



OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, May 8, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, May 8, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

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

ABSENT: None.

**APPROVAL OF MINUTES**

Mayor Berube said that the approval of the minutes would be delayed until the next meeting as they were just received this evening.

**BILLS PAYABLE**

Total bills payable in the amount of \$549,440.68 were presented. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously that the bills be paid as submitted.

**AGENDA CHANGES**

During the time set for agenda changes, Mayor Berube added item 15a, discussion of possible agreements with the Marquette County Solid Waste Authority.

**BIG TREE CONTEST**

Mayor Berube announced that this was the time set for making the award to the winner of the Big Tree Contest. Tree Committee members Barbara Kelly and Marion Lovewell came to the podium and announced that the winner of this year's contest was Margaret Hilton, who found a White Birch tree that is 48.7 inches in diameter. This tree is also the second largest White Birch tree in the state. They gave Mrs. Hilton a gift certificate for a flowering crab apple tree and congratulated her on winning this year's contest.

**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 active 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

WHEREAS, America depends on successful school instructional programs that meet the needs of every child; and

WHEREAS, teachers are carrying out a major responsibility in preparing our young people to assume their role as effective citizens; and

WHEREAS, teachers contribute to the economic growth of this nation by providing students the skills that make them a viable part of the work force;

NOW, THEREFORE, BE IT RESOLVED, that May 9, 1989 is hereby proclaimed National Teacher Day as a time for public recognition of teachers' contributions to the development of this community and teachers' influence on the lives of all of us.

#### **PUBLIC HEARING - FY 1989-90 Budget**

Mayor Berube announced that this was the time and date set for a public hearing on adoption of the Fiscal Year 1989-90 Budget. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to adopt the 1989-90 Fee Schedule with a notation that the junk and second hand dealer license should be \$35.00 not \$25.00. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to adopt the resolution restoring the Peter White Public Library operating millage. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to adopt the resolution restoring the City operating millage. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to adopt the General Appropriations Act dated May 5, 1989. The following resolutions and Appropriations Act were adopted:

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.

AND

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.

General Appropriations Act  
May 8, 1989  
For the Fiscal Period Beginning July 1, 1989  
and Ending June 30, 1990

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 1989-90 was prepared and submitted by the City Manager to the City Commission on April 6, 1989; and April 24, 1989; 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 8, 1989;

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, 1989, 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:

	\$ 3,532,233.00
Taxes	9,625.00
Licenses & Permits	26,090.00
Federal Grants	1,844,150.00
State Grants/Shared Revenues	15,264.00
Contributions from Local Units	2,353,650.00
Charges for Services	65,000.00
Fines & Forfeits	1,141,000.00
Interest and Rents	

Other Revenues	2,715,908.00
Operating Transfers In	13,000.00
Transfer From Fund Balance	0.00
<b>TOTAL</b>	<b>\$ 11,715,920.00</b>

General Fund Expenditures by Function:

Legislative	\$ 47,725.00
General Government	1,229,037.00
Public Safety	2,230,207.00
Public Works	3,040,215.00
Health & Welfare	111,419.00
Recreation & Culture	1,069,283.00
Other Functions	2,028,053.00
Appropriations Transfers Out	1,859,658.00
Contingencies	100,323.00
<b>TOTAL</b>	<b>\$ 11,715,920.00</b>

Major Street & Trunkline Fund Revenue by Source:

State Grants	\$ 801,500.00
Interest	84,040.00
Other Revenues	2,338,860.00
Operating Transfers In	679,733.00
Transfer From Fund Balance	240,450.00
<b>TOTAL</b>	<b>\$ 4,144,583.00</b>

Major Street & Trunkline Fund Expenditures by Function:

Public Works	\$ 3,873,610.00
Debt Service	270,973.00
<b>TOTAL</b>	<b>\$ 4,144,583.00</b>

Local Street Fund Revenue by Source:

State Grants	\$ 200,500.00
Interest	21,500.00
Other Revenues	255,940.00
Operating Transfers In	829,925.00
<b>TOTAL</b>	<b>\$ 1,307,865.00</b>

Local Street Fund Expenditures By Function:

Public Works	\$ 1,250,340.00
Debt Service	57,525.00
<b>TOTAL</b>	<b>\$ 1,307,865.00</b>

Infrastructure Improvement Fund Revenue by Source:

Interest	\$ 25,000.00
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Operating Transfers In 300,000.00  
 TOTAL \$ 325,000.00

Infrastructure Improvement Fund Expenditures by Function:  
 Public Works TOTAL \$ 325,000.00

Solid Waste Management Fund Revenue by Source:  
 Interest \$ 17,400.00  
 Fund Balance Carried Forward 0.00  
 TOTAL \$ 17,400.00

Solid Waste Management Fund Expenditures by Function:  
 Contingencies \$ 17,400.00  
 TOTAL \$ 17,400.00

Parking Structure Fund Revenue By Source:  
 Taxes \$ 37,889.00  
 Interest and Rents 41,905.00  
 Other Revenues 50,869.00  
 TOTAL \$ 130,663.00

Parking Structure Fund Expenditures By Function:  
 Public Works (Parking System) \$ 51,350.00  
 Appropriation Transfers Out (Bldg Auth Debt) 70,844.00  
 Reserves 8,469.00  
 TOTAL \$ 130,663.00

Community Development 3E Fund Revenue By Source:  
 Federal Grant - UDAG \$ 725,000.00  
 State Grant - Small Cities 325,000.00  
 TOTAL \$ 1,050,000.00

Community Development 3E Fund Expenditures: TOTAL \$ 1,050,000.00

Library Fund Revenue By Source:  
 Taxes \$ 393,626.00  
 State Grants 40,940.00  
 Charges For Services 12,000.00  
 Fines & Forfeits 56,120.00  
 Interest & Rents 15,450.00  
 Other Revenues 54,879.00  
 Transfer From Fund Balance 34,382.00  
 TOTAL \$ 607,397.00  
 TOTAL \$ 607,397.00

Library Fund Expenditures:

<b>Criminal Justice Training Fund Revenue By Source:</b>		
	\$	6,000.00
State Grants		400.00
Interest		3,600.00
Transfer From Fund Balance		
	TOTAL \$	10,000.00
<b>Criminal Justice Training Fund Expenditures:</b>		TOTAL \$ 10,000.00
<b>1978 Special Assessment Debt Fund Revenue:</b>		
	\$	285.00
Interest & Fees		
	TOTAL \$	285.00
<b>1978 Special Assessment Debt Fund Expenditures:</b>		
	\$	285.00
Special Assessments		
	TOTAL \$	285.00
<b>1984 Special Assessment Debt Fund Revenues:</b>		
	\$	38,100.00
Interest & Fees		
Transfer From Fund Balance		29,532.00
	TOTAL \$	67,632.00
<b>1984 Special Assessment Debt Fund Expenditures:</b>		
	\$	200.00
Special Assessments		
Debt Service		67,432.00
	TOTAL \$	67,632.00
<b>Building Authority Debt Service Fund Revenues:</b>		
	\$	15,870.00
Interest		
Assessments Levied		17,466.00
Approp. Transfers In		70,844.00
Transfer From Fund Balance		0.00
	TOTAL \$	104,180.00
<b>Building Authority Debt Service Fund Expenditures:</b>		
	\$	100.00
Building Authority		
Principal On Bonds		40,000.00
Paying Agent Fees		515.00
Interest - Long Term Debt		63,565.00
	TOTAL \$	104,180.00
<b>River Park Sports Complex Fund Revenues:</b>		
	\$	125,000.00
State Grants		
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
Lower Harbor Property Acq. & Development:		
State Grant		\$ 158,900.00
Other Revenues		5,000.00
	TOTAL \$	163,900.00
Lower Harbor Property Acq. & Development:		
Capital Outlay	TOTAL \$	163,900.00
Neck of Presque Isle Fund Revenues:	TOTAL \$	60,200.00
Neck of Presque Isle Fund Expenditures:	TOTAL \$	60,200.00
River Park Complex Phase II Fund Revenues:		
Taxes	\$	7,574.00
Interest		4,475.00
	TOTAL \$	12,049.00
River Park Complex Phase II Fund Expenditures:		
Capital Outlay	\$	1,200.00
Contingencies		10,849.00
	TOTAL \$	12,049.00
Intermodal Transportation Terminal Fund Revenue:	TOTAL \$	152,113.00
Intermodal Transportation Terminal Fund Expenditures:	TOTAL \$	152,113.00
Marquette Area Wastewater Treatment Facility Fund Revenue:	TOTAL \$	1,178,025.00
Marquette Area Wastewater Treatment Facility Fund Expenditures:	TOTAL \$	1,178,025.00
Water & Sewage Disposal System Fund Revenue:	TOTAL \$	5,006,600.00
Water & Sewage Disposal System Fund Expenditures:	TOTAL \$	5,006,600.00
Marina Fund Revenue:	TOTAL \$	134,520.00



Marina Fund Expenditures:

TOTAL \$ 134,520.00

BE IT FURTHER RESOLVED, that this Commission has estimated the revenue which will be forthcoming during Fiscal Year 1989-90, and has determined the amount necessary to balance the General Fund budget to be the sum of \$3,288,091; and has determined the amount necessary to balance the Peter White Public Library budget to be the sum of \$393,626; 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 \$3,288,091; is hereby fixed as the amount to be raised by Real and Personal Taxes for the 1989-90 Fiscal Year for the General Fund (a millage rate of 12.53 mills); and the sum of \$393,626; is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 1989-90 Fiscal Year for the Peter White Public Library (a millage rate of 1.50 mills); 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.

**PUBLIC HEARING - Special Assessment Roll #509**

Mayor Berube announced that this was the time and date set for a public hearing on single lot special assessment roll #509. Don Potvin complained about the condition of the Boulevard which he had not mowed and for which he had been assessed the cost of the City's mowing. He said that the City does ordinance enforcement by the squeal system. The hearing was closed. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously to approve special assessment roll #509. It was then moved by Commissioner Acocks, supported by Commissioner Coyne, and carried unanimously that consistent with previous Commission action, those 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; and those which are \$1,000 to \$5,000 may be paid in eight equal annual installments with interest at the rate of 10% per annum to be paid from the date of confirmation of the roll.

