete industrial facilities or build new industrial facilities in previously developed areas or areas characterized by obsolete property, and,
WHEREAS, the City Commission may establish a plant rehabilitation and industrial development district, and,
WHEREAS, the proposed district fulfills the requirements of a plant rehabilitation and industrial development district pursuant to Act 198 in that 50% of the property with the district is obsolete industrial property which is part of an existing, developed industrial zone which has been zoned industrial, and,
WHEREAS, all owners of real property within the proposed district have been notified by certified mail of the City Commission's intention to consider establishment of this area as a plant rehabilitation and industrial development district and have been afforded an opportunity to comment on establishment of said district at a Public Hearing; and all other taxpayers were informed of said hearing through advertisement in the local newspaper and invited to comment on establishment of the district,
NOW, THEREFORE, BE IT RESOLVED, that the district described below be established as a plant rehabilitation and industrial development district for the purpose of granting tax exemptions to properties within said district according to the provisions of Act 198, the guidelines established by the Marquette City Commission at its regular meeting on September 24, 1984.

There were no citizens wishing to address the Commission during the time set for that purpose.

City Manager Svanda noted the presence of Deputy Clerk Lori Salo, who was observing the meeting as part of her job training activities.

A communication from the Parks and Recreation Advisory Committee, regarding an amendment to the ordinance prohibiting alcohol in public parks, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Johnson, and carried unanimously to set the next regular meeting as the time and date for a public hearing on the proposed amendment.

A communication from John DeVoe, requesting permission to consume alcoholic beverages at the Tourist Park between the hours of 10:00 a.m. and 5:00 p.m. on September 30, for the purpose of a softball game between the Marquette County Law Enforcement Agency and the Marquette County Bar Association, was read. It was moved by Commissioner Ling, supported by Mayor Stow, and carried unanimously to grant this permission as requested.

A communication from Judy Anderson, requesting a 24-hour liquor license for the Marquette Junior Hockey Corporation Sixth Annual Benefit Dance at the Marquette Armory on October 27 between 8:00 p.m. and 1:00 a.m., was read. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to grant this approval as requested.

A communication from the Michigan Liquor Control Commission, regarding a request from Entre Amigos for approval for outdoor service from May through September, was read. Following questions of Police Chief George Johnson regarding whether this was for one year or several years, it was moved by Commissioner Ling, supported by Mayor Stow, and carried unanimously to adopt the following resolution:

THAT THE REQUEST from Entre Amigos of Marquette, Inc. for outdoor service of alcoholic beverages to be held in conjunction with 1984 Class C license, located at 142 W. Washington Street, Marquette, Michigan, Marquette County, May through September, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

A communication from Community Economic Development Director Dan Smith, regarding a public hearing on a project plan for Economic Development Corporation financing for the Peninsula Sanitation Project, was read. It was moved by Commissioner Kulisheck, supported by Commissioner Johnson, and carried unanimously to set the next regular meeting on October 9, 1984 as the time and date for a public hearing on this matter.

A report and recommendation from the City Manager, regarding the Marquette Americans Junior Hockey Club, was read. City Manager Svanda said that because the Marquette Americans were being disorganized, a different payment plan to repay their ice time debt to the Arena had been arranged.

A report and recommendation from the City Manager, regarding acquisition of a public works service center site, was read. Commissioner Ling reiterated his opposition to the location of the service center in this location saying that although a new service center was needed, it should be built on the site of the present service center. It was moved by Commissioner Kulisheck, supported by Mayor Stow, and carried unanimously to take the motion to acquire this site off the table. Following a lengthy discussion and questions of Public Works Director Etelamaki and City Planner Gruber, it was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to table this motion until after a work session with the Public Works Advisory Board. That work session was set for 4:00 p.m. on Monday, October 8, 1984.

A report and recommendation from the City Manager, regarding bids for the sale of special assessment bonds, was read. City Accountant Robert Lawrence and City Manager Svanda answered questions

regarding these bids. There was a discussion of the need for abstention by Commissioners Berube, Coyne, and Ling due to their varying interests in either these bids or the downtown special assessment project. City Attorney Martin said that in this instance, none of the Commissioners were in a position to receive direct financial benefit from the sale of these bonds and that they all could vote on this matter. It was moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried unanimously to adopt the following resolution:

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARQUETTE, MICHIGAN, as follows:

1. That the proposal of Roney & Co. and Associates to purchase the \$424,000 Public Improvement Special Assessment Bonds, Series 1984, to be issued by the City of Marquette and dated October 1, 1984, at par and accrued interest to date of delivery plus a premium of \$27.44 and bearing interest per annum as follows:

1985-86	12.00%
1987	8.50%
1988	8.00%
1989	8.25%
1990	8.50%
1991	8.75%
1992	9.00%
1993	9.20%

(same being the bid which produces the lowest net interest cost to the City of Marquette after deducting premium, if any) be and the same is hereby accepted, and all other proposals are hereby rejected and the bidding checks of the unsuccessful bidders and hereby ordered returned.

2. That the aforesaid bonds be issued in accordance with the terms set forth in the Bond Resolution adopted by this City Commission on September 10, 1984, and bearing interest as set forth above.

3. That all resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

At Mayor Stow's recommendation, the Commission agreed to consider the bids in items 10, 11, and 12 as one. It was moved by Commissioner Kulisheck, supported by Commissioner Coyne, and carried unanimously to approve the bids for liquid calcium chloride in 30 percent solution to Calcium Chloride Sales and in 32 percent solution to McKesson Chemical Company; to approve a bid for a four-wheel drive pickup truck for specialized snowplowing from Frei Chevrolet in the amount of \$16,142; and to approve a bid for manhole rehabilitation to Project Finalization of Royal Oak, Michigan in the amount of \$10,000.

Mayor Stow with the Commission's concurrence then made the following reappointments: Father T. Bain and C. Bureau to the Commission on Aging for terms expiring September 30, 1987, Joseph Snively to the Marquette Transit Authority for a term expiring September 24, 1987, and the appointment of Mike Angeli to fill the unexpired term of Lloyd Fairbanks on the Economic Development Corporation expiring January 1, 1985. He also appointed Ed Sloan to the remaining opening on the Substance Abuse Advisory Committee and noted there were vacancies on the Public Works Advisory Board and the Local Officer's Compensation Commission.

Commissioner Ling then said that he had received calls from concerned citizens that the proposed regulation of satellite earth stations would limit their ability to make use of such devices. City Planner Gruber reported that the Planning Commission had spent some time through the summer looking at the matter of regulating satellite dishes and had decided that there was not a sufficient problem in Marquette to warrant regulating these dish antennae. Commissioner Ling also said that he was concerned about bids being put out for a backhoe to be mounted on a 1946 tractor. He was concerned that too much money is being spent on a very old piece of equipment and that a newer, more complete piece of equipment might be available for not a great deal of money more. Parks and Recreation Director John Turausky said that the tractor that the backhoe would be mounted on was in very good shape despite the fact that it was built in 1946 and that it was smaller than most units constructed today so that it could work in between the graves at the cemetery where this piece of equipment is intended to be used. Commissioners agreed that they will scrutinize this bid very closely.

A communication from Commissioner Coyne regarding the background of the Marquette Native Americans, Inc. Advisory Board, was read. Commissioners agreed that this was a very worthwhile organization. It was moved by Commissioner Kulisheck, supported by Commissioner Johnson, and carried unanimously to send a letter of support to the Native Americans of Marquette, Inc. Advisory Board.

A communication from the Marquette Senior High School All Sports Booster Club, regarding their spaghetti dinner to be held at the High School cafeteria on October 6, 1984, was read. Mayor Stow proclaimed October 6 as All Sports Booster Day in Marquette.

A communication from the Environmental Protection Agency, regarding a hearing to be held on September 27 in Marquette regarding the EPA's superfund investigation of the Cliff's Dow disposal area on County Road 550, was read. The Commissioners encouraged citizens interested in this matter to attend the hearing and said that copies of the preliminary documents are available in the Clerk's office.

Commissioner Johnson said that she had received many calls about drinking at Presque Isle and that the fire bell which is now being used at football games should have a home somewhere in a City building. City Manager Svanda said that he had loaned the bell to the University to use for their football games because it had not

been used by the City in nearly 20 years. Commissioner Johnson also said that people were dumping garbage outside the landfill gates when the landfill is closed and that this may be a problem when the landfill is finally closed. Public Works Director Etelamaki said that the City is trying to receive approval for a type III landfill in that location. Commissioner Johnson also thanked the Public Works Department for picking up nails on the road at the landfill, asking what was happening to the Rosewood, said that many people are saying the Rosewood should be torn down, and noted problems with noise and drinking on the corner of Third and Crescent Streets. She said that there are many areas in the City where there are more than four unrelated people living in each dwelling unit and commended their Police Department for good street patrols.

Commissioner Kulisheck said that he had received complaints also about problems at the corner of Third and Crescent and that the volume of complaints indicates a problem there. He said the City Commission needs to make an extra effort to control drinking problems in the City. He said that he and Mayor Stow had attended the Michigan Municipal League annual meeting and had picked up several very good ideas. He also noted that the Michigan Municipal League had voted unanimously to oppose Proposal C on the November ballot, which would severely hurt the financing ability of both state and local governments.

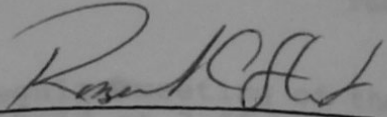
Commissioner LaBrecque said that he had received concerns that touring snowmobiles do not have access to the City and asked that this be looked into.

Commissioner Ling said that he feels the use of the bell at the football games is a good and appropriate use and that it is bringing enjoyment to many people.

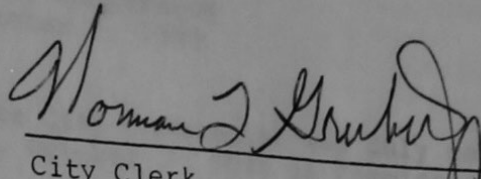
City Manager Svanda said that the University's request to use the bell was the only one that the City had received in a long time. He reported on his attendance at the International City Manager's Association Annual Meeting in San Antonio last week. He also said that the next regular meeting would be held on Tuesday, October 9 due to Columbus Day being on October 8, the day the meeting would normally be held. Mayor Stow said that there was a meeting tomorrow on the Central Upper Peninsula Business Development Center and that this is a very good activity for the region and noted receipt of a petition from Don Potvin for amendment of the zoning ordinance. He requested a report on this petition at the next regular meeting.

During the time set for citizens wishing to address the Commission, Mr. Paul Pelissier said that he was concerned about what is happening to the bell, and Dave Carey of Northern Michigan Coaches requested permission from the City to put a ticket window in the Marquette Transportation Center. Commissioner Coyne said that in his opinion, the purpose of the building is support for the transportation services, not just for the tenants of the building. A report and recommendation was requested from the City Manager for the next meeting.

The meeting was adjourned at 9:25 p.m.



Mayor
Robert C. Stow, Sr.



City Clerk
Norman L. Gruber, Jr.

Present: Mayor Stow, Commissioner LaBrecque, Ling,
Absent: Commissioner Dyer, Johnson.

It was moved by Commissioner Ling, supported by Commissioner Sarube, and carried to amend the minutes of Commission on Code and Johnson.

Commissioner Ling noted the passing of Commissioner Johnson's son Paul and said that his wife gave a loss not only to his family but to all people who knew him.

It was moved by Commissioner LaBrecque, supported by Commissioner Kulischeck, and carried to approve the minutes of the September 14, 1984 meeting as presented.

Total bills payable in the amount of \$49,313.11 were presented. It was moved by Commissioner Kulischeck, supported by Commissioner LaBrecque, and carried to pay the bills as presented.

During the time set for announcing additional agenda items, Commissioner Ling asked that item 18, discussion of the cable television franchise, be added. Mayor Stow asked that item 19, taking the consideration of 900 line property acquisition from the table, be added. Commissioner Kulischeck asked that item 20, discussion of proposal C, be added. Commissioner Sarube said that item 18 should be deleted as it was not in the City Commission's jurisdiction. Commissioner LaBrecque asked that item 21, a letter from workers at the Social Security office regarding parking, be added. City Attorney Martin said that item 22, a confidential memo regarding the Board of Light and Power litigation should be added with consideration for a closed session.

