



OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, January 9, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, January 9, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Glenn, Sciotto.

ABSENT: Commissioner Coyne.

**EXCUSE ABSENCE**

It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried to excuse the absence of Commissioner Coyne as he is out of the State.

**APPROVAL OF MINUTES**

It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried to approve the minutes of the December 27, 1988 Commission meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$506,769.06 were presented. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to pay the bills as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, City Attorney Martin asked that item 16, a lawsuit settlement proposal, be added. City Manager Svanda said that item 5, a grievance from the AFSCME Union had been withdrawn.

**CITIZEN COMMENT**

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

**WATER/SEWER POLICY CHANGES**

Mayor Berube announced that this was the time set for reconsideration of proposed water and sewer billing policy changes. The City Clerk read the recommendation from the Water and Sewer Advisory Board. The Commission discussed each policy change individually. It was moved by Commissioner Coffey and supported by Commissioner Sciotto that proposed new policy #1 be amended by adding the recommended wording from the City Attorney as follows: "Nothing herein shall preclude prosecution for any City ordinance violation that may have occurred." The following vote was taken:

Ayes: Mayor Berube. Commissioners Birch, Coffey, Sciotto.

Nays: Commissioners Acocks, Glenn.

The motion was carried.

It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried to add the same wording to proposed new policy #2 regarding blatant tampering. Following review of the recommended policy changes, it was moved

by Commissioner Coffey, supported by Commissioner Glenn, and carried to adopt all of the recommended policy changes as modified. It was then moved by Commissioner Coffey, supported by Commissioner Birch, and carried to set a public hearing on an amendment to Title VII, Chapters 55 through 59 which would make all water and sewer rate ordinance violations civil infractions instead of misdemeanors.

#### **1989 COASTAL ZONE MANAGEMENT GRANT APPLICATION**

A recommendation from the Parks and Recreation Advisory Board, regarding an application for a 1989 Coastal Zone Management Grant, was read. It was moved by Commissioner Birch and supported by Commissioner Acocks to make the bike path extension from the Maritime Museum to the foot of Main Street the top priority and to authorize the staff to begin work on this project. The Commission discussed at great length a potential project for a walking path around Presque Isle Park. The following vote was taken:

Ayes: Mayor Berube, Commissioners Acocks, Birch.

Nays: Commissioners Coffey, Glenn, Sciotto.

The motion was not carried. It was then moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried that the City Commission take under advisement the recommendation from the Parks and Recreation Advisory Board and ask the Board that they review the proposal for a walking path around Presque Isle in time for the Commission to establish a priority for this year's grant application process.

#### **STRAWBERRY LAKE PROPERTY**

A recommendation from the City Attorney, regarding conveyance of the Strawberry Lake property to the Landfill Authority, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to convey this property to the Marquette County Solid Waste Management Authority on the basis that if there are any future claims arising out of the acquisition of this property in which the City is a party, that all expenses associated with the defense will be reimbursed by the Authority and to authorize the Mayor and City Clerk to execute the deed. The Commission also discussed what involvement they wish to have in ongoing negotiations about landfill development and financing. It was agreed that City Manager Svanda and Attorney Martin could represent the City in these negotiations.

#### **COASTAL ZONE MANAGEMENT PROJECT - Agreement for Lower Harbor Access Improvements**

A report and recommendation from the City Manager, regarding approval of a Coastal Zone Management Project agreement for Lower Harbor access improvements, was read. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried to approve the agreement and to authorize the Mayor and City Clerk to execute it.

#### **SOLID WASTE - Mqt. County Solid Waste Management Authority Bonding Agreement**

A report and recommendation from the City Manager, regarding a bonding agreement with the Marquette County Solid Waste Management Authority, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to concur with the recommendation, to approve the agreement, and to authorize the Mayor and City Clerk to execute it on behalf of the City.

**SOLID WASTE - Amendments to the Mqt. County Solid Waste Management Authority Articles of Incorporation**

A report and recommendation from the City Manager, regarding proposed amendments to the Articles of Incorporation of the Marquette County Solid Waste Management Authority, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to not adopt the amendments, as requested. Commissioners agreed that the proposed amendment to Section 5 was acceptable, but that the proposed deletion of a portion of Section 9 was not acceptable.

**CLOSURE OF COUNTY ROAD 553 FOR CARDBOARD CLASSIC**

A report and recommendation from the City Manager, regarding closing a section of County Road 553 for the 1989 Marquette Mountain Cardboard Classic, was read. It was moved by Commissioner Berube, supported by Commissioner Coffey, and carried that the following resolution be adopted and the Mayor and City Clerk be authorized to execute it on behalf of the City.

WHEREAS, during the past five years, the Cardboard Classic has been held at Marquette Mountain on County Road 553 and it has grown each year to 8,000 spectators;

WHEREAS, on February 14, 1989, Marquette Mountain and WGLQ FM 97 will host the 6th Annual Cardboard Classic at Marquette Mountain, County Road 553; and

WHEREAS, it is being requested that County Road 553 be closed at Pioneer Road and County Road 480 to through traffic from 10:00 a.m. to 6:00 p.m. on Saturday, February 4, 1989 in order to alleviate parking and traffic problems in and around Marquette Mountain; and

WHEREAS, the Marquette City Police have indicated that last year's road closure eliminated many problems that were previously experienced when the road was left open during the Cardboard Classic; and

WHEREAS, the Marquette County Road Commission would be responsible for posting signs and setting up barricades;

NOW, THEREFORE, BE IT RESOLVED, that the Commission of the City of Marquette supports the closure of County Road 553 at Pioneer Road and County Road 480 by the Marquette County Road Commission on February 4, 1989 from 10:00 a.m. to 6:00 p.m. for the Sixth Annual Cardboard Classics.

**MAISD SUMMER TAX COLLECTION AGREEMENT**

A report and recommendation from the City Manager, regarding a proposed tax collection agreement with the Marquette-Alger Intermediate School District, was read. It was moved by Commissioner Glenn, supported by Commissioner Birch, and carried that the City Commission adopt the attached agreement providing for the 1989 MAISD Summer Tax Collection and that the Mayor and Clerk be authorized to execute the agreement on behalf of the City.

#### **SMOKING ORDINANCE - Review**

A report and recommendation from the City Manager, regarding review of the smoking ordinance, was read. Commissioners agreed that the review was acceptable and took no action.

#### **BUDGET - 1989-90 Budget Development Schedule**

A report and recommendation from the City Manager, regarding a proposed 1989 - 90 budget development schedule, was read. It was moved by Commissioner Sciotto, supported by Commissioner Birch, and carried to adopt the budget development schedule as proposed.

#### **SISTER CITY PROGRAM - Creation of a Sister City Advisory Committee**

A report and recommendation from the City Manager, regarding the Sister City Program Structure, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried that a Sister City Advisory Committee be created to oversee Marquette's Sister City Relationships, and to advise the Commission in this regard, and to authorize the City Manager to develop a charge and appointment process for such a committee.

#### **UNITED WAY CAMPAIGN DRIVE - Thanks to Treasurer and Deputy Treasurer**

A report and recommendation from the City Manager, regarding the 1989 United Way Campaign Drive, was read. Mayor Berube thanked City Treasurer Elizabeth Hobson and Deputy Treasurer Toni Grimsby for their work with City employees on this campaign. He also thanked the employees for their contributions to United Way.

#### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties as causing neighborhood problems:

2046 Presque Isle: noise and maintenance violations, Kurt Spode is the tenant and Mylan and Anna Carkodacki are the owners.

411 Spruce Street: maintenance and noise violations, Clark Lambros is the owner.

423 - 425 Spring Street: maintenance violations, Bill Pesola is the owner.

City Manager Svanda noted that there had been few noise problems during the holiday season.

#### **APPOINTMENTS**

Mayor Berube appointed Elizabeth Vajda to the Election Board to replace Rosemary Glenn for a term expiring April 11, 1990.

#### **STIMAC VS. SOO LINE RAILROAD**

A recommendation from the City Attorney, regarding a settlement for a lawsuit against the City, was noted. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried with no dissenting votes to go into closed session to discuss this litigation.

#### **CITIZEN COMMENT**

Ken Hogg noted noise violations at properties owned by the City and said that these should be listed on the list of properties causing neighborhood problems.

**CLOSED SESSION**

The Commission went into closed session to discuss litigation at 8:30 p.m.  
The Commission reconvened in open meeting at 9:21 p.m.

**STIMAC VS. SOO LINE RAILROAD**

It was moved by Commissioner Birch and supported by Commissioner Sciotto to support the City Attorney's recommendation in the Stimac et al lawsuit. The following vote was taken:

Ayes: Commissioners Birch, Glenn, Sciotto.

Nays: Mayor Berube. Commissioners Acocks, Coffey.

The motion was not carried. It was moved by Commissioner Coffey to reject the proposed settlement. The motion died for lack of support. It was then moved by Commissioner Birch, supported by Commissioner Acocks, and carried to table this matter until the next Commission meeting when all Commissioners will be present.

**ACOCKS**

Commissioner Acocks said that the public works crews are doing a good job on street cleanup but that corners are slippery because not much can be done to melt the ice due to the extreme cold. She noted an article in Sunday's Mining Journal about Police Chief Johnson. She said that in August he will be the longest serving Chief of Police in Michigan.

**SCIOTTO**

Commissioner Sciotto said that people are violating the closure of Presque Isle Park. He said that this is very dangerous during the logging and storm damage cleanup operations. He also asked which City ski trails require cross country ski passes. City Manager Svanda said that the road around Presque Isle Park and the fit strip are the only two trails where passes are required. He also said that the logging operations should be done by the end of January.

**BIRCH**

Commissioner Birch asked the status of the Ad Hoc Committee on the noise ordinance. Commissioner Sciotto said that the Committee will be meeting on January 12 and that there should be a recommendation for the next City Commission meeting.

**GLENN**

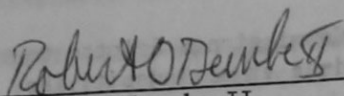
Commissioner Glenn said that Police Chief Johnson's longevity has been served with competence. She also suggested that a once a year list be provided to Commissioners with the first and last names of people serving on Advisory Boards and the Chairman of each Board indicated.

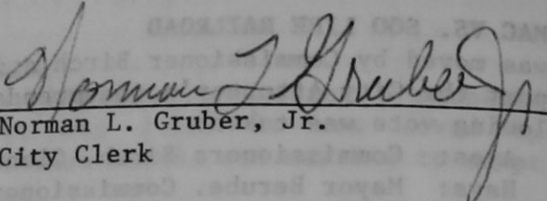
**COFFEY**

Commissioner Coffey extended congratulations to Police Chief Johnson. He also asked citizens to help keep sidewalks clear so that people don't have to walk on slippery streets. City Manager Svanda said that the cleanup at Presque Isle was greatly delayed by very wet fall weather and that now with the sudden drop in temperature some of the log piles had become frozen together. He also noted that people violating the no trespassing signs have sometimes caused logging operations to stop for safety reasons.

**ADJOURNMENT**

The meeting was adjourned at 9:34 p.m.

  
Robert O. Berube II  
Mayor

  
Norman L. Gruber, Jr.  
City Clerk

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, January 30, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, January 30, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Coffey, Coyne, Glenn, Sciotto.

ABSENT: Commissioner Birch.

**EXCUSE ABSENCES**

It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to excuse the absence of Commissioner Birch as he is out of the City.

**APPROVAL OF MINUTES**

It was moved by Commissioner Sciotto, supported by Commissioner Coyne, and carried to approve the minutes of the January 9, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$320,334.49 were presented. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to approve the bills as presented.

**AGENDA CHANGES**

During the time set for announcing agenda changes, Commissioner Coyne asked that item 5 be removed from the agenda and City Manager Svanda said that item 3 should be removed from the agenda.

**PROCLAMATION - Year of the Heart**

Mayor Berube then made the following proclamation:

WHEREAS, heart disease and stroke together are the largest single cause of death in Michigan, killing more than 37,000 people a year; and

WHEREAS, nearly 2,500,000 people in Michigan have some form of cardiovascular disease; and

WHEREAS, the American Heart Association of Michigan is the largest non-government agency devoting its resources to the fight against heart disease in Michigan; and

WHEREAS, the death rate from coronary heart disease has dropped 27% and the death rate from stroke has dropped 41% since 1976; and

WHEREAS, the American Heart Association of Michigan is spending more than \$1 million on research into causes and cures for cardiovascular disease this year; and

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WHEREAS, the American Heart Association, along with its thousands of volunteers has spent the last 40 years in this lifesaving battle;

NOW, I, Robert O. Berube II, Mayor of the City of Marquette, declare 1989 to be the YEAR OF THE HEART, and ask the citizens of Marquette to join me in commending the American Heart Association of Michigan and in supporting the fight against cardiovascular disease.

**PRESENTATION - American Legion Auxiliary**

Mayor Berube announced that this was the time set for a presentation by the auxiliary from American Legion Post 44. June Brown and Pat Lempinen, Co-Chairmen of the Auxiliary, presented Mayor Berube with a check for \$2,000. Mrs. Brown said that this check was the third installment on playground equipment that the Auxiliary is purchasing for Harlow Park. She noted that last year men from the American Legion Post had built a sandbox and that the Auxiliary intends to continue purchasing playground equipment in the future. Mayor Berube thanked the Co-Chairmen and Auxiliary for their strong support of Harlow Park over the years.

**PUBLIC HEARING - Water and Sewer Ordinance Amendments**

Mayor Berube announced that this was the time set for a public hearing on amendments to the Water and Sewer Rate Ordinances. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried, to adopt the ordinance amending the Water and Sewer Ordinances as proposed and to approve the amendments to the Water and Sewer Billing Policies as discussed in the work session. Ordinance # 418 was adopted as follows:

# 418

AMENDMENT TO THE MARQUETTE CITY CODE, TITLE VII, CHAPTERS 55, 56 57, 58, 59, VIOLATIONS AS CIVIL INFRACTIONS

**CITIZEN COMMENT**

During the time set for citizens wishing to reserve time for comment on agenda items, Bob Hogg asked to speak on item 12, Robert Manning asked for time for Tom Knauss to speak on items 9 and 10, Dennis Aloia offered to answer questions on items 13 and 14, and Bruce Kivela asked to speak on item 6.

**HIAWATHALAND SNOWMOBILE CLUB - Snowmobile Trails**

A communication from the Hiawathaland Snowmobile Club requesting that more snowmobile trails be established in the City, was read. It was moved by Commissioner Acocks and supported by Commissioner Coffey to refer this request to the Parks and Recreation Advisory Board and the Parking and Traffic Committee. Bruce Kivela, representing the Snowmobile Club, said that Marquette needs more snowmobile trails to service tourists and said that he wanted something done soon. Larry Wilson, also representing the Snowmobile Club, said that they want to know if the City is receptive to the idea of snowmobile trails before they spend time drawing up proposals. Commissioners asked them to submit specific proposals.

**MICHIGAN MUNICIPAL LEAGUE - Annual Legislative Conference**

Mayor Berube summarized a communication from the Michigan Municipal League regarding the League's upcoming Legislative Conference in Lansing.

#### **GATEWAY FOODS - Wilson Street Special Assessment**

A petition from Gateway Foods of Minnesota for a special assessment district for curbing, paving, watermain, sewer main, sidewalk and storm sewer on Wilson Street west of McClellan Street was presented. A second communication from Gateway Foods requesting a 15 year payback on the assessments was also read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to schedule a public hearing on this requested special assessment district at the regular Commission meeting on February 13, 1989 and to request a report and recommendation from the City Manager prior to that public hearing.

#### **HARBOR COMMITTEE - Marina Rental Rates**

A recommendation from the Harbor Committee, regarding the 1989 Rate Structure for Marina Facilities, was read. Harbor Committee Chairman Tom Knauss answered questions from the Commissioners about the proposed rate schedule. It was moved by Commissioner Coyne and supported by Commissioner Glenn to accept the Harbor Committee's recommendation for mooring rates. The following vote was taken:

Ayes: Mayor Berube, Commissioners Acocks, Coyne, Glenn.

Nays: Commissioners Coffey, Sciotto.

The motion was carried.

#### **HARBOR COMMITTEE - Maintenance Reserve Fund**

A recommendation from the Harbor Committee regarding a change in funding of the Presque Isle Marina Maintenance Reserve Fund, was read. It was moved by Commissioner Glenn, supported by Commissioner Acocks, and carried that beginning with the 1989 - 90 fiscal year all Marina Payment in Lieu of Tax revenues be placed in the Presque Isle Marina Reserve Fund and that all revenues in excess of operating expenses be annually added to the Reserve Fund following the close of the fiscal year.

#### **INVESTMENT ADVISORY COMMITTEE - 1989 Special Assessment Interest Rate**

A recommendation from the Investment Advisory Committee, regarding the establishment of a special assessment interest rate for 1989, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried to concur with the recommendations of the Investment Advisory Board and to set the 1989 Special Assessment Interest Rate at 10% except for special assessments in excess of \$10,000 charged to any one property owner where the rate will be set by the Commission on an individual basis.