**PUBLIC HEARING - Special Assessment Roll #510**

Mayor Berube announced that this was the time and date set for a public hearing on confirmation of special assessment roll #510 for the Third Street improvement project. Lois Olson objected at length to assessments against residential property. Gordon Yates said that the assessment was much too high for residential properties and that he could not afford it. Don Potvin said that a decision on this assessment should be delayed so that Commissioners can give it more thought. He complained about tearing up good sidewalk the same level of assessment for businesses, residences, and parking lots, too expensive lighting, the same assessments for his parking lot as for the mini mall, and free sidewalk and curb provided on the south end of North Third Street last year. He also said that the rules for handling encroachments should be approved before the project is approved, as should the rules for the investment credit program. He said there is a general lack of support for this project, that there are hidden costs, and

that the Village Development Coordinating Committee does not represent other property owners. Jim Bielinski, Chairman of the V.D.C.C., read the recommendation from the Committee on the bids and the assessment. He discussed this recommendation at length. Dan Trotochaud of said that he is a business owner and member of the V.D.C.C. and that he supports the project although he would like to see the cost for street lighting lowered. James Goodreau said that there needs to be a survey to find out what people on the street really want. Dave Hamari said that he agrees with Mr. Potvin that the street should not be widened and that there is a need to preserve the small town character of the area. LouAnn Balding, a member of the V.D.C.C., supported the project. The hearing was closed.

A report and recommendation from the City Manager, regarding this project, was read. Following discussion, it was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to award the contract for the Third Street reconstruction project to Hebert Construction Company including the revised tree grate extension and change order #1 for a total amount of \$2,158,498.19, to authorize the Mayor and City Clerk to execute this contract on behalf of the City, and to confirm special assessment roll #510 exempting single family owner occupied residences with the City to pay the assessments for all exempted properties, and if a portion of an owner occupied duplex is treated as a residence and not a business in the owner's 1988 federal income tax return then that portion of the property is also exempted, with a provision that in order to continue the exemption throughout the term of the assessment, the owners of the owner occupied duplexes shall submit copies of each year's federal income tax form, and where the City pays the assessment for an exempted single family owner occupied residence or owner occupied duplex, if the property is converted to business use during the term of the assessment, then the City shall collect a prorated assessment for that property, and with all City funding for exempted properties to come from budget adjustments. 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 City Ordinance, of the filing with the City Clerk of the special assessment roll for the following improvement:

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.

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

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

WHEREAS, all suggestions and objections made to said special assessment roll and the assessments therein, have been heard and considered; and

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

RESOLVED, that said special assessment roll, to wit: Special Assessment Roll # 510 and the respective assessments therein, are hereby confirmed:

FURTHER RESOLVED, that such 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; that the first such installment shall be due on November 1, 1989; that all unpaid installments shall bear interest at the rate of 10% from December 1, 1989; and that such installments, including interest and penalties, which remain unpaid on March 1 of each year shall be reported as delinquent by the City Treasurer and shall be collected by the City Treasurer in the same manner, and with the same rights and remedies, as provided in the City Charter for the collection of taxes.

#### **CITIZEN COMMENT**

During the time set for citizens wishing to comment on agenda items, Jim Kiesby offered to answer questions on item #9.

#### **MAGNUM OPUS RALLY**

A communication from the Marquette Magnum Opus Pro Rally Committee, regarding the Committee's decision not to have a special stage at Presque Isle Park, was read. It was moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried unanimously to reconsider the motion of the April 24 meeting regarding this rally. It was then moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried unanimously to strike the portion of the motion which approved the special stage of the rally at Presque Isle Park and to set the amount for the property damage bond at \$2,000.

#### **MARQUETTE GENERAL HOSPITAL - Ice Rink Funding**

A communication from Marquette General Hospital, regarding continued funding for an outdoor ice rink behind Snowberry Heights, was read. Commissioner Glenn presented a check in the amount of \$2,500 to the Finance Director representing the Hospital's support for this ice rink. Mayor Berube thanked the Hospital for their continued support of City recreation activities. Commissioner Coffey suggested that other potential donors be identified.

#### **PUBLIC WORKS ADVISORY COMMITTEE - Joint Work Session**

A communication from the Public Works Advisory Committee, requesting a joint work session with the City Commission, was read. Commissioners agreed to hold this work session at 7:00 p.m. on Wednesday, May 24, 1989 in Commission Chambers of City Hall.

#### **PLANNING COMMISSION - Rezoning West of Altamont Street**

A recommendation from the Planning Commission for the rezoning of land west of Altamont Street north of Pioneer Road and south of Caroline Burt's

Addition #2, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously to schedule a public hearing for this rezoning for the May 30, 1989 Commission meeting.

**PARKS AND RECREATION ADVISORY BOARD - Recreation Programming Initiatives**

A recommendation from the Parks and Recreation Advisory Board, regarding the establishment of new recreation programs, was read. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to ask the Parks and Recreation Advisory Board to rethink this recommendation and to direct them to work with the City Manager regarding an alternative proposal. Jim Kiesby, representing the Parks and Recreation Advisory Board, answered questions regarding their proposal. Commissioner expressed concern that the concept was not well thought through and that it would be at odds with the City's budget process.

**ENTRE AMIGOS - Pocket Park Lease**

A recommendation from the City Attorney, regarding a long term lease agreement with Entre Amigos for a portion of the Downtown Pocket Park, was read. City Manager Svanda said that he had a potential conflict of interest in this matter and that City Attorney Martin had done all negotiating relating to the new lease. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to accept the Attorney's recommendation and to direct that the necessary process be followed for execution of this lease including the addition of a provision for watering the lawn in the pocket park.

**UNIFORM TRAFFIC CODE - Amendment**

A recommendation from the City Attorney for an amendment to the Uniform Traffic Code, was read. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried unanimously to set the regular meeting on May 30, 1989 as the time and date for a public hearing on this proposed amendment.

**FIRE DEPARTMENT - Labor Agreement**

A report and recommendation from the City Manager, regarding an agreement with the Fire Department employees, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously that the Firefighters Labor Agreement be approved and that the Mayor and Clerk be authorized to execute it on behalf of the City.

**EMERGENCY SEWER REPAIR - Baraga Avenue**

City Manager Svanda reported that since the last meeting quotes have been obtained, a contractor selected, and materials ordered for the emergency repair of the sewer on Baraga Avenue just west of Front Street. Public Works Superintendent Steve Lawry gave more detailed information about the project. He said that work should start about May 15.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 116 WEST PARK: Noise and maintenance problems now and in the past owned by Sandra Beaudin.
- 100 WRIGHT: Maintenance problems owned by C & W Company.
- 411 SPRUCE: Noise and maintenance problems owned by Clark Lambros.

1204 DIVISION: Maintenance problems owned by Dan Klumb who also owns  
1616 FITCH, 502 NORTH FRONT, AND 510 NORTH FRONT all with noise and  
maintenance problems.  
920 JEFFERSON: Noise problems owned by Tom Bullock. City Manager  
Svanda noted that a representative of the Bullocks has been in contact  
with the City saying that the problem tenants no longer reside at that  
site.  
220 WEST MICHIGAN: Noise and maintenance problems owned by Gary and  
Debbie Enright.  
423 SPRING: Maintenance problems owned by Bill Pesola who also owns  
425 SPRING and 1026 NORTH FRONT with similar problems.  
1409 NORWAY: Maintenance problems owned by Janet Sonaglia.  
Commissioner Sciotto said that the Bullocks are doing a good job in  
attempting to keep their rental units free of problems.

#### **APPOINTMENTS**

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

PUBLIC ACCESS COMMITTEE: Skip Schneider for a term expiring January  
1, 1995.

PETER WHITE PUBLIC LIBRARY BOARD: Peter Kelly for a term expiring May  
1, 1994.

#### **MARQUETTE COUNTY SOLID WASTE AUTHORITY**

Mayor Berube announced that this was the time set to discuss an agreement  
with the Marquette County Solid Waste Management Authority. It was moved by  
Mayor Berube, supported by Commissioner Birch, and carried unanimously to  
instruct the City Manager to communicate with the County Solid Waste  
Management Authority that the City does not want to give up its rights to  
the City's waste stream.

#### **CONSENT AGENDA**

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

A. Schedule a public hearing for the Commission meeting on May 30,  
1989 on an application for a \$5,000 grant for the Shiras Hills Park  
Project, Inc.

B. Approve the following resolution for temporary traffic signal at  
Front and Washington Streets and authorize the City Clerk to sign the  
cost agreement with the Michigan Department of Transportation:

WHEREAS, the City of Marquette has determined that the Lakeshore  
Boulevard Reconstruction Project requires that two way traffic be  
implemented on East Washington Street during the reconstruction  
project.

WHEREAS, the City of Marquette has budgeted for the reconstruction of  
Lakeshore Boulevard including temporary traffic control measures  
required for its successful completion.

WHEREAS, A City of Marquette project requires that the signal at the  
corner of Washington (bus route US 41) and Front Street be modified by  
addition of a signal face (2 ea), facing to the East.

WHEREAS, the City of Marquette agrees to pay 100% of the cost for installation and removal of the temporary signal.

C. Award bids for aggregate materials as recommended in the City Manager's report.

D. Award the bids for purchase of bituminous aggregate and cold patch to Payne and Dolan, Inc. and for RS-2a Emulsion to Custom Asphalt, the low bidders.

E. Award the bid for testing and repair of large meters to Van Guard Meter Service, Inc., the low bidder.

F. Award the bid for cleaning, televising, and root control of sanitary sewer lines to Visa-Sewer Clean and Seal, Inc., the low bidder.

G. Award the bid for water main materials to Aetna Supply Company, the low bidder.

H. Schedule a public hearing for the Commission meeting on May 30, 1989 on the vacation of Hancock Street from Lincoln Avenue west 300 feet.

#### **CITIZEN COMMENT**

Peggy Bagley said that residents of the Superior Hills area want land set aside for park purposes in the area being sold by the City. She presented a petition with 150 signatures. Chris Vonck read a letter supporting the need for a park in that area. Mike Vonck said that there is a need for a park in the neighborhood and that the neighborhood has been using the 70 acre parcel being sold by the City as undeveloped park land. Satish Shah supported a need for the park in this area. David Hamari complained about the toxic waste site at the old Cliffs Dow plant.

#### **SCIOTTO**

Commissioner Sciotto said that Mr. Potvin's comments on ordinance enforcement were not true and that the City has a good inspection department. He said they do not rely only on complaining neighbors. He noted complaints about dogs at Presque Isle Park and said the sign there needs to be more visible. He also noted an excellent article on Marquette Senior High School tennis coach Mickey Johnson who is 85 years old and has been coaching tennis for 50 years. He commended Mr. Johnson for his efforts for the use of the community.

#### **GLENN**

Commissioner Glenn said that the grant application for the Shiras Hills Park Project shows that the City cares about children and said there should be a park in Superior Hills.