Mayor Stow announced that this was the time set for a public hearing on an amendment to Chapter 29 of the city code. Two persons addressed the Commission opposing the resumption of alcohol in public parks. Stan Barasowski, representing the Lakeview Arena Advisory Board, asked for a further definition of what a youth-oriented event is so that they could better follow the Commission's policies for the Lakeview Arena. Six communications including one petition were read opposing consumption of alcoholic beverages in one or more of the proposed locations. The hearing was closed. It was moved by Commissioner LaBrecque and supported by Commissioner Ling to adopt the amendment to Title IV, Chapter 29, Section 29.03 of the City Code as presented. It was then moved by Commissioner LaBrecque, supported by Commissioner Ling, and carried to

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Tuesday, October 9, 1984

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Tuesday, October 9, 1984 in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne,
LaBrecque, Ling.

Absent: Commissioners Coyne, Johnson.

It was moved by Commissioner Ling, supported by Commissioner Berube, and carried to excuse the absences of Commissioners Coyne and Johnson.

Commissioner Ling noted the passing of Commissioner Johnson's son Paul and said that his death was a loss not only to his family but to all people who knew him.

It was moved by Commissioner LaBrecque, supported by Commissioner Kulisheck, and carried to approve the minutes of the September 24, 1984 meeting as presented.

Total bills payable in the amount of \$459,013.11 were presented. It was moved by Commissioner Kulisheck, supported by Commissioner LaBrecque, and carried to pay the bills as presented.

During the time set for announcing additional agenda items, Commissioner Ling asked that item 18, discussion of the cable television franchise, be added. Mayor Stow asked that item 19, taking the consideration of Soo Line property acquisition from the table, be added. Commissioner Kulisheck asked that item 20, discussion of proposal C, be added. Commissioner Berube said that item 10 should be deleted as it was not in the City Commission's jurisdiction. Commissioner LaBrecque asked that item 21, a letter from workers at the Social Security office regarding parking, be added. City Attorney Martin said that item 22, a confidential memo regarding the Board of Light and Power litigation should be added with consideration for a closed session.

Mayor Stow announced that this was the time set for a public hearing on an amendment to Chapter 29 of the City Code. Two persons addressed the Commission opposing the consumption of alcohol in public parks. Stan Baranowski, representing the Lakeview Arena Advisory Board, asked for a further definition of what a youth-oriented event is so that they could better follow the Commission's policies for the Lakeview Arena. Six communications including one petition were read opposing consumption of alcoholic beverages in one or more of the proposed locations. The hearing was closed. It was moved by Commissioner LaBrecque and supported by Commissioner Ling to adopt the amendment to Title IV, Chapter 29, Section 29.02 of the City Code as presented. It was then moved by Commissioner LaBrecque, supported by Commissioner Ling, and carried to amend the

motion to delete item A, the Presque Isle Pavilion, from the amendment. It was then moved by Commissioner LaBrecque and supported by Commissioner Ling to amend the motion to delete item 6, the Senior Citizen meeting rooms from paragraph A and insert it as item 9 under paragraph B. It was then moved by Commissioner Berube and supported by Commissioner LaBrecque to amend the motion to delete item 5, the Lower Harbor Park, from paragraph A and to add it as item 10 in paragraph B. The following vote was taken:

Ayes: Commissioners Berube, LaBrecque, Ling.

Nays: Mayor Stow, Commissioner Kulisheck.

The motion was carried. The motion to adopt the ordinance as amended was then carried with no dissention.

Mayor Stow then announced that this was the time and date set for a public hearing on the Peninsula Sanitation Economic Development Corporation Project. James Steward, Attorney for Peninsula Sanitation presented an outline of the Project and supported its adoption. City Manager Svanda suggested considering item 12 at this time. Item 12, a report and recommendation from the City Manager, regarding adoption of a resolution approving this EDC Project, was read. Peter Embley said that the entire project plan should be available in the room at the time of the hearing. The hearing was closed. It was moved by Commissioner Ling, supported by Commissioner Kulisheck, and carried to adopt the following resolution:

WHEREAS, this City Commission has given notice pursuant to Section 17 of Public Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), of a public hearing which was held on October 9, 1984, relative to (i) the Peninsula Sanitation Project (the "Project") of the Economic Development Corporation of the City of Marquette (the "Issuer") and (ii) the proposal that the Issuer issue and sell approximately \$700,000 of limited obligation revenue bonds or notes (the "Bonds") to finance the Project; and

WHEREAS, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan and the Bonds, and further, this City Commission has given due consideration to all communications received in writing with reference thereto; and

WHEREAS, this City Commission made and preserved a record of the public hearing, including all data presented thereat; and

WHEREAS this City Commission desires to express its approval of said Bonds, the Project Plan and the Project described therein, and wishes to request the Issuer to proceed with the Project and the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARQUETTE, AS FOLLOWS:

1. It is hereby determined that the Project plan for the Project as presented constitutes a public purpose within

the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

- (a) The Project Plan meets the requirements set forth in Section 8 of the Act.
- (b) The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Plan properly.
- (c) The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.
- (d) The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this resolution approving the Project Plan this City Commission intends to and hereby expressly does approve the issuance, sale, and delivery of the Bonds as is required by Section 103(k) of the Internal Revenue Code of 1954, as amended.

3. The Economic Development Corporation of the City of Marquette is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide four certified copies of this resolution to the Secretary of the Issuer.

During the time set for citizens wishing to address the Commission, George Trenary objected to the drive around Presque Isle Park being closed on Tuesday and Thursday mornings because he is not able to walk well enough to get to his favorite fishing sites at Presque Isle. Peter Embley read a letter from DeWayne Stebbins that had been printed in the Mining Journal recently and made comments on the water rate structure. Curt Myron spoke regarding item 10 and complained that the matter involving him was not properly pursued.

A communication from the Native Americans of Marquette County, Inc. was read. Linda Williams, Director of the Corporation, presented the members of the Board of Directors who were present and briefly described the purpose and goals of the corporation. She said that they are looking for a location to start a drop-in center for American Indians in the Marquette area. This matter was referred to the Parks and Recreation Advisory Board.

A communication from the Spouse Abuse Shelter Project, Inc., announcing that a march will be held at 3:00 p.m. on October 13, 1984, the Fourth National Day of Unity for Victims of Domestic Violence. Mayor Stow then made the following proclamation:

WHEREAS, Historically and presently women, children, and the elderly have been and are the victims of violence in

their homes, and
WHEREAS, The National Coalition Against Domestic Violence
has declared October 13, 1984 the fourth National Day of
Unity for Victims of Domestic Violence, and
WHEREAS, The tragedy of domestic violence affects many
families in our city, and these families need the help of
community programs, and
WHEREAS, The community has the MARQUETTE COUNTY SPOUSE
ABUSE SHELTER PROJECT to assist the victims of domestic
violence, but the public needs to increase their
awareness of the problem, and
WHEREAS, October 13, 1984 has been set as a day to focus
public attention on the magnitude of the problem of
people who are battered and to escalate efforts to end
this problem,
NOW THEREFORE, I Robert C. Stow, Sr., hereby proclaim the
day of October 13, 1984 as the DAY OF UNITY FOR VICTIMS
OF DOMESTIC VIOLENCE, in the City of Marquette.

A communication from the Marquette Transit Authority, requesting a
work session with the City Commission to discuss the consolidation
of the Marquette Transportation Authority with Marq-Tran and the
disposition of the Marquette Transportation Center, was read. The
Commission agreed to meet at 4:00 p.m. on Monday, October 15 in
Commission Chambers for this work session.

A communication from the Marquette Transit Authority, regarding a
lease with Northern Michigan Coaches for a ticket office in the
Marquette Transportation Center, was read. It was moved by
Commissioner Kulisheck, supported by Commissioner Ling, and carried
to concur with the recommendation, to approve this lease agreement,
and to authorize the Mayor and City Clerk to execute it.

A recommendation from the City Planning Commission, regarding
approval of the final plat of River Park Complex, was read. It was
moved by Commissioner Ling, supported by Commissioner Berube, and
carried to approve the final plat of River Park Complex including
both sets of deed restrictions as proposed.

A communication from the Harbor Committee, regarding the Marina
Refund Policy for 1984, was read. The Commission noted the policy
of the Harbor Committee and referred this policy to the time of the
year when Marina rates are usually set for further discussion at
that time.

A communication from the Parks and Recreation Advisory Board,
requesting support for Proposition B on the November ballot, was
read. Parks and Recreation Director Turausky summarized the intent
of Proposal B. It was moved by Commissioner Kulisheck to adopt the
resolution supporting Proposal B as recommended by the Parks and
Recreation Advisory Board. The motion died for lack of support.

A communication from the Michigan Liquor Control Commission,
regarding a change in a liquor license, was read. It was moved by
Commissioner Berube, supported by Commissioner Kulisheck, and

carried that the request from Makela of Marquette, Inc. for dropping Sharon L. Makela as joint stockholder of 1984 Class C licensed business located at 1751 Presque Isle, Marquette, Michigan through transfer of her shares to Marvin Makela be approved.

A report and recommendation from the City Manager, regarding sales incentives for the River Park Complex parcels, was read. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried to authorize paying a sales commission to any realtor assisting in the sale of a parcel in the River Park Complex by paying a Commission of \$800 or 8% of the sale price of the parcel, whichever is greater, with this amount to be taken from the amount paid for the lot.

A report and recommendation from the City Manager, regarding a cost agreement for traffic signal modernization at the intersection of Front and Jackson Streets, was read. It was moved by Commissioner Berube, supported by Commissioner LaBrecque, and carried to approve this agreement and to authorize the Mayor and City Clerk to execute it.

A report and recommendation from the City Manager, regarding bids for a two-wheel drive pickup truck, was read. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried to concur in the recommendation and to award this bid to Superior Ford of Marquette in the amount of \$8,794.

City Manager Svanda then noted that the current winter parking ban ordinance goes into effect on November 15 of each year and said that persons parking on the street should look for off-street parking places well in advance of that time because tickets could be issued after that date.

Mayor Stow then announced that this was the time set to discuss a proposed amendment to Section 80.44 of the Zoning Ordinance. It was moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried to set the regular meeting on November 26, 1984 as the time and date for a public hearing on this amendment. This matter was referred to the Board of Zoning Appeals and the Planning Commission for consideration and recommendation.

It was then moved by Commissioner Ling and supported by Commissioner LaBrecque to take from the table consideration of the cable television franchise transfer. The following vote was taken:

Ayes: Mayor Stow. Commissioners LaBrecque, Ling.

Nays: Commissioners Berube, Kulisheck.

The item was taken from the table. Following a discussion regarding the advantage to the City of negotiating further versus approving the franchise agreement as it is currently proposed, it was moved by Commissioner Ling and supported by Commissioner LaBrecque to adopt the ordinance transferring the franchise from Marquette Cablevision to Tele-Communications, Inc. and to approve the franchise agreement subject to the system being sold to Tele-Communications, Inc. The following vote was taken:

Ayes: Commissioners LaBrecque, Ling.

Nays: Mayor Stow. Commissioners Berube, Kulisheck.
The motion was defeated.

It was then moved by Commissioner Berube, supported by Mayor Stow, and carried to take from the table discussion of Soo Line property acquisition. It was moved by Commissioner Berube, supported by Commissioner LaBrecque, and carried to approve the purchase agreement with Soo Line Railroad Company for the purchase of a site on Baraga Avenue for the new Public Works Facility and to authorize the Mayor and City Clerk to execute all documents relating to this acquisition. Following further discussion of this item, it was agreed that the administration will review financing alternatives for construction of a new Public Works Facility and that the architecture and engineering for this facility should be begun because of the funding available in the current year's budget. It was moved by Commissioner LaBrecque, supported by Mayor Stow, and carried to direct the City Manager and Public Works Director to prepare documents for a request for proposals for construction of this facility.

Commissioner Kulisheck said that the City Commission should discuss Proposal C. He said that the adoption of this proposal could result in a serious negative impact on the City's ability to provide services. He asked that City Manager Svanda prepare a report for the next regular Commission meeting on the effects of Proposal C on the City's financing.

Commissioner LaBrecque said that he had received complaints about parking rental fees charged by the City in the Spring Street lot and the lack of stickers to identify people who have paid their rentals. This item was referred to the Parking Committee for consideration.

Commissioner Berube asked that the Commission discuss the restrictions on automotive use of the drive at Presque Isle. It was moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried to rescind the limitation on the use of Peter White Drive by automobiles on Tuesday and Thursday mornings until the park opens next spring and to refer this item to the Parks and Recreation Advisory Committee for consideration prior to that time.