#### **AD HOC NOISE ORDINANCE AMENDMENT COMMITTEE**

A recommendation from the Ad Hoc Noise Ordinance Amendment Committee was read. Bob Hogg addressed the Commission saying that he had also submitted a letter signed by three of the five Committee members because the recommendation written by the City Attorney did not represent a majority viewpoint of the Committee. It was moved by Commissioner Coffey to adopt the proposed amendment to section 26.12(a) of the Noise Ordinance deleting the part following "in addition to any other penalties ...". The motion died for lack of support. It was then moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to consider amending Section 26.12(a) and (b) by adding the three paragraphs from the recommendation written by the City Attorney and to review this amendment in 6 months. It was then moved by Commissioner Sciotto and supported by Commissioner Coffey that if the Commission feels it is necessary to continue public discussion

of properties allegedly causing problems, then the Commission should only identify the property, what problems are being caused, and what, if anything, is being done to respond to these problems it is not necessary for the names of the property owners or any of their tenants to be mentioned and to do this for a 6-month period. Following discussion, it was moved by Commissioner Glenn to amend the motion to delete the phrase "what, if anything, is being done to respond to those problems". The motion died for lack of support. Following further discussion, it was moved by Commissioner Acocks and supported by Commissioner Glenn that the motion be amended to delete the following phrase: "what, if anything, is being done to respond to those problems". The vote on the amendment was:

Ayes: Mayor Berube. Commissioners Acocks, Glenn.

Nays: Commissioners Coffey, Coyne, Sciotto.

The motion was not carried.

The vote on the original motion was:

Ayes: Commissioners Acocks, Sciotto.

Nays: Mayor Berube. Commissioners Coffey, Coyne, Glenn.

The motion was defeated.

It was then moved by Commissioner Coffey to delete the properties causing neighborhood problems as an agenda item for a 6-month period and then to review this action. The motion died for lack of support.

It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to schedule a public hearing on the Noise Ordinance Amendment for the next regular meeting.

#### **PLANNING COMMISSION - Rezoning South of Maple Street**

A recommendation from the Planning Commission regarding a proposed rezoning for the block south of Maple Street, was read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to accept the recommendation and to schedule a public hearing on the rezoning of this property from BG-General Business to OS-Office for the February 13, 1989 Commission meeting.

#### **PLANNING COMMISSION - Maple Street Vacation**

A recommendation from the Planning Commission, regarding the vacation of Maple Street between Third and Fourth Streets, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to concur with the recommendation, to add Condition #5: The County agrees that if a new street is constructed where the trestle currently is and if reasonable design on the new street requires that some portion of the vacated street be returned to the City for the street, that it will be returned to the City without cost, Condition #6: That a public hearing on this vacation be held at the next regular City Commission meeting and Condition #7: That rezoning of the property be accomplished. County Administrator Dennis Aloia answered questions regarding the proposed vacation.

#### **FIVE YEAR STRATEGIC PLAN**

Mayor Berube announced that this was the time set for reaffirmation of the five-year strategic plan. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried to reaffirm the five-year strategic plan as presented.

**LAND SALE - Property Southeast of Wilson and McClellan**

A report and recommendation from the City Manager, regarding the sale of a five acre parcel of land south of Wilson Street and east of McClellan to the U.S. Land Development Company, was read. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried that this sale be approved and the Mayor and City Clerk be authorized to execute any documents relating to the sale.

**RIVER PARK COMPLEX - Listing of Lots For Sale**

A report and recommendation from the City Manager, regarding listing the River Park Complex lots for sale with a local realtor, was read. It was moved by Commissioner Coffey, supported by Commissioner Glenn, and carried to concur with the recommendation that a one-year listing agreement be entered into with ERA Racine Realty and that the Director of Economic and Community Development be authorized to execute the listing agreement on behalf of the City.

**HARKINS ROCK - Special Assessment**

A report and recommendation from the City Manager, regarding scheduling a public hearing on the confirmation of special assessment roll #503 for Harkins Rock, was read. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to schedule a public hearing on this special assessment roll for the February 13, 1989 Commission meeting.

**CONSENT AGENDA**

Mayor Berube presented the Consent Agenda. It was moved by Commissioner Acocks, supported by Commissioner Coyne, and carried to approve the consent agenda as follows:

- A. Authorize filing the application for the Coastal Zone Management Grant as proposed.
- B. Accept the Fiscal Year 1987-88 Audit as Reviewed at the January 25, 1989 Worksession.
- C. Adopt the following resolution authorizing the execution of Amendment No. 7 to Marquette Housing Authority's Annual Contribution Contract No. C-854.
- D. Approve the City retaining the 1987 Ford and the 1981 Plymouth for use in the Engineering Department and authorize compensation to Superior Ford of \$3,200 in lieu of trading in the vehicles.
- E. Adopt the following resolution retaining tax exempt status for municipal bonds with the understanding that it will be appropriately revised to reflect City of Marquette action and will be forwarded to State and Federal Legislators.
- F. Adopt the resolution approving the request for a liquor license transfer at 214 N. Front Street, (former Heritage House) from First of America Bank to Marquette Hotel Restaurant Corporation,

**COASTAL ZONE MANAGEMENT GRANT APPLICATION**

WHEREAS, The Michigan Department of Natural Resources, Michigan Coastal Management Program, has identified funding for fiscal year 1989-90 for construction projects; and

WHEREAS, The City of Marquette is the sole owner of 17.10 acres of filled Lake Superior bottomland known as Lower Harbor Park; and

WHEREAS, The City of Marquette has established and pursued a policy for the development of a Shoreline Bicycle Path along the City's Lake Superior shoreline from Presque Isle Park to the southern city limits for recreational purposes, and

WHEREAS, The City of Marquette is continuing development of the Lower Harbor Park and desires funding to construct a bicycle path through the Lower Harbor Park which would add to the existing system and provide an alternate route to using Lakeshore Boulevard.

NOW, THEREFORE, BE IT RESOLVED, That the City Manager is directed to make application to the Michigan Coastal Management Program for construction of a Lower Harbor bicycle pathway at a total cost of \$125,000.00

And that the City of Marquette hereby assures the Michigan Department of Natural Resources, Coastal Management Program unit that local funding will be available as a match to the grant application in the amount of \$75,650.00 if the application project receives funding.

AND

#### **RESOLUTION ON MUNICIPAL TAX EXEMPT BONDS**

WHEREAS, The federal, state, and local governments all share in the responsibility of building and maintaining the Nation's physical and institutional infrastructure and in providing essential services needed to promote the general welfare; and

WHEREAS, In recent years, the U.S. Congress has, by tax-reform acts, eroded the state and local government's ability to issue tax-exempt bonds, further, in 1988, the U.S. Supreme Court overturned a 100-year-old precedent ruling which declared that the Constitution does not prohibit the federal government from taxing the interest on state and local government bonds; and

WHEREAS, Tax-exempt bonds are vital to over 85,000 units of state and local government in meeting infrastructure and other public needs of their citizens at the lowest possible cost to taxpayers, thus, if interest on tax-exempt bonds is subject to federal taxation, this added burden will reflect in reduced public services for projects such as schools, roads, electricity, or by increased state and local taxes.

NOW, THEREFORE, BE IT RESOLVED, that the Marquette City Commission calls upon Congress and the President to recognize that the state and local burden of maintaining and expanding the national infrastructure and providing citizens with needed basic governmental services cannot be met without tax-exempt bonds.

#### **RECESS**

Mayor Coyne called a seven-minute recess at 8:58 p.m. The meeting was reconvened at 9:05 p.m.

### PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS

City Manager Svanda presented the following list of properties causing neighborhood problems.

- 221 SEYMOUR: 2 noise violations, owner Susan Cook.
- 221 Summit: 2 maintenance and 2 noise violations, owner William Dunham.
- 626 N. FOURTH: 2 noise violations, tenant Larry Johnson, owner F & G Enterprises.
- 407 Rock: 2 maintenance violations, owner Dorothy Jossens.
- 2326 LONGYEAR: 2 maintenance violations, owner Gary McAuliffe.
- 210 S. FIFTH: 2 noise violations, tenant Michael Demarest, owner Charles Morrison who also owns 206 S. Fifth with a maintenance violation.
- 416 N. FOURTH: 3 noise violations, tenants Quinlan, Dewess, and DeBone, owner William Murray.
- 2058 VANEVERA: 2 noise violations, owner S,R, and R Development which also owns 609 Norwood and 2019 Van Evera which had had noise violations.

City Manager Svanda also read from a letter he had written responding to a request for information on the ownership of Lake Superior Village. He said that although the property is listed as being owned by the City, the City is holding it in trust for the United States Government and the bondholders of the Housing Development Bonds for Lake Superior Village. He said that on one occasion in the past, Lake Superior Village should have been listed on the list of properties causing neighborhood problems. He said that it had not been listed because the locations of the citations issued there had been listed differently. He said the Marquette Housing Commission would have been listed as the property owner.

### RESIGNATIONS AND APPOINTMENTS

Mayor Berube noted with deep regret the resignation of Fred Joyal from the City Planning Commission. He said that he had been a real leader on the City Planning Commission and thanked him for his time of service. Mayor Berube then made the following appointments with the Commission's concurrence:

- TREE COMMITTEE: Reappointment of Barbara Kelly for a term expiring December 30, 1991.
- PLANNING COMMISSION: The reappointment of Scott Pinkard, Buzz Tiseo, and Glenn VanNeste for terms ending December 15, 1992.
- CANVASS BOARD: Reappointment of Terry Szczepanski for a term ending January 1, 1993.
- ECONOMIC DEVELOPMENT CORPORATION: Reappointment of Howard Cohodas for a term ending January 1, 1995.
- HARBOR COMMITTEE: Reappointment of Tom Knauss and Carl Hammerstrom for terms ending February 11, 1992.
- PLANNING COMMISSION: Appointment of Wayne Johnson to fill the unexpired term of Fred Joyal.

### CITIZEN COMMENT

During the time set for citizens wishing to address the Commission, Ken Hogg thanked the City Manager and the Commission for correcting the report of properties causing neighborhood problems as it relates to Lake Superior

Village. He said that despite all of the incumbrances, the City is still shown as the owner of property where Lake Superior Village is.

#### **SCIOTTO**

Commissioner Sciotto said that Mr. Hogg is still not completely satisfied with the answers he has been given and that this issue should be resolved tonight. He said that the recent warm weather has brought out bicycles some of which are going against traffic on North Third Street, and that this is very dangerous. He asked the status of Presque Isle Park. Parks and Recreation Director Turausky said that the log hauling has been completed and that snow preparation is started. He said that if it snows this week, the island should be open within one to one and a half weeks. Commissioner Sciotto also said that he was privileged to represent the Mayor and the City at the Special Olympics Program at Northern Michigan University. He said that there were wonderful young people in the competition and thanked all of the volunteers who helped run the program.

#### **GLENN**

Commissioner Glenn noted an excellent article in Marquette Monthly about City Manager Svanda.

#### **COFFEY**

Commissioner Coffey asked if City Attorney Martin had checked the deeds for Lake Superior Village. Mr. Martin said that although the City is listed as the record property owner, the rights of the City are subject to the subordinated interests of the United States Government and the bondholders for the Housing Project. Commissioner Coffey said that Mr. Hogg wants the City reported on when it is listed as the owner of the property where there has been a violation. He wished Ellwood Mattson well on his retirement and urged him to remain active in civic affairs. He said that Fred Joyal had done a good job on the Planning Commission. Commissioner Coffey also said that it was good to have City employees chipping Christmas trees as this keeps them out of the City landfill.

#### **ACOCKS**

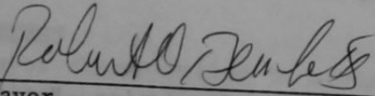
Commissioner Acocks said that Ellwood Mattson was very deserving of the Citizen of the Year Award and that he was a man of great dedication to the community. She also said that Fred Joyal would be missed from the Planning Commission. She noted a bike rider in the left turn lane on U.S. 41 South.

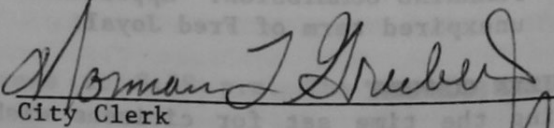
#### **BERUBE**

Mayor Berube thanked the City staff members who had attended the work session on the five-year strategic plan and noted the very many accomplishments achieved by Ellwood Mattson in the last 25 years.

#### **ADJOURNMENT**

The meeting was adjourned at 9:30 p.m.

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

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

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, February 13, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, February 13, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Coyne, Glenn, Sciotto.

ABSENT: None.

**APPROVAL OF MINUTES**

It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried unanimously to approve the minutes of the January 30, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$390,109.75 were presented. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously that these bills be paid as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, Commissioner Berube moved item 12, "going into closed session to discuss a matter of litigation" to item 17 and said that item 16 would be citizen comment.

**PRESENTATION - Citizen of Natal, South Africa**

Mayor Berube announced that this was the time set for a presentation by Hayley Murphy, a Rotary Exchange Student from Kloof, Natal. Miss Murphy said that she is representing the Mayor of Kloof, her home town, and exchanged gifts with Mayor Berube.

**PUBLIC HEARING - Wilson Street Special Assessment**

Mayor Berube announced that this was the time set for a public hearing on a proposed special assessment district for the extension of Wilson Street west of McClellan. A report and recommendation from the City Manager was read. Bob Ray, representing the Bethel Baptist Church said that the Church expects not to be assessed for any part of this project. Ray Blessner, Architect for Gateway Foods, addressed the objection from Mr. Washburn. He said that the street has been moved 33 feet north so that it will be entirely on the right-of-way in the proposed plat and that right-of-way will not be required from the Church or the Washburn properties. He explained the design considerations which result in a large grade difference between the proposed street and the Washburn and Church properties. The hearing was closed. It was moved by Commissioner Coffey and supported by Commissioner Acocks that the resolution determining necessity for this project be adopted. Following lengthy discussion regarding construction of the street, Commissioners Coffey and Acocks agreed to amend the motion so that the street will go to the west property line of the Gateway Foods lot instead of just to their driveway, and to amend the cost



figures accordingly. The original motion was then carried unanimously and the following resolution adopted:

WHEREAS, it appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, that it is the intention of the City Commission to make certain improvements, and to determine the necessity of such improvements as follows:

GRADING, CURBING, PAVING, STORM SEWER, WATERMAIN AND SIDEWALK CONSTRUCTION ON WILSON STREET FROM MCCLELLAN STREET WEST TO THE WEST LINE OF LOT 2 IN THE PRELIMINARY PLAT OF MCCLELLAN COMMERCIAL SUBDIVISION

and appointing this day and time when the City Commission would meet to determine the necessity of such improvement; and

WHEREAS, it appears further by affidavit of the City Assessor that a like notice has been sent by mail to each owner of property subject to assessment therefore; and

WHEREAS, all suggestions and objections made to said improvements have been heard and considered;

RESOLVED, that the City Commission determines that such project and improvements are necessary and proper and that a special assessment district is established as follows:

GRADING, CURBING, PAVING, STORM SEWER, WATERMAIN AND SIDEWALK CONSTRUCTION ON WILSON STREET FROM MCCLELLAN STREET WEST TO THE WEST LINE OF LOT 2 IN THE PRELIMINARY PLAT OF MCCLELLAN COMMERCIAL SUBDIVISION

FURTHER RESOLVED, that the proportion of the costs of such improvements which shall be defrayed by special assessment upon the property especially benefitted thereby and the proportion to be defrayed as the general obligation of the City, if any, shall be as follows:

PROPERTY - \$228,600.00                      CITY - 0

FURTHER RESOLVED, that the report of the City Manager, the report of the City Engineer, and the preliminary plans, specifications, and cost estimates are hereby approved; that said special assessments which are \$500 or less shall be paid in one annual installment, those which are \$500 to \$1,000 may be paid in five equal annual installments, those which are \$1,000 to \$5,000 may be paid in eight equal annual installments, and those which are over \$5,000 may be paid in ten equal annual installments; all such installments to be due at the time fixed for the payment of regular City taxes, together with interest on such installments at the rate of 10% per annum from the date of confirmation of such special assessment rolls.

**PUBLIC HEARING - Noise Ordinance Amendments**

Mayor Berube announced that this was the time set for a public hearing on amendments to the City's noise ordinance. Steve Pelto said that as a member of the Ad Hoc Committee studying these amendments, he supports the ordinance as proposed. Bob Hogg said that he was also a committee member and also supported the ordinance. The hearing was closed. It was moved by Commissioner Sciotto, supported by Commissioner Birch, and carried unanimously to adopt Ordinance #419 as follows:

AN ORDINANCE TO AMEND TITLE IV, CHAPTER 26 OF THE CODE OF THE CITY OF MARQUETTE TO PROVIDE FOR A MINIMUM MANDATORY PENALTY FOR A SECOND VIOLATION OF THE ORDINANCE WITHIN 180 DAYS AND TO PROVIDE FOR A MISDEMEANOR FOR A THIRD VIOLATION WITHIN 180 DAYS.

**PUBLIC HEARING - Rezoning of Former Jack's IGA**

Mayor Berube announced that this was the time and date set for a public hearing on a proposed rezoning in the block bounded by Maple, Third, Spring, and Fourth Streets. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to accept the Planning Commission recommendation and to rezone this block from General Business-BG to Office-OS. County Administrator Dennis Aloia said that the County will address the possibility of a setback from Spring Street because of the narrow right-of-way and the fact that the existing building is right on the property line.