#### **COYNE**

Commissioner Coyne asked how much City funding was given to the Shiras Hills Park Project, Inc. City Manager Svanda said they do not receive City funding. Commissioner Coyne encouraged the Superior Hills Group to do the same as the group in Shiras Hills. He said that a park must be located on decent land if it is to be successful. He noted six comments from residents on Front Street objecting to removal of the Property Causing Neighborhood Problems agenda item. They all feel that this item is working. He said that the City Commissioners had had a delightful visit with elected officials from Holland last week and wished Commissioner Coffey a good day tomorrow.

on National Teacher's Day. He wished Mayor Berube and Mrs. Berube and their three children a successful and happy trip to Yokaichi.

#### **COFFEY**

Commissioner Coffey asked if making a park a condition of a rezoning is illegal. City Manager Svanda said yes it is. Commissioner Coffey also asked if the Commission will move seats again in a different pattern. Mayor Berube polled the Commissioners and all of them indicated satisfaction with the arrangement being used this evening. Commissioner Coffey also gave information on bid items which were on the consent agenda.

#### **BIRCH**

Commissioner Birch applauded America's teachers and wished the Berubes a safe trip. He said there is a need for parks in the City. He said there is a lot of trash along the bike path on Lakeshore Boulevard and asked if trash barrels could be put out there.

#### **ACOCKS**

Commissioner Acocks congratulated the teachers of America, wished the Berubes a safe trip, and said that people in Superior Hills should talk to Parks and Recreation Director John Turausky about the Adopt-a-Park Program. She noted repetition of some names in the Properties Causing Neighborhood Problems list and asked if more needs to be done about those people.

#### **BERUBE**

Mayor Berube said that the Commission had spent the day with representatives from Holland last Friday on a tour of the City and meeting with City staff members. He said two of many highlights of the trip were a very clean floor in the compressor room at the Arena and the way the visitors were impressed by the beautiful parks, especially Presque Isle. He suggested that a guided TV tour of the City Hall be developed. He noted that Holland assesses entirely for street reconstruction costs and said that Marquette is doing well to pay for parts of these projects. He congratulated teachers on National Teacher's Day.

#### **CLOSED SESSION**

It was then moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to go into closed session to discuss a possible appointment. The meeting was recessed at 9:56 p.m. The Commission reconvened at 10:18 p.m.

#### **APPOINTMENT**

Mayor Berube said that the Commission had been in closed session discussing potential Board of Light and Power appointments. It was moved by Commissioner Coyne and supported by Commissioner Glenn to appoint Dr. Craig Stien to the Board of Light and Power to fill the unexpired term of Leonard M. Angeli. The following vote was taken:

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

Nay: Commissioner Sciotto.

The motion was carried.

**ADJOURNMENT**

The meeting was adjourned at 10:19 p.m.

*Robert O. Berube II*

Mayor  
Robert O. Berube II

*Norman L. Gruber, Jr.*

City Clerk  
Norman L. Gruber, Jr.

**ENTIRE ASSEMBLY**

It was moved by Commissioner Blum, supported by Commissioner Duffey, and carried to excuse Mayor Berube as he is out of the country.

**APPROVAL OF MINUTES**

It was moved by Commissioner Sciotta, supported by Commissioner Blum, and carried to approve the minutes of the April 15 and May 3 regular Commission meetings and the April 17 and May 3 special Commission meetings as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$18,912.00 were presented. It was moved by Commissioner Sciotta, supported by Commissioner Blum, and carried that these bills be paid with the exception of the one to Commissioner Glenn in the amount of \$175.00. It was then moved by Commissioner Blum and supported by Commissioner Sciotta to pay the above-mentioned bill to Commissioner Glenn. The following vote was taken:

- Ayes: Mayor Eric Tom Aronch, Commissioners Blum, Duffey, Glenn, Sciotta.
- Agreed: Glenn.
- Abstentions: Commissioner Blum.

The motion was carried.

**DECLARATION - Ted Muehle Day**

Mayor Eric Tom Aronch made the following proclamation:

WHEREAS, on December 13, 1977, Ted Muehle worked the winter with the Michigan Department of Corrections with a December Parole Unit Prisoner of Southern Michigan (M204), and

WHEREAS, throughout the past two decades, Ted Muehle worked as a parole officer, parole agent, Director of Counseling Services Unit, District Supervisor for Parole and Probation in Grand Haven, and Superintendent of the Prison Day Program for the Department of Corrections; and

WHEREAS, on April 7, 1977 Ted Muehle began to work winter as Parole of the Marquette Branch Prison; and

WHEREAS, during this time Ted Muehle provided the leadership to guide the Marquette Branch Prison through a period of great change; and throughout this time, earned the respect of his staff and administered



ADJUTANT GENERAL... The meeting was adjourned at 10:15 p.m. with the adjutant general's report.

ADJUTANT GENERAL... The adjutant general's report was read and approved. The meeting was adjourned at 10:15 p.m.

ADJUTANT GENERAL... The adjutant general's report was read and approved. The meeting was adjourned at 10:15 p.m.

ADJUTANT GENERAL... The adjutant general's report was read and approved. The meeting was adjourned at 10:15 p.m.

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ADJUTANT GENERAL... The adjutant general's report was read and approved. The meeting was adjourned at 10:15 p.m.

ADJUTANT GENERAL... The adjutant general's report was read and approved. The meeting was adjourned at 10:15 p.m.

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Tuesday, May 30, 1989

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

**ROLL CALL**

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

ABSENT: Mayor Berube.

**EXCUSE ABSENCE**

It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried to excuse Mayor Berube as he is out of the country.

**APPROVAL OF MINUTES**

It was moved by Commissioner Sciotto, supported by Commissioner Glenn, and carried to approve the minutes of the April 24 and May 8 regular Commission meetings and the April 17 and May 8 closed Commission meetings as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$484,927.18 were presented. It was moved by Commissioner Sciotto, supported by Commissioner Birch, and carried that these bills be paid with the exception of the one to Commissioner Glenn in the amount of \$215.27. It was then moved by Commissioner Birch and supported by Commissioner Sciotto to pay the above excluded bill to Commissioner Glenn. The following vote was taken:

Ayes: Mayor Pro Tem Acocks. Commissioners Birch, Coffey, Coyne, Sciotto.

Nays: None.

Abstention: Commissioner Glenn.

The motion was carried.

**PROCLAMATION - Ted Koehler Day**

Mayor Pro Tem Acocks made the following proclamation:

WHEREAS, on December 15, 1954, Ted Koehler started his career with the Michigan Department of Corrections serving as a Counselor in the State Prison of Southern Michigan (SPSM); and

WHEREAS, throughout the next two decades, Ted Koehler served as a parole officer, senior agent, Director of Counseling Services SPSM, District Supervisor for Parole and Probation in Wayne County, and Superintendent of the Prison Camp Program for the Department of Corrections; and

WHEREAS, on April 7, 1972 Ted Koehler began a 15 year tenure as Warden of the Marquette Branch Prison; and

WHEREAS, during this time Ted Koehler provided the leadership to guide the Marquette Branch Prison through a period of great change, and throughout this time, earned the respect of his staff and maintained

the trust and confidence of the Marquette community in the integrity of the institution; and

WHEREAS, as of May 1, 1989, after completing over 34 years with the Michigan Department of Corrections and 15 years as the Warden of the Marquette Branch Prison, Ted Koehler has retired from his career in corrections.

NOW, THEREFORE, BE IT RESOLVED, that I, Loretta Acocks, Mayor Pro-Tem of the City of Marquette, on behalf of the City Commission and the citizens of our community, hereby proclaim June 2, 1989 as TED KOEHLER DAY in the City of Marquette and extend to Warden Koehler, our sincerest gratitude for his years of service to our community and the State of Michigan and extend to him the best wishes of the Citizens of Marquette.

**PROCLAMATION - Marquette Branch Prison Week**

Mayor Pro Tem Acocks made the following proclamation:

WHEREAS, on June 5, 1885, the Michigan State Legislators appropriated \$150,000 for partial funding for the construction of a Prison in Michigan's Upper Peninsula; and

WHEREAS, the Marquette Businessmen's Association with much foresight, identified a site located near the Carp River and on the Detroit, Mackinac and Marquette Railroad, and actively promoted this land to the State of Michigan for the Marquette Prison; and

WHEREAS, in 1889 prison construction was completed utilizing stone, timber, copper and steel from Lake Superior country and Orison C. Tompkins was appointed by Governor Luce to serve as Marquette Branch Prison's first warden; and

WHEREAS, The Prison was officially opened when the first prisoners were accepted on June 22, 1889; and

WHEREAS, under the leadership of the present Warden of the Marquette Branch Prison, Ted Koehler, and 16 previous Wardens, and well over 2500 employees both past and present, the Marquette Branch Prison has, in its 100 years of existence, earned the respect of the local community for its difficult and necessary contribution to humanity, and is recognized as a valued component of our local community; and

NOW, THEREFORE, BE IT RESOLVED, that it is entirely fitting and proper that the City of Marquette recognize the Marquette Branch Prison and its employees for its 100 years of dedicated service to the State of Michigan;

NOW, THEREFORE, I, Loretta Acocks, Mayor Pro-Tem for the City of Marquette do hereby declare the week of June 19, 1989 as Marquette Branch Prison Week in honor of their Centennial and I encourage all citizens to recognize and be proud of the contributions made by all Prison Employees and to be aware of the difficult and demanding jobs they perform for the Citizens of Michigan.

### **S.O.S. COMMITTEE - Wright Street Traffic Problems**

Mayor Pro Tem Acocks announced that this was the time set for a presentation by the S.O.S. Committee. She suggested that a letter from L. Blondeau and Sons Trucking be read first because it provided useful information about the situation. Following reading of the letter, Mayor Pro Tem Acocks said that there will be a 35% reduction in the amount of limestone being hauled to the Empire Mine this summer because it will be hauled by rail from Escanaba. She also said that hauling of limestone will take place from the Board of Light and Power dock in the Lower Harbor once repairs to that dock are completed and would continue from the location until the BLP's winter coal supplies are delivered in the fall.