City Attorney Martin said that there were two items requiring the Commission's attention. One was the Township/Board of Light and Power lawsuit and the other was the litigation on the condemnation of the Rosewood Inn. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried with no dissent to go into closed session to discuss these two items of litigation.

The meeting was recessed to closed session at 9:45 p.m.

The Commission returned to open meeting at 10:10 p.m. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried to authorize the City Attorney to pursue appeal of the Township/Board of Light and Power lawsuit to the State Supreme Court and to hire the firm of Varnum, Riddering, Schmidt, and

Howlett to represent the City in this lawsuit.

Commissioner Berube congratulated MSU football coach George Perles and his team for defeating the University of Michigan last weekend and wished good luck to the Detroit Tigers in the World Series.

Commissioner LaBrecque said that the City Arborist is searching for a spruce tree that can be transplanted to Harlow Park to be used for the City's Christmas Tree. He also said that some of the railroad tracks on South Front Street were torn up so that trains cannot use them and asked if this meant that school buses and oil trucks do not have to stop at that railroad crossing. The Public Works Department will look into that.

Commissioner Ling asked if there were any bricks that people could purchase to have their names engraved on for placement in the downtown sidewalk. City Manager Svanda reported there are 42 bricks left at this time.

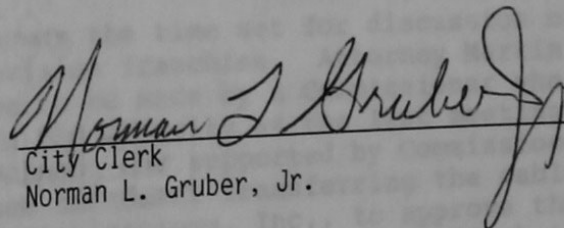
Mayor Stow said that there would be free camping for City residents over 21 at the City's Tourist Park this weekend.

City Manager Svanda said that the letter from Mr. Stebbins read by Mr. Embley earlier in the meeting had left one question up in the air. That was a \$500,000 loss reported at the Wastewater Treatment Plant. He said that that amount is shown as a loss due to the type of bookkeeping, and because the plant was built with a grant and not operated as a business.

There being no citizens wishing to address the Commission, the meeting was adjourned at 10:15 p.m.



Mayor
Robert C. Stow, Sr.



City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, October 22, 1984

A special meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, October 22, 1984 in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne,
Johnson, Kulisheck, LaBrecque, Ling.
Absent: None.

Mayor Stow announced that this special meeting had been called for the purpose of considering the transfer of the cable television franchise and considering the formation of a county transportation system. City Manager Svanda said that an agreement with a property owner in North Marquette for shared land use and discussion of a handicapped housing project could be added to this meeting. It was moved by Commissioner Ling, supported by Commissioner Coyne, and carried unanimously to add as item 3, discussion of an agreement with Steve Pelto for paving and shared use of an area at the North Marquette Recreation Area. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to add item 4, discussion of problems with an application for a handicapped housing project. Commissioner Johnson said that the Downtown Development Plan needs updating. City Manager Svanda said that this is being started at a meeting on November 13.

There were no citizens wishing to address the Commission during the time set for that purpose.

Mayor Stow announced that this was the time set for discussion of the transfer of the cable television franchise. Attorney Martin said that the motion would have to be made by a Commissioner who was not present or who voted in the majority at the last meeting. It was moved by Commissioner Johnson and supported by Commissioner LaBrecque to adopt the ordinance amendment transferring the cable television franchise to Tele-Communications, Inc., to approve the franchise agreement, and to authorize the Mayor and City Clerk to execute the agreement, all subject to Tele-Communications, Inc. signing the franchise agreement. Following a lengthy discussion by Commissioners, the following vote was taken:

Ayes: Mayor Stow. Commissioners Coyne, Johnson,
LaBrecque, Ling.

Nays: Commissioners Berube, Kulisheck.

The motion was carried.

Mayor Stow announced that this was the time set for consideration of the formation of a County Transportation System. It was moved by Commissioner Kulisheck, supported by Commissioner Johnson, and carried unanimously to direct Mayor Stow to write a letter to the County Board of Commissioners supporting the establishment of a County Transportation System operated by an authority formed under Act 7.

Mayor Stow announced that this was the time set to discuss a proposed property agreement in North Marquette. City Manager Svanda outlined the proposal saying that it would allow snow storage on a city parking lot throughout the winter in return for maintenance of that area and the ability to use the parking lot at the apartment buildings for overflow from little league games. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously that the City Manager and City Attorney be authorized to negotiate an agreement with Mr. Pelto.

Mayor Stow announced that this was the time set for discussion of an application for a handicapped housing project. Becky Beauchamp, representing Propylon Non-Profit Housing Corporation, said that there is a need for housing for handicapped persons in Marquette, and that living with families or in nursing homes is not necessarily a good way to meet this need. She said that a grant from the Housing and Urban Development Department would not provide all of the money needed for the proposed project and that they would need local help. David Boyd, Chairman of Propylon's Board of Directors spoke regarding the need for site improvements for the site on Union Street previously donated by the City and the fact that money is not available for these improvements in the grant. Architect Lincoln Poley explained the need for peat excavation and filling to a higher grade and said that the estimated cost of this work was \$48,000 to \$53,000. Commissioners agreed that this money was not available in the current budget but that they would give what assistance they could to Propylon in preparing the land. Commissioners also discussed use of University-owned vacant land lying south of Wright Street. The Commission directed the City Manager and staff to provide assistance as they could to Propylon in working on this project. David Boyd was requested to report back to the Commission at the next meeting.

Commissioner Coyne thanked David Boyd for his work on the handicapped housing project and said that the overhead wire at the Cinder Pond launch ramp should be buried quickly. He complimented the Parks and Recreation Department for their quick erection of a sign warning about this wire.

Commissioner Johnson also thanked David Boyd and said that there were many people at the open house for the Jilbert Dairy on Sunday. She also thanked the many citizens who had sent cards of sympathy to her and her husband upon the death of her son.

Mayor Stow said that the City does not control cable television programming and cannot ensure that Lions' football games will always be carried.

City Manager Svanda said that the leaf pickup would occur in early November.

There being no citizens wishing to address the Commission, the meeting was adjourned at 8:25 p.m.

Robert C. Stow
Mayor
Robert C. Stow, Sr.

Norman L. Gruber, Jr.
City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
October 19, 1984
and held on Monday, October 19, 1984 at 7:00 p.m. in Commission
Chambers of City Hall.

Present: Mayor Stow, Commissioners Barubo, Coyne,
Johnson, Kullischeck, LaBrecque, King.
Absent: None.

It was moved by Commissioner Johnson, supported by Commissioner
LaBrecque, and carried unanimously to approve the minutes of the
October 9 regular and closed meetings and the October 23 special
meetings as presented and to waive their reading.

Total bills payable in the 4 part of \$282,878.71 were presented. It
was moved by Commissioner Barubo, supported by Commissioner Coyne,
and carried unanimously that the bills be paid as presented with
the exception of the one to foot bill in the amount of \$117.19. It
was then moved by Commissioner LaBrecque and supported by
Commissioner Coyne to pay the above included bill to foot food and
to allow Commissioner King to sustain Item voting. The following
vote was taken:

Ayes: Mayor Stow, Commissioners Barubo, Coyne, Johnson,
Kullischeck, LaBrecque.
Nays: None.
Abstention: Commissioner King.

The motion was carried.

There were no items to be added to the agenda during the time set
for that purpose.

Mayor Stow then presented the following proclamations:

SUPPORT PROGRAM FOR YOUNG AUTHORS

WHEREAS, cultivating the ability to express one's self in
writing is one of the most important aspects of an
individual's educational process; and
WHEREAS, the PROGRAM FOR YOUNG AUTHORS has been developed
in the elementary schools in Marquette and Marquette Creative
by educators who recognize the need to foster writing
skills among young people; and
WHEREAS, the program is its tenth year since its
activities each spring with a CONFERENCE FOR YOUNG
AUTHORS to honor the children's writing efforts; and
WHEREAS, this program involves annual participation of
2,000 or more elementary school students whose writing
abilities are greatly enhanced through authorship
activities,
NOW THEREFORE, DO WE PROCLAIM, that the week of November
is designated as SUPPORT YOUNG AUTHORS WEEK in the

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, October 29, 1984

A regular meeting of the Marquette City Commission was duly called and held on Monday, October 29, 1984 at 7:00 p.m. in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne,
Johnson, Kulisheck, LaBrecque, Ling.
Absent: None.

It was moved by Commissioner Johnson, supported by Commissioner LaBrecque, and carried unanimously to approve the minutes of the October 9 regular and closed meetings and the October 22 special meetings as presented and to waive their reading.

Total bills payable in the amount of \$882,028.03 were presented. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried unanimously that the bills be paid as presented with the exception of the one to Scot Food in the amount of \$117.19. It was then moved by Commissioner LaBrecque and supported by Commissioner Coyne to pay the above excluded bill to Scot Food and to allow Commissioner Ling to abstain from voting. The following vote was taken:

Ayes: Mayor Stow. Commissioners Berube, Coyne, Johnson,
Kulisheck, LaBrecque.

Nays: None.

Abstention: Commissioner Ling.

The motion was carried.

There were no items to be added to the agenda during the time set for that purpose.

Mayor Stow then presented the following proclamations:

SUPPORT PROGRAM FOR YOUNG AUTHORS

WHEREAS, cultivating the ability to express one's self in writing is one of the most important aspects of an individual's educational process; and

WHEREAS, the PROGRAM FOR YOUNG AUTHORS has been developed in the elementary schools in Alger and Marquette Counties by educators who recognize the need to foster writing skills among young people; and

WHEREAS, the program in its tenth year climaxes its activities each spring with a CONFERENCE FOR YOUNG AUTHORS to honor the children's writing efforts; and

WHEREAS this program involves annual participation of 2,000 or more elementary school students whose writing abilities are greatly enhanced through authorship activities,

NOW THEREFORE, DO WE PROCLAIM, that the week of November 12 be designated as SUPPORT YOUNG AUTHORS WEEK in the

City of Marquette, Michigan, as a fitting recognition of this splendid program.

AND

NATIONAL BIBLE WEEK

WHEREAS, we live in times in which basic human freedoms are threatened by godless ideologies and lifestyles; and WHEREAS, scholars agree that the founding concepts of Western Civilization and democracy are drawn from the Bible, which is, at the same time, a guide to public and individual fulfillment; and WHEREAS, many Americans turn directly to the Bible to learn God's word for our times and for promises which, they believe, embrace the people of all nations; and WHEREAS, the Laymen's National Bible Committee has developed materials and media messages around the slogan "IF LIFE IS THE QUESTION, THE BIBLE IS THE ANSWER" for National Bible Week to help people discover the rich truths found in the Bible;

NOW, THEREFORE, I, Robert C. Stow, Sr., Mayor of the City of Marquette, do hereby proclaim November 18 to 25, 1984, as BIBLE WEEK in the CITY OF MARQUETTE, and urge all citizens to participate in this annual observance by reading the Bible and becoming familiar with its teachings and principles.

During the time set for citizens wishing to address the Commission, Carolyn Crowley said that she had received a great deal of support from youngsters throughout the City who all want warming houses at the City's outdoor ice rinks. She then presented youngsters Stephanie Langlois and Corey Wood, each of whom asked to have a warming house built at Hurley Field. Mayor Stow asked that this be looked into. Bob Myers and Mike Russell both asked to speak on item 8.

A communication from Gloria McCabe, regarding the status of persons under the charge of the Community Mental Health Agency, was read. Following a discussion, it was moved by Commissioner Coyne, supported by Commissioner Johnson, and carried unanimously to send a letter to the Michigan Department of Mental Health stating the Commission's concern for people who used to reside in state institutions and who are now residing in the community.

A communication from Lynn and Lon Emerick, regarding opening the road around Presque Isle on Tuesday and Thursday mornings, was read. Commissioners agreed that the action taken at the last meeting was only to remove the two morning per week vehicular traffic prohibition for the remainder of the season this year and to request that the Parks and Recreation Advisory Board review the policy before next season.