**PUBLIC HEARING - Vacation of Maple Street**

Mayor Berube opened the public hearing on the proposed vacation of Maple Street between Third Street and Fourth Streets. The recommendation from the Planning Commission was read. Tom Clark, representing the Downtown Development Authority, presented the Authority's recommendation and the basis for this recommendation. The hearing was closed. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously that the abandonment will occur when the County delivers an executed agreement specifying the following terms: 1) a commitment to construct a minimum of a 30,000 square foot project, 2) a commitment from the County to work cooperatively with the City in the future for overall parking solutions in the area, and 3) a mutually acceptable definition of land reversion, at no cost, for City street reconstruction purposes. County Board Chairman Jerry Corkin said that this was acceptable to the County Board. Commissioner Birch inquired if he had a conflict of interest on this motion. City Attorney Martin said that he did not. The motion was then carried unanimously.

**PUBLIC HEARING - Harkins Rock Special Assessment**

Mayor Berube announced that this was the time and date set for a public hearing on the Harkins Rock Special Assessment district. Tom Royal asked that his assessment be lowered as he had cooperated and provided right-of-way for the installation of the sewer and water lines. He said the assessment was much higher than the original estimate. Tom Beard said that the water pressure in his house was still low following completion of the project. The hearing was closed. It was moved by Commissioner Coffey and supported by Commissioner Birch to adopt the resolution confirming the roll for this special assessment district and to appropriate \$2,493.70 from the

contingency fund to cover the City's extra cost. The Commission discussed the issue of the increase in cost of the special assessment district, especially as it affected Mr. Royal. It was suggested that Mr. Royal's assessment be lowered \$1,009.87 while the City picks up an additional \$409.87, and each of the other three property owners picks up an additional \$200.00 to cover this decrease. It was moved by Commissioner Coyne and supported by Commissioner Acocks to table this matter until the water and sewer department has had time to investigate the low water pressure. The following vote was taken:

Ayes: Mayor Berube. Commissioners Acocks, Coffey, Coyne, Glenn, Sciotto.

Nays: Commissioner Birch.

The motion was carried.

#### **CITIZEN COMMENT**

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

#### **WATER/SEWER UTILITY ADVISORY BOARD - Sanitary Sewer for Railroad Buildings**

A recommendation from the Water/Sewer Utility Advisory Board, that the buildings on Wisconsin Central Railroad property be connected to the City's sanitary sewer system, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried unanimously to appraise the Wisconsin Central Railroad that buildings located on their property must be connected to the City's sanitary sewer system. Committee Chairman Harold Hayse answered questions about the Committee's recommendation and discussed how this situation had developed over time.

#### **WATER/SEWER UTILITY ADVISORY COMMITTEE - Billing Policy Changes**

A communication from the Water/Sewer Utility Advisory Committee, reaffirming their recommended changes in the water and sewer billing policies, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to reaffirm the recommendation and to change the policies.

#### **PLANNING COMMISSION - Preliminary Plat of McClellan Commercial Subdivision**

A recommendation from the Planning Commission for approval of the preliminary plat of the McClellan Commercial Subdivision, was read. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously to support the recommendation and to schedule a public hearing on this preliminary plat for the February 27, 1989 City Commission meeting.

#### **SALE OF PROPERTY ON RIDGE STREET**

A report and recommendation from the City Manager, regarding the sale of lot 9, block 9 of Nestor's Addition to Robert Luke was read. It was moved by Commissioner Birch and supported by Commissioner Sciotto to concur in the recommendation, to sell the property to Mr. Luke for the sum of \$1,100.00 plus one half the cost of the appraisal, and to authorize the Mayor and City Clerk to execute any documents required for this transaction. Commissioner Coffey said that he would prefer that this parcel be put out on bids. The following vote was taken:

Ayes: Mayor Berube. Commissioners Acocks, Birch, Coyne, Glenn, Sciotto.

Nays: Commissioner Coffey.

The motion was carried.

#### **SISTER CITY ADVISORY COMMITTEE**

A report and recommendation from the City Manager, regarding the establishment of a Sister City Advisory Committee, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously to approve the resolution establishing a Sister City Advisory Committee to oversee the City of Marquette's Sister City Relations. Mayor Berube said that persons interested in serving on this committee should contact Commissioners, the City Clerk's office, or the Manager's office.

#### **CONSENT AGENDA**

Mayor Berube presented the Consent Agenda. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried unanimously to adopt the Consent Agenda as follows:

- A. Approve the resolution confirming a one percent property tax administration fee and property tax late penalties to replace the resolution adopted by the City Commission on May 11, 1987.
- B. Approve the resolution of performance and indemnification for the Michigan Department of Transportation and authorize the City Clerk to execute it.
- C. Award the bid for a 1989 single axle heavy duty dump truck to Superior Ford, Inc. for the purchase of a 1989 Ford F-600 at the total price of \$28,450.00.

The following resolutions were adopted:

#### Property Tax Administration Fee

WHEREAS, it is the responsibility of the City of Marquette to administer the property tax; and

WHEREAS, it is the desire of the City Commission to establish a one percent tax administration fee to help defray costs associated with tax administration; and

WHEREAS, this fee will be levied against all property taxes levied in the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Treasurer of the City of Marquette shall, upon all sums paid before February 15 of the succeeding year, add One Percent (1%) for a property tax administration fee; and

BE IT FURTHER RESOLVED, that pursuant to MCLA 211.44, as amended, the City Commission may waive all or part of the property tax administration fee for senior citizens, paraplegics, quadraplegics, eligible servicemen, eligible veterans, totally and permanently disabled or blind as those persons are defined in Chapter 9 of Act No. 281 of the Public Acts of 1967, as amended.

AND

February 13, 1989

Performance and Indemnification

WHEREAS, the City of Marquette hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT", to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons and, for loss of, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.

2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.

4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security of insurance when deemed necessary by the DEPARTMENT.

5. This Resolution shall continue in force from the date hereof until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with

Amended by the City Commission at their February 27, 1989 meeting to read 9:10 p.m. instead of 8:10 p.m.

regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position or positions are hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within state trunkline rights of way on behalf of the GOVERNMENTAL BODY.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda presented the following properties having neighborhood problems:

- 2005 Longyear: Five loud noise complaints in the last several months owned by the Marquette Housing Authority.
- 1912 Longyear: Five loud noise complaints in the last several months owned by Ken Hogg.
- 625 North Fourth Street: Noise and maintenance violations owned by Francis and Cynthia Rowe.
- 2050 Presque Isle: Noise and maintenance violations owned by Milan and Amy Zarkoviak.
- 2525 Presque Isle: Many noise violations owned by Steve Pelto.
- 240 West Bluff Street: Noise and maintenance violations owned by John Renfrew.

Mr. Svanda said that Mr. Pelto had contacted him and that he is taking action to eliminate the noise violations by his residents.

**APPOINTMENTS**

Mayor Berube made the following appointments with the Commission's concurrence:

- BOARD OF REVIEW: Robert Ray for a 3 year term expiring February 1, 1992, reappointments of Gwen Gullazzi for a term expiring February 1, 1991 and Lynn Batchelder for a term expiring February 1, 1992.
- BOARD OF ZONING APPEALS: William Rigby, Loren Ameen, and Charles Schneider as an alternate for terms expiring February 15, 1992.
- COUNCIL ON AGING: Marion Goslund for a term expiring September 30, 1991.
- HANDICAPPED CITIZENS ADVISORY BOARD: Deborah Kahn for a term expiring January 1, 1992.

**CITIZEN COMMENT**

Bob Hogg complained about the criteria used in placing properties on the list of properties causing neighborhood problems. He said that consideration should be given to the number of units in large complexes.

**CLOSED SESSION**

It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to go into closed session to discuss a matter of litigation. The meeting was recessed at 8:50 p.m.

**RETURN TO OPEN SESSION**

The Commission returned to open session at 8:10 p.m.\* It was moved by Commissioner Birch and supported by Commissioner Sciotto that in regard to Stimac vs. the Soo Line, Wausau Insurance and the City of Marquette, the City settle in the amount of \$10,000 with this amount to be taken from the contingency fund. The following vote was taken:

Ayes: Commissioners Birch, Coyne, Glenn, Sciotto.  
Nays: Mayor Berube, Commissioners Acocks, Coffey.  
The motion was carried.

#### **ACOCKS**

Commissioner Acocks asked who is supposed to keep fire hydrants cleared of snow. City Manager Svanda said that this work is done by the Water and Sewer Employees and if extra help is needed, by Public Works crews. Commissioner Acocks said that the hydrant near the new Pizza Hut has been buried all winter. She wished everyone a Happy Valentine's Day.

#### **SCIOTTO**

Commissioner Sciotto said that Mr. Pelto's attempt to control noise violations by his tenants was very good and that other landlords should follow his lead. He said that this will improve the situation City-wide over time. He noted the Mayor's picture in the newspaper buying a "Help Fix Old Jerry" button and urged people to support this project. He also urged support for the "Pigs n' Heat" hockey game to be held on March 15.

#### **BIRCH**

Commissioner Birch said that he had voted against tabling the Harkin's Rock special assessment because he felt that the motion would resolve the problems and that it did not need to be delayed. He also said that the Ad Hoc Noise Ordinance Advisory Committee had presented a good solution to these problems and that the listing of properties causing neighborhood problems should be discontinued.

#### **GLENN**

Commissioner Glenn said that the City Clerk does a good job keeping track of the minutes of the Commission. She also asked how it was possible to meet the requirement for publishing minutes and still give the City Commission time to approve them. It was suggested that the minutes be published as draft minutes with a note that they would be reviewed by the City Commission for approval at the next meeting.

#### **COFFEY**

Commissioner Coffey said that in addition to the Pigs n' Heat Hockey Game, there would be a hockey game this Thursday between the Marquette Redmen Hockey Team and the Electricians. He said that Mr. Hogg was correct on the fairness issue. It was moved by Commissioner Coffey and supported by Commissioner Birch to eliminate the agenda item "properties causing neighborhood problems" and to review this action at the first meeting in August, 1989. Mayor Berube raised a point of order. City Attorney Martin said that the last action on this item had resulted in a tie vote and that the majority rule for reconsideration does not apply in this instance. He also said that a unanimous vote of the Commissioners was required to add this item to the agenda. The vote on adding the item to the agenda was:

Ayes: Commissioners Birch, Coffey, Glenn, Sciotto.

Nays: Mayor Berube, Commissioners Acocks, Coyne.

#### **COYNE**

The motion was not carried because a unanimous vote was required. Commissioner Coyne noted that there was a band concert by the Marquette Senior High School Band on Thursday evening to raise money for an upcoming

trip to Florida. He said the City Manager is correct in that he must present costs related to a special assessment district and not make value judgements. That is the Commission's job. He said that Club MQT has been established by local high school students as a place for students to go for entertainment which does not serve alcohol. He said it is proving very successful and will perhaps serve as a model for other communities. He thanked Commissioners, Mayor Berube, City Manager Svanda and other local officials who participated in the memorial service last Friday for victims of the K.I. Sawyer tanker crash.

#### **BERUBE**

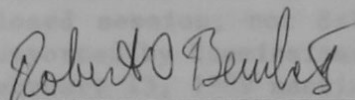
Mayor Berube urged citizens to support the project to repair Old Jerry, the antique fire truck. He noted that the North Wind article which said the City chips Christmas trees and then burns them was incorrect and that the chips are used throughout the City's park system. He said that he had received letters from a fifth grade class regarding this article.

#### **ACOCKS**

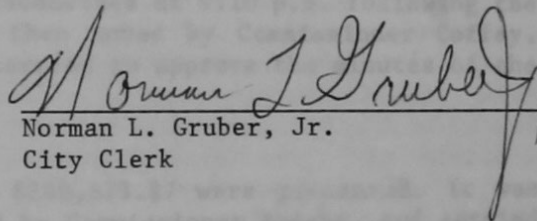
Commissioner Acocks said that the City does a good job of keeping fire hydrants open.

#### **ADJOURNMENT**

The meeting was adjourned at 9:38 p.m.



Robert O. Berube II  
Mayor



Norman L. Gruber, Jr.  
City Clerk

#### **ACCORD CHANGE**

During the time set for announcing additional agenda items, Commissioner Acocks added item 11, fireworks.

#### **PROCLAMATION**

Mayor Berube made the following proclamation:

Michael V. Lamb 1946

WHEREAS, Captain Michael V. Lamb, Jr. was a member of the United States Air Force and has been extensively involved in volunteer activities for the past fifteen years; and has made various contributions to such organizations as the American Cancer Society, American Red Cross, Marine Corps League, Air Force, Boy Scouts of America, Special Forces, United Way Campaign, National Guard Campaign, and People's Campaign, etc;

WHEREAS, Michael was one of the first to be awarded the 1978 Angel Award; and

WHEREAS, Michael was one of the first to be awarded the 1987 Angel Award; and





OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, February 27, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, February 27, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Glenn.  
ABSENT: Commissioners Coyne, Sciotto.

**EXCUSE ABSENCES**

It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to excuse the absences of Commissioners Coyne and Sciotto as they are out of the City. Mayor Berube said that he had received a phone call from Commissioner Coyne just before the Commission meeting and that his daughter, Erin Coyne, had just won the State Girls Downhill Slalom Skiing Competition. He said that all of the City is very proud of her.

**APPROVAL OF MINUTES**

Commissioner Glenn noted that the minutes of the previous meeting should be corrected to show that the Commission reconvened at 9:10 p.m. following the closed session, not 8:10 p.m. It was then moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to approve the minutes of the February 13, 1989 meeting as corrected.

**BILLS PAYABLE**

Total bills payable in the amount of \$249,673.87 were presented. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to pay the bills as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, Commissioner Acocks added item 11, frisbees.

**PROCLAMATION**

Mayor Berube made the following proclamation:

Michael W. Lamb Week

WHEREAS, Captain Michael W. Lamb, Sr. stationed at K.I. Sawyer Air Force Base has been extensively involved in volunteer activities for the past fifteen years, and has made various contributions to such organizations as the American Cancer Society, American Red Cross, Meals on Wheels, Big Brothers, Boy Scouts of America, Special Olympics, United Way Campaigns, Combined Federal Campaign, and Respite Programs, and;

WHEREAS, Michael was one of the first to be awarded the 1988 Angel Volunteer Award from the Air Force, F.E. Warren Air Force Base OWC in Wyoming for all his civic and service volunteer activities in 1987, and;

WHEREAS, Michael received the 1988 National Courage Award from former President Ronald Reagan for his considerable contributions to community activities and the nation, especially in regards to his work in Public Education Programs for the American Cancer Society and his leadership in Boy Scouts while at the same time successfully beating his own Hodgkins Disease Cancer, and;

WHEREAS, Michael was one of the recipients of the 1989 Ten Outstanding Young Americans Award given to him by the United States Jaycees for his dedications and contributions to his career, service to others, working with youth, and his own self improvement, and;

WHEREAS, these awards and Michael's record of outstanding contributions to his fellow man while being a husband, father of seven children, and battling cancer show him to be a very unique individual and a special asset to our community;

NOW, THEREFORE, I, ROBERT O. BERUBE II, Mayor of the City of Marquette, do hereby proclaim Thursday, March 9, 1989 as Michael W. Lamb Day in the City of Marquette in appreciation of his many distinguished services and commitment to community involvement.

#### **PUBLIC HEARING - McClellan Commercial Subdivision**

Mayor Berube announced that this was the time set for a public hearing on the preliminary plat for the McClellan Commercial Subdivision. The recommendation from the Planning Commission was read. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried that the preliminary plat of the McClellan Commercial Subdivision be approved subject to an agreement being reached for the provision of a right-of-way for Wilson Street to the west.

#### **CITIZEN COMMENT**

Thomas Royal asked to speak on agenda item #5.

#### **BOARD OF LIGHT AND POWER FUEL SUPPLY NOTES**

A communication from the Board of Light and Power, requesting Commission approval for the issuance of 1989-90 coal supply notes, was read. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried to approve the following resolution:

WHEREAS, the Board of Light and Power of the City of Marquette (the "Board") has recommended to the City Commission of the City of Marquette (the "City") that it is necessary and advisable in order to provide an adequate supply of electric power and to protect the public health, safety and welfare of the City and its residents to purchase a supply of fuel for use by the Electric Utility System of the City (the "System"), in order to provide necessary fuel reserves for operation of the System; and

WHEREAS, the Board has estimated that the cost of the necessary fuel requires borrowing the sum of not to exceed Four Million Seven Hundred Eighty Five Thousand Dollars (\$4,785,000), and has recommended that it be permitted to borrow the sum of not to exceed Four Million Seven

Hundred Eighty Five thousand Dollars (\$4,785,000) and to issue its notes therefor, in accordance with and subject to the provisions of Act 182, Public Acts of Michigan, 1971, as amended ("Act 182"), and in accordance with the provisions of this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Commission of the City does hereby determine that it is necessary for the public health, safety and welfare of the City for the Board to purchase fuel and borrow therefor the sum of not to exceed \$4,785,000.

2. Notes to be designated 1989 ELECTRIC UTILITY SYSTEM REVENUE NOTES (FUEL SUPPLY) (the "Notes"), be issued in the aggregate principal sum of not to exceed \$4,785,000 in accordance with and subject to the provisions of Act 182 and this resolution for the purpose of paying the cost of purchasing fuel for the System. The denomination and form of said Notes shall be determined by the Board but in any event shall be in multiples of \$5,000 each, shall be issued in one or more series, dated, numbered and shall mature not later than June 30, 1990, at such time or times and with such right of prior redemption as shall be determined by the Board.

3. The Notes shall bear interest at a rate or rates to be determined upon the sale thereof payable on such dates and in such manner as shall be determined by the Board. Both principal of and interest on the Notes shall be payable at a bank or trust company qualified to act as paying agent under the laws of the State of Michigan, to be designated by the original purchaser of the Notes and approved by the Board or, if the Notes are issued in fully-registered form, through a transfer agent and note registrar designated by the Board.