Richard Goad, representing the Committee, presented a petition with 200 signatures opposing hauling of limestone through the City by trucks. Vince Luzak said that problems with the limestone hauling include noise, vibration, broken windows, cracked walls, dust and fumes, and that these problems affect many people. Richard Wilson said that many cracks have appeared in his house walls which is 200 feet from Wright Street. He said the goal of the Committee is to eliminate trucks hauling limestone on Wright Street. He said the short term goal is to reduce the 35 mile per hour speed limit to 25 miles per hour on Wright Street and County Road 550. He said the Committee wants both of these streets resurfaced, especially near manholes, and that the unused railroad tracks on both streets should be removed so that the pavement could be smoothed. The Committee wants the City to wet-sweep the streets to remove fly ash and lime dust. They also want the hours of hauling reduced to 8:00 a.m. to 5:00 p.m. with hauling not allowed on weekends. He said they want tarps covering the trucks, they would like the capacity of the Dead River Bridge determined to see if it is being overloaded, and would like to have alternate routes investigated. They want single trailers used instead of double trailers and would like the trucks to use the inside lanes to avoid the bumps in the outside lanes on Wright Street. They suggested an ordinance restricting truck traffic on Wright Street and Sugarloaf Avenue as did Ishpeming and said that the City should investigate gas tax revenues for maintaining Wright Street to see if keeping these revenues is worth having the trucks using the streets. Finally, they said there should be a fifteen foot high sound barrier along Wright and Sugarloaf Streets.

Terry Orlich said that dust is a serious problem along with vibration and that the trucks run early in the morning and early on weekend mornings. He said that noise at his house from the trucks is loud enough to prevent conversation. John Olson said that he had thought the truck traffic hauling limestone was temporary but that now Blondeau has a five year contract with the mines for hauling limestone. He said that he lives next to the railroad tracks on Sugarloaf and that there is a serious vibration problem at his house. He is concerned about long-term damage to his house and to the streets and said that he is afraid that when the damage has to be repaired the trucking company and the mining company will be out of business. Steve Ayotte said that CCI and Blondeau are not interested in helping residents find solutions to these problems. He said portions of Wright Street were repaved last year and that the noise was reduced for a while but the new pavement is already cracking. Martha Ann Johnson said that she cannot sleep at night and is afraid for her children who cannot play in the front yard. Richard Goad thanked the Commission for their attention to this problem.

Don Ryan, representing Cleveland Cliffs Iron Company, said that the company is concerned. He said the use of limestone has been a recent innovation and that it has grown more rapidly than the company expected. He said they will be shipping in 1.2 million tons annually. He said the company has been here 140 years and has 35 years of proven reserve. He noted that Marquette grew as a port City and that the City should accept the effects of shipping both in and out. He said the company wants to work on solutions that are acceptable to the company, the City, and the residents. He said they are testing a small rail car unloader this summer. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried that the Commission direct the City Manager to prepare a report and recommendation based on the information received at this meeting, and to work with all four entities to try to find a solution to the problems.

#### **FRONT STREET NEIGHBORHOOD ASSOCIATION - Traffic Problems**

Fred Kotler, representing the Front Street Neighborhood Association, introduced himself. He said his Association is made up of residents on North Front Street and adjacent side streets. They are interested in improving their neighborhood and are especially concerned with high traffic speeds on North Front Street. He said this is a danger for children who live there and that speeding on Front Street is the rule at all times of day. He said surveys have shown that some vehicles are exceeding 55 miles per hour and that something needs to be done. He said that the Association is suggesting stop signs at Michigan Street and Magnetic Street along with a three-way stop at Hewitt Avenue. He said members have met with the City Manager and Police Department and that they are thankful for the help received so far but that a permanent solution is needed. He said parents and children will be holding a demonstration in front of Gravarat School on Saturday to make people aware of the problems with speeding on North Front Street. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried that during the period of two way traffic on North Front Street this summer, a survey be conducted to determine the effect of this change on the flow of traffic in the area and that in addition, the effect of on street parking be evaluated with two way traffic. He asked for a report in the fall.

#### **PUBLIC HEARING - Rezoning Land South of Hampton Street**

Mayor Pro Tem Acocks announced that this was the time set for a public hearing on the rezoning of 70 acres of land south of Hampton Street. Kathy Sromalski said that two to three acres of this land should be reserved for park use. She asked for a show of hands supporting a park in this 70 acres. Some members of the audience raised their hands. Paul Pellissier read a letter opposed to the sale and rezoning of this property. He said that the land had been given to the City for use as recreational property. Judith Vonck said that the neighborhood needs a park and that this park should be on land north of the Mountain Street water tank. Juliene Berglund had no objection to the rezoning, however, she said that land should be reserved in the 70 acres for right-of-way for McClellan Avenue so that it would not affect home owners located to the west of this property. Youngsters Nell Bagley and Chad Savola both said that the City Commission should leave a park in this 70 acre parcel.

Lynn Swadley, representing Harbour View Development Corporation, supported the rezoning. He described the preliminary plat, which he said would go to

the Planning Commission in three weeks. He said that the company hopes to have lots in the first phase ready for building in July and that there has been a great deal of interest in these lots by prospective buyers. He described the kind of development and said that there is a real need for high quality single family residential sites in the City. The recommendation from the Planning Commission was read. It was moved by Commissioner Sciotto, supported by Commissioner Coyne, and carried to rezone the 70 acre parcel as recommended from Deferred Development to Single Family Residential.

#### **RECESS**

Mayor Pro Tem Acocks called a five-minute recess at 9:29 p.m.

#### **PUBLIC HEARING - Uniform Traffic Code**

Mayor Pro Tem Acocks announced that this was the time and date set for a public hearing on the City's Uniform Traffic Code. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried to adopt ordinance # 421 as follows:

# 421

AN ORDINANCE TO AMEND TITLE IV, CHAPTER 34, THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES IN THE STATE OF MICHIGAN, AS AMENDED, BY DELETING SECTION 5.57 AND ADDING A NEW SECTION 5.57, SPILLING LOADS ON STREETS PROHIBITED.

#### **PUBLIC HEARING - Hancock Street Vacation**

Mayor Pro Tem Acocks announced that this was the time and date set for a public hearing on the vacation of Hancock Street from Lincoln Avenue west 300 feet. Joe LaBrecque, representing the Board of Directors of Sundara, Inc., supported the vacation. He said that Sundara needs the extra land for the construction of a six-unit apartment building to house handicapped youth in a transitional setting. The hearing was closed. It was moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried to vacate Hancock Street for 300 feet west of Lincoln Avenue.

#### **PUBLIC HEARING - Shiras Hills Park Grant Application**

Mayor Pro Tem Acocks said that this was the time and date set for a public hearing on a grant application for the Shiras Hills Park Project, Inc. Tom Solka, representing the park project, supported the grant application. The hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Glenn, and carried to concur with the recommendation and to adopt the following resolution:

WHEREAS, the Michigan State Housing Development Authority has funding available through its Neighborhood Builders Alliance Program for Non-Profit Groups located in Small Cities and Urban Counties, and

WHEREAS, The City Commission of the City of Marquette has been asked by the Shiras Hills Park Project, Inc. to apply for funding from the Neighborhood Builders Alliance to fund the landscaping of a neighborhood park in Shiras Hills Subdivision, which park shall be open to the public, and

WHEREAS, the City Commission of the City of Marquette held a public hearing following proper notice to obtain citizen input on the application for funding, and consider the community's needs for housing and community development, and compensation for anyone who will be displaced by the activity if it is funded, and

WHEREAS, it is estimated that 53.3% of the funds would go to benefit persons of low and moderate income, as the park will be open to the public,

NOW, THEREFORE, BE IT RESOLVED, that the City of Marquette submit an application to the Neighborhood Builders Alliance for \$5,000.00 to fund improvements to a neighborhood park on behalf of Shiras Hills Park Project, Inc., and that the City Manager be authorized to execute all documents pertaining to the submission.

#### **CITIZEN COMMENT**

During the time set for citizens wishing to reserve time or comment on agenda items, David Hamari asked to speak on item 17.

#### **MICHIGAN MUNICIPAL LEAGUE - Region X Meeting**

A communication from the Michigan Municipal League, regarding the Annual Region X Meeting in Bessemer, was read. This letter was placed on file.

#### **REPRESENTATIVE JACOBETTI - Safety Belt Award**

A communication from State Representative Dominic J. Jacobetti, commending the Marquette City Police Department on the receipt of a leadership award for having an outstanding safety belt program, was read. A second communication from the Department of State Police, noting that the City Police Department had received this award for three years in a row, was also read. Mayor Pro Tem Acocks offered congratulations to Police Chief Johnson and the Department on receiving this recognition.

#### **RECYCLE! MARQUETTE - Biodegradable Packaging**

A communication from Recycle! Marquette, requesting that the City Commission require that biodegradable packaging be used at events where food is served on City property, was read. It was moved by Commissioner Coyne, supported by Commissioner Glenn, and carried to direct the City Manager to prepare a report and recommendation on developing an ordinance requiring biodegradable or recyclable packaging starting in fiscal year 1990-91 and to include an analysis of the cost of implementing this ordinance.

#### **CENTER STREET - Special Assessment Petition**

A petition from property owners on Center Street east of West Avenue requesting curbing and paving of a portion of Center Street, was presented. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried to request a report and recommendation on this proposed special assessment project from the City Manager.

#### **PLANNING COMMISSION - Master Plan Amendment**

A communication from the City Planning Commission, regarding an amendment to the Marquette Master Plan for a one way pair of east-west streets, was read. It was moved by Commissioner Coffey, supported by Commissioner Coyne,

and carried to table confirmation of this master plan amendment until the Commission has received other materials from the Downtown Development Authority.

**WHETSTONE DRAINAGE DISTRICT - Petition for Improvements**

A report and recommendation from the City Manager, regarding petitioning for establishment of the Whetstone Drainage District, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried that the City Administration be authorized to petition the Drain Commissioner to make drain improvements to the Whetstone Creek and to create a drainage district to defray the costs thereof.

**LAKESHORE BOULEVARD RECONSTRUCTION CONTRACT**

A report and recommendation from the City Manager, regarding bids for the reconstruction of Lakeshore Boulevard between Baraga Avenue and Ridge Street, was read. City Engineer Robert Haapala answered questions regarding a minor irregularity in the low bid. David Hamari said that there is an EPA hazardous waste dump on Lakeshore Boulevard. It was moved by Commissioner Sciotto, supported by Commissioner Birch, and carried to concur with the recommendation, that the City Administration be authorized to enter into an agreement with the Wisconsin Central Railroad to allow the City to remove any railroad tracks necessary to accommodate the Lakeshore Boulevard Reconstruction Project, to reimburse the railroad at the rate of \$49.36 per foot of removed track, and to waive the irregularity in the low bid and award the contract for reconstruction to Associated Constructors of Marquette, Michigan in the amount of \$898,101.17.

**CONSTRUCTION ENGINEERING AGREEMENT - Lakeshore Boulevard**

A report and recommendation from the City Manager, regarding a proposed construction engineering agreement for the Lakeshore Boulevard Reconstruction Project, was read. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried to concur with the City Manager's recommendation, to award the contract for construction engineering for the Lakeshore Boulevard Reconstruction Project to Sundberg, Carlson, and Associates in an amount not to exceed \$125,724.04 and to authorize the Mayor and City Clerk to sign the agreement.