A communication from the Marquette Housing Commission, regarding authorization for the Department of Housing and Urban Development

to sell project notes in book entry form rather than individual certificates, was read. It was moved by Commissioner Ling, supported by Commissioner Johnson, and carried unanimously to adopt the following resolution:

WHEREAS, the City of Marquette, Michigan (herein called the "Local Issuing Agency") is undertaking the development and/or operation of one or more low-rent or Indian projects and may engage in such undertakings in respect to additional projects all pursuant to the terms of one or more Annual Contributions Contracts (which together with any contract in substitution thereof, waivers of any provisions thereof or amendments or "Contract") with the United States of America (herein called the "Government") providing for a loan by the Government to the Local Issuing Agency for financing the low-rent or Indian housing project(s) described in the Contract and herein called the "Project"; and

WHEREAS, the Local Issuing Agency proposes to issue Project Notes as hereinafter provided:

NOW, THEREFORE, BE IT RESOLVED by the Local Issuing Agency as follows:

Section 1. For the purpose of providing funds to pay expenses incurred or to be incurred pursuant to the Contract or to refund, renew, or extend its outstanding Notes issued in connection therewith, the Local Issuing Agency hereby determines to issue its Project Notes for purchase by the public from time to time in amounts which shall not exceed the aggregate loan amount or the Estimated Development Cost specified in the Contract, as the case may be.

Section 2.a. The Department of Housing and Urban Development (herein called "HUD") is hereby authorized and directed to advertise from time to time the public sale of Project Notes of the Local Issuing Agency by causing the publication of a Notice of Sale thereof in the Daily Bond Buyer, a financial newspaper published in the City of New York, New York. The City Clerk shall publish the Notice of Sale in a newspaper pursuant to State law, if required. The Notice of Sale for HUD-9001, which is incorporated herein by reference. The Notice of Sale shall be substantially in the form of HUD-9001, which is incorporated herein by reference. The Notice of Sale shall be published in the Daily Bond Buyer in accordance with a consolidated Notice of Sale. Each Project Note shall be published at intervals in cooperation with the Government. Each separate issue of Project Notes advertised for sale shall be numbered in consecutive series.

b. Each proposal submitted for all or a part of any series of Project Notes shall be in substantially the form of HUD-9002, which is incorporated herein be

reference and is hereby approved by the Local Issuing Agency.

Section 3.a. The Government, through the Regional Administrator or his designee in the HUD Regional Office having jurisdiction over the Local Issuing Agency, is authorized to act on behalf of the Local Issuing Agency to receive, open, and review all proposals which are received for the purchase of Project Notes on each date and at the time and place specified in the duly published Notice of Sale for the Project Notes listed therein. Upon completion of the review, the contents of all proposals shall be communicated by telephone to the HUD Central Office with a recommendation for award; and

b. HUD is hereby authorized to award the Project Notes at the lowest interest rate or rates not in excess of the rate per annum offered in the proposals without reference to premiums; Provided, that as among proposals specifying the same lowest interest rate, awards shall be made on the basis on the highest premium offered. The Regional Administrator or his designee shall promptly notify the Local Issuing Agency and each successful bidder, by telephone, of the principal amount of Project Notes so awarded to such bidder, such notification to be confirmed later in writing.

Section 4. The Local Issuing Agency shall issue Project Notes in consecutive series in book-entry form subject to the provisions of Section 5. Each series of Project Notes that is issued shall consist of one or more Master Project Notes representing all or substantially all of a particular issue. Master Notes shall be in substantially the form of HUD-9010, which is incorporated herein by reference. The Master Project Notes shall be issued in registered form and shall be held in custody by the registered holder until maturity. Master Notes are divisible into Project Notes, which are available in a minimum denomination of \$1,000 or in multiples thereof. Each series of Project Notes shall be dated not later than the date on which they are to be delivered to the original purchaser by an electronic book-entry securities transfer system, shall mature within a term not to exceed 24 months from such date, shall bear interest at the rate(s) per annum fixed in the proposal(s) accepted for the purchase of such Notes, and shall be secured by a "Requisition Agreement" in substantially the form of HUD-9003, which is to be entered into between the Local Issuing Agency and the Government and which is incorporated herein by reference.

Section 5. The Local Issuing Agency may issue Project Notes in physical form only if requested to do so at the time of original issue. Such Notes shall be in substantially the same form as HUD-9010 but shall be payable to bearer unless their term exceeds one year in

which case they shall be issued in registered form. Project Notes in physical form shall be issued through a Central Registrar of the Project Notes. The Central Registrar, on behalf of the Project Notes. The Central Registrar, shall perform such other duties in connection with Project Notes in book-entry and physical form as are necessary and appropriate, which duties are enumerated in the contract by and between the Central Registrar and HUD.

Section 6. For the punctual payment of the principal of an interest on each series of Project Notes, the Local Issuing Agency hereby expressly and irrevocably promises to effect payment to the Fiscal Agent of any sums which may be received from the Government pursuant to the Requisition Agreement relating to such series of Project Notes, and the Requisition Agreement when executed by the Government is hereby declared to be and is hereby assigned by the Local Issuing Agency for the benefit of the holders from time to time of such series of Project Notes. All annual contributions and residual receipts (as defined in the Contract) authorized by the Contract to be applied to the payment of Project Loan Notes (referred to in the Contract as "Advance Notes"), Permanent, and Project Notes (referred to in the Contract as "Temporary Notes") issued in connection with the projects are hereby pledged to secure the payment of the principal and interest to maturity on each series of Project Notes, and the Local Issuing Agency hereby authorizes and directs the Government to make such annual contributions available for such payment promptly. The pledge and the lien created thereby shall cease and terminate as to any series of Project Notes when monies are deposited with the Fiscal Agent or Central Registrar not later than the maturity date of such Notes.

Section 7. The Federal Reserve Bank of New York hereby designated as Fiscal Agent for all Project Notes to be issued by the Local Issuing Agency and shall be the registered holder of all Master Project Notes. The Fiscal Agent is further authorized and directed to pay principal and interest on the Project Notes at maturity through Fed Wire securities transfer messages and to perform such other duties in connection with the issue of Project Notes as are necessary and appropriate, which duties are enumerated in a contract between HUD and the Fiscal Agent.

Section 8. Each of the Project Notes issued in a series which has been awarded shall be executed in the name of the Local Issuing Agency by the manual or facsimile signature of the Mayor and the City Clerk is authorized and directed to cause the seal of the Local Issuing Agency to be impressed, imprinted, or reproduced thereon and to attest such sealing. The aforesaid officers also shall take all other actions necessary to complete

delivery of any Project Notes which have been awarded. There shall be transmitted to the Central Registrar a) a Letter of Instructions executed by the City Clerk and in substantially the form of HUD-9004 which is incorporated herein by reference, b) a Signature Certificate and Receipt in substantially the form of HUD-9005 which is incorporated herein by reference, and c) the Master Project Note(s) and the Project Notes in physical form, if any. The Central Registrar shall authenticate, register and deliver the Master Project Note(s) to the Fiscal Agent. Project Notes in physical form shall be similarly authenticated and delivered to purchasers in accordance with the Letter of Instructions.

Section 9. Each Requisition Agreement securing one or more series of Project Notes shall be executed in the name of the Local Issuing Agency by the manual or facsimile signature of the Mayor and the City Clerk is authorized and directed to cause the seal of the Local Issuing Agency to be impressed, imprinted, or reproduced thereon and to attest the same.

Section 10. The City Treasurer is authorized and directed to pay (a) to the Government such amount of such funds of the Local Issuing Agency as may be available for such purposes and as may be necessary to pay the principal of an interest on obligations of the Local Issuing Agency then held by the Government which may be refunded in part by any one or more series of Project Notes and (b) to the Fiscal Agent of any then outstanding series of Project Notes, or to the Government for transmittal to said Fiscal Agent, such amount of funds of the Local Issuing Agency as may be available for such purpose and as may be necessary to pay the principal of and interest on such outstanding Project Notes which are refunded in part by succeeding issues of Project Notes.

Section 11. The Local Issuing Agency hereby covenants with the holders from time to time of any outstanding Project Notes issued under this Resolution that it will not amend this Resolution in any way which would limit or alter the rights of such holders under Section 6 hereof or otherwise impair the rights and remedies of such holders under such Project Notes, together with interest thereon, and all costs, expenses, and damages in connection with any action or proceedings by or on behalf of such holders are fully met and discharged.

Section 12. This Resolution shall take effect immediately.

Mayor Stow announced that this was the time set for discussion of the Propylon Housing Project. Propylon President David Boyd said that they are negotiating with the three property owners in block 9 of Woodlawn Park Addition, and that Propylon currently needs the

ability to swap the land that the City has given them north of Union Street for this land if required, and a change in the zoning of block 9. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to refer the matter of the zoning to the Planning Commission with comments that the City Commission supports this housing project and to authorize the City Attorney to prepare a new deed as requested and further to authorize sending of letters of support to the Wesley Foundation, the Diocese of Marquette, and Northern Michigan University.

City Manager Svanda then verbally reported that the City had received an award for having the most energy-efficient municipal office building in the state last year. He presented Mayor Stow with a plaque commemorating this award.

A report and recommendation from the City Manager, regarding acquisition of a Solid Waste Disposal Site, was read. City Manager Svanda gave a brief history of the City's interest in this site. Public Works Director Etelamaki explained why the site proposed by the City is better for solid waste disposal than the site proposed by the County, Sands Township, and the East Marquette County Solid Waste Disposal Authority. Bill Perpich, representing Soil Testing Services, described the disposal site proposed by the City and what would be done to develop the site. He also analyzed the proposed County site for the Commissioners. Commissioner Johnson inquired about the City's involvement in the East Marquette Solid Waste Disposal Authority. Bob Meyers, a resident of Sand Township representing the "Sands Citizens for Safe Waste Disposal", opposed City acquisition of the site in Section 34 and gave several reasons for his opposition. Mike Russell, the owner of the site proposed by the City gave the background of his family's involvement in this site and explained why he felt the City should purchase it for development of a landfill. It was then moved by Commissioner Kulisheck, supported by Commissioner Coyne, and carried unanimously to adjourn into closed session to discuss the acquisition of this property.

The meeting was recessed to closed session at 8:49 p.m.

The Commission returned to open session at 9:57 p.m. It was moved by Commissioner Ling, supported by Commissioner Coyne, and carried unanimously to purchase land in Section 34 in Sands Township from Mr. Russell subject to the conditions and terms as negotiated by the City Attorney and to continue to work with the East Marquette Solid Waste Disposal Authority on possible development of a landfill in Section 33 of Sands Township with the funds for the acquisition of the Russell Site to be taken from the budget for the refuse collection and disposal. It was then moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried unanimously to retain Soil Testing Services to do the analysis and engineering work on the Russell Site to determine if it can be licensed as a landfill and to take the money for this work from the Refuse Collection and Disposal budget.

A report and recommendation from the City Manager, regarding

acquisition of land for McClellan Street right-of-way, was read. It was moved by Commissioner Ling, supported by Commissioner Stow, and carried unanimously to concur in the recommendation and to acquire the land from the First of America Bank of Marquette in the amount of \$125,000 and to authorize the Mayor and City Clerk to execute all documents related to this purchase. Commissioners expressed concern over the high cost of this piece of property but noted the need for the parcel if the McClellan Extension Project is to go forward next summer. Public Works Director Etelamaki raised the issue of land exchanges north of Washington along McClellan in order to relocate Westwood Road and Coles Drive. Following discussion, it was moved by Commissioner Ling, supported by Commissioner Johnson, and carried unanimously to table this item until the next regular meeting.

A report and recommendation from the City Manager, regarding an agreement with the First National Bank for the Bank's handling of the loans to downtown property owners made under the Small Cities Economic Development Grant. It was moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried unanimously to authorize the Mayor and City Clerk to execute this agreement.

A report and recommendation from the City Manager, regarding a public hearing on a commercial facilities exemption certificate for Peninsula Sanitation, Inc., was read. It was moved by Commissioner Ling, supported by Commissioner Berube, and carried unanimously to set the next regular meeting as the time and date for a public hearing on this application.

A report and recommendation from the City Manager, regarding an amendment to the water utility ordinance, was read. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried unanimously to set the regular meeting on November 26 as the time and date for a public hearing on this ordinance amendment.

A report from the City Manager, regarding the financial implications for the City if proposal C on the November ballot is passed, was read. Commissioners agreed that there would be a significant loss of funds to the City if this proposal passes.