4. The Notes shall be executed on behalf of the City by the Board through the manual or facsimile signatures of its Chairman and Secretary and authenticated in such manner as the Board may provide. The Notes, when executed, shall be delivered to the Secretary of the Board and be delivered by him to the purchaser thereof upon payment of the purchase price therefor in accordance with the proposal for the purchase thereof as submitted as hereinafter provided.

The proceeds of sale of the Notes shall be used solely for payment of the cost of issuing the notes and purchasing fuel. Any unexpended balance remaining from the Notes shall be used for payment of principal or interest on the Notes.

5. The Notes shall be sold in the manner described by the Board.

6. The Notes and the interest payments required to be made thereon, shall not be a general obligation of the City but shall be secured by and payable solely and only from the unencumbered revenues of the System after meeting all requirements of the outstanding Revenue Bonds on the System and subject to the requirements of any Electric Utility System Revenue Bonds of the City and notes of equal standing therewith now outstanding or hereinafter issued in accordance with and subject to the provisions of Ordinance No. 314 of the City, as amended. The

right is reserved to issue additional notes under the provisions of Act 182, which shall be of equal standing and priority of lien on the revenues of the system with the Notes authorized by the provisions of this resolution subject to any limitations established by the Board.

There shall be established with a bank designated by the Board, a separate account to be designated 1989 FUEL SUPPLY NOTE REDEMPTION FUND ("Note Redemption Fund"). There shall be deposited in the Note Redemption Fund from the unencumbered revenues of the System, after meeting all requirements of the outstanding bonds and notes and any additional obligations hereinafter issued, from time to time, such sums as shall be sufficient to pay the interest and principal on the Notes as they become due. The Board may, by resolution, provide for specific deposits as fuel is used or on a particular schedule to provide for complete payment of the Notes. Moneys in the Note Redemption Fund shall be used solely and only to pay the principal of and interest on the Notes as the same become due, or to redeem the Notes or any part thereof prior to maturity as herein provided, except to the extent that it may be necessary to use such moneys to pay the principal of and interest on the above described outstanding revenue bonds and notes or any additional bonds and notes that may hereinafter be issued or to meet other requirements therefor as provided in Ordinance No. 314 of the City.

7. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and they hereby are rescinded.

#### **CITY ATTORNEY - Strawberry Lake Property**

A recommendation from the City Attorney, regarding settlement of the Strawberry Lake account, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried that the proposed settlement be approved and the City Accountant be authorized to make the necessary adjustments in the appropriate accounts.

#### **HARKINS ROCK - Special Assessment**

A report and recommendation from the City Manager, regarding the confirmation of the special assessment roll for the Harkin's Rock Project, was read. Thomas Royal read a letter asking that his assessment be lowered on the basis that he had contributed to keeping the project less expensive by allowing use of his property and that he could not afford such high assessments on a fixed income. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried to approve special assessment roll #503 using the amended figures from the City Manager's report and to appropriate \$2,903.57 from the water and sewer contingency fund to cover the City's additional expenses on this project.

Commissioner Coffey said that Mr. Beard had known about the problems with his plumbing for more than a year. City Manager Svanda said that there was a correction in that \$.51 should be added to the assessment for Steven C. Voakes. He also said that the Beards have been working in the last week to replace the plumbing in their house and that an agreement has been reached regarding ways to correct the problem they are having with low water pressure.

**MID YEAR BUDGET ADJUSTMENT**

A report and recommendation from the City Manager, regarding an amended General Appropriations Act for the 1988-89 Fiscal Year, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried that the amended General Appropriations Act be adopted as follows:

Amended General Appropriations Act  
February 27, 1989  
For the Fiscal Period Beginning July 1, 1988  
and Ending June 30, 1989

WHEREAS, Public Act 621 of 1978 of the State of Michigan and Chapter 8 of the City Charter require City Commission adoption of a Budget Plan for the forthcoming Fiscal Year; and

WHEREAS, a Tentative Budget and Fee Schedule for Fiscal Year 1988-89 was prepared and submitted by the City Manager to the City Commission on April 11, 1988; and April 25, 1988; and

WHEREAS, the City Commission has reviewed and revised the Tentative Budget and fee schedules through a series of work sessions, special meetings and public hearings, and has caused the formulation of a Proposed Budget; and

WHEREAS, a Public Hearing on the Proposed Budget and Fee Schedule was duly called, publicized, and held on May 9, 1988;

NOW, THEREFORE, BE IT RESOLVED, that this Commission hereby make and adopt the following estimates of all revenues and all expenditures of the several funds of the City for the Fiscal Year beginning July 1, 1988, and for the payment of interest and indebtedness to fall due during the year for the following functions and purposes respectively, viz:

General Fund Revenue by Source:

Taxes	\$ 3,464,240.00
Licenses & Permits	7,950.00
Federal Grants	27,477.00
State Grants/Shared Revenues	1,802,288.00
Contributions from Local Units	19,113.00
Charges for Services	2,587,462.00
Fines & Forfeits	46,500.00
Interest and Rents	1,101,200.00
Other Revenues	2,556,453.00
Operating Transfers In	12,001.00
Transfer From Fund Balance	699,185.00
TOTAL	\$ 12,323,869.00

General Fund Expenditures by Function:

Legislative	\$ 33,450.00
General Government	983,536.00

Public Safety	2,034,558.00
Public Works	3,549,460.00
Health & Welfare	113,810.00
Recreation & Culture	1,052,817.00
Other Functions	1,422,600.00
Appropriations Transfers Out	2,868,269.80
Contingencies	265,368.20
<b>TOTAL</b>	<b>\$ 12,323,869.00</b>

Major Street & Trunkline Fund Revenue by Source:

State Grants	\$ 805,300.00
Interest	1,000.00
Other Revenues	500.00
Operating Transfers In	1,788,765.00
Transfer From Fund Balance	75,000.00
<b>TOTAL</b>	<b>\$ 2,670,565.00</b>

Major Street & Trunkline Fund Expenditures by Function:

Public Works	\$ 2,500,550.00
Debt Service	170,015.00
<b>TOTAL</b>	<b>\$ 2,670,565.00</b>

Local Street Fund Revenue by Source:

State Grants	\$ 210,000.00
Interest	500.00
Operating Transfers In	775,710.00
<b>TOTAL</b>	<b>\$ 986,210.00</b>

Local Street Fund Expenditures by Function:

Public Works	\$ 937,150.00
Debt Service	49,060.00
<b>TOTAL</b>	<b>\$ 986,210.00</b>

Infrastructure Improvement Fund Revenue by Source:

Interest	\$ 500.00
Operating Transfers In	250,000.00
<b>TOTAL</b>	<b>\$ 250,500.00</b>

Infrastructure Improvement Fund Expenditures by Function:

Public Works	<b>TOTAL \$ 250,500.00</b>
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Solid Waste Management Fund Revenue by Source:

Interest		\$ 20,000.00
Fund Balance Carried Forward		235,425.00
		-----
TOTAL	\$	255,425.00

— Solid Waste Management Fund Expenditures by Function:

Capital Outlay		\$ 35,000.00
Operating Transfer Out		220,425.00
		-----
TOTAL	\$	255,425.00

Parking Structure Fund Revenue By Source:

Taxes		\$ 34,300.00
Interest and Rents		61,940.00
Other Revenues		40,797.00
		-----
TOTAL	\$	137,037.00

Parking Structure Fund Expenditures By Function:

Public Works (Parking System)		\$ 74,426.00
Appropriation Transfers Out (Bldg Auth Debt)		28,706.00
Reserves		33,905.00
		-----
TOTAL	\$	137,037.00

Federal Revenue Sharing Fund Revenue By Source:

Interest Transfer From Fund Balance		TOTAL \$ 31.00
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Federal Revenue Sharing Fund Expenditures By Function:

General Administration		\$ 30.00
Appropriation Transfer Out		1.00
		-----
TOTAL	\$	31.00

Library Fund Revenue By Source:

Taxes		\$ 385,549.00
State Grants		40,150.00
Charges For Services		9,500.00
Fines & Forfeits		48,500.00
Interest & Rents		10,376.00
Other Revenues		64,842.00
Transfer From Fund Balance		46,498.00
		-----
TOTAL	\$	605,415.00
		-----
TOTAL	\$	605,415.00

Library Fund Expenditures:

February 27, 1989



Criminal Justice Training Fund Revenue By Source:

	\$	6,000.00
State Grants		500.00
Interest		4,450.00
Transfer From Fund Balance		
TOTAL	\$	10,950.00

Criminal Justice Training Fund Expenditures:

TOTAL	\$	10,950.00
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1978 Special Assessment Debt Fund Revenue:

	\$	1,307.00
Interest & Fees		74,781.00
Transfer From Fund Balance		
TOTAL	\$	76,088.00

1978 Special Assessment Debt Fund Expenditures:

	\$	100.00
Special Assessments		75,988.00
Debt Service		
TOTAL	\$	76,088.00

1984 Special Assessment Debt Fund Revenues:

	\$	22,300.00
Interest & Fees		49,425.00
Transfer From Fund Balance		
TOTAL	\$	71,725.00

1984 Special Assessment Debt Fund Expenditures:

	\$	200.00
Special Assessments		71,525.00
Debt Service		
TOTAL	\$	71,725.00

Building Authority Debt Service Fund Revenues:

	\$	21,236.00
Interest		15,878.00
Assessments Levied		28,706.00
Approp. Transfers In		32,000.00
Transfer From Fund Balance		
TOTAL	\$	97,820.00

Building Authority Debt Service Fund Expenditures:

	\$	100.00
Building Authority		30,000.00
Principal On Bonds		515.00
Paying Agent Fees		67,205.00
Interest - Long Term Debt		

TOTAL \$ 97,820.00

**Hurley Ballfield Construction Fund Revenues:**

State Grant  
 Approp. Transfer In \$ 40,000.00  
 3,794.80  
 TOTAL \$ 43,794.80

**Hurley Ballfield Construction Fund Expenditures:**

Capital Outlay TOTAL \$ 43,794.80

**River Park Sports Complex Fund Revenues:**

State Grants \$ 125,000.00  
 Contributions 114,200.00  
 Approp. Transfer In 45,000.00  
 TOTAL \$ 284,200.00

**River Park Sports Complex Fund Expenditures:**

Capital Outlay TOTAL \$ 284,200.00

**Sanitary Landfill Construction Fund Revenues:**

Approp. Transfer In \$ 220,425.00  
 TOTAL \$ 220,425.00

**Sanitary Landfill Construction Fund Expenditures:**

Capital Outlay \$ 220,425.00  
 TOTAL \$ 220,425.00

**Solid Waste Utility Fund Revenue:**

TOTAL \$ 0.00

**Solid Waste Utility Fund Expenditures:**

TOTAL \$ 0.00

**Intermodal Transportation Terminal Fund Revenue:**

TOTAL \$ 133,750.00

**Intermodal Transportation Terminal Fund Expenditures:**

TOTAL \$ 133,750.00

**Marquette Area Wastewater Treatment Facility Fund Revenue:**

TOTAL \$ 1,151,806.00

**Marquette Area Wastewater Treatment Facility Fund Expenditures:**

	TOTAL \$	1,151,806.00
Water & Sewage Disposal System Fund Revenue:	TOTAL \$	3,909,132.00
Water & Sewage Disposal System Fund Expenditures:	TOTAL \$	3,909,132.00
Marina Fund Revenue:	TOTAL \$	107,600.00
Marina Fund Expenditures:	TOTAL \$	107,600.00

BE IT FURTHER RESOLVED, that this Commission has estimated the revenue which will be forthcoming during Fiscal Year 1988-89, and has determined the amount necessary to balance the General Fund budget to be the sum of Three million, two hundred twelve thousand one hundred dollars (\$3,212,100); and has determined the amount necessary to balance the Peter White Public Library budget to be the sum of Three hundred eighty four thousand six hundred dollars (\$384,600); and

BE IT FURTHER RESOLVED, that in accordance with the Public Notification provisions of Act 5 of 1982 of the State of Michigan, the sum of Three million two hundred twelve thousand one hundred dollars (\$3,212,100); is hereby fixed as the amount to be raised by Real and Personal Taxes for the 1988-89 Fiscal Year for the General Fund (a millage rate of 12.53 mils); and the sum of Three hundred eighty four thousand six hundred (\$384,600); is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 1988-89 Fiscal Year for the Peter White Public Library (a millage rate of 1.50 mils); and

BE IT FURTHER RESOLVED, that all transfers between appropriations to the various functions may be made only by further action of the Commission, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

**SPECIAL ASSESSMENT - 400 Block West Ridge Street**

A report and recommendation from the City Manager, regarding the proposed special assessment project for water main improvements in the 400 block of West Ridge Street and portions of Fifth and Sixth Streets, was read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to schedule a public hearing, to consider reaffirming the determination of necessity for this project, for 7:00 p.m. on Monday, March 13, 1989.

**FAX MACHINE PURCHASE**

A report and recommendation from the City Manager, regarding the purchase of a Fax machine, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to concur in the recommendation of the City Manager, to purchase a Canon Fax 350 Transceiver from Northern Stationers in the amount of \$1,832.00, and to appropriate this money from the contingency fund.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

A letter from Frank and Cindy Roe, regarding their dissatisfaction with the listing of their property on the list of properties causing neighborhood

problems, was read. City Manager Svanda identified the following properties causing neighborhood problems:

2325 PRESQUE ISLE: Several loud noise complaints from various tenants in the last year with the property owned by Steve Pelto.  
522 SOUTH SEVENTH STREET: Maintenance violations owned by Jim Beckman who also owns 1028 North Second Street with noise and maintenance violations.

Mr. Svanda also read from a letter sent by Trident Realty to their tenants, regarding possible eviction for noise violations. He said that Trident Realty is also working diligently to help solve the problems caused by their tenants. In response to a question from Mayor Berube, City Manager Svanda discussed a meeting in his office with two young men who are being evicted from their apartment as a result of being the hosts of a very loud and noisy party. He said this is an example that the listing of properties causing neighborhood problems is working as intended. He also noted a phone call from a lady on Jefferson Street where there had been many noise problems who said that the neighborhood is much quieter now. Mayor Berube said that the Hoggs, Mr. Pelto, and the Bullocks are landlords who are setting good examples in tenant relationships.

#### **APPOINTMENTS**

Mayor Berube appointed Michael Beaudry to the Traffic/Parking Advisory Committee for a term expiring May 30, 1991.

#### **FRISBEES**

Commissioner Acocks said that Mayor Berube would be going with the delegation this spring to visit Yokaichi, our Sister City in Japan. She said that it would be appropriate for the Mayor and the delegation to take gifts commemorating this, the tenth anniversary of our Sister City Relationship. She said that following diligent research, she feels the best items which could be sent would be frisbees which are imprinted with a Sister City message both in Japanese and English. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried to allocate \$250.00 for the purchase of frisbees for the Mayor to take to Yokaichi as gift mementos of this tenth anniversary visit.

#### **CITIZEN COMMENT**

Bob Ray, representing the Bethel Baptist Church, showed a map of the church property and their access problems. Tom Beard said that he has replaced the plumbing in his home to prove that he doesn't have any water pressure. He said that now there is an agreement with the City that the City will help correct the problem if it is shown that the problem is not in his lateral.

#### **COFFEY**

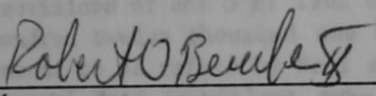
Commissioner Coffey said we should all give Erin Coyne a pat on the back and said she should be sure to get her homework done. He said that discussion of the item properties causing neighborhood problems had been left off this agenda because two Commissioners were absent. He noted a report on Channel 6 regarding problems they have had reporting on the NMU Hockey Game last weekend. City Manager Svanda said that the Arena is rented to Northern Michigan University for the hockey games and that they control the tickets and access to the games.

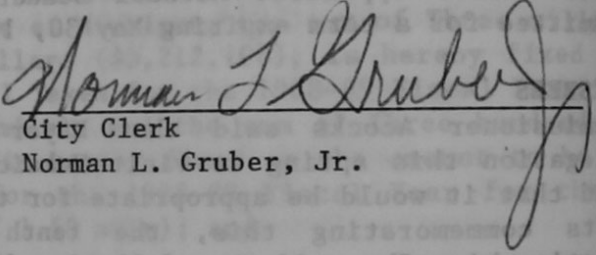
**GLENN**  
Commissioner Glenn noted the Beautification Committee Luncheon last week where the Committee was trying to persuade the businesses on South Front Street to participate in planting petunias along South Front Street as a means of beautifying the entrance to the City.

**BERUBE**  
Mayor Berube congratulated the Marquette High School Boys Ski Team for attending the State contest. He noted a letter from Greg Seppanen, a member of the County Board, regarding cooperation between the City and the County on the vacation of Maple Street. He also noted that Mr. Seppanen had worked cooperatively on the landfill solution.

**SVANDA**  
City Manager Svanda asked the Commissioners for comments on the new seating arrangement. Mayor Berube said that he could not hear the City Clerk while he was reading letters from his new seat location. Commissioner Acocks said that she did not want to spend any money to change the Commission Chambers.

**ADJOURNMENT**  
The meeting was adjourned at 8:19 p.m.

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

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

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Tuesday, March 14, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Tuesday, March 14, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Coyne, Glenn, Sciotto.