**MICHIGAN DIVERSIFIED INDUSTRIES - Land Contract**

A report and recommendation from the City Manager, regarding sale of the City's interest in the Michigan Diversified Industries land contract for land in the River Park Complex Industrial Park, was read. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried to reduce the land contract principle amount by \$6,838, to allow Michigan Diversified Industries, Incorporated to pay off the land contract ahead of schedule, and to authorize the Mayor and City Clerk to execute all documents related to this transaction.

**FIREWORKS DISPLAY PERMIT**

A report and recommendation from the City Manager, regarding an application for a fireworks display permit, was read. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried to grant a fireworks display permit to American Legion Post 44 as recommended.



### **CONSENT AGENDA**

The City Clerk presented the consent agenda. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to approve the consent agenda as follows:

- A. Approve a liquor license transfer from Marquette Mountain, Inc. to MT MQT, INC. at 4501 Co. Rd. 553.
- B. Schedule a public hearing on rezoning 6.65 acres of land on County Road 553 for June 12, 1989.
- C. Award the bids for various chlorine chemicals to Van Waters and Rogers of Appleton, Wisconsin and to Hydrite Chemical of Oshkosh, Wisconsin as recommended by the City Manager.
- D. Approve a use agreement with the Superiorland Kiwanis Club for the Superiorland Cruise and Car Show in the Lower Harbor Park.

### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 414 SOUTH FRONT: Maintenance problems owned by Richard Balwinski.
- 419 ROCK: Maintenance problems owned by Ken Blondeau.
- 246 FISHER: Noise problems, tenant being Thomas Urbanski, both properties owned by Ken Blondeau.
- 393 WEST CRESCENT: Five zoning and maintenance citations in recent months owned by Tom Bogdan.
- 626 NORTH FOURTH: Many noise violations where the tenants are Robert Greenleaf and Michael Dowd and the owner, F & G Enterprises, as principles Curtis Goodman and M. Patrick Frye.
- 1429 LINCOLN: Maintenance problems owned by Bernice Pfaffle.
- 1409 NORWAY: Maintenance problems five times since last fall owned by Mary and Janet Sonaglia.

### **APPOINTMENTS**

Mayor Pro Tem Acocks made the following appointments with the Commission's concurrence:

- MARQUETTE AREA WASTEWATER TREATMENT PLANT ADVISORY BOARD - Dave Svanda and Spencer Nebel for three year terms expiring April 28, 1992.
- DOWNTOWN DEVELOPMENT AUTHORITY - Ken Palmer to replace Eric Durham for a term expiring January 1, 1993.
- MARQUETTE HOUSING COMMISSION - Reappointment of Dorothy Tousignant for a five year term expiring June 6, 1994.
- PARKS AND RECREATION ADVISORY BOARD - Reappointment of David Payant and Jim Kiesby and the appointment of Dean Wagner for three year terms expiring January 29, 1992.
- LOCAL OFFICERS COMPENSATION COMMISSION - Reappointment of Fred Peterson for a new term expiring August 1, 1996 and the appointment of Robert Kulisheck for a term expiring August 1, 1995.

### **CITIZEN COMMENT**

David Hamari addressed the Commission expressing environmental concerns about the Cliffs Dow plant site and dump site. He said the City should get government money for cleanup of these sites.

### **COFFEY**

Commissioner Coffey asked if the City has any liability or authority to do anything about the Cliffs Dow plant site. City Manager Svanda said that the City has no liability or authority to do anything about this site and that

more than one study has shown that the City's drinking water is safe and is not being polluted by this site. Commissioner Coffey also commended the girl's track team for winning the U.P. Class AB meet after five years of trying. He commended tennis coach Mickey Johnson for his 50 years as a coach.

#### **GLENN**

Commissioner Glenn said the "Marquette, We're Here for You" banners look very good around town. She said that the Commission had a good time on the Exchange with Holland and displayed wooden shoes she had been given there. She said some house numbers are written out and that is not the proper form for house numbering. She also suggested that the art galleries in the City be listed as local attractions.

#### **SCIOTTO**

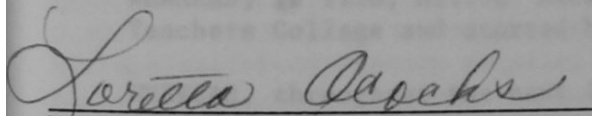
Commissioner Sciotto said that house numbers should be properly displayed for safety reasons. He commended Harold Herlich on his retirement and wished former Commissioner Helen Johnson a speedy recovery from her illness. He said the Marquette Maritime Museum open house last weekend had been very impressive and that members of the museum have done a lot with limited resources.

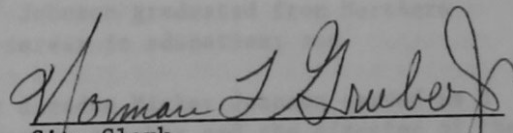
#### **ACOCKS**

Mayor Pro Tem Acocks said the Commission had had a good and useful visit with the Commission in Holland and that it was good to compare and find that we are doing a good job. She said the banners look very good downtown and that the Beautification Committee's petunia plantings which have been done so far look very good.

#### **ADJOURNMENT**

The meeting was adjourned at 10:52 p.m.

  
\_\_\_\_\_  
Mayor Pro Tem  
Loretta Acocks

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



OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, June 12, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, June 12, 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 Acocks, supported by Commissioner Glenn, and carried unanimously to approve the minutes of the May 30, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$581,986.78 were presented. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously that these bills be paid as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, Commissioner Sciotto asked that item 10a be removed from the consent agenda and be made item 9a.

**PROCLAMATION - Mickey Johnson Day**

Mayor Berube then made the following proclamation:

WHEREAS, in 1928, Milton "Mickey" Johnson graduated from Northern Teachers College and started his career in education; and

WHEREAS, throughout the next four decades Mickey Johnson served as a social studies, history and government teacher and the director of the Marquette Adult Education Program; and

WHEREAS, in 1939 Mickey Johnson began a 50 year tenure as Marquette High School tennis coach; and during this time Mickey Johnson's teams have won more than 700 matches, 88 percent of all the matches played and he has inspired several generations of tennis players, and favorably influenced hundreds of young men and women in our community and throughout the Upper Peninsula by promoting good sportsmanship, healthy physical activity and contributing to the quality of life in his community; and

WHEREAS, Mickey Johnson's efforts have been recognized by his induction into the U.P. Sports Hall of Fame in 1974, the Northern Michigan University Sports Hall of Fame in 1985, the Michigan High School Coaches Association Hall of Fame in 1986, the Tennis Coaches Association Hall of Fame in 1986 and has been further awarded a NMU Distinguished Alumni Award in 1984 the Bosworth Community Service

Award in 1979 and the Upper Peninsula Sportswriters and Sportscasters Association James E. Tretheway Award in 1983; and

WHEREAS, as of May 26, 1989, after completing the 1989 tennis season and a half century as the tennis coach at Marquette Senior High School, Mickey Johnson has retired from his coaching career;

NOW, THEREFORE, BE IT RESOLVED, that I, Loretta Acocks, Mayor Pro-Tem, of the City of Marquette, on behalf of the City Commission and the citizens of our community, hereby proclaim June 13, 1989 as MICKEY JOHNSON DAY in the City of Marquette and extend to Mickey Johnson, our gratitude for his years of service to our community.

Mayor Berube asked all citizens of Marquette to give their congratulations and thanks to Mr. Johnson for his service as the High School Tennis Coach. Commissioner Coffey said that this proclamation had been presented to Mr. Johnson at a banquet in his honor on June 4, 1989.

#### **PROCLAMATION - Flag Day**

Mayor Berube made the following proclamation:

WHEREAS, by Act of the Congress of the United States dated June 14, 1777, the first official flag of the United States was adopted; and

WHEREAS, by Act of Congress dated August 3, 1949, June 14 of each year was designated "National Flag Day"; and

WHEREAS, the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week; and

WHEREAS, on December 8, 1982 the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; and

WHEREAS, the President of the United States at the National Ceremony held in Baltimore, Maryland on June 14, 1985, led the Pledge of Allegiance; and

WHEREAS, the year 1989 will be dedicated to the commemoration of the Bicentennial of the United States Congress; and

WHEREAS, Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all:

NOW, THEREFORE, I, Robert O. Berube II, Mayor of the City of Marquette, do hereby proclaim June 14, 1989 as FLAG DAY in the City of Marquette and urge all citizens of the City of Marquette to pause at 7:00 p.m. EDT on this date for the tenth annual PAUSE FOR THE PLEDGE and recite with all Americans the Pledge of Allegiance to our Flag and Nation.

**PROCLAMATION - U.S. Customs Day**

Mayor Berube then made the following proclamation:

NOW, THEREFORE, BE IT RESOLVED, that the CITY OF MARQUETTE, COUNTY OF MARQUETTE, MICHIGAN, in recognition of U.S. Customs, and in thanks for its sacrifice and service to our Nation, hereby join the Counties, Cities, Villages, and Townships across the State of Michigan in proclaiming July 31, 1989, as United States Customs Day throughout this Community and State.

**LOWER HARBOR IMPROVEMENT COMMITTEE - Park Progress**

Ellwood Mattson, representing the Lower Harbor Improvement Committee, announced an additional \$100,000 grant from the Michigan Department of Natural Resources which was obtained through the assistance of Representative Dominic Jacobetti. He said projects for this summer include extending the downtown lighting into the park, completing the greening of the recently contoured area, replanting trees and shrubs at the north and west ends of the park according to the R.S. Scott Plan, blacktopping the area between the new parking lot and the launch ramp, redoing the exterior of the small warehouse building to coincide with the planned restroom facility and construction of the restroom facility. He said that the estimated cost of these projects was \$130,000 and that there is \$150,000 available to the Committee to do this work. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously to approve this list of proposed improvements for the Lower Harbor Park. It was then moved by Commissioner Glenn, supported by Commissioner Coffey, and carried unanimously that the Lower Harbor Park be named Ellwood A. Mattson Park. Mayor Berube thanked Mr. Mattson for his work on improving the Lower Harbor area.

**PUBLIC HEARING - Rezoning on County Road 553**

Mayor Berube opened the public hearing on the proposed rezoning of 6.65 acres on County Road 553 from Deferred Development to Multiple Family Residential. Lynn Swadley supported his petition. He said that his company plans an affluent multi-family housing project on this property and that this development is based upon what he foresees as the growth of the southern development corridor along County Road 553. He said there will be one building built this year with others to follow and that the site will be attractively landscaped. The hearing was closed. Commissioners asked about extension of sewer to the site and what the buildings would look like. Mr. Swadley said that a septic system is proposed for the first building with a petition for construction of sewers next summer to follow and that the buildings would be two story with eight or sixteen units. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously that this rezoning be approved as proposed.