A report and recommendation from the City Manager, regarding bids for water system improvements on Front and High Streets, was read. It was moved by Commissioner Johnson and supported by Mayor Stow to concur in this recommendation and award a bid to Yalmer Mattila for upgrading of portions of the water system in the amount of \$27,990 and to authorize an additional \$10,000 from the contingency fund to cover the extra cost over the original estimate on this project.

The following vote was taken:
Ayes: Mayor Stow. Commissioners Coyne, Johnson,
Kulisheck, LaBrecque, Ling.
Nay: Commissioner Berube.
The motion was carried.

A report and recommendation from the City Manager, regarding price quotes on pump controls at the Hawley Street pump station, was

read. It was moved by Commissioner Berube, supported by Commissioner Coyne, and carried unanimously to concur in the recommendation and accept the proposal of Superior Electric in the amount of \$11,054.65.

A report and recommendation from the City Manager, regarding bids for testing and repair of large water meters, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Ling, and carried unanimously to award this bid to Vanguard Meter Service, Inc. of Owensboro, Kentucky in the amount \$8,890.

City Manager Svanda then reported that the railroad crossing signs on South Front Street cannot be removed as long as any of the track is in place at that crossing. It was moved by Commissioner Ling, supported by Commissioner LaBrecque, and carried unanimously to reopen the issue of abandonment of the track which crosses South Front Street immediately south of Genesee Street and to encourage the abandonment of that track.

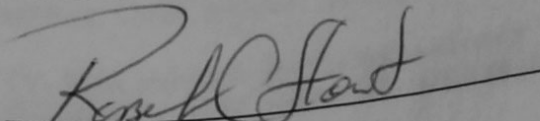
Commissioner Coyne said that the Harbor Committee should deal with the overhead wire at the Cinder Pond launch ramp at their next meeting. He asked what would be done on the warming shed issue. It was agreed to refer this to the Parks and Recreation Advisory Board with a recommendation that they consider applying to the Shiras Institute and the Kaufman Foundation for financial assistance. Commissioner Coyne also said that the Ad Hoc Committee on Substance Abuse is meeting every other week and should have a report during the winter.

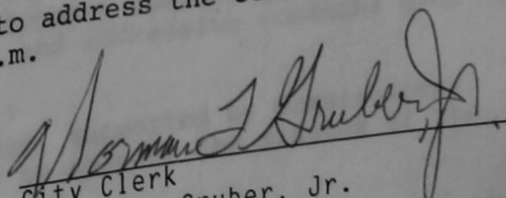
Commissioner Johnson said that the warming sheds were a good idea, complimented the Peter White Library Board for their good annual report, wished good luck to Mayor Stow and Commissioner Coyne in the upcoming election, and asked where tickets for the grand re-opening of the downtown to be held on Thursday were available. She said that this was Commissioner Ling's last full meeting and complimented him on his leadership, skills, and knowledge that he brought to the Commission during the last six years.

Commissioner Kulisheck asked the County and Townships to join with the City in finding the best site for solid waste disposal in the County.

City Manager Svanda said that tickets for the grand re-opening of the downtown were available at the Main Street office and other locations. He noted the receipt of a letter from the Housing and Urban Development Department indicating that the City is progressing toward eligibility for Urban Development Action Grant funding.

There being no citizens wishing to address the Commission, the meeting was adjourned at 10:58 p.m.


Mayor
Robert C. Stow, Sr.


City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, November 12, 1984

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, November 12, 1984 in Commission Chambers of City Hall.

Present: Mayor Stow. Commissioners Berube, Coyne,
Johnson, Kulisheck, LaBrecque, Ling.
Absent: None.

After calling the meeting to order and the salute to the flag, Mayor Stow stepped to the podium to present awards for meritorious police work to officers Mike Havel and Fran McCarthy. While on patrol at a very early hour of the morning, officers Havel and McCarthy detected smoke in an area on North Front Street and determined that there was a fire in a residence in that area. Their prompt action is credited with a major reduction in loss to the building from that fire and in the saving of one of the occupants of the building who was asleep at the time.

City Clerk Gruber then administered the oath of office to Commissioners-Elect Loretta Acocks, Michael Coyne, and John Leadbetter. The City Clerk then called for the election of Mayor. Ballots were distributed and Commissioner Kulisheck was elected Mayor by unanimous vote on the first ballot. After the City Clerk administered the oath of office to Mayor Kulisheck, Mayor Kulisheck presented placques of recognition to retiring Commissioners Stow and Ling. Commissioner Stow also received a placque as the outgoing Mayor. Former Commissioners Stow and Ling commented on their terms of office and Commissioner Ling commented at length upon the accomplishments by the City during his six years as a Commissioner.

The Clerk then distributed ballots for the election of Mayor Pro Tem. Commissioner Berube was elected unanimously on the first ballot. Following administration of the oath of office to Mayor Pro Tem Berube, the roll call of the new Commission was called.

Present: Mayor Kulisheck. Commissioners Acocks, Berube,
Coyne, Johnson, LaBrecque, Leadbetter.
Absent: None.

The Commission recessed at 9:35 for a brief period so that a photo could be taken of the new Commission.

Following the recess, Mayor Kulisheck made comments on his election as Mayor. He said that the goals of the new Commission will be the continued provision of basic services, maintenance and repair of the City's infrastructure, the City's continued work with the private sector for economic development including cooperation with other local units of government, and addressing concerns over the water and sewer rates.

It was moved by Commissioner Coyne, supported by Commissioner Johnson, and carried unanimously to approve the minutes of the

October 29, 1984 meeting as presented.

Total bills payable in the amount of \$247,115.28 were presented. It was moved by Commissioner Johnson, supported by Commissioner Berube, and carried unanimously to pay these bills as presented with the exception of the one to Sundberg, Carlson, and Associates in the amount of \$17,259.78. It was then moved by Commissioner LaBrecque and supported by Commissioner Johnson to pay the above excluded bill to Sundberg, Carlson, and Associates and allow Commissioner Leadbetter to abstain from voting. The following vote was taken:

Ayes: Mayor Kulisheck. Commissioners Acocks, Berube, Coyne, Johnson, LaBrecque.

Nays: None.

Abstention: Commissioner Leadbetter.

During the time set for announcing additional agenda items, Mayor Kulisheck added item 8, a communication from the Liquor Control Commission. City Manager Svanda said that he had received a request that item 4 be withdrawn and that the Commission should discuss the status of this meeting in regard to the state laws on public holidays. He said that he had consulted with City Attorney Martin and Clerk Gruber and the concensus was that the Commission should proceed through the entire agenda this evening and, at the end of the meeting, recess until 6:30 tomorrow evening and meet at that time to confirm the actions taken tonight in case there had been an inadvertant violation of any law.

City Manager Svanda then introduced new City Assessor Gary Trudgeon to the Commissioners and citizens.

Mayor Kulisheck announced that this was the time and date set for a public hearing on an application from Peninsula Sanitation, Inc. for an industrial facilities exemption certificate. A report and recommendation from the City Manager, urging adoption of a resolution approving this application, was read. There being no citizens wishing to address the Commission, the hearing was closed. Following questions by Commissioners, it was moved by Commissioner Johnson, supported by Commissioner Leadbetter, and carried unanimously to adopt the following resolution:

WHEREAS, the facility for which the application for an Industrial Facilities Exemption Certificate has been submitted is located within an Industrial Redevelopment Distrist as established by the City Commission on September 26, 1984; and
WHEREAS, the commencement of restoration, replacement, or construction of the facility did not occur earlier than 12 months prior to the filing of the application; and
WHEREAS, the facility will have a reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Marquette; and
WHEREAS, Section 9 (2) (d) of Public Act 198 requires that "completion of the facility shall not have the

effect of transfer of employment from one or more local governmental units of the state to the local governmental unit in which the facility is to be located, except that this restriction shall not prevent the granting of a certificate if the legislative body of each governmental unit from which the employment is to be transferred consents by resolution to the granting of the certificate",

NOW THEREFORE BE IT RESOLVED, that the application for an Industrial Facilities Exemption Certificate submitted by Peninsula Sanitation, Inc. for a facility to be located at 910 W. Baraga Avenue on Lots 19 and 20 of the Marquette Industrial Park is hereby approved for a period of eight years and will be submitted to the Michigan Tax Commission, along with a resolution of support or denial from the jurisdiction from which the employment is to be transferred.

Mayor Kulisheck then announced that this was the time set for citizens wishing to address the Commission. Ray Beauchamp spoke on the recent grand re-opening of the downtown and presented the background leading up to the current downtown improvement projects. He spoke of the business - City partnership for progress and of his hope for further progress in the future. Sam Elder said that the County is at the crossroads and the City can play a role as leader of the fragmented economic development efforts in the County. He said that the City should cooperate with the County initiative for economic development for the benefit of all. Lauri Bulera, representing Marquette Main Street, Inc., thanked the City staff and Commissioners for their support of the grand re-opening for downtown. Richard Munroe, representing Good Earth Realty, said that he had a site for sale in West Branch Township that would make a good place for a landfill. City Attorney Martin and City Manager Svanda explained why this site was not acceptable to the Department of Natural Resources. Jim Thomas said that the City should work with adjoining townships and individuals on economic development and said that he was disturbed by the water rate structure.

A communication from the Mayor of the City of Midland, Michigan congratulating Marquette on the completion of the Downtown Improvement Project, was read. Mayor Kulisheck noted the strong bond remaining between Marquette and Midland following Commission Exchange earlier this year.

Mayor Kulisheck announced that this was the time set to discuss Propylon, Inc.'s proposed housing project. City Manager Svanda said that he had talked this afternoon with David Boyd, and that there had not been any significant progress to report but that things are still progressing well. There should be more activity to report at the next Commission meeting.

A report and recommendation from the City Manager, regarding an agreement with the First of America Bank for participating in the

Small Cities Economic Development Grant Program, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Johnson, and carried unanimously to approve this agreement and to authorize the Mayor and City Clerk to execute it.

A report and recommendation from the City Manager, regarding an easement agreement between the Clarks and the City of Marquette for the access road to the Kaufman Ski Hill, was read. It was moved by Commissioner Leadbetter, supported by Commissioner LaBrecque, and carried unanimously to approve this lease and to authorize the Mayor and City Clerk to execute it.

A report and recommendation from the City Manager, regarding the scheduling of a public hearing on the Downtown Tax Increment Financing and Development Plan #1, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Berube, and carried unanimously to set the regular meeting on December 10, 1984 as the time and date for a public hearing on this project, and to agree to meet with the County Board and the School Board at that time if they so desire.

A communication from the Liquor Control Commission was read. It was moved by Commissioner Berube, supported by Mayor Kulisheck, and carried unanimously to adopt a resolution approving the request from Champions One, Inc. for transfer ownership of 1984 Class C licensed business, located at 154 W. Washington, Marquette, Michigan from Robert E. Green to Raymond Beauchamp and Larry Simmons.

Commissioner Berube thanked all of the people who had worked very hard to make the downtown project a reality. He said that Marquette has very favorable rates and programming for cable television as compared to the rest of the country. He said that we should refer to Marquette as "our" City, not "the" City. He thanked the two policemen recognized at the beginning of the meeting for their action in saving a life during a fire and welcomed Commissioners Acocks and Leadbetter to the Commission. He said that the Commissioners have had, and he hopes they will continue to have, the ability to disagree on issues but to get along personally. He congratulated Mayor Kulisheck on his election.

Commissioner Coyne expressed his admiration and gratitude to retiring Commissioners Stow and Ling and said that he would miss both of them. He said that he is now an elected official since he had previously been appointed to the Commission and noted his pleasure during the six months of his appointment in working with the City staff. He congratulated Mayor Kulisheck and Mayor Pro Tem Berube and welcomed Commissioners Acocks and Leadbetter to the Commission. He also thanked citizens of Marquette for their support of him during the election.

Commissioner Johnson congratulated Commissioners Acocks and Leadbetter, Mayor Kulisheck, and Mayor Pro Tem Berube. She said

that she would miss both Commissioners Stow and Ling. She then noted a call from a man who had seen non-tenants of his apartment building putting garbage in the dumpster by that building. She also had received a call as to why the Island Road had been closed yesterday. Parks and Recreation Director Turausky said that there had been less snow than estimated and that the road was not as dangerous as had been anticipated. She said she had received several calls about the ladies' night at the Arena and Commissioners agreed to discuss action in the future to ban this sort of program. She said that the Mining Journal is read in faraway places and people who read it are aware of what is going on in Marquette. She said that she had received three calls that the clapper from the City bell being used at Northern Michigan University's football games has been stolen and that ringing the bell with a hammer is not good for the bell. She thanked Peninsula Sanitation for picking up bags of leaves that had been put out too late for the City's fall cleanup-pickup and asked what progress is being made on the warming sheds for the outdoor ice rinks.