ABSENT: None.

**BILLS PAYABLE**

Total bills payable in the amount of \$486,072.88 were presented. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried unanimously to approve the bills payable as presented.

**AGENDA CHANGES**

During the time set for announcing changes in the agenda, Mayor Berube added item 19, a report and recommendation from the City Manager regarding the Carp River Drain, item 20, a communication from Joe Constance, and item 21, going into closed session to discuss a matter of litigation.

**APPROVAL OF MINUTES**

It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to approve the minutes of the February 27, 1989 meeting as presented.

**PROCLAMATION - NMU Hockey Wildcats**

Mayor Berube made the following proclamation:

WHEREAS, the Northern Michigan University Wilcat Hockey Team has had a very successful season with a 25-12-2 record, and;

WHEREAS, the Wildcats finished their 1987-88 season in 7th place and with hard work and determination proudly achieved 2nd place status in the Western Collegiate Hockey Association 1988-89 regular season ending by victoriously winning the Western Collegiate Hockey Post Season Tournament and;

WHEREAS, this exemplary playing performance demonstrated by the young men of the team reflects their commitment to sportsmanship, teamwork, enthusiasm, and winning while representing Northern Michigan University, the City of Marquette, and the Upper Peninsula, and;

WHEREAS, Coach Rick Comley received the Post Season Award from the Western Collegiate Hockey Association for Coach of the Year in recognition of his fine efforts in motivating and providing guidance to the team, and;

WHEREAS, team members Senior Forward Phil Berger, Senior Defenseman John Goode, Senior Defenseman Darryl Olson and Sophomore Goalie Bill

Pye were selected by the Western Collegiate Hockey Association for the all Tournament Team while Goalie Bill Pye was also selected as Tournament Most Valuable Player;

THEREFORE, NOW I ROBERT O. BERUBE II, MAYOR OF THE CITY OF MARQUETTE, ON BEHALF OF THE CITY COMMISSION AND THE CITY OF MARQUETTE, DO HEREBY RECOGNIZE the outstanding performance of the Northern Michigan University Wildcat Hockey Team this season and wish to extend our congratulations to Coach Rick Comley and each team member for doing an excellent job, and further, let it be known that we sincerely wish the Wildcats success as they represent Northern Michigan University and our community in the National Collegiate Athletic Association 1989 Hockey Tournament.

#### **MARQUETTE BEAUTIFICATION COMMITTEE - Petunia Planting Project**

A communication from the Marquette Beautification Committee, regarding the proposed Petunia Planting Project along South Front Street, was read. Barb Kelly, representing the Committee, discussed the goals of the project and how these goals would be accomplished. Mary Ferguson, also representing the Committee, said that \$1,500 is nearly all of the Beautification Committee funds and that they really need additional support from the City. Helen Anderson, representing the Committee, said that the South Marquette area needs help to become more beautiful and that this is a community support project which needs both City and volunteer help from across the community.

City Manager Svanda made a verbal report supporting on a one-time only basis the allocation of \$1,500 for this project as requested by the Committee. He said that the project is consistent with the promotional goals in the five-year strategic plan and the Adopt-A-Park Program. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried unanimously to enthusiastically support the idea of the Petunia Planting Project to make a one time commitment of \$1,500 to be taken from the contingency fund and to assist the Beautification Committee by providing trucks to haul away the dirt removed from the beds, compost as requested, and traffic control during the project. Commissioners discussed the project briefly.

#### **CITIZEN COMMENT**

Anna Marie Hoedlmoser offered to answer questions on item 6. Fred Huffman asked to speak on agenda item 9.

#### **HOSPITAL FINANCE AUTHORITY - Bonding Resolution**

A communication from the Marquette Hospital Finance Authority requesting Commission approval of a bonding resolution was read. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried unanimously to adopt the following resolution:

WHEREAS, the City of Marquette Hospital Finance Authority (the "Authority") proposes to refund the City of Marquette Hospital Finance Authority First Mortgage Revenue Bonds (Marquette General Hospital, Marquette, Michigan), 1980 Series B (the "Bonds To Be Refunded") and disburse funds to Marquette General Hospital, Inc., to be used by Marquette General Hospital, Inc. to renovate existing hospital facilities and to acquire new hospital facilities; and

WHEREAS, the Authority intends to issue bonds (the "Bonds") in the principal amount of not to exceed \$50,000,000 to provide funds with which to refund the Bonds To Be Refunded and to disburse funds to Marquette General Hospital, Inc. Marquette, Michigan, to be used to renovate existing hospital facilities and acquire new hospital facilities; and

WHEREAS, the Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the Authority, the City of Marquette, the State of Michigan or any political subdivision thereof within the meaning of any constitutional, charter or statutory provision or limitation; and

WHEREAS, on March 10, 1989, at 9:00 a.m. in the City Commission Chambers, City Hall, Marquette, Michigan, the Authority held a public hearing after notice; and

WHEREAS, the Authority has requested that this City Commission approve the issuance of the Bonds; and

WHEREAS, this City Commission desires to express its approval of the issuance of the Bonds by the Authority.

IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARQUETTE, as follows:

1. Solely for the purpose of fulfilling the public approval requirements of the Internal Revenue Code of 1986, as amended, the City Commission of the City of Marquette, Michigan, hereby approves the issuance of not to exceed \$50,000,000 aggregate principal amount of Bonds in accordance with the provisions of this paragraph. The Bonds and the interest thereon shall never constitute a general obligation of the City of Marquette or a debt or liability within the meaning of any constitutional or statutory provision or limitation and shall never constitute or give rise to a charge against the general credit or taxing powers of the City of Marquette.

2. The City Clerk is hereby directed to provide four (4) certified copies of this resolution to the Secretary of the Authority.

**PETER WHITE PUBLIC LIBRARY BOARD - Millage Request**

A communication from the Board of the Peter White Public Library, requesting approval of a 1.5 mill levy for the Library for the 1989-90 Fiscal Year was read. It was moved by Commissioner Glenn, supported by Commissioner Birch, and carried unanimously to approve the 1.5 mill levy for the Peter White Public Library for the 1989-90 Fiscal Year as requested.

**PLANNING COMMISSION - Swick Planned Unit Development**

A communication from the Planning Commission, regarding approval of the final development plan for the Swick Planned Unit Development, was read. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried unanimously to approve the plan as submitted subject to final



review by the City Engineering Department of all drainage and utility matters related to the development.

**WATER/SEWER UTILITY ADVISORY BOARD - Tiroler Hof Motel Water Service**  
A communication from the Water and Sewer Utility Advisory Board, regarding payment for the restoration of the water line to the Tiroler Hof Motel, was read. Anna Marie Hoedlmoser supported the Board's recommendation. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried unanimously to follow the recommendation of the Board that the City pay the cost of repairing the water service to the property line of the motel less the cost of a newly constructed meter pit. Peter O'Dovero, the contractor on the project, answered questions regarding how the construction had been accomplished.

**WATER/SEWER UTILITY ADVISORY BOARD - Roof Drain Surcharge**  
A communication from the Water and Sewer Utility Advisory Board, regarding the roof drain surcharge for the property at 121 North Front Street, was read. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried unanimously to concur with the recommendation of the Water/Sewer Utility Advisory Board that Mr. Fleury should continue to pay the surcharge until such time as he has made the changes necessary to comply with the City Code.

**PUBLIC ACCESS COMMITTEE - Public Access Support Negotiations**  
A communication from the Public Access Committee, regarding the need to renegotiate the public access and local origination fees provided through the cable television franchise, was read. City Manager Svanda said that the Public Access Committee has been very responsible in overseeing and monitoring the public access functions provided for in the franchise. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried unanimously that the Public Access Committee be empowered to renegotiate the public access and local origination support fees with Bresnan Communications in 1989.

**HARBOR COMMITTEE - Marina Development Grant**  
A recommendation from the Harbor Committee, requesting approval for submission of a grant for development of a Cinder Pond Marina, was read. Fred Huffman supported the Marina project but objected at great length to the use of any tax money in development of this Marina. It was moved by Commissioner Birch, supported by Commissioner Glenn, and carried unanimously that the Commission authorize application for a Department of Natural Resources Waterways Grant in the amount of \$2,500,000 for development of the Lower Harbor Park Cinder Pond Marina as outlined in the United Design Associates report of 1987. Commissioners commented that there were many ways of financing the Marina construction without using City tax money. Tom Knauss, representing the Harbor Committee, answered questions about the proposed Marina and about the financing of the Presque Isle Marina.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS - Discussion**  
It was moved by Commissioner Coffey and supported by Commissioner Birch that item 17, Discussion of Properties Causing Neighborhood Problems, be deleted from this and subsequent Commission meeting agendas until October,

1989 at which time it be placed on the agenda for further review. After lengthy discussion, the following vote was taken:

Ayes: Commissioners Birch, Coffey.

Nays: Mayor Berube. Commissioners Acocks, Coyne, Glenn, Sciotto.

The motion was defeated.

It was then moved by Commissioner Coffey that in the future, on the list of properties causing neighborhood problems, the name of the landlord be deleted. The motion died for lack of support.

#### **SNOW STORAGE IN RESIDENTIAL DISTRICTS**

Commissioner Glenn said that residents on West Bluff Street are very upset by snow storage from a business property on residential lots in their neighborhood. She said that the Zoning Administrator had forbidden this use, but on appeal, the Board of Zoning Appeals allowed it. It was moved by Commissioner Glenn, supported by Commissioner Coyne, and carried unanimously to ask the Planning Commission to review the zoning ordinance for the purpose of clarifying storing snow in residential districts and to ask the City Attorney to relay the Commission's ideas and concerns on this matter to the Planning Commission.

#### **RIDGE STREET SPECIAL ASSESSMENT - Reschedule Hearing**

A report and recommendation from the City Manager, regarding the need to reschedule the hearing for reaffirming the resolution of necessity for the special assessment improvements in the 400 block of West Ridge Street and portions of Fifth and Sixth Streets, was read. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously to accept the Manager's recommendation and to reschedule this public hearing for the March 27 City Commission meeting. Commissioner Coffey asked for a report on how much it would cost to increase the fire flow to the hydrant within this project.

#### **OFFICE BAR FINANCING AND SALE**

A report and recommendation from the City Manager, regarding solidifying the City's position in and making arrangements for sale of the Office Bar, was read. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to authorize the actions as suggested by the City Manager's report.

#### **TREE PLANTING BIDS**

A report and recommendation from the City Manager, regarding bids for tree planting services, was read. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously that the bid for tree planting services be awarded to Anderson Landscaping of Munising, Michigan.

#### **PROMOTIONAL BANNERS**

A report and recommendation from the City Manager, regarding City participation in a promotional banner project, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously that the City participate in this project by purchasing the required brackets and that \$2,500 be appropriated from the current year contingency fund for this purpose, with the conditions that the City's participation be contingent on the full materialization of the plan and that the City would retain the right to repossess the brackets if they were

not maintained to City standards or if the content of the banners was not consistent with the City's promotional needs.

#### **SCHEDULE WORK SESSION**

Mayor Berube announced that this was the time set to consider scheduling a work session on solid waste recycling options. Commissioners agreed to hold this work session at 4:30 p.m. on Monday, March 20, 1989 in the Commission Chambers of City Hall. Attending will be City Commissioners and representatives from Peninsula Sanitation and the Marquette County Solid Waste Authority. Commissioner Coffey asked if the purchase of recycled products could also be discussed at this worksession.

#### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda said that 116 North Seventh Street has been the site of loud parties and abusive treatment of the Police Department responding to complaints. The renters there are David and Kathleen Dunquist and the owners, Gary and Debbie Enright who also own 220 West Michigan where there have been noise complaints in the past; 502 North Front Street with loud parties where the tenants are Charles Welkly and Andrew Krohl and he owner Dan Klumb who also owns 510 North Front Street, 1616 Fitch, and 245 Rock, all of which have had noise problems in the past; 908 North Front Street with many property maintenance problems is owned by John Schroeder, who also owns 714 Spruce Street with maintenance problems both in the past and currently; 2234 Presque Isle Avenue with maintenance problems now and in the past is owned by D & N Savings Bank who indicate they will vacate the property and demolish the building. Mr. Svanda also noted a memo from the Director of the Marquette Housing Commission about their policy regarding noise problem tenants. The memo indicates that the Housing Commission has evicted all of the tenants who have been problems in the last two years.

#### **APPOINTMENTS**

Mayor Berube made the following appointments with the Commission's concurrence:

SISTER CITY ADVISORY COMMITTEE - Paulette Lindberg for a three year term and Karen Teichman for a two year term.

Mayor Berube also indicated that there is still an opening on the Committee and that someone of Finnish decent would be preferred because of a possible Sister City Relationship with a City in Finland.

#### **CARP RIVER DRAIN**

A report and recommendation from the City Manager, regarding an easement for the Marquette County Drain Commissioner to do dredging as a part of the Carp River drainage district, was read. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously that an easement be granted to the Marquette County Drain Commission allowing construction of drainage improvements on property owned by the City of Marquette within the Carp River drainage district.

#### **DOWNTOWN POCKET PARK - Restaurant Expansion**

A communication from the City Manager, regarding a proposal to purchase a portion of the Downtown Pocket Park to allow for expansion of Entre Amigos Restaurant. Joe Constance described the proposed expansion of his restaurant both towards the rear on his property and the construction of an

atrium on the pocket park property. He said that he wished either a long term lease or to purchase the property where the atrium would be located. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried unanimously to direct the City Manager to pursue with Mr. Constance the concept of this construction and to enter into negotiations for purchase of the land that the addition is to be on as well as to work out an arrangement to ensure continued responsibility for maintenance of the land known as the pocket park.

#### **CITIZEN COMMENT**

Joe Constance thanked the Commission for their support for his proposed project.

#### **ACOCKS**

Commissioner Acocks thanked Mr. and Mrs. John Pace and their family members for donating their services for the tax sale at the Onion Crock Restaurant recently. She said that the Pace's have donated their services before and they are greatly appreciated. Commissioner Acocks also congratulated the Wildcat Hockey Team on winning the WCHA Championship and wished them well in the playoffs. She asked when the Commission's seating arrangement would be decided upon. Commissioners indicated that the arrangement being used this evening was acceptable, with some minor changes.

#### **BIRCH**

Commissioner Birch said that he hoped the seating arrangement would be decided upon soon.

#### **COFFEY**

Commissioner Coffey reminded everyone of the Pigs-N-Heat hockey game tomorrow evening. He also urged everyone to buy "Old Jerry" buttons to support restoration of the City's first motorized fire truck. He said these buttons are available in the City Treasurer's office.

#### **SCIOTTO**

Commissioner Sciotto said that everyone should have an "Old Jerry" button, that he and Chief Johnson would be starting off the Pigs-N-Heat hockey game tomorrow evening, that people should assist the Public Works Department in keeping the hydrants near their houses shoveled out during bad snowstorms.

#### **GLENN**

Commissioner Glenn said that the National Guard can assist the City with some projects because they have an engineering battalion here in the City. She said that the litigation workshop sponsored by the Michigan Municipal League at the Holiday Inn last week had been excellent and said that Dan Smith goes above and beyond the call of duty in working on special projects.

#### **MAYOR BERUBE**

Mayor Berube noted a recent meeting with other elected officials from around the County to discuss common problems. He said this would not have been possible in the past. He also noted the contest to name the Petunia Planting Project and reminded people that the Wildcat Hockey Team will be playing in the NCAA Playoffs at the Lakeview Arena on Friday and Saturday nights and Sunday afternoon if necessary. He also congratulated local

resident Doug Garrow for being named the Unsung Hero of this year's hockey team.

**CITY MANAGER SVANDA**

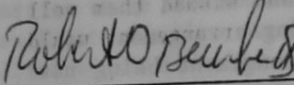
City Manager Svanda said that the City had been successful in getting the Michigan Department of Transportation to put an all red phase on the traffic signal at Washington and McClellan.

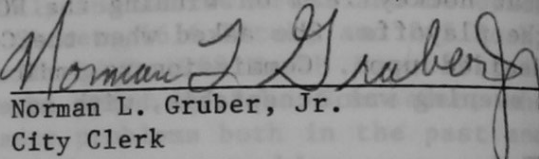
**CLOSED SESSION**

It was moved by Commissioner Acocks, supported by Commissioner Coyne, and carried unanimously to go into closed session to discuss a matter of litigation relating to the environmental protection agency hazardous waste site cleanup agreement. The Commission recessed to closed session at 9:45 p.m. The Commission returned from closed session at 10:44 p.m.

**ADJOURNMENT**

The meeting was adjourned at 10:44 p.m.

  
Robert O. Berube II  
Mayor

  
Norman L. Gruber, Jr.  
City Clerk

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, March 27, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, March 27, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Glenn, Sciotto.

ABSENT: Commissioner Coyne.

**EXCUSE ABSENCE**

It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried to excuse Commissioner Coyne as he is out of the City.

**APPROVAL OF MINUTES**

It was moved by Commissioner Coffey, supported by Commissioner Glenn, and carried to approve the minutes of the March 14, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$126,089.82 were presented. It was moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried to accept the bills and pay them as presented.

**AGENDA CHANGES**

During the time set for announcing agenda changes, Mayor Berube said that item 17, going into closed session, would be done after New Business from the City Manager on the agenda. Commissioner Coffey asked that item 14b be removed from the consent agenda and be made item 16a.