**CITIZEN COMMENT**

Paul Menhennick asked to speak on item 9, and David Hamari on item 8.

**LAKESHORE BOULEVARD RESIDENTS - Speed Limit**

A petition from residents of Lakeshore Boulevard, requesting that the speed limit west of Presque Isle Park be reduced to 15 miles per hour, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and

\*This was renamed the Ellwood A. Mattson Lower Harbor Park at the June 26, 1989 City Commission meeting.

carried unanimously to refer this item to the Traffic and Parking Advisory Committee and the City Administration for reports and recommendations.

**PLANNING COMMISSION - Shiras Pointe Planned Unit Development**

A recommendation from the Planning Commission, regarding approval of a final development plan for a portion of the Shiras Pointe Planned Unit Development, was read. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried unanimously to concur with the recommendation of the Planning Commission.

**WATER AND SEWER SYSTEM REVENUE BONDS - Notice of Intent**

A report and recommendation from the City Manager, regarding a notice of intent to issue water supply and sewage disposal system revenue bonds, Series 1989, was read. David Hamari commented on the toxic waste disposal site at the former Cliffs Dow Charcoal Plant. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to follow the recommendation of the City Manager, to adopt the resolution giving notice of intent, and to retain the firm of Dickinson, Wright, Moon, VanDusen, and Freeman as bond counsel for this bond issue. The following resolution was adopted:

WHEREAS, the City of Marquette desires to extend, expand and improve the water and sewer mains and to acquire and install water meters and an automated reading and billing system as part of the City of Marquette Water Supply and Sewage Disposal System (the "Project"); and

WHEREAS, the City of Marquette proposes to pay part of the cost of the Project with the proceeds of revenue bonds, designated Water Supply and Sewage Disposal System Revenue Bonds, Series 1989, in an amount not to exceed \$1,200,000, to be issued pursuant to Act 94, Public Acts of 1934, as amended.

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

1. The Clerk is hereby authorized and directed to cause the following notice to be published and prominently displayed once in The Mining Journal:

NOTICE OF INTENTION OF THE CITY OF MARQUETTE,  
COUNTY OF MARQUETTE, STATE OF MICHIGAN  
TO ISSUE REVENUE BONDS IN AN AMOUNT  
NOT TO EXCEED \$1,200,000 AND NOTICE OF  
RIGHT TO PETITION FOR REFERENDUM THEREON

TO ALL ELECTORS AND TAXPAYERS OF THE CITY OF MARQUETTE AND OTHER INTERESTED PARTIES:

NOTICE IS HEREBY GIVEN, that the City Commission of the City of Marquette, Marquette County, Michigan, intends to authorize the sale, issuance and delivery of Water Supply and Sewage Disposal System Revenue Bonds, Series 1989 (the "Bonds") in the principal amount of not to exceed \$1,200,000 pursuant to Act 94, Public Acts of 1933, as

amended, for the purpose of paying part of the cost of extending, expanding and improving the water and sewer mains and acquiring and installing water meters and an automated reading and billing system and part of the City of Marquette Water Supply and Sewage Disposal System (the "Project").

The net revenues of the City of Marquette Water Supply And Sewage Disposal System will be pledged to the payment of principal of and interest on the Bonds. In the event the Bonds are sold to the Michigan Municipal Bond Authority, the share of the Michigan Income Tax, Michigan Sales Tax and Michigan Intangibles Tax which will become distributable to the City of Marquette will also be pledged to the payment of the principal of and interest on the Bonds.

The maximum amount of the Bonds to be issued is \$1,200,000.

The Bonds will mature in not to exceed 20 annual installments with interest at a rate not to exceed 13% per annum on the unpaid principal balance of the Bonds from time to time outstanding.

#### RIGHT TO PETITION FOR REFERENDUM

THIS NOTICE IS GIVEN to and for the benefit of the electors and taxpayers of the City of Marquette and other interested parties in order to inform them of the intention of the City of Marquette to sell, issue and deliver the Bonds and also to inform them of the right to petition for a referendum upon the question of selling, issuing and delivering the Bonds. The City of Marquette intends to sell, issue and deliver the Bonds without a vote of the electors thereon, but the City of Marquette will not sell, issue and deliver the Bonds until 45 days after publication of this notice. If, within the 45-day period, a petition for referendum requesting an election on the sale, issuance and delivery of the Bonds, signed by not less than 10% or 15,000 of the registered electors of the City of Marquette, residing within the City of Marquette, whichever is less, has been filed with the City Clerk, The City of Marquette will not sell, issue or deliver the Bonds unless approved by a majority of the electors of the City of Marquette voting thereon at a general or special election.

This notice is given by order of the City of Marquette pursuant to Act 94 of the Public Acts of Michigan, 1933, as amended. Further information may be secured at the office of the undersigned City Clerk.

Dated: \_\_\_\_\_, 1989

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

2. It is hereby determined that the above notice provides information to adequately inform the taxpayers and electors of the City of Marquette of the nature of the bonds to be issued, the obligation to be undertaken by the City of Marquette and of their right to file a petition for a referendum requesting an election on the issuance of the bonds.



It is hereby found and determined that The Mining Journal is a newspaper of general circulation in the City of Marquette and is the newspaper reaching the largest number of persons to whom the notice is directed.

3. The Finance Director is hereby authorized to execute a Notice of Intent To Issue an Obligation for filing with the Municipal Finance Division of the Michigan Department of Treasury for the purpose of obtaining an Order Providing Exception with respect to the City of Marquette Water Supply And Sewage Disposal System Revenue Bonds, Series 1989 to be issued by the City of Marquette in an amount not to exceed \$1,200,000. In the event an Order Providing Exception is not available, the Finance Director is hereby authorized to execute an Application For State Treasurer's Approval to Issue Bonds for the City of Marquette Water Supply And Sewage Disposal System Revenue Bonds, Series 1989 in an amount not to exceed \$1,200,000.

4. All resolutions and part of resolutions insofar as they may be in conflict herewith are hereby rescinded.

**ELLWOOD A. MATTSON LOWER HARBOR PARK USE AGREEMENT - Exchange Club**

A report and recommendation from the City Manager, regarding a use agreement with the Marquette Exchange Club for the Ellwood A. Mattson Lower Harbor Park, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried unanimously that the City Commission approve the use agreement with the Exchange Club for the 1989 International Food Festival.

**PLANNING COMMISSION - PUD Rezoning West of McClellan Street**

A recommendation from the Planning Commission, regarding a rezoning to Planned Unit Development for the area west of McClellan Street and north of Grove Street, was read. Commissioner Sciotto said that neighbors in the area are concerned about a buffer for their residences. Mayor Berube said that this issue could be addressed at the public hearing. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to schedule a public hearing on this rezoning for the next City Commission meeting.

**CONSENT AGENDA**

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

- B. Adopt a resolution recognizing the Women's Center Sexual Assault Prevention/Response Advisory Council as non-profit.
- C. Adopt a resolution approving the Deficit Elimination Plan for Fiscal Year July 1, 1988 to June 30, 1989 for Hurley Ballfield Fund and Sanitary Landfill Fund.
- D. Award the bid for Construction of an Entrance Vestibule at City Hall to Ron LaBonte Builders, Inc.
- E. Approve a Liquor License Transfer at 154 W. Washington Street (formerly the Office Bar) from Swetland, Inc. to the City of Marquette.

- F. Approve a New Entertainment Permit for Entre Amigos of Marquette, Inc. located at 142 W. Washington Street to be held in conjunction with Class C liquor license.
- G. Adopt a resolution recognizing the Hiawatha Music Co-op as a Non-Profit Organization.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

Assistant City Manager Nebel identified the following properties which are causing neighborhood problems:

- 626 NORTH FOURTH STREET: History of noise and maintenance violations owned by F & G Enterprises with the principals M. Patrick Frye and Curtis Goodman.
- 247 ROCK STREET: Maintenance violations, owners are Dean and Mary Jo Bjorlein and manager is Coldwell Banker.
- 116 WEST PARK STREET: Noise and maintenance violations owned by Sandra Bowden.
- 140 WEST RIDGE STREET: Noise violations, tenant is Thomas Strach, and the owners Mr. and Mrs. Phillip Paul who also own 1723 FITCH AND 443 ROCK with noise violations.

**RESIGNATIONS**

Mayor Berube noted the resignation of Linda Rekshan from the Planning Commission. He said that she had provided good leadership for the Commission and will be missed. He also noted the resignation of Robert Moore from the Lakeview Arena Advisory Board. He said that Mr. Moore has been an asset to this Board.

**CITIZEN COMMENT**

David Hamari expressed concern about the flight safety of planes making emergency landings at K.I. Sawyer Air Force Base. He also urged the City Commission to take a stand on the proposed minimum wage law.

**SCIOTTO**

Commissioner Sciotto noted the receipt of a gift from Mayor Mochida of Yokaichi. He thanked the Parks and Recreation Department for moving the "No Dogs Allowed" sign at Presque Isle Park to a more visible location and commented on the labor dispute at the Lakeshore, Inc. plant. He asked management and labor to work together to resolve this dispute and said that Marquette should not lose this industry. He noted a report on Channel 6 indicating that Marquette County is the biggest County in the state and does not have a municipal golf course. He said the City should work toward this. He then commented at length on a letter in the newspaper by Kenneth Hogg. He said that, contrary to the article, the City is performing a good service by continuing the list of property causing neighborhood problems. He described the process for arriving at this list, and said that bad landlords are on the list and good ones are not. He said that parties and noise are being controlled around the City and that most people are benefitted by the use of the list.

**GLENN**

Commissioner Glenn commented on the participation of City Commissioners in the Michigan Municipal League Regional meeting at Bessemer last week. She said at the meeting it had been announced that \$6.50 per capita was available from the Quality of Life bond issue for city and school

recreation purposes. She also noted grants for businesses which can be used to establish wellness programs and said that drop off stations for crank case oil are going to be established. She commented that the benefit concert by the City Band had been very good.

#### **COYNE**

Commissioner Coyne supported Commissioner Sciotto's comments in regard to Mr. Hogg's letter. He said that the Commissioners have tried to address a serious problem and believe that they have done this well. He complimented the group that did the petunia planting on South Front Street and said that this was a fine project even though they had to work in the rain. He said that he and the City Manager had met with officials of Cleveland Cliffs Iron Company and would be meeting with representatives of the trucking company in an attempt to find solutions and compromises regarding the trucks on Sugarloaf Avenue and Wright Street.