Commissioner LaBrecque said that a construction trailer could be used as a warming shed this winter until a permanent shed could be built next year. He congratulated the new Mayor and Mayor Pro Tem and the two new Commissioners and welcomed them to the Commission and wished Godspeed to Commissioners Ling and Stow.

Commissioner Leadbetter thanked the citizens who voted for him and said that he is proud of Marquette and hopes to make a good contribution to keeping it a City to be proud of.

Commissioner Johnson asked why large industries are passing Marquette by and locating other places. City Manager Svanda said that we can expect small services and a development of small local businesses but that transportation and distance from markets are problems for a major industry locating in Marquette.

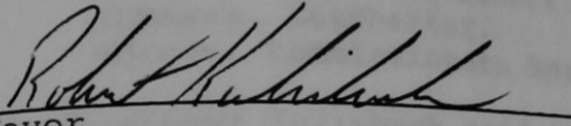
Mayor Kulisheck welcomed Commissioners Acocks and Leadbetter to the Commission and said that he is looking forward to a productive year for the Commission. He said the City is extending their hand to the County and to other units of government and will work for cooperation in the future. He thanked Commissioners Ling and Stow and said that they had worked very hard while they were on the Commission.

City Manager Svanda said that additional economic development would be helped by cooperation of the local governments in Marquette County. He said that the rumor that the Louisiana Pacific Plant being built in Newberry had been forced away from Marquette County by dissention was not true and that the State had played a major role in locating that plant in Newberry. He welcomed the new Commissioners and said he looked forward to working with them. He also said he would miss Commissioners Ling and Stow and that they had worked long and hard for the City and wishes them the best in the future.

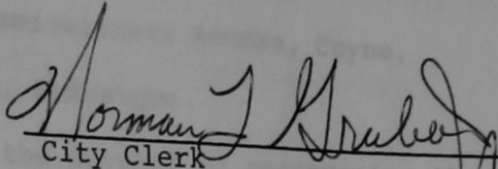
There were no citizens wishing to address the Commission.

It was moved by Commissioner Berube, supported by Commissioner Coyne, and carried unanimously to recess the meeting until 6:30 on Tuesday, November 13.

The meeting was recessed at 8:55 p.m.



Mayor
Robert Kulisheck



City Clerk
Norman L. Gruber, Jr.

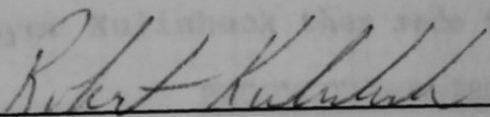
OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Tuesday, November 13, 1984

The recessed meeting held on Monday, November 12, 1984 was reconvened at 6:50 p.m. on Tuesday, November 13, 1984.

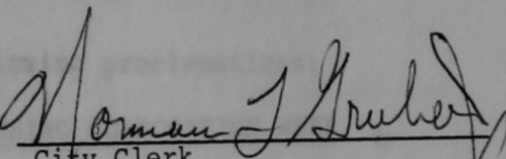
Present: Mayor Kulisheck. Commissioners Acocks, Coyne, Johnson, Leadbetter.
Absent: Commissioners Berube, LaBrecque.

Commissioner Kulisheck said that the purpose of reconvening the meeting at this point was to ratify the actions taken by the City Commission last night in case there was a problem because of the legal holiday on Sunday. It was moved by Commissioner Johnson, supported by Commissioner Acocks, and carried to ratify the actions taken at the meeting held yesterday.

There being no citizens wishing to address the Commission during the time set for that purpose, the meeting was adjourned at 6:53 p.m.



Mayor
Robert Kulisheck



City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, November 26, 1984

A regular meeting of the Marquette City Commission was duly called and held on Monday, November 26, 1984 at 7:00 p.m. in Commission Chambers of City Hall.

Present: Mayor Kulisheck. Commissioners Acocks, Berube, Coyne, Johnson, LaBrecque, Leadbetter.
Absent: None.

Total bills payable in the amount of \$621,850.32 were presented. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried unanimously that these bills be paid as presented.

During the time set for announcing additional agenda items, Mayor Kulisheck said that he had two proclamations to make and that two requests for 24-hour liquor licenses should be added as items 18 and 19. Commissioner Coyne asked that item 20, discussion of the Shiras Institute, be added.

Mayor Kulisheck then made the following proclamations:

PROPYLON NON-PROFIT HOUSING CORPORATION WEEK

WHEREAS, non-elderly, handicapped adults who need daily attendant care have limited housing options, usually having to live either with aging parents or enter geriatric nursing homes; and

WHEREAS, the Propylon Non-Profit Housing Corporation of Marquette has been striving to build a unique project to offer a more independent alternative to those individuals; and

WHEREAS, the Propylon Non-Profit Housing Corporation has received a \$556,500 loan reservation from the Department of Housing and Urban Development to build a 16 unit assisted housing complex in Marquette; and

WHEREAS, the Propylon Non-Profit Housing Corporation has set a goal to raise \$75,000 to provide the local funds required to augment the federal funding; and

WHEREAS, the fundraising effort will officially commence on December 10, 1984;

NOW, THEREFORE, I, Robert Kulisheck, by virtue of the authority vested in me as Mayor of Marquette, do hereby proclaim that the week of December 10-17, 1984 be designated as Propylon Non-Profit Housing Corporation Week in the City of Marquette.

AND

CHINESE MAGIC CIRCUS DAY

WHEREAS, the Chinese Magic Circus of Taiwan will be making an appearance in the City of Marquette on Tuesday, December 4, 1984 during its ninth national tour of the United States; and

WHEREAS, Northern Michigan University has cordially invited the people of Marquette and the surrounding area to take part in this highly acclaimed presentation; and

WHEREAS, this program promises:

to be a moment of enjoyment not only to students but to families as well;

to show the grace and precision of the acrobatics, magic, comedy, and balancing feats;

to demonstrate the years of dedicated training and discipline;

to present a fascinating piece of Chinese culture and the arts;

NOW, THEREFORE, I, Robert Kulisheck, by virtue of the authority vested in me as Mayor of Marquette, Michigan, hereby proclaim that Tuesday, December 4, 1984, be designated as CHINESE MAGIC CIRCUS DAY as a fitting recognition of this splendid program.

Mayor Kulisheck then opened the public hearing on an amendment to Section 80.44 of the Zoning Ordinance. Recommendations from the Planning Commission and Board of Zoning Appeals, both opposing the proposed amendment, many letters of opposition and support, and one petition opposing the amendment were presented. Don Potvin addressed the Commission at length supporting his petition. Mayor Kulisheck said that the issue tonight was the amendment of the entire ordinance, not just Mr. Potvin's situation. He said that it is necessary to balance the interests of all parties concerned and that there had not been proper notice for this hearing and the hearing would have to be held open until the next regular Commission meeting. William Rigby spoke to the Commission both as a private citizen and as the Chairman of the Board of Zoning Appeals. He urged rejection of the proposed amendment. Darrell Dettmann, Chairman of the Planning Commission, supported Mr. Rigby's comments and said that the Planning Commission had considered Mr. Potvin's request for changes in the ordinance at great length. Gary Dahlke, a member of the Board of Zoning Appeals, said that this amendment would affect the entire City but that most of the problems it would correct are on Third Street. He said that a committee needs to review the ordinance and draw up an amendment to relieve the situation caused by buildings with non-conforming parking. Carol

pinkos, representing the North Third Street Business Association, said that their board does not support the amendment, but urges a look at the overall parking requirements for Third Street. Several persons addressed the Commission supporting the amendment. The Commissioners commented at length on the proposed amendment and comments made at the hearing. It was agreed that a meeting to discuss this situation should be held with the Planning Commission and Board of Zoning Appeals. That meeting was scheduled for 7:00 a.m. on Tuesday, December 4, 1984. The hearing was then recessed until the December 10, 1984 City Commission meeting.

Mayor Kulisheck announced that this was the time set for a public hearing on an amendment to the Water and Wastewater Ordinance regarding the payment of interest on service deposits. Ruth Melchiori handed out materials relating to water rates. The hearing was closed. It was moved by Commissioner Johnson, supported by Commissioner Berube, and carried unanimously to adopt Ordinance #376 as follows:

#376

AN ORDINANCE TO AMEND TITLE VII, CHAPTER 58, SECTION 2, 58.06 TO PROVIDE FOR THE PAYMENT OF INTEREST ON WATER AND WASTEWATER DISPOSAL SERVICE DEPOSITS.

During the time set for citizens wishing to address the Commission, David Boyd, representing Propylon, Inc., said that they are making slow but steady progress towards property acquisition for their handicapped housing project. Donald N. Nystrom said that he is now a member of the Parking Advisory Committee and should have introduced himself as such during the public hearing on the Zoning Ordinance amendment. Joe Constance, representing the Downtown Marquette Association, recommended rearranging parking meters on Main Street and in the lot west of Third Street so that the Main Street meters would all be two-hour meters and the ten-hour meters would be located west of Third Street. It was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously to make these changes as recommended by the Downtown Marquette Association if the Parking Study Committee concurs.

Mayor Kulisheck called a five-minute recess at 9:07 p.m.

Following the recess, a communication from the Marquette West Rotary Club, regarding Seafood Fest '84, was read. John Weting, President of the club, addressed the City Commission saying that the club had had a very successful fund-raising event and that the payment to the City for use of the Lower Harbor Park in the amount of \$1,783 had already been made. He noted very valuable help from several City departments and urged that in the future the City Commission consider putting three-phase electricity on the site, the distribution of electricity and water service throughout the site, that the access from the downtown area be improved, and that the need for toilet facilities be considered.

A communication from Mrs. Eino Jaakola, regarding two hazardous

situations in the downtown area, was read. Commissioner Berube said that the fencing next to the Savings Bank Building had been erected already and that it would be replaced with wrought iron fencing next year. City Attorney Martin said that the City is under injunction and cannot do anything about the portico at the Rosewood Bar.

A communication from Rudolph Blazina, regarding parking in the 200 block of North Fourth Street, was read. Following a discussion, it was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously to refer this communication to the Parking Study Committee and to ask that Committee to formulate a policy for application of parking standards throughout the City on a uniform basis.

A communication from residents on West Kaye Avenue, regarding changes in the parking in that area, was read. It was moved by Commissioner Berube, supported by Commissioner Johnson, and carried to concur with the petition and to change the parking pattern in the 800 block of West Kaye Avenue as requested by the petitioners.

A recommendation from the City Planning Commission, regarding an amendment to the Zoning Ordinance dealing with high risk erosion areas, was read. It was moved by Commissioner Berube, supported by Commissioner Coyne, and carried unanimously to set the regular Commission meeting on December 10 as the time and date for public hearing on this Zoning Ordinance amendment.

Mayor Kulisheck announced that this was the time set for the Commission to discuss the meeting on December 31. Following a discussion, it was moved by Commissioner Leadbetter, supported by Commissioner Berube, and carried unanimously to cancel the December 31, 1984 Commission meeting and to hold it at 6:30 p.m. on Thursday, January 3, 1984 with the agenda kept to only those items necessary for operation of the City.

Mayor Kulisheck then said that this was the time set for discussion of removal of the spring water structure on East Hewitt Street. City Manager Svanda said that it is the Administration's intention to remove this structure because it has become dangerous and because the spring water has consistently shown pollution during testing. He asked if the City Commission wished to have any input in this process. The Commissioners did not.

A report and recommendation from the City Manager, regarding Solid Waste Disposal, was read. Following a discussion, it was moved by Mayor Kulisheck, supported by Commissioner Berube, and carried unanimously to concur in the City Manager's recommendation and to develop appropriate documents for lease-purchase of and authorize the Administration to pursue the acquisition of a landfill compactor to be used at the Edward Reid landfill in Dafter, Michigan and further to authorize the Mayor to sign the draft letter to Chippewa County notifying them of the City's intent to send its solid waste to the Reid landfill.