**PROCLAMATION - NMU Women's Basketball Team**

Mayor Berube made the following proclamation:

WHEREAS, the Northern Michigan University Women's Basketball Team has had an exceptional season setting the University's record for women's basketball wins with their 24-3 regular season record, and;

WHEREAS, the team ended their 1988-89 GLIAC season with a proud 14-2 playing record and 2nd place in the Great Lakes Intercollegiate Athletic Conference, and;

WHEREAS, their excellent record was rewarded with an invitation to play in the NCAA division II Women's Basketball Tournament, thereby making the Northern Michigan University Women's Basketball Team's first appearance in the Post Season Tournament, and;

WHEREAS, with dedication and determination, the Women's Basketball Team not only won first place in the NMU Invitational but also the championship in the Florida Atlantic Holiday Conference Tournament, and;

WHEREAS, Coach Mike Geary was awarded Coach of the Year Honors by the Great Lakes Intercollegiate Athletic Conference for his talents in leading the team while team members, Tammie Anderson and Lisa Jamula, were named to the all Conference GLIAC 1st Team in recognition of their excellent season.

THEREFORE, NOW I ROBERT O. BERUBE II, MAYOR OF THE CITY OF MARQUETTE, ON BEHALF OF THE CITY COMMISSION AND THE CITY OF MARQUETTE, DO HEREBY EXTEND our congratulations to Coach Geary and the young women of the Northern Michigan University Women's Basketball Team for playing an outstanding season while representing Northern Michigan University, our community, and the Upper Peninsula.

**PROCLAMATION - Month of the Young Child**

Mayor Berube made the following proclamation:

WHEREAS, Each day in our community hundreds of parents place their most precious possessions and our nation's most important resource; children, in the hands of child care providers; and,

WHEREAS, All children deserve quality child care and quality child care programs prepare children for a life filled with learning; are integral to the development of their self esteem, and are critical to their healthy growth and development so that they may someday assume a commendable role in our community; and,

WHEREAS, Child care providers are the major determinants of quality child care services; yet represent one of the most poorly understood and undervalued professions; and

WHEREAS, Community Coordinated Child Care of the Upper Peninsula is planning special activities during the month of April to increase community awareness regarding the many important aspects critical to the healthy growth and development of young children; and encourage community members to recognize and express their appreciation to the devoted child care providers in our community; during the month of April.

NOW, THEREFORE, I, ROBERT O. BERUBE II, Mayor of Marquette, do hereby proclaim April MONTH OF THE YOUNG CHILD in our city and urge all citizens to join me in expressing our appreciation to child care professionals for their commitment to the care and education of young children and to support and promote the many programs in our community committed to the care and protection of our children.

**PROCLAMATION - Medical Laboratory Week**

Mayor Berube made the following proclamation:

WHEREAS, there are approximately 250,000 certified laboratory personnel in the United States including pathologists, medical technologists, medical laboratory scientists, specialists, technicians and assistants in clinical laboratory science who work in more than 12,000 medical laboratories in the United States; and

WHEREAS, these dedicated health professionals make a substantial contribution to quality health care in this country by providing dependable laboratory test results essential to the detection, diagnosis, treatment and prevention of disease; and

WHEREAS, these individuals offer a vital health service to the people of the United States; and

WHEREAS, these health professionals, in order to preserve the health of the citizens of the United States, continuously expand their technical skills through a wide range of continuing education programs;

NOW, THEREFORE, I, Robert O. Berube II, Mayor of the City of Marquette, do hereby proclaim the week of April 9-15, 1989, as MEDICAL LABORATORY WEEK in the City of Marquette.

**PROCLAMATION - Occupational Therapy Month**

Mayor Berube made the following proclamation:

WHEREAS, The American Occupational Therapy Association has designed the month of April, 1989, to honor Registered Occupational Therapists and Certified Occupational Therapy Assistants throughout the United States; and

WHEREAS, those who serve in the profession of Occupational Therapy have demonstrated great patience, a strong belief in the individual, and an innovative and creative capacity in the service of clients; and

WHEREAS, through purposeful activities these Therapists help to bring about a higher quality of life for our children and senior citizens, for our physically, emotionally, and mentally disabled, for burn victims, stroke patients, and others whose ability to function in their daily lives in some way is impaired; and

WHEREAS, Occupational Therapists and Occupational Therapy Assistants work in our schools, rehabilitation centers, hospitals, nursing homes, and in our community, providing both preventive and assistive services in helping to meet the psychological needs and the rehabilitation goals which can be realistically set for individuals in need of their services;

NOW, THEREFORE, I, the Mayor of the City of Marquette, do hereby proclaim the month of April as "OCCUPATIONAL THERAPY MONTH" in the City of Marquette, and call to the attention of all citizens the achievements and contributions of our Occupational Therapists and Assistants, so that we may honor them.

**PRESENTATION - River Park Recreational Complex Committee**

Dave Bonsall, representing the River Park Recreational Complex Committee gave a brief history of the proposed recreational complex project, described the detailed plans which have been developed and the way that these plans are different from last year's plans, and said that the estimated cost of the project is now \$1,000,000. He described the



financing plan for this project and requested that the Commission budget an additional \$45,000 in the next capital outlay budget. He also asked for authorization to apply for a \$750,000 Quality of Life Bond Issue Grant. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried to formally apply for a \$750,000 Quality of Life Bond Issue Grant. During discussion, it was noted that the \$45,000 could not be appropriated until the budget is adopted.

**PRESENTATION - Bresnan Communications Company**  
Steve Trana, representing Bresnan Communications Company, said that they are pleased to note the progress on the River Park Recreational Complex and pledged \$10,000 on behalf of Bresnan Communications as the first corporate contribution to this project. Mayor Berube thanked him and Bresnan Communications for this contribution and said that it sets an excellent example for other corporate contributors.

**PUBLIC HEARING - Special Assessment for Water on West Ridge, Fifth and Sixth Streets**

Dennis Staffne presented a petition opposing the proposed assessment project. He also read his own statement opposing this project. Mick Kreis presented a letter from Joe and Sandy Meyskens and spoke in support of the project. He said that there is an urgent need for water by some of the neighbors. Tom Turton opposed the high cost of the project and said that there must be a cheaper way to solve the problem. Mike Tague opposed the project. Dave Wering said that although his water pressure is not good, \$5,000 is too much to pay to increase the water pressure. Dennis Staffne said that a note on a City Engineering drawing indicated that the problem is the elevation, not bad water pipes. The hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried to ask the administration to make a recommendation on a three to five year plan for connecting this area to the high pressure district, to meet with the neighbors within the next 30 days on these proposals, and to also work with the neighbors who have immediate water pressure problems to see what can be done temporarily to solve these problems.

**CITIZEN COMMENT**

Joan Mason, representing the Marquette Housing Commission, offered to answer questions on item 8.

**MARQUETTE HOUSING COMMISSION - Section 8 Housing Program**

A communication from the Marquette Housing Commission, regarding the establishment of a Section 8 existing housing program for the City of Marquette, was read. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried that a letter of support for the establishment of Section 8 Existing Housing Program in the City of Marquette be approved. Joan Mason answered questions about this proposal.

**HARBOR COMMITTEE - Lower Harbor Park Marina Grant**

A communication from the Harbor Committee, regarding application for an additional grant from a different program for funding of the Lower Harbor Park Marina, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried that the City Commission authorize application for a \$375,000 grant from the Land and Water Conservation Fund and to adopt the following resolution of financial support:

WHEREAS, The Department of Natural Resources, through the Michigan Natural Resources Trust Fund/Land and Water Conservation Fund has identified funding for the State fiscal year 1990-91 for eligible projects; and

WHEREAS, The City of Marquette is the sole owner of said land to be developed; and

WHEREAS, The City of Marquette is continuing to develop the facilities in the Lower Harbor Park; and

WHEREAS, The City of Marquette desires to develop a full service marina in the Lower Harbor Park;

NOW, THEREFORE, BE IT RESOLVED, That the City Manager is directed to make application to the Department of Natural Resources for the construction of a Lower Harbor Park Marina facility at a total cost of \$2,500,000.00

And that the City of Marquette hereby assures the Michigan Department of Natural Resources that local funding will be available as a match to the grant application in the amount of up to \$875,000.00 should the project application be approved for funding in combination with Waterways Commission Marina Development Funds.

**QUALITY OF LIFE BOND - Solid Waste Alternatives Program Grant**

A report and recommendation from the City Manager, regarding an application for a grant under the Solid Waste Alternatives Program of the Michigan Quality of Life Bond Program, was read. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried that the City Commission approve the following resolution authorizing submission of an application to the Quality of Life Bond Program and committing the City to enact certain policies and/or ordinances maintaining recycling:

WHEREAS, the Michigan Department of Natural Resources has made funds available through the Michigan Quality of Life Bond Program to local units of government and private entities for projects to reduce the existing solid waste stream that is currently being landfilled; and

WHEREAS, funds are available for projects that may include; recycling projects, resource recovery education, composting projects, household hazardous waste centers, landfill/dump closure, transfer stations, market development projects, waste-to-energy projects, market development research projects, waste reduction research and demonstration projects, and "Clean Michigan Community" demonstration projects; and

WHEREAS, the City of Marquette has specifically identified as a goal in its 5 Year Strategic Plan (adopted April 8, 1987), "the development of a solid waste recycling system to reduce the volume of materials which must be placed in a licensed Act 641 landfill"; and

WHEREAS, working in cooperation with the Marquette County Solid Waste Management Authority and with Peninsula Sanitation, Inc., a private

corporation involved in the handling of solid waste, the City of Marquette has reviewed the future plans of the Authority and Peninsula Sanitation and has concluded that the designation of the City of Marquette as "Clean Michigan Community" would best enhance the overall plan of the area in reducing the volume of solid waste that is currently being landfilled.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARQUETTE, that the City Manager, David A. Svanda, be authorized to submit an application to the Michigan Department of Natural Resources, Quality of Life Bond Program/1988-89 Solid Waste Alternatives Program, requesting that the City of Marquette be selected as a "Clean Michigan Community" Project pursuant to the guidelines developed by the Michigan Department of Natural Resources; and

BE IT FURTHER RESOLVED, that if the City of Marquette is selected as a "Clean Michigan Community", the City Commission will commit the City to fulfill the following requirements:

- a. Enact local ordinances or formal policies where not already in place, requiring:
  1. Procurement of recycled materials and products by specific dates, including target levels for purchasing re-refined oil, retreaded tires, recycled paper, plastic, glass, aluminum, or compost.
  2. Mandatory separation of waste materials for recycling.
  3. Prohibition on the burning of leaves and yard waste in conjunction with the development of a composting program.
  4. A ban on landfilling of leaves and yard waste in conjunction with the development of a composting program.
  5. Prohibition on the scavenging of recyclable material.
- b. Develop a comprehensive public education and participation program to promote citizen participation in separation of material, and provide documentation on how this program will be achieved.
- c. Serve as a model community keeping records on:
  1. Program development.
  2. Amounts of material recovered.
  3. Costs associated with the program.
- d. Develop a plan, to be approved by the Department of Natural Resources, to share the records in item c above with others through tours, newsletters, conference or workshop participation, summary reports and other methods.
- e. Coordinate with haulers, recyclers, brokers, and others involved in existing programs to document the extent to which they are willing to support and participate in the project.
- f. Establish and formalize graduated phased-in participation and targeted diversion goals.

g. Work closely with the department and the consultant on program development, implementation, and assistance in testing and evaluation of various aspects of the program including:

1. Economic incentives to participants and employees.
2. Efficiencies of specific equipment.
3. Cost effectiveness of curbside collection and the impact of using different types of containers or collection vehicles.

#### **JANZEN HOUSE - MSHDA Grant**

A report and recommendation from the City Manager, regarding the intent of the Janzen House Board to apply for a grant from the Michigan State Housing Development Authority, was read. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried that the City Commission authorize the City Clerk to sign a certificate of local approval for the Janzen House Board to apply for funds from the Michigan State Housing Development Authority.

#### **PETER STREET PROPERTY**

A report and recommendation from the City Manager, regarding the sale of approximately 70 acres of City-owned property on Peter Street, lying north of Pioneer Road, was read. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried to concur with the City Manager's recommendation to sell this land to Harbour View Development for \$30,000 including the conditions outlined in the City Assessor's attached report.

#### **EQUIPMENT MAINTENANCE AND MANAGEMENT SOFTWARE SYSTEM**

A report and recommendation from the City Manager, regarding the purchase of an equipment maintenance and management software system, was read. It was moved by Commissioner Glenn, supported by Commissioner Acocks, and carried that the City Commission waive the requirements of competitive bidding for the purchase of an equipment maintenance and management software system since no advantage to the City would result from competitive bidding and to purchase the CFA Fleet Maintenance Management System from Computerized Fleet Analysis of Villa Park, Illinois in the amount of \$6,795.00.

#### **CONSENT AGENDA**

Mayor Berube presented the Consent Agenda. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried to approve the Consent Agenda as follows:

- A. Award the bid for purchase of a used stainless steel tank trailer to Michigan Milk Producer's Association at the bid price of \$10,500.
- B. Schedule a public hearing on special assessment roll #509, Single Lot Special Assessments for the May 8, 1989 City Commission meeting.

#### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

Assistant City Manager Nebel identified 626 North Fourth Street owned by F & G Enterprises with several maintenance violations, 906 North Front Street owned by John Schroeder with many maintenance violations, 2058 VanEvera owned by S.R. & R. Development where there is a couch on the porch, and 1806 Wilkinson owned by Vicki Billings, who is an absentee landlord where there is an unlicensed vehicle.

#### **APPOINTMENTS**

Mayor Berube then made the following appointments with the Commission's concurrence:

HARBOR COMMITTEE: William McDonald and Robert Frack for terms expiring June 1, 1992.

HANDICAPPED CITIZENS ADVISORY BOARD: Robert P. Koehs, Jr. for a term expiring January 1, 1991.

SISTER CITY ADVISORY COMMITTEE: Julie Koski-Schwepe.

#### **MICHIGAN BELL TELEPHONE COMPANY - Construction Easements**

A report and recommendation from the City Manager, regarding easements for Michigan Bell Telephone Company for the construction of underground conduit in the Washington Street Pocket Park, and underground conduit, a distribution vault, and an above ground box in the west parking lot on Third Street, was read. Commissioner Coffey asked questions about the proposed installations and where they would run. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried to concur in the recommendation and to grant these easements as requested with proper landscaping to be required around the distribution box in the pocket park.

#### **CITIZEN COMMENT**

There were no citizens wishing to address the Commission on non-agenda items.

#### **SCIOTTO**

Commissioner Sciotto said that skateboards going to wrong way on Third Street are a serious safety hazard. He also said that speeders on North Front Street should be ticketed as this is a heavy traffic area and speeding is dangerous.

#### **GLENN**

Commissioner Glenn asked if the conversion of roof drains to storm sewers has helped during the recent snow melt and high runoff. Public Works Superintendent Lawry said that it has not made much difference on the streets but that the major effect would be in the sanitary and storm sewers.

#### **COFFEY**

Commissioner Coffey noted the photo by local photographer Richard Smith on the cover of Wildlife magazine. He then inquired about the 1.5 mill request by the Peter White Public Library Board. City Attorney Martin said that the board is authorized to collect up to 1.5 mills and that no election is required. Commissioner Coffey also said that there should be signs indicating no skateboarding or bicycling on downtown sidewalks. He asked the administration to check into this. He said there are eight fewer workers in the Public Works Department than there were three years ago and urged citizens to be patient with the City's pothole patching program.

#### **BIRCH**

Commissioner Birch said that we should all drive carefully with the potholes around town during the spring. He also asked how many properties received assessment increases this year. Assistant City Manager Nebel said that not all areas received increases and that the increases were not uniform from area to area.

**ACOCKS**

Commissioner Acocks said she hopes that the seating arrangement will soon be settled. She also noted the attendance of all seven Commissioners and the City Manager at the Michigan Municipal League Legislative Session in Lansing last week. She said that based on agendas for that meeting, the City of Marquette is doing very well in anticipating problems. She said public works crews are working to keep storm sewers open and that some potholes have been filled but have reopened already due to bad weather.

**BERUBE**

Mayor Berube reminded people about the ice show at the Arena this weekend.

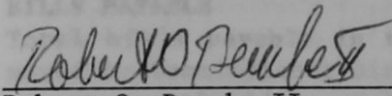
**CLOSED SESSION**

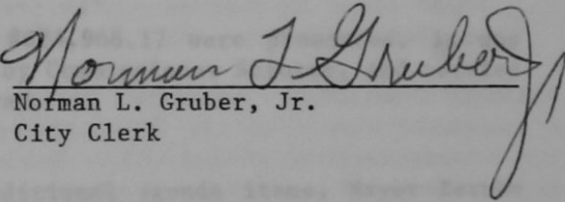
It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried with no dissenting votes to go into closed session to discuss a matter of litigation. The meeting was recessed at 9:03 p.m.

Commissioners returned and the meeting was reopened at 9:12 p.m.

**ADJOURNMENT**

There being no motions, the meeting was adjourned at 9:13 p.m.

  
\_\_\_\_\_  
Robert O. Berube II  
Mayor

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

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OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, April 10, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, April 10, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Birch, Coffey, Coyne,  
Glenn, Sciotto.

ABSENT: Commissioner Acocks.

**EXCUSE ABSENCES**

It was moved by Commissioner Coyne, supported by Commissioner Coffey and carried to excuse Commissioner Acocks as she is out of the City.