#### **COFFEY**

Commissioner Coffey congratulated all the people who were a part of Petunia Pandemonium. He asked if there are any City employees on minimum wage. Assistant City Manager Nebel said that most temporary and part time employees are on minimum wage.

#### **BIRCH**

Commissioner Birch said that he is pleased not to be on Mr. Hogg's shame list, however, he wishes that many of the repeat offenders on the list of properties causing neighborhood problems would be more sensitive to the issue. He said that detour signage on the Third Street Reconstruction Project is confusing and that the signs which are not in effect, should be covered.

#### **ACOCKS**

Commissioner Acocks said that she was proud to be on Mr. Hogg's shame list and she feels as Commissioner Coyne and Sciotto do. She encouraged people to read the editorial in the Mining Journal about petunia pandemonium and hopes that the merchants will water the flowers as needed. She noted that the trash pickup is over and that large items of trash being put out now will be fined. She encouraged people to do whatever they could to end the use of styrofoam packaging peanuts.

#### **COYNE**

Commissioner Coyne noted an article in the summer issue of Michigan Boat and Travel about Marquette. He read the first sentences of the article which gave a beautiful description of the City.

#### **BERUBE**

Mayor Berube noted that the extensive rain we have had recently will be good for the petunias. He wished good luck to both management and labor in the Lakeshore, Inc. negotiations tomorrow. He said that Helen Johnson is kept in the Commission's prayers for a speedy recovery. He said that Mayor Mochida of Yokaichi wishes all citizens of Marquette well. He said that he and his family had had an excellent trip to Yokaichi and encouraged all citizens who are interested to go if possible. An alternative would be to host one of the delegates from Yokaichi when they are visiting Marquette.

**ADJOURNMENT**

The meeting was adjourned at 8:18 p.m.

*Robert O. Berube*

Mayor  
Robert O. Berube II

*Norman L. Gruber, Jr.*

City Clerk  
Norman L. Gruber, Jr.

**ROLL CALL**

PRESENT: Mayor Berube, Commissioner Atchka, Commissioner  
Glen, Sciotta.

ABSENT: None.

**APPROVAL OF MINUTES**

It was moved by Commissioner Atchka, supported by Commissioner  
Glen, to carry unanimously to approve the minutes of the June 11, 1989 meeting  
with the notation that the Lower Harbor Park had not been opened to the  
A. Mattson Lower Harbor Park is the subject of item 10.

**BILLS PAYABLE**

Total bills payable in the amount of \$200,000.00 were presented. It was  
moved by Commissioner Atchka, supported by Commissioner Glen, and carried  
unanimously to approve the bills presented.

**AGENDA CHANGE**

During the time set for reviewing additional agenda items, Commissioner  
Sciotta asked that item 7a be removed from the agenda agenda set for item  
item 8a.

**SISTER CITY DELEGATION - FRESHMAN**

Mayor Berube announced that this was the last of the Sister City Delegation  
the Sister City Delegation. Atchka is responsible for the Sister City  
Relations Dr. Pryce Dwyer is visiting the Sister City of Marquette  
from Marquette to Tokyo. He found that the Sister City of Marquette  
the Sister City Relations and will be the last of the Sister City  
between the delegation and the freshman. Linda Barry, who was a delegation  
Linda Barry, who was a delegation member, presented a computer program  
great amount of work that was done by the delegation. Dja presented a  
computer program that at the time of the delegation exchange student  
exchange student from Tokyo. Mayor Berube, who was the delegation  
language. Mayor Berube, who was the delegation, said that it had  
been a wonderful experience. He encouraged the delegation to continue  
in future years and said that being a delegation member was a great  
said this is an excellent way to learn about other cultures. He said  
he had been to Tokyo and had seen the Sister City of Marquette. He  
said that the delegation had been to Tokyo and had seen the Sister City  
itinerary of places that the delegation had visited. He said that he  
attended.

**PUBLIC HEARING - Sewerage**

Mayor Berube announced that there was a public hearing on the  
hearing on the rezoning of property located north of Grove Street  
north of Grove Street. The rezoning was for the development of  
Development. The rezoning was for the development of the property  
There being no one to speak in opposition, the meeting was adjourned.

June 12, 1989

ADJOURNMENT was held... The meeting was adjourned at 8:15 p.m. The meeting was held in the City Council Chamber, Room 100, City Hall, 200 State Street, Detroit, Michigan 48226.

Mayor Robert G. Gribble, II presided over the meeting. He welcomed the members of the Michigan State Bar Association and the Michigan State Bar Association. He then introduced the Honorable Judge James J. Gribble, Jr., who presented a report on the activities of the Michigan State Bar Association. Judge Gribble reported that the Michigan State Bar Association has been successful in its efforts to improve the legal system and to protect the interests of the public. He also reported that the Michigan State Bar Association has been successful in its efforts to improve the legal system and to protect the interests of the public.

Mayor Gribble then announced that he had received a letter from the Michigan State Bar Association regarding the activities of the Michigan State Bar Association. He stated that the Michigan State Bar Association has been successful in its efforts to improve the legal system and to protect the interests of the public. He also stated that the Michigan State Bar Association has been successful in its efforts to improve the legal system and to protect the interests of the public.

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OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, June 26, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, June 26, 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 Acocks, and carried unanimously to approve the minutes of the June 12, 1989 meeting with the notation that the Lower Harbor Park had been renamed the Ellwood A. Mattson Lower Harbor Park in the action on page 96.

**BILLS PAYABLE**

Total bills payable in the amount of \$997,622.20 were presented. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously to approve the bills as presented.

**AGENDA CHANGES**

During the time set for announcing additional agenda items, Commissioner Sciotto asked that item 9a be removed from the consent agenda and be made item 8a.

**SISTER CITY DELEGATION - Presentation**

Mayor Berube announced that this was the time set for a presentation from the Sister City Delegation. Director of Marquette-Yokaichi Sister City Relations Dr. Pryse Duerfeldt reviewed the recent visit of a delegation from Marquette to Yokaichi. He noted that this was the tenth anniversary of the Sister City Relationship and said that many gifts had been exchanged between the delegation and the host city to commemorate this anniversary. Linda Berry, who was a delegate, thanked Dr. Duerfeldt and his wife for the great amount of work that they have put into the Sister City Exchanges. Dan Oja presented a computer program that he had written last year with an exchange student from Yokaichi which uses the computer to teach Japanese language. Mayor Berube, who was also a delegate, said that the trip had been a wonderful experience. He encouraged people to become delegates in future years and said that being a host family is a good way to start. He said this is an excellent way to learn about Japanese culture. He said the hosts in Yokaichi had treated everyone excellently. He reviewed the itinerary of places that the delegation had visited and events they had attended.

**PUBLIC HEARING - Rezoning West of McClellan and North of Grove**

Mayor Berube announced that this was the time and date set for a public hearing on the rezoning of property located west of McClellan Street and north of Grove Street from Single Family Residential to Planned Unit Development. 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 Coffey, supported by Commissioner Acocks, and carried unanimously to approve the rezoning to Planned Unit Development as recommended subject to the condition that there be a joint agreement between the neighbors and the property owner for a buffer zone.

#### **CITIZEN COMMENT**

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

#### **COUNTY SOLID WASTE MANAGEMENT PLAN - Five Year Update**

City Manager Svanda noted that the County Solid Waste Planning Committee has announced a review and five year update of the County Solid Waste Management Plan. Two letters regarding this review were read.

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

A communication from the Marquette Beautification and Restoration Committee, regarding payroll for two part time workers to do flower bed maintenance this summer, was read. It was noted that there was a misunderstanding regarding City insurance coverage of the tank truck which would be used for watering the flower beds. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to refer this item back to the City Manager with a directive that he set up a meeting with representatives of the Beautification Committee to establish an agreement for maintenance of the petunia bed and for ownership of the water tank truck. Barbara Kelly, representing the Beautification Committee said that if there is much delay in setting up this meeting and establishing the agreement, the flowers could be affected.

#### **THE SUMMITS SUBDIVISION - Preliminary Plat**

A recommendation from the Planning Commission, regarding approval of The Summits Subdivision preliminary plat, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to approve the preliminary plat as recommended by the Planning Commission.

#### **U.S. 41 MCCLELLAN INTERSECTION - Clear Vision Triangle**

A recommendation from the City Attorney, regarding the acquisition of a clear vision triangle at the intersection of U.S. 41 and McClellan Avenue, was read. It was moved by Commissioner Berube, supported by Commissioner Acocks, and carried unanimously that the agreement be approved and the City Manager be authorized to execute the necessary documents.

#### **COUNTY WIDE LANDFILL - Use Agreement**

A report and recommendation from the City Manager, regarding an agreement between the constituent municipalities of the Landfill Authority and the Authority, was read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously that the City Commission approve the user agreement between the Marquette County Solid Waste Management Authority and the City of Marquette on the condition that the prohibition on the disposal of dead animals and medical waste be dropped from the operational plan for the landfill, if that is allowable under Act 641.