A report and recommendation from the City Manager, regarding the City's membership in the East Marquette Solid Waste Disposal Authority, was read. Mayor Kulisheck welcomed Ivan Fende who was at the meeting representing the Authority, and outlined the activities of the City in trying to cooperate with Marquette County and other units of government on the issue of Solid Waste Disposal. He noted the higher cost of membership and suggested deferring action on membership until the budget for the coming year is being discussed. It was moved by Commissioner LaBrecque, supported by Commissioner Johnson, and carried unanimously to thank the East Marquette Solid Waste Disposal Authority for its acceptance of the City as a member and to defer actually joining the Authority pending consideration of the dues requirement during preparation of the 1985-86 budget.

Mayor Kulisheck noted the receipt of a communication from the Public Works Advisory Board, recommending that items 13 and 14 be tabled for further consideration. It was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously to table these items until the next regular meeting.

A report and recommendation from the City Manager, regarding an amendment to the engineering services contract for the Downtown Improvement Project, was read. It was moved by Commissioner Leadbetter, supported by Commissioner Acocks, and carried unanimously to approve amendment #1 to this contract in the amount of \$42,262.60 and to authorize the Mayor and City Clerk to sign it.

A report and recommendation from the City Manager, regarding bids for Police patrol vehicles, was read. It was moved by Commissioner Acocks, supported by Commissioner Berube, and carried unanimously to concur in the recommendation and award the bid for these vehicles to Specker Motor Sales in the amount of \$29,133.31.

Mayor Kulisheck announced that this was the time set to discuss snowmobile routes through the City. City Planner Gruber displayed a map showing routes that have been used or proposed at various times in the past. Following a brief discussion regarding the desirability for snowmobiles to use routes in or around the City, this matter was referred to the Parks and Recreation Advisory Board.

A communication from the St. Christopher Home and School Club, regarding a 24-hour liquor license, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Johnson, and carried unanimously to approve a 24-hour liquor license for the St. Christopher Home and School Club at the National Guard Armory on December 31, 1984.

A communication from Marquette General Hospital, regarding a 24-hour liquor license, was read. It was moved by Commissioner LaBrecque, supported by Commissioner Acocks, and carried unanimously to approve a 24-hour liquor license for Marquette General Hospital, Inc. at the National Guard Armory on December 22, 1984.

Mayor Kulisheck then announced that this was the time set to discuss concerns of the Shiras Institute. Commissioner Coyne said that he had had contact from a member of the Board of Directors of the Shiras Institute noting their mutual concerns with the City. He suggested meeting with them to discuss these concerns. Commissioners agreed that Mayor Kulisheck would write a letter to the board requesting such a meeting.

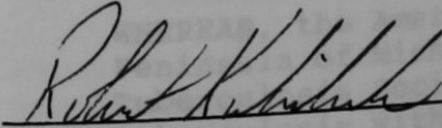
Commissioner Acocks asked what happens to the liquid waste resulting from compaction at the new solid waste compactor site. Public Works Director Etelamaki said that it would go into the Sanitary Sewer System.

Commissioner Johnson asked what progress is being made on warming sheds for the outdoor ice rinks. Parks and Recreation Director Turausky said that preliminary estimates based on installing a construction trailer at each ice rink were being prepared. Commissioner Johnson also commended Boy Scout Troop 370 for cleaning up the road to Mount Marquette but said that because of thoughtless people using that road it is dirty again. She expressed concern about wind-rows of snow at street intersections which were not being cleared, asked if the City could enforce the handicapped parking in private parking lots, said that she had received calls that people liked the two-way traffic on Third Street, and concerns about parking at the corner of Third and Ridge Streets. City Manager Svanda said that the City can enforce handicapped parking provisions in private parking lots.

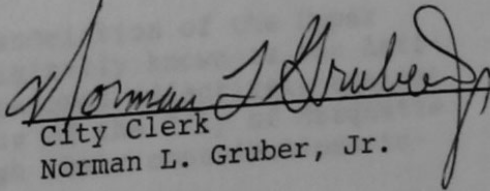
Commissioner LaBrecque said that he has a construction trailer to be used as a warming shed. Parks and Recreation Director Turausky said he will investigate it.

Commissioner Leadbetter congratulated Mayor Kulisheck on finishing the meeting at a reasonable hour despite the long hearing at the beginning of the meeting.

There being no citizens wishing to address the Commission, the meeting was adjourned at 10:30 p.m.



Mayor
Robert Kulisheck



City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, December 10, 1984

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, December 10, 1984 in Commission Chambers of City Hall.

Present: Mayor Kulisheck. Commissioners Acocks, Berube, Coyne, Johnson, LaBrecque, Leadbetter.
Absent: None.

It was moved by Commissioner Johnson, supported by Commissioner Acocks, and carried unanimously to approve the minutes of the regular meeting of November 12, the recessed meeting of November 13, and the regular meeting of November 26 as presented.

Total bills payable in the amount of \$569,239.98 were presented. It was moved by Commissioner Johnson, supported by Commissioner Coyne, and carried unanimously to pay the bills as presented.

During the time set for announcing additional agenda items, Commissioner Johnson asked that item 16, discussion of the Board of Light and Power audit, be added. Mayor Kulisheck added items 17, discussion of the water and sewer and study, 18, discussion of the Brookridge property, and 19, appointments to various board and commissions. City Manager Svanda asked that item 20, a letter from Propylon Non-Profit Housing Corporation, be added.

Mayor Kulisheck then made the following proclamations:

CHRISTMAS SEAL MONTH

WHEREAS, 1984 marks the 77th anniversary of the Christmas Seal, the symbolic emblem of the American Lung Association, which has aided generations of our people in the nation's first voluntary citizen supported effort to fight disease; and

WHEREAS, the American Lung Association of the Upper Peninsula of Michigan was originally known as the Anti-Tuberculosis Society and campaigned effectively against tuberculosis with the citizens of the City of Marquette sharing in the victory through their contributions to Christmas Seals; and

WHEREAS, through the contributions to the Christmas Seal Campaign, the American Lung Association of the Upper Peninsula now battles such crippling diseases as emphysema, lung cancer, chronic bronchitis, and asthma; and

WHEREAS, the Association has the goal of control and prevention of all lung diseases and their related cause through programs of smoking cessation, research and

medical training, public education on air pollution, research and medical training, occupational lung diseases and hazards, and health education in our schools; and

NOW, THEREFORE, BE IT RESOLVED that I, Robert Kulisheck, Mayor of the City of Marquette declare that the month of December, 1984 be Christmas Seal Month in recognition of the volunteers of the American Lung Association of the Upper Peninsula for their work on behalf of the health and well-being of the people; and

IN TESTIMONY THEREOF, I have subscribed my name and caused the Official Seal of the City to be hereupon affixed this tenth day of December, 1984.

SNOWSHOE WEEK

WHEREAS, the Snowshoe has served man in his exploration, settling, and developing of the Marquette area; and

WHEREAS, Snowshoeing has been a major means of locomotion in the Marquette area during the long winter months; and

WHEREAS, the sport of Snowshoeing has become an ever increasing source of recreation for a growing number of children and adults; and

WHEREAS, the residents of our area have long known the value and necessity of this ingenious piece of winter equipment; and

WHEREAS, Marquette Snowshoe Mania, Incorporated has organized and developed the first Annual Snowshoe Mania Race at Presque Isle on January 5, 1985,

NOW THEREFORE, I, Robert Kulisheck, do hereby proclaim the week of December 31 - January 5, 1985 as Marquette Snowshoe Week.

Mayor Kulisheck then announced that this was the time set for a continued public hearing on an amendment to Section 80.44 of the Zoning Ordinance. Five letters opposing the amendment and two supporting it were read. Three persons addressed the Commission supporting adoption of the amendment. The hearing was closed. The Commissioners then discussed the proposed amendment at length. There was agreement on the part of the Commission that the amendment was more than was needed to solve Mr. Potvin's problem and that the resolution to this problem would be for Mr. Potvin to reach a compromise with the Board of Zoning Appeals.

Mayor Kulisheck then announced that this was the time and date set for a public hearing on the Downtown Tax Increment Financing Plan Number One. City Manager Svanda summarized the intent of this plan and noted that there is a requirement for the adoption of an

ordinance to formally adopt this plan. Pat Frenn, Chairman of the Downtown Development Authority, supported the plan. Peter Embley made comments about economic development and China. The hearing was closed. It was moved by Commissioner Johnson to meet with the County Board of Commissioners, the Marquette School Board, and the Public Library Board, and to approve this plan. The motion died for lack of support. It was then moved by Commissioner Coyne, supported by Commissioner Berube, and carried unanimously to approve the Downtown Tax Increment Financing Plan Number One. It was moved by Mayor Kulisheck, supported by Commissioner Coyne, and carried unanimously to set a special meeting at 4:00 p.m. on Monday, December 17, 1984 for the purpose of holding a public hearing on the ordinance required to formally adopt this plan.

Mayor Kulisheck then announced that this was the time set for a public hearing on an amendment to the Zoning Ordinance regarding high risk erosion areas. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Johnson, supported by Commissioner Berube, and carried unanimously to adopt ordinance #377 as follows:

377

AN ORDINANCE TO AMEND TITLE XII, CHAPTER 80 - THE
MARQUETTE CITY ZONING ORDINANCE, BY ADOPTING AN OVERLAY
ZONE DEALING WITH HIGH RISK EROSION AREAS.

During the time set for citizens wishing to address the Commission, Pryse Duerfeldt addressed the Commission saying that he was concerned about able-bodied people parking in handicapped parking spaces during the Christmas shopping season and asked for cooperation and enforcement of the laws prohibiting this. Peter Embley asked to speak on item 10 and said that cable television should be used to provide information on public hearings.

Mayor Kulisheck then announced that this was the time set for a presentation on the Sister City Relations Program. Sister City Relations Director Pryse Duerfeldt gave a history of the Sister State and Sister City relationships and a brief background on both Japan and Shiga Prefecture. He discussed the alternating exchange visits with Marquette's Sister City, Yokaichi, and thanked the Commissioners and citizens of Marquette for their support of this program. Mayor Kulisheck thanked Dr. Duerfeldt for his long involvement as Director of the Sister City Program and said that he has done a great deal to make the program successful. It was moved by Commissioner Coyne, supported by Mayor Kulisheck, and carried unanimously to adopt a resolution and proclamation of New Year's greetings to the people of Yokaichi.

Mayor Kulisheck announced that this was the time set for a presentation regarding the proposed gazebo at Presque Isle Park. Jane Heibel, President of the Lake Superior Art Association, gave a brief history of the Association and Art on the Rocks which celebrated its 25th Anniversary this year. She said that the Association feels there is a need in the community to recognize

Anita Meyland and her contribution both to the Art Association and the Art on the Rocks event as well as her many other activities throughout the community. She gave a brief history of how the idea of a gazebo was arrived at. Blaine Betts then detailed the community contributions of Mrs. Meyland in many areas including the arts and re-emphasized the need to honor her by construction of the Anita Meyland gazebo. Architect Barry Polzin described the plans for the gazebo, materials of construction, and the proposed location. Commissioners agreed that the gazebo will make an excellent addition to the park facilities.

A communication from the Marquette Transit Authority, regarding a lease with the Alger-Marquette Community Action Board, was read. City Manager Svanda discussed the future ownership of the Marquette Transportation Center and the effect on that ownership of the change from the Marquette Transit Authority to the Marq-Tran system. It was moved by Commissioner LaBrecque, supported by Commissioner Leadbetter, and carried unanimously to approve the lease with AMCAB and to authorize the Mayor and City Clerk to execute it.

A communication from Tele-Communications, Inc. and a second communication from Bresnan Communications Co. requesting transfer of the cable television franchise from Tele-Communications, Inc. to Bresnan Communications Co., Ltd. a partnership made up of Bresnan Communications, Inc. and Tele-Communications, Inc. were read. Following a lengthy discussion regarding the advisability of approving the change at this meeting as opposed to doing some background investigation of Bresnan Communications as the new partner in the system, it was moved by Commissioner Leadbetter and supported by Commissioner Johnson to grant the transfer as requested. The following vote was taken:

Ayes: Commissioners Johnson, LaBrecque, Leadbetter.

Nays: Mayor Kulisheck, Commissioners Acocks, Berube, Coyne.

The motion was defeated. Andy Smalls, representing Tele-Communications, Inc., addressed the Commission supporting the transfer and saying that TCI would still be 100 percent obligated for operation of the system as would Bresnan Communications, Inc. Bill Bresnan said that the partnership between his company and TCI had only been consummated at the end of October and that approval of the transfer by the end of the year would only help him but not any of the other parties to this matter. Bob Grove introduced Dave Erickson, a Marketing Specialist from TCI in Denver who is working in the area and Bernard Mainville who will be working with other systems owned by the same partnership in the Upper Peninsula. Following further discussion, a five-minute recess was called at 9:24 p.m.