**APPROVAL OF MINUTES**

It was moved by Commissioner Sciotto, supported by Commissioner Glenn, and carried to approve the regular and closed minutes of March 27, 1989 as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$624,966.17 were presented. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried to approve the bills payable as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, Mayor Berube added item 1a, proclamation of Buddy Poppy Days and Commissioner Coyne asked that item 2 be placed on the Consent Agenda.

**MARQUETTE CITY BAND - Request for Support**

Mayor Berube announced that this was the time set for a presentation by the Marquette City Band. Band Booster Board President Rose Tourville requested continued support from the City for the band this year. She said that a mini grant of \$2,000 has been received from the Michigan Council for the Arts and that the Board is also requesting support from the Kaufman Foundation. She briefly described other fund raising efforts and the services that the band is providing to the community. Band President Cindy Butler requested \$3,000 from the City Commission. She said that \$1,100 would pay for one concert. She said the band is planning eight concerts this year which is two more than last and is hoping to expand the schedule to ten concerts next year. She said \$400 is needed for music, \$1,000 to replace an instrument, and \$500 for a music scholarship. She read a letter from Ramona Reynolds, last year's scholarship recipient, expressing her thanks for the opportunity to continue her music education.

**CITIZEN COMMENT**

There were no citizens wishing to address the Commission on agenda items.

**PROCLAMATION - Buddy Poppy Days**

Mayor Berube made the following proclamation:



WHEREAS, The annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans, and

WHEREAS, The basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living"; therefore

I, Robert O. Berube II, Mayor of the City of Marquette do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the days set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead on May 18, 19, 20, 1989.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

#### **PLANNING COMMISSION - Lakeshore Boulevard Reconstruction**

A recommendation from the Planning Commission, regarding final plans for the reconstruction of Lakeshore Boulevard from Baraga Avenue to Ridge Street, was read. It was moved by Commissioner Coffey and supported by Commissioner Coyne to discuss the plans for the project. City Engineer Robert Haapala explained the plans for the project, including the extensive phasing required to keep the Lower Harbor Park open during major activities. He also answered questions from the Commissioners. The motion was then withdrawn. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to approve the plans for the Lakeshore Boulevard reconstruction as presented.

#### **PLANNING COMMISSION - Vacation of Center and Norwood Streets**

A recommendation from the Planning Commission, for the vacation of Center and Norwood Streets west of Tracy Avenue, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried to hold a public hearing at the April 24 City Commission meeting on this proposed vacation.

#### **NORTHEAST CORNER MCCLELLAN AND WASHINGTON - Land Sale**

A report and recommendation from the City Manager, regarding sale of the City-owned land at the northeast corner of McClellan and Washington, was read. It was moved by Commissioner Glenn, supported by Commissioner Coyne, and carried that this sale be approved as detailed in the purchase agreement and that the Mayor and City Clerk be authorized to execute the agreement on behalf of the City. It was then moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to direct the City Manager to begin contacts with the Michigan Department of Transportation to

initiate the process to construct a fifth lane on Washington Street east of McClellan Avenue.

**POLICE DEPARTMENT LABOR AGREEMENT**

A report and recommendation from the City Manager, regarding approval of the labor agreement with the Police Department, was read. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried to concur with the recommendation, to approve the labor agreement, and to authorize the Mayor and City Clerk to execute it on behalf of the City. Commissioners commented favorably on the professionalism of the staff and the Police Department in negotiating this agreement.

**LANDFILL ENGINEERING AGREEMENT - Amendment**

A report and recommendation from the City Manager, regarding an amendment to the landfill engineering agreement with Braithwaite Consultants, Inc., was read. It was moved by Commissioner Birch, supported by Commissioner Coyne, and carried that the City Commission approve the letter of agreement with Braithwaite Consultants and authorize the City Manager to execute it.

**OFFICE BAR SALES LISTING**

A report and recommendation from the City Manager, regarding an agreement for listing the Office Bar for sale, was read. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried to enter into a 12-month real estate sales listing agreement with ERA Racine Realty Company in accordance with the described terms.

**HERITAGE HOTEL GRANT ADMINISTRATION**

A report and recommendation from the City Manager, regarding administration of the grants received for the Heritage Hotel Project, was read. It was moved by Commissioner Birch, supported by Commissioner Coyne, and carried that the Commission authorize the disbursement process recommended in the report from the Director of Community and Economic Development.

**1989-90 TENTATIVE BUDGET**

A report and recommendation from the City Manager, presenting the fiscal year 1989-90 tentative budget, was read. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to schedule the public hearing on an ordinance to amend the water and sewer rates for the April 24, 1989 regular Commission meeting and to continue the budget development process.

**CONSENT AGENDA**

Mayor Berube presented the Consent Agenda. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to approve the Consent Agenda as follows:

- A. Schedule a public hearing to determine the necessity of the public improvements in the Village District on Third Street for the April 24, 1989 City Commission meeting.
- B. Schedule a public hearing for the April 24, 1989 City Commission meeting on restoring the City's millage to the 1988-89 level of 12.53 mills by increasing the millage 0.18095 mills and authorize publication of the required public notice.
- C. Schedule a public hearing for the April 24, 1989 City Commission

meeting on restoring the millage for the Peter White Public Library to 1.500 mills by increasing the millage 0.02166 mills and authorize the publication of the required public notice.  
D. Adopt a resolution recognizing the non-profit status of the Marquette Industrial Softball League.

#### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

250 WEST RIDGE STREET: Maintenance violations owned by David Holmden who also owns 331 Fisher Street with noise and maintenance violations in the past.

1409 NORWAY: Maintenance violations now and in the past owned by Janet Sonaglia.

502 NORTH FRONT STREET: Maintenance violations owned by Dan Klumb who also owns 510 North Front, 1616 Fitch, and 245 Rock which have had similar problems.

1808 PRESQUE ISLE AND 609 WEST WASHINGTON: Maintenance and zoning violations owned by Jim Demarinis who also owns 802 West Bluff with similar problems in the past.

401 WEST MICHIGAN: History of maintenance problems owned by Doug Garn.

246 FISHER STREET: Noise problems now and in the past which was reported by the owner, Ken Blondeau.

216 WEST MICHIGAN: Noise problems now and in the past owned by Joseph Priante who has had similar problems at 521 High Street.

#### **RESIGNATIONS**

Mayor Berube noted the receipt of the resignation of Terry Gosmire from the Harbor Committee.

#### **SCHEDULE CLOSED MEETING**

It was moved by Mayor Berube, supported by Commissioner Sciotto, and carried to add a closed session to the budget work session on April 17, 1989 for the purpose of discussing wages and evaluations of the City Manager and City Attorney.

#### **CITIZEN COMMENT**

During the time set for citizens wishing to address the Commission, Dave Hamari presented a petition regarding the toxic waste site at the old Cliff's Dow Plant site. He said that the neighbors want to know what is in the ground and if it is getting into the residences in the area.

#### **SCIOTTO**

Commissioner Sciotto said that he was concerned about the ability of underaged youths in the area to purchase alcohol. He asked for the cooperation of area liquor outlets in controlling this problem.

#### **GLENN**

Commissioner Glenn said that the Marquette Choral Society had presented a super concert on Sunday and that more people should attend these concerts.

#### **COYNE**

Commissioner Coyne said that Marquette has a positive response to youth drinking in Marquette through the establishment of Club MQT. He said that the City has two toxic waste sites and that the EPA has just proposed a 4.8

million dollar cleanup today of one of these sites. He said interested people should check with the City Attorney on the details. Commissioner Coyne also said that this has been the best performance in six years for public works snow removal crews despite the extra cold and snow that we received.

**COFFEY**

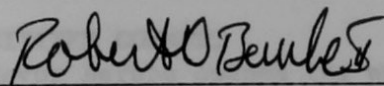
Commissioner Coffey asked for a simple explanation of the Truth in Taxation hearings scheduled for the next meeting. City Manager Svanda explained that we must do this to maintain our millage rate at the same level as last year. He said this would increase the tax revenues by \$47,000 through increases in evaluations. Commissioner Coffey said that he was proud of teenagers who took first and third place in a computer competition this weekend and commended the new NCAA Basketball Championship Team.

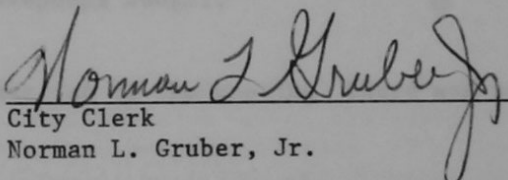
**BERUBE**

Mayor Berube said now that the launch ramps are open, boaters should be sure all equipment is in good working order. He cited instances this last weekend where two boats had to be towed back to shore and said that at this season of the year Lake Superior is very dangerous.

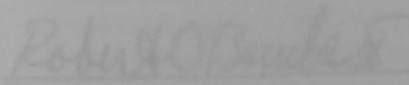
**ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

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

*[Faint, illegible text from the reverse side of the page, including the word 'ADJOURNMENT']*

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

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

Commissioner Colley said that the Commission has received a number of requests from the public for information regarding the tax revenues for 1989. He said that this has been the best performance in the years for public works since the Commission was created in 1984.

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OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, April 17, 1989

A special meeting of the Marquette City Commission was duly called and held at 6:00 p.m. on Monday, April 17, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Birch, Coffey, Coyne, Glenn, Sciotto.

ABSENT: Commissioner Acocks.

**EXCUSE ABSENCE**

It was moved by Commissioner Glenn, supported by Commissioner Birch, and carried to excuse the absence of Commissioner Acocks as she is out of the City.

**BUDGET PRESENTATION**

The City Manager presented the proposed budget for Fiscal Year 1989-90 in accordance with Section 8.2 of the City Charter. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried to accept the City Manager's presentation of the proposed budget.

**CITIZEN COMMENT**

Mayor Berube opened the public comment section of the meeting. There was no one wishing to address the Commission.

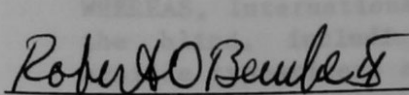
**ADJOURNMENT**

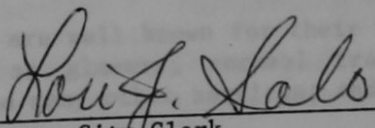
It was moved by Commissioner Sciotto and supported by Commissioner Coffey to go into closed session following the work session. The following vote was taken:

Ayes: Mayor Berube. Commissioners Birch, Coffey, Coyne, Glenn, Sciotto.

Nays: None.

The motion was carried and the meeting was adjourned at 6:12 p.m.

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

  
\_\_\_\_\_  
Deputy City Clerk  
Lori J. Salo

MINUTES OF THE  
MARQUETTE CITY COMMISSION  
Monday, April 17, 1989

A special meeting of the Marquette City Commission was duly called and held at 6:00 p.m. on Monday, April 17, 1989 in Commission Chambers at City Hall.

ROLL CALL

PRESENT: Mayor Berube, Commissioners Birch, Coffey, Coyne, Glan, Sclater.  
ABSENT: Commissioner Aschoa.

UNFINISHED BUSINESS

It was moved by Commissioner Glan, supported by Commissioner Birch, and carried to excuse the absence of Commissioner Aschoa as she is out of the City.

NEXT PRESENTATION

The City Manager presented the proposed budget for Fiscal Year 1989-90 in accordance with Section 8.2 of the City Charter. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried to accept the City Manager's presentation of the proposed budget.

CITIZEN COMMENT


Mayor Berube opened the public comment section of the meeting. There was no one wishing to address the Commission.

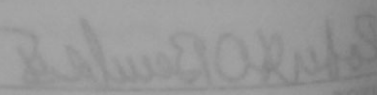
ADJOURNMENT

It was moved by Commissioner Sclater and supported by Commissioner Coffey to go into closed session following the work session. The following vote was taken:

Ayes: Mayor Berube, Commissioners Birch, Coffey, Coyne, Glan, Sclater.  
Nays: None.

The session was carried and the meeting was adjourned at 6:15 p.m.

  
\_\_\_\_\_  
Deputy City Clerk  
Lord J. Sain

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, April 24, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, April 24, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Berube. Commissioners Acocks, Birch, Coffey, Coyne,  
Glenn, Sciotto.  
ABSENT: None.

**APPROVAL OF MINUTES**

It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried unanimously to approve the minutes of the April 10, 1989 Commission meeting as presented. It was then moved by Commissioner Sciotto, supported by Commissioner Glenn, and carried unanimously to approve the minutes of the special Commission meeting on April 17, 1989 as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$253,276.76 were presented. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously that these bills be paid as presented.

**AGENDA CHANGES**

During the time set for announcing agenda changes, Mayor Berube added item 17f, a communication from the Exchange Club and item 3a, a communication from James R. Thomas and Tom Russo. City Manager Svanda asked that item 16a, emergency sewer repairs on Baraga Avenue, be added and Commissioner Coffey asked that item 17a be removed from the consent agenda and be made item 16b. City Attorney Martin said that item 20, going into closed session, was to discuss one item of litigation and one item of pending litigation.

**PROCLAMATION - White Cane Days**

Mayor Berube made the following proclamation:

WHEREAS, International Lions Clubs are well known for their work with the blind, including help such as glasses, corneal transplants, braille typewriters and watches, and many other services; and,

WHEREAS, the International Lions Clubs also work with and extend assistance to the hard of hearing; and

WHEREAS, the Marquette Lions Club finances its share of these efforts through the sale of miniature White Canes throughout the City;

NOW, THEREFORE, I, Robert O. Berube II, Mayor of the City of Marquette, do hereby proclaim May 1 - 6, 1989 as White Cane Days in the City of Marquette and urge all Marquette Citizens to support this worthwhile activity.



**PROCLAMATION - Arbor Day**

Mayor Berube made the following proclamation:

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, the City of Marquette has been recognized as a Tree City USA by the National Arbor Day Foundation, has continued its city-wide tree planting program, has sponsored a contest to find the biggest White Birch tree in the City, and will hold, in conjunction with the City Tree Committee and the Beautification Committee, a tree planting ceremony to commemorate Arbor Day,

NOW, THEREFORE, I, Robert O. Berube II, Mayor of the City of Marquette, do hereby proclaim Monday, May 8, 1989 ARBOR DAY in the City of Marquette, and I urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Mayor Berube also invited all Commissioners and interested citizens to attend the Arbor Day tree planting ceremony which will take place on the south lawn of the City Hall at 6:30 p.m. on Monday, May 8.

**PROCLAMATION - Public Service Recognition Week**

Mayor Berube made the following proclamation:

WHEREAS, Public Service Recognition Week offers individuals the opportunity to say thank you to public employees for their dedicated service, and gives public employees the opportunity of informing others about the range and quality of the vital services filled by public service employees, and,

WHEREAS, this recognition will enhance employees morale and broaden our understanding of the degree of dedication and excellence these individuals bring to our City, and,

WHEREAS, public service employees are found in all fields of labor including police officers working to keep our cities safe and drugs off our streets, snowplow operators working 12 hour night shifts to keep our roads open, teachers educating our children, and, public health workers vaccinating our children against disease,

NOW THEREFORE I, Robert O. Berube II, do hereby proclaim the week of May 1 through May 7, 1989 as Public Service Recognition Week in the City of Marquette, and urge all Marquette Citizens to join with the citizens of Michigan, and of the United States in paying tribute to the profession of public service and the men and women who make up the public service workforce in our City, State, and Nation.

#### **ISHPEMING HIGH SCHOOL**

A communication from James R. Thomas, Principal and Tom Russo, Varsity Basketball Coach, at Ishpeming High School, was read. This communication thanked Police Chief Johnson and the Police Department for their escort of the State Champion Ishpeming High School Basketball team through the Marquette area on March 19, 1989.

#### **SUMMER SPORTS FESTIVAL - Budget Support**

Fritz Ameen, President of the Great Lakes Training Center Association, addressed the City Commission requesting financial support for the Summer Sports Festival to be held in Marquette on August 4 - 6, 1989. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously that the City be a silver level financial sponsor of the Sports Festival and that \$5,000 be appropriated from the current year contingency account for this purpose.

#### **PUBLIC HEARING - Vacation of Center and Norwood Streets**

Mayor Berube opened the hearing on a recommendation from the Planning Commission for the vacation of portions of Norwood and Center Streets. There being no citizens to address the Commission, the hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried unanimously to support the recommendation from the Planning Commission and to vacate Center Street and Norwood Street in Woodlawn Park Addition west of Tracy Avenue.