Following the recess, Peter Embley said that the Board of Light and Power should be involved in the cable television system and that the public access and local origination activities are not working. Commissioners agreed that the staff and consultants should work with Bresnan Communications to review financial information, references from other places, and related matters prior to approval

by the Commission. It was moved by Commissioner Berube, supported by Commissioner Johnson, and carried unanimously to set the special meeting at 4:00 p.m. on Monday, December 17 as the time and date for a public hearing on an ordinance to amend the cable television franchise.

A communication from the Public Works Advisory Board, regarding the award of engineering services contracts for the Public Works Service Center and the Bluff Street Parking Structure, was read. It was moved by Commissioner Johnson, supported by Commissioner Berube, and carried unanimously to concur in this recommendation and to retain Sundberg, Carlson, and Associates to do this work.

A communication from the Parking Advisory Committee, regarding a petition for partial waiver of parking rental fees in downtown lots, was read. Following comments by Commissioners, it was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously to concur in the recommendation and to deny this request.

A communication from the Marquette Municipal Band, requesting funding in the next annual budget, was read. This matter was referred to budget time for Commission consideration.

A report and recommendation from the City Manager, regarding outdoor ice skating rink warming areas and programs, was read. Following a brief discussion, it was moved by Commissioner Johnson, supported by Commissioner Acocks, and carried unanimously to accept this report and to look into the matter further at budget time.

A report and recommendation from the City Manager, regarding snowplowing bids, was read. It was moved by Commissioner Leadbetter, supported by Commissioner LaBrecque, and carried unanimously to concur in the City Manager's recommendation and to award the bid for public parking lot snowplowing to Larry J. LeBoeuf in the amount of \$138 per plowing and the bid for snowhauling to Associated Constructors in the amount of \$1.10 per cubic yard.

A communication from the City Manager, regarding City employees' participation in the United Way Fund Drive, was read. Commissioners agreed that participation by employees was laudable.

Mayor Kulisheck announced that this was the time set for Commissioner Johnson to discuss the Board of Light and Power audit. Commissioner Johnson said that in the past, the Commission has met with the Board of Light and Power to discuss their audit and that she thinks that such a meeting should be held this year. Following further discussion, Mayor Kulisheck directed City Manager Svanda to write a letter to the Board of Light and Power requesting a meeting in January or February to discuss their audit.

Mayor Kulisheck then said that the administration has been working on the development of a water and sewer utility study. He said that the review of the physical characteristics of the water and sewer

system would be undertaken by an augmented Public Works Advisory Board and that the review of rates, charges, and billing procedures would be done by the City Commission acting as Committee of the whole. He said that a charge to the Public Works Advisory Board regarding this activity has been given to the Board members.

Mayor Kulisheck then said that he had received communication from the County Commission regarding use of the Brookridge property. City Manager Svanda said that he had also received a communication regarding the City's position on use of the honor camp property in Sands Township. It was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously to refer both of these issues to the Planning Commission for consideration.

Mayor Kulisheck then made the following appointments with the Commission's concurrence: Dr. Carl Eiben to the Handicapped Citizens Advisory Board for a term expiring December 11, 1987, Barbara Kelly to the Tree Committee for a term expiring December 10, 1985, Walter Cook to a second term on the Housing Commission expiring January 25, 1990, Commissioner Berube to the Public Works Advisory Board, Mayor Kulisheck to the County Overall Economic Development Planning Committee, and Dennis Burkman and Robert Manning to the Harbor Committee for terms expiring December 11, 1987.

A communication from Consultant Richard Anderson, regarding an extension in the deadline for filing a grant for the Propylon Housing Project, was read. City Manager Svanda discussed the sites under consideration saying that it is hoped a site will be available soon.

Commissioner Acocks said that she is concerned because the City is being blamed because Santa Claus ran out of candy canes during the official lighting of the Christmas tree ceremony.

Commissioner Berube thanked the Board of Zoning Appeals and Planning Commission members who do great service for the City's benefit with no pay. He asked that persons having information about the theft of Christmas tree lights or vandalism to the City's Christmas tree come forward with that information.

Commissioner Coyne supported leaving the geese in the parks and along the shoreline of Lake Superior. He said that there needs to be improvement in the plowing procedures for the new downtown area and said that all of the sidewalks in the downtown were cleared except in front of the pocket park.

Mayor Kulisheck said that he is for the removal of the geese.

Commissioner Johnson noted many calls about the lack of candy canes, said that she had received complaints because neither of the sidewalks on Magnetic Street were plowed and there is a lot of pedestrian traffic there, said that there is a bad hole in the pavement in the 100 block of N. Front Street, asked what happened to the parking ticket fine box that had been in front of the post

office, asked if there was a place to park for short periods in front of the post office, asked if the handicapped parking spaces would be reinstated in the 200 block of West Washington, and congratulated local artist Nita Engel for her success worldwide.

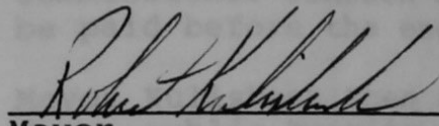
Public Works Superintendent Lawry said that in the past, hospital crews had been maintaining the sidewalks in the area of the hospital.

Commissioner LaBrecque asked for a list of all people who are on City Boards and Committees and suggested the use of flexible rubber blades for plowing sidewalks downtown where there are bricks.

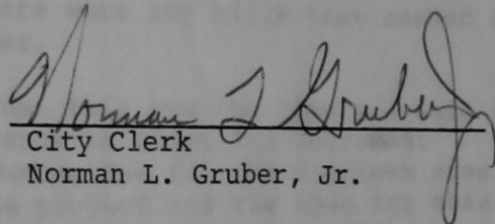
Commissioner Leadbetter said that he supports removal of the geese along the shoreline.

Mayor Kulisheck noted a safety problem in the upper sections of seating at the Lakeview Arena.

There being no citizens wishing to address the Commission, the meeting was adjourned at 10:45 p.m.



Mayor
Robert Kulisheck



City Clerk
Norman L. Gruber, Jr.

AN ORDINANCE TO AMEND TITLE VI OF THE MARQUETTE CITY CODE
BY ADOPTING A NEW CHAPTER 23

THE CITY OF MARQUETTE DOGS:

SECTION 1. A new Chapter 23 is hereby adopted by the council by
reference of the 1978 ordinance, Chapter 23, and Chapter 23
Plan Number 0001.

SECTION 2. This ordinance shall become effective on
(10) days after its adoption and publication.

Mayor Kulisheck that announced that he was going to
for a public hearing on a television franchise. Some
then made by staff was made by staff. He previously
communications during the last week of the hearing.
be previously used by the staff. He previously used
Attorney Martin, and Chief of Police.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, December 17, 1984

A special meeting of the Marquette City Commission was duly called and held at 4:00 p.m. on Monday, December 17, 1984 in Commission Chambers of City Hall.

Present: Mayor Kulisheck. Commissioners Acocks, Berube, Coyne, Johnson, LaBrecque, Leadbetter.
Absent: None.

Mayor Kulisheck announced that the two items on the agenda were a public hearing on an ordinance to adopt Tax Increment Financing and Development Plan Number One and a public hearing on an ordinance to amend the cable television franchise.

During the time set for citizens wishing to address the Commission, Connie Wyner said that she was concerned about the future existence of the Public Access Committee and that its services are needed now.

Commissioner Johnson asked if there were any bills that needed to be paid before the end of the year.

Mayor Kulisheck then announced that this was the time and date set for a public hearing on an ordinance to adopt Tax Increment Financing and Development Plan Number One for the downtown area. City Manager Svanda explained the project and the need for this ordinance. There being no citizens wishing to address the Commission, the hearing was closed. Following a brief discussion regarding the financing of the parking ramp project, it was moved by Commissioner Johnson, supported by Commissioner Leadbetter, and carried unanimously to adopt Ordinance #378 as follows:

378

AN ORDINANCE TO AMEND TITLE XI OF THE MARQUETTE CITY CODE
BY ADOPTING A NEW CHAPTER 76

THE CITY OF MARQUETTE ORDAINS:

SECTION 1. A new Chapter 76 is created by the adoption by reference of the Tax Increment Financing and Development Plan Number One.

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

Mayor Kulisheck then announced that this was the time and date set for a public hearing on an ordinance to transfer the cable television franchise. Mayor Kulisheck outlined the checks that had been made by staff and consultants on William Bresnan and Bresnan Communications during the last week. He also discussed the issue of the previously unpaid 2% of the franchise fee. City Manager Svanda, Attorney Martin, and Clerk Gruber discussed the background of the

franchise fee issue. They said that although the franchise had required a 5% fee, the Federal Communications Commission had, prior to this time, only allowed payment of a 3% fee but that the City's consultant, David Rice, indicated that that could be paid at this time due to the new cable television legislation. Commissioner Leadbetter suggested that these items be dealt with separately. Commissioner Coyne said that all issues regarding the franchise should be resolved before it is transferred. Bill Bresnan, representing Bresnan Communications, said that his attorneys do not feel that the City could collect the 2% additional franchise fee retroactively and that he is concerned that if a subsequent court ruling finds the retroactive payment illegal, that he would be liable for the amount that he had paid, although it is an obligation of the previous owners of the cable television system. He asked that in that case, the payment be credited against his future franchise fee obligations. Peter Embley addressed the Commission saying that Commissioner Leadbetter is acting not as a Commissioner but as an agent for the cable television company and that this matter was being considered with too much haste by the Commission. He said that the City should check with Negaunee on how to run a cable system. The hearing was closed. Following a brief discussion, Commissioner Leadbetter said that he believes that most people support the franchise transfer and that Mr. Embley should be more considerate of the Commissioners as they are considerate of him. Commissioner Johnson said that the City's consultants have recommended against City ownership of the cable television system and that she believes most people support this transfer. It was moved by Commissioner Coyne and supported by Commissioner Johnson to adopt the ordinance amendment as proposed. There was further discussion regarding the payment of the 2% of the franchise fee not paid to this date. Mr. Bresnan again addressed the Commission. He said there are two amounts to be paid; the amount from December 1, 1983 to November 1, 1984 that is owed by Marquette Cablevision and the amount from November 1, 1984 to December 28, 1984 which would be paid by TCI. He said that both amounts would be paid by December 28, 1984 by Bresnan Communications and/or the other parties. He again reiterated that he feels if this payment is eventually determined to be illegal that the amount paid should be credited against his future franchise fee payments. The motion was then withdrawn. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to accept Mr. Bresnan's proposal for payment of the 2% franchise fee from December 1, 1983 to December 28, 1984. It was then moved by Commissioner Coyne, supported by Mayor Kulisheck, and carried unanimously to adopt the following ordinance:

379

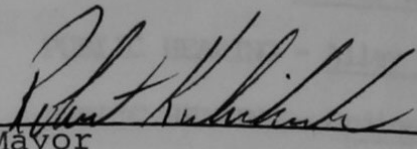
AN ORDINANCE TO AMEND TITLE XIV, CHAPTER 152a BY TRANSFERRING THE RIGHTS PREVIOUSLY GRANTED TO TELECOMMUNICATIONS, INC., A DELAWARE CORPORATION OR A SUBSIDIARY TO BRESNAN COMMUNICATIONS CORPORATION OR A PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP CONSISTING OF TCID OF MICHIGAN, INC., AND BRESNAN COMMUNICATIONS, INC. (BOTH AS GENERAL PARTNERS) AND WILLIAM BRESNAN AS A

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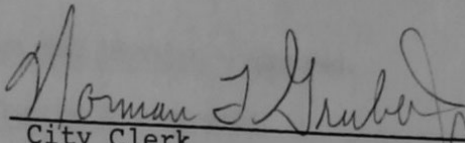
LIMITED PARTNER, AND ADOPTING BY REFERENCE AND
INCORPORATING HEREIN AN AGREEMENT WITH BRESNAN
COMMUNICATIONS COMPANY LIMITED PARTNERSHIP.

Mayor Kulisheck then announced that this was the time set for citizens wishing to address the Commission. Peter Embley said that the decision was made too soon on transferring the cable television franchise and that although some Commissioners are not competent, he is not questioning their ethics.

The meeting was adjourned at 5:15 p.m.



Mayor
Robert Kulisheck



City Clerk
Norman L. Gruber, Jr.