#### **PUBLIC HEARING - Third Street Special Assessment District**

Mayor Berube opened the public hearing on a proposed special assessment district for improvements on the property owner's side of the curbline on North Third Street. Don Potvin presented a petition which he said had signatures of the owners of property representing 3,000 feet of the 6,100 feet of frontage in the assessment district. He read a lengthy statement objecting to several specific portions of the proposed project on the basis that the costs proposed were too high. Lois Olson objected to the proposed project for many reasons. Neil Jandron presented a petition from the owners of single family residences on Third Street objecting to the project. Helga McDonnell said that she is a single family residence owner on Third Street and objected to the project because it would not provide any benefit to

residential property owners. James Goodreau said that many of the items proposed to be done in the project are not needed. Dan Trotochaud, a Village Development Coordinating Committee member urged support of the project. He cited many needs for the work that is proposed to be done. Gordon Yates said that there should be a different charge for residential property owners than there is for businesses. Gerald Pinkos, President of the Village Business Association, said that this project will enhance and improve Third Street. Dan Michelson said that there is not much benefit for most of the properties and that the cost of the project should be reduced. Carol Major said that the cost is too high, especially for residences, and that there is no benefit for residences. Mike Fassbender said that he owns 200 feet of frontage which will be assessed. He said there should be investment credits against the assessment and that the City Commission should strive to lower the costs of the project. Richard Wilder objected to the extra cost for putting in wide sidewalks and street lights. Jim Bielinski said that he is manager of the First of America Branch Bank on Third Street and Chairman of the Village Development Coordinating Committee. He gave a history of the project including infrastructure repair plans, changing to overhead wiring versus underground wiring, and installation of new street lights. He asked the Commission for support for this project and said that cuts could be made in the project after the bids are taken. Luanne Balding, secretary of the Village Development Coordinating Committee, supported the project. She said that street lights enhanced sidewalks are not extras for business district but are needed just to operate a business district. She noted that the sidewalk on Third Street is in poor condition in many locations. The hearing was closed. Five letters opposing the project were read along with a report and recommendation from the City Manager. It was moved by Commissioner Glenn, supported by Commissioner Coyne, and carried unanimously to adopt the resolution for determination of necessity for this project and to direct the City Manager and the Administration to prepare alternates to the special assessment rolls to exclude owner-occupied single family houses with the cost for those houses to be shared by the City and the remainder of the properties in the district. The following resolution was adopted:

WHEREAS, it appears by the affidavit of the City Clerk that due publication has been made of notice, as required by the City Charter, that it is the intention of the City Commission to make certain improvements, and to determine the necessity of such improvements as follows:

Reconstruction of utilities, streets, and sidewalks from right of way line to right of way line including: watermains, sanitary sewers, storm sewers, sidewalks, lighting, aggregate base, bituminous surface, and concrete curb and gutter on North Third Street from Arch Street north to Fair Avenue.

and appointing this day and time when the City Commission would meet to determine the necessity of such improvement; and

WHEREAS, it appears further by affidavit of the City Assessor that a like notice has been sent by mail to each owner of property subject to assessment therefore; and

WHEREAS, all suggestions and objections made to said improvements have been heard and considered;

RESOLVED, that the City Commission determines that such project and improvements are necessary and proper and that a special assessment district is established as follows:

THIRD STREET, ARCH TO FAIR, IMPROVEMENTS ON THE PROPERTY OWNER'S SIDE OF THE CURB LINE INCLUDING, BUT NOT LIMITED TO; SIDEWALK, STREET LIGHTS, AND ASSOCIATED ITEMS.

FURTHER RESOLVED, that the proportion of the costs of such improvements which shall be defrayed by special assessment upon the property especially benefitted thereby and the proportion to be defrayed as the general obligation of the City, if any, shall be as follows:

PROPERTY - \$727,546.00                      CITY - \$2,480,179.00

FURTHER RESOLVED, that the report of the City Manager, the report of the City Engineer, and the preliminary plans, specifications, and cost estimates are hereby approved; that said special assessments which are \$500 or less shall be paid in one annual installment, those which are \$500 to \$1,000 may be paid in five equal annual installments, those which are \$1,000 to \$5,000 may be paid in eight equal annual installments, and those which are over \$5,000 may be paid in ten equal annual installments; all such installments to be due at the time fixed for the payment of regular City taxes, together with interest on such installments at the rate of 10% per annum from the date of confirmation of such special assessment rolls.

It was then moved by Commissioner Sciotto and supported by Commissioner Coffey to direct the City Manager to study formulas for making this assessment based on criteria other than flat rate per front foot. After discussion, the following vote was taken:

Ayes: Commissioners Coffey, Sciotto.

Nays: Mayor Berube. Commissioners Acocks, Birch, Coyne, Glenn.

The motion was defeated.

It was then moved by Commissioner Glenn, supported by Commissioner Coffey, and carried unanimously to set the regular meeting on May 8, 1989 as the time and date for a public hearing on the confirmation of this special assessment roll. Mayor Berube called a five minute recess at 9:25 p.m.

#### **PUBLIC HEARING - Library Truth in Taxation**

Mayor Berube announced this was the time set for a hearing on an increase in the Library millage. A report and recommendation from the City Manager, regarding restoring the Library tax millage, was read. There being no one to address the Commission, the hearing was closed. Librarian Edward Mandell answered questions about how the money generated by this millage would be used. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried unanimously to adopt the resolution restoring the millage for the Peter White Public Library as follows:

WHEREAS, it is the desire of the Peter White Library to continue to provide essential services; and

WHEREAS, Act 5 of Public Acts of 1982 provides that the base operating rate for the Library be reduced from 1.50 to 1.47834 mills; and

WHEREAS, to fund the proposed Library's 1989-90 budget and maintain the services it provides, the Library finds it necessary to restore the levy reduction and return the total operating rate to 1.50; and

WHEREAS, the Library has complete authority to establish the number of mills to be levied within its authorized millage rate; and

WHEREAS, the City Commission held a Public Hearing in accordance with Public Act 5 of 1982 on restoring the millage on April 24, 1989;

NOW, THEREFORE, BE IT RESOLVED, that the City of Marquette establish a Library operating tax rate of 1.50 for Fiscal Year 1989-90.

**PUBLIC HEARING - City Truth in Taxation**

Mayor Berube announced this was the time set for a hearing on increasing the City's millage rate. A report and recommendation from the City Manager, regarding restoring the City tax millage to the 1988 rate, was read. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously to adopt the following resolution:

WHEREAS, it is the desire of the City of Marquette to continue to provide essential services; and

WHEREAS, Act 5 of Public Acts of 1982 provides that the base operating rate for the City be reduced from 12.53 to 12.34905 mills; and

WHEREAS, to fund the proposed City's 1989-90 Budget and maintain the services it provides, the City finds it necessary to restore the levy reduction and return the total operating rate to 12.53 mills; and

WHEREAS, the City has complete authority to establish the number of mills to be levied within its authorized millage rate; and

WHEREAS, the City Commission held a Public Hearing in accordance with Public Act 5 of 1982 on restoring the millage on April 24, 1989;

NOW, THEREFORE, BE IT RESOLVED, that the City of Marquette establish an operating tax rate of 12.53 for Fiscal Year 1989-90.

**PUBLIC HEARING - Water/Sewer Rate Ordinance Amendment**

Mayor Berube announced that this was the time set for a public hearing on an amendment to the water and sewer rate ordinance. There being no one to address the Commission, the hearing was closed. A report and recommendation from the City Manager was read. It was moved by Commissioner Sciotto, supported by Commissioner Acocks, and carried unanimously to adopt ordinance #420 as follows:

AN ORDINANCE TO AMEND TITLE VII, CHAPTER 58 OF THE CODE OF THE CITY OF MARQUETTE BY AMENDING SECTIONS 58.01(1B) AND 58.03(1B) OF CHAPTER 58 TO CHANGE THE WATER AND WASTEWATER RATES FOR THE WATER AND WASTEWATER UTILITY

#### **CITIZEN COMMENT**

Stuart Sarasin addressed the Commission offering to answer questions on item 10, the Magnum Opus Pro Rally.

#### **PARKS AND RECREATION ADVISORY BOARD - Magnum Opus Pro Rally**

A recommendation from the Parks and Recreation Advisory Board, regarding a request to hold a rally at Presque Isle Park and on Mount Marquette, was read. It was moved by Commissioner Acocks and supported by Commissioner Coffey to accept the recommendation and to approve the 1989 Magnum Opus Pro Rally as proposed with the stipulation that there be a \$5,000 property damage bond. Following lengthy discussion, during which Parks and Recreation Director John Turausky and Stuart Sarasin answered questions, the following vote was taken:

Ayes: Commissioners Acocks, Birch, Coffey, Glenn, Sciotto.

Nays: Mayor Berube. Commissioner Coyne.

The motion was carried.

#### **CONSTRUCTION ENGINEERING AGREEMENT - Third Street**

A report and recommendation from the City Manager, regarding a construction engineering agreement with Sundberg, Carlson, and Associates for the Third Street reconstruction project, was read. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried unanimously that the City Commission approve this contract for the North Third Street reconstruction project with Sundberg, Carlson, and Associates in an amount not to exceed \$429,640.29 and authorize the Mayor and City Clerk to execute the agreement.

#### **MICHIGAN DEPARTMENT OF TRANSPORTATION TRAFFIC SIGNAL AGREEMENT - U.S. 41/McClellan Intersection Traffic Signal**

A report and recommendation from the City Manager, regarding the cost agreement for a traffic signal at the intersection of U.S. 41/M-28 and McClellan Avenue, was read. It was moved by Commissioner Acocks, supported by Commissioner Coyne, and carried unanimously to approve the following resolution permitting the City to participate in the installation and construction of this traffic signal.

WHEREAS, The Michigan Department of Transportation (MDOT) has determined that a stop and go signal will be warranted based on peak hour volumes being met when the proposed development south of the Bypass is completed; and

WHEREAS, the City of Marquette has budgeted funds for the further development of McClellan Avenue from (and including) the Bypass to Grove Street in the current Fiscal Year, and proposes to budget funds for the completion of this project in the Fiscal Year beginning July 1, 1989; and

WHEREAS, MDOT participation and federal aid is available for the installation of signalization thereby reducing the City of Marquette's

estimated construction costs to \$1,154.00 for the City's share of the construction costs; and

WHEREAS, MDOT will participate in 50% of the future annual maintenance costs of signalization after it is constructed;

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Marquette that the City Clerk be authorized to sign the Cost Agreement for Traffic Signal Control with the MDOT for the installation of a new traffic signal at the intersection of U.S. 41-M28 Bypass and McClellan Avenue, which commits the City to participate in estimated construction costs of \$1,154.00 (City share) and 50% of future maintenance costs for the installed signals.

**SUNDBERG, CARLSON & ASSOCIATES DEVELOPMENT, INC. - Property Sale Agreement**

A report and recommendation from the City Manager, regarding a purchase agreement with Sundberg, Carlson, and Associates Development, Inc. for sale of City-owned land on the west side of McClellan Avenue, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried unanimously that the purchase agreement be approved and that the Mayor and City Clerk be authorized to execute all documents related to this transaction on behalf of the City.

**MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY - Financing Plan**

A report and recommendation from the City Manager, regarding a financing plan for the Marquette County Solid Waste Management Authority, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously that the Commission approve the plan as proposed.

**ACQUISITION OF TAX REVERTED LANDS - Ridge Street**

A report and recommendation from the City Manager, regarding the acquisition by the City of tax reverted land on West Ridge Street east of Lincoln Avenue, was read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to approve the following resolution authorizing the acquisition of this land for public purposes:

WHEREAS, Act 223, P.A. 1909, as last amended by Act 196, P.A. 1970 provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes; and

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act and that lots within the City of Marquette in Nestor's Addition #1 described as Lots 20 and 21, and Lots 22, 23, 24, and 25 are eligible for conveyance to the City of Marquette;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission is authorized to make application to the State of Michigan, Department of Natural Resources, Lands Division, for conveyance of said land to the City of Marquette for a nominal fee as set by the Natural Resources Commission; and

FURTHER, BE IT RESOLVED, that the City Commission shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

#### **PROPOSED 1989-90 BUDGET**

City Manager Svanda said that the City Commission has completed its work sessions and has developed a proposed budget for Fiscal Year 1989-90. He said that copies of this budget are available for public inspection in the City Manager's office, the Finance Department, the City Clerk's office, and at the Peter White Public Library.

#### **BARAGA AVENUE - Emergency Sewer Repair**

City Manager Svanda summarized the need for an emergency sewer repair at the railroad crossing on Baraga Avenue. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried unanimously to authorize the Administration to affect this emergency repair as required and to waive the bidding provisions of the City Charter.

#### **LOWER HARBOR PARK - Seafood Festival Use Agreement**

A report and recommendation from the City Manager, regarding a use agreement with the Marquette West Rotary Club for the 1989 Seafood Festival, was read. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried unanimously to concur with the recommendation of the City Manager, to approve the agreement, and to authorize the Mayor and City Clerk to execute it on behalf of the City.

#### **CONSENT AGENDA**

Mayor Berube presented the consent agenda. It was moved by Commissioner Sciotto, supported by Commissioner Glenn, and carried unanimously to adopt the consent agenda as follows:

- B. Award bids for soft drink items to Midwest Coca-Cola Bottling Company.
- C. Award bids for hot dogs, buns, and concession items to the low bidders as recommended in the City Manager's report.
- D. Award bid for ice cream and cones to Reinhart Institutional Foods.
- E. Award bids for rental rates of heavy equipment and trucks to the low bidders as recommended in the City Manager's report.
- F. Approve a resolution recognizing the non-profit status of the Marquette Exchange Club.

#### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 1007 Champion: Recurring maintenance problems owned by John Okonkowski.
- 609 High: Recurring maintenance problems owned by George Harris.
- 215 North Sixth: Recurring noise problems, tenant is James Chernosky, owner David Wering.
- 1808 Presque Isle: Recurring maintenance problems owned by James Demarinis who also owns 802 West Bluff and 609 West Washington both with maintenance problems.
- 393 West Crescent: Recurring maintenance and zoning problems owned by Thom Bogdan.



### **APPOINTMENTS AND RESIGNATIONS**

Mayor Berube, with the Commission's concurrence, appointed Scott White as an alternate on the Board of Zoning Appeals. Mayor Berube also accepted the resignation of Eric Durham from the Downtown Development Authority and the Investment Advisory Board. He said that Mr. Durham had served the community very well on these boards. He also noted a letter from Mike Angeli submitting his resignation from the Board of Light and Power. He said that the Commission has 60 days in which to make an appointment to replace Mr. Angeli and that interested persons should contact the City Manager or the City Clerk's offices.

### **CITIZEN COMMENT**

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

### **ACOCKS**

Commissioner Acocks said that she had been out of the City for some time recently and that the cleanliness of Marquette and the value of the smoke free environment are even better after having been away. She also read part of an article from the Mining Journal on hospital accreditation. She said that this is another example of how making problems public can help solve the problems.

### **BIRCH**

Commissioner Birch said there is much confusion about the trash pickup. Public Works Superintendent Lawry outlined the procedures which are being followed. Commissioner Birch also said that the objection to the use of the Queen City designation for Marquette was an attempt to create a positive image.

### **COFFEY**

Commissioner Coffey asked what happens to people who leave out appliances and other materials which will not be picked up during the trash collection. City Manager Svanda said that they would be ticketed. Commissioner Coffey also said that the streets are being well cleaned this year. He said that Channel 6 will be televising the sentencing of drunk driving violators.

### **GLENN**

Commissioner Glenn noted the historic preservation forum in Marquette on Saturday. She said the City has been an active leader in this area. She urged people to vote tomorrow on the 0.3 mill renewal for the Marquette Transit Authority and said that the water pressure is back to normal now in Shiras Hills. She also asked about the Big Tree Contest. City Planner Gruber said that twelve entries had been received and will be judged soon.

### **SCIOTTO**

Commissioner Sciotto thanked Commissioner Acocks for the small American Flag placed in front of him on the dais. He urged people to buy more "Old Jerry" buttons to help repair the historic fire truck and gave special recognition for work on this project to Bruce Kivela, to the NMU Skill Center, and to Clarence "Whitey" White, a former Fire Department mechanic who is an expert in working on old fire trucks. Commissioner Sciotto said that parking is not allowed at the mouth of the Dead River and cars driving

off the road there should be ticketed. He also noted that people not using the trash receptacles at Presque Isle are causing much litter. He asked Superintendent Lawry said that the dust control will not occur for some time.

**BERUBE**

Mayor Berube displayed a gavel and gavel block made by Commissioner Sciotto as a personal gift to Mayor Mochida in Yokaichi. Mayor Berube said that he will personally deliver this gift. He also noted that Commissioner Glenn has donated a painting to take to Yokaichi.

**CLOSED SESSION**

It was moved by Commissioner Sciotto, supported by Commissioner Acocks, and carried unanimously to go into closed session to discuss two items of pending litigation. The Commission recessed at 11:10 p.m.

**RETURN TO OPEN SESSION**

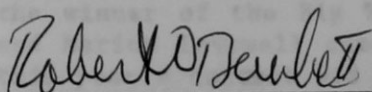
The Commission returned from closed session at 11:55 p.m.

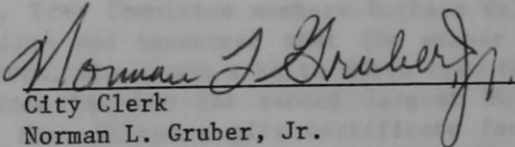
**YALMER MATTILA LAWSUIT**

It was moved by Commissioner Sciotto, supported by Commissioner Acocks, and carried unanimously that the Commission not concur in the mediation award of \$125,000 in this lawsuit and that a lesser amount be offered in settlement.

**ADJOURNMENT**

The meeting was adjourned at 11:56 p.m.

  
\_\_\_\_\_  
Mayor  
Robert O. Berube II

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

**PROCLAMATION - National Teacher Day**  
Mayor Berube made the following proclamation:  
  
WHEREAS, teachers touch the lives of all America's children and play a crucial role in their social development; and  
  
WHEREAS, teachers motivate students to become better learners; and  
  
WHEREAS, teachers meet challenges daily, reaching out to every student regardless of ability, interest in learning, social or economic background, handicap, race, religion, creed, or ethnic origin; and  
  
WHEREAS, teachers offer counseling and support to students not only in their classrooms but throughout their years in school as they prepare for their careers; and