#### **1988-89 BUDGET - Year End Budget Adjustment**

A report and recommendation from the City Manager, regarding the year end budget adjustment for the Fiscal Year 1989 Budget, was read. It was moved

by Commissioner Glenn, supported by Commissioner Coyne, and carried unanimously to approve the amended General Appropriations Act as follows:

Amended General Appropriations Act  
 June 26, 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	1,796,088.00
Contributions from Local Units	19,113.00
Charges for Services	2,633,262.00
Fines & Forfeits	46,500.00
Interest and Rents	1,271,200.00
Other Revenues	2,790,653.00
Operating Transfers In	33,401.00
Transfer From Fund Balance	499,216.80
	-----
	12,589,100.80

General Fund Expenditures by Function:

	\$ 33,700.00
Legislative	979,036.00
General Government	2,014,658.00
Public Safety	4,019,760.00
Public Works	117,810.00
Health & Welfare	1,037,817.00
Recreation & Culture	



Other Functions	1,416,200.00
Appropriations Transfers Out	2,970,119.80
Contingencies	0.00
TOTAL	\$ 12,589,100.80

Major Street & Trunkline Fund Revenue by Source:

State Grants	\$ 805,300.00
Interest	5,000.00
Other Revenues	85,000.00
Operating Transfers In	1,935,215.00
Transfer From Fund Balance	75,000.00
TOTAL	\$ 2,905,515.00

Major Street & Trunkline Fund Expenditures by Function:

Public Works	\$ 2,735,500.00
Debt Service	170,015.00
TOTAL	\$ 2,905,515.00

Local Street Fund Revenue by Source:

State Grants	\$ 210,000.00
Interest	100.00
Operating Transfers In	776,110.00
TOTAL	\$ 986,210.00

Local Street Fund Expenditures by Function:

Public Works	\$ 937,150.00
Debt Service	49,060.00
TOTAL	\$ 986,210.00

Infrastructure Improvement Fund Revenue by Source:

Interest	\$ 500.00
Operating Transfers In	250,000.00
TOTAL	\$ 250,500.00

Infrastructure Improvement Fund Expenditures by Function:

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

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

Solid Waste Management Fund Expenditures by Function:

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

Parking Structure Fund Revenue By Source:

Taxes	\$	
Interest and Rents	\$	34,300.00
Other Revenues		61,940.00
		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		55,150.00
Charges For Services		9,500.00
Fines & Forfeits		48,500.00
Interest & Rents		10,376.00
Other Revenues		72,378.00
Transfer From Fund Balance		46,498.00
		-----
TOTAL	\$	627,951.00

Library Fund Expenditures: TOTAL \$ 627,951.00

Criminal Justice Training Fund Revenue By Source:

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

Criminal Justice Training Fund Expenditures: TOTAL \$ 10,950.00

1978 Special Assessment Debt Fund Revenue:

Interest & Fees \$ 7,973.00  
 Transfer From Fund Balance 89,615.00  
 TOTAL \$ 97,588.00

1978 Special Assessment Debt Fund Expenditures:

Special Assessments \$ 200.00  
 Debt Service 97,388.00  
 TOTAL \$ 97,588.00

1984 Special Assessment Debt Fund Revenues:

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

1984 Special Assessment Debt Fund Expenditures:

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

Building Authority Debt Service Fund Revenues:

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

Building Authority Debt Service Fund Expenditures:

Building Authority	
Principal On Bonds	\$ 100.00
Paying Agent Fees	30,000.00
Interest - Long Term Debt	515.00
	67,205.00
TOTAL	\$ 97,820.00

Neck of Presque Isle Project Fund Revenues:

State Grant	
Interest	19,530.00
Contributions	500.00
	65,000.00
TOTAL	\$ 85,030.00

Neck of Presque Isle Project Fund Expenditures:

Repayment of C/O Loans	TOTAL \$ 85,030.00
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Hurley Ballfield Construction Fund Revenues:

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

Hurley Ballfield Construction Fund Expenditures:

Capital Outlay	TOTAL \$ 43,794.80
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River Park Sports Complex Fund Revenues:

State Grants	\$ 125,000.00
Contributions	114,200.00
Approp. Transfer In	0.00
TOTAL	\$ 239,200.00

River Park Sports Complex Fund Expenditures:

Capital Outlay	TOTAL \$ 239,200.00
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River Park Complex Project #2 Fund Revenues:

Interest	TOTAL \$ 38,000.00
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River Park Complex Project #2 Fund Expenditures:

Contingency	\$ 10,900.00
Capital Outlay	27,100.00
TOTAL	\$ 38,000.00

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 \$ 1,176,806.00

Marquette Area Wastewater Treatment Facility Fund Expenditures:

TOTAL \$ 1,176,806.00

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.

### **LAKEVIEW ARENA - Parking Lot Storm Drain Bid**

A report and recommendation from the City Manager, regarding bids for the installation of a storm drain for the Lakeview Arena parking lot, was read. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried unanimously to award the bid to Associated Constructors of Marquette, Michigan in the amount of \$6,332.75.

### **CONSENT AGENDA**

Mayor Berube then presented the consent agenda. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried unanimously to approve the consent agenda as follows:

- B. Approve the solid waste disposal agreements with Richmond and Tilden Townships and authorize the Mayor and City Clerk to execute the agreements.
- C. Award the bids for roof repairs at the Lakeview Arena to Monroe Insulation of Erie, Michigan.
- D. Award the bids for refinishing the Community Center gym floor to Mohr Wood Floors of Traunik, Michigan.
- E. Award the bids for inspection and maintenance of Lakeview Arena compressors to Elliott Sheet Metal of Gwinn, Michigan.

### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 920 JEFFERSON STREET: Maintenance violations and a record of both maintenance and noise violations in the past owned by Tom Bullock.
- 916 NORTH FOURTH STREET: Noise violations owned by Norman Bottum, an absentee owner who also owns 914 NORTH FOURTH STREET.
- 714 SPRUCE STREET: Noise violations owned by John Schroeder.
- 510 WEST BLUFF STREET: Maintenance violations now and noise and maintenance violations in the past owned by Stan Gierlack who owns other properties with maintenance and noise violations.
- 116 WEST PARK: Maintenance violations now and in the past owned by Sandra Bowden.

### **APPOINTMENTS**

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

- ELECTIONS BOARD: Elizabeth Stephenson for a term expiring April 11, 1993.
- LOCAL OFFICER'S COMPENSATION COMMISSION: Mike Angeli for a term expiring August 1, 1991.
- PUBLIC WORKS ADVISORY BOARD: Reappointment of James Scullion for a term expiring June 1, 1992.
- LAKEVIEW ARENA ADVISORY BOARD: Jesse Luttenton for a term expiring August 1, 1991.
- PLANNING COMMISSION: Dr. Jean Ferrill to the Planning Commission to fill the unexpired term of Linda Rekshan expiring February 15, 1991.

Mayor Berube also noted vacancies on the Tree Committee and the Public Works Advisory Board.

### **CITIZEN COMMENT**

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

**SCIOTTO**

Commissioner Sciotto said that he was glad to see the Board of Light and Power paving the parking lot at the Shiras Steam Plant. He said that this will help reduce the dust problems for neighbors in that area. He said that all bicycles are required to have sound devices to warn pedestrians of approaching bicycles. He said there have been complaints of bicycles scaring people walking on the bike path along Lakeshore Boulevard. He said that he had visited the Shiras Pointe Development during an open house and found it very impressive. He also noted that the park in the Lower Harbor should be referred to as Ellwood A. Mattson Park. He said, contrary to a letter to the Editor of the Mining Journal, the City Commission is concerned about the labor dispute at Lakeshore, Inc. and has expressed support for resolution of this dispute. He asked what the policy for driveway and curb openings is on Third Street. City Manager Svanda discussed this policy.

**GLENN**

Commissioner Glenn congratulated Marquette General Hospital on the completion of their parking structure and ground breaking for their major new building. She said many mothers are pleased with the super playground program offered by the Parks and Recreation Department this summer. She said that she had participated in placement of a plaque in Father Marquette Park which had been awarded to the Lake Superior Art Association in 1985 commemorating their creation of the Art on the Rocks Art Show.

**COFFEY**

Commissioner Coffey also congratulated the Hospital and noted that they are working on addressing their parking problem. He asked when the landfill will be open. City Manager Svanda said it is scheduled to open on August 14. Commissioner Coffey asked the status of the old Northland Hotel. Mr. Svanda said that they are still waiting for paperwork and the architectural plans. Commissioner Coffey suggested that the Traffic and Parking Advisory Committee look at designating two to three spots in the City Hall parking lot for emergency parking for people who need to go to the Police Department. He urged everyone to make safe use of legal fireworks for the Fourth of July.

**BIRCH**

Commissioner Birch said that he is pleased with the progress on development at Ellwood A. Mattson Park and the parking lot there. He noted complaints about the poor condition of local streets. He asked if Third Street would be reopened as work there progresses. City Manager Svanda said that it would be. Commissioner Birch also said that his son and daughter in law have had a baby boy and that he is adjusting to grandfatherhood.

**BERUBE**

Mayor Berube noted a letter from a Pennsylvania town saying that there should be more home recycling efforts.

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

*Robert O. Berube II*  
Mayor  
Robert O. Berube II

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

A regular meeting of the Marquette City Commission was held on Monday, July 10, 1989, at 7:00 p.m. in the City Auditorium. Mayor Robert O. Berube II presided and City Clerk Norman L. Gruber, Jr. acted as secretary. The following items were discussed:

**APPROVAL OF AGENDA**  
It was moved by Commissioner [Name] and seconded by Commissioner [Name] that the agenda be approved as presented.

**BILL RESOLUTION**  
Total bills payable in the amount of \$1,100,000.00 were presented to the Mayor by Commissioner [Name], supported by Commissioner [Name], and carried unanimously to pay these bills as presented.

**AGENDA CHANGE**  
During the time set for discussing changes to the agenda, there were no agenda changes recommended from the Mayor's Office.

**STATE PARKS AND RECREATION ASSOCIATION**  
A communication from the State Parks and Recreation Association regarding designation of land in South Marquette for a park, was read. It was moved by Commissioner [Name], supported by Commissioner [Name], that the land recommended be designated as state park land. This park to be called State Park, Association President [Name] and Parks and Recreation Director [Name] were present to discuss the proposed park.

**CITIZEN REQUESTS**  
During the time set for citizens wishing to address the Commission on agenda items, [Name] asked to speak on [Name].

**SPECIAL AGREEMENT - Alley North of Washington Street**  
A petition from property owners adjacent to the alley north of Washington Street between Church and Fifth Streets, was read. It was moved by Commissioner [Name] that the alley be paved. This was seconded by Commissioner [Name]. The Mayor let a Citywide election to determine if the alley should be paved. The results of the election will be reported and recommended.

**KITCHEN MUNICIPAL LEADER - Special Convention**  
A communication from the Michigan Municipal League regarding the election of a representative to the Special Convention was read. It was moved by Commissioner [Name] that the representative be Commissioner [Name]. This was supported by Commissioner [Name]. The Mayor let a Citywide election to determine if the representative should be Commissioner [Name]. The results of the election will be reported and recommended.





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

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, July 10, 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 Acocks, supported by Commissioner Sciotto, and carried unanimously to approve the minutes of the June 26, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$457,034.12 were presented. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously to pay these bills as presented.

**AGENDA CHANGES**

During the time set for announcing changes to the agenda, Mayor Berube added item 12, a recommendation from the Harbor Committee.

**GIANTS FOOT PARK ASSOCIATION**

A communication from the Giants Foot Park Association, regarding designation of land in South Marquette for a park, was read. It was moved by Commissioner Birch, supported by Commissioner Sciotto, and carried unanimously that the land recommended be designated as a City park and that this park be named Giants Foot Park. Association President Kathy Sromalski and Parks and Recreation Director John Turausky answered questions about the proposed park.

**CITIZEN COMMENT**

During the time set for citizens wishing to address the Commission on agenda items, Lynn Swadley asked to speak on item 4.

**SPECIAL ASSESSMENT - Alley South of Washington Street**

A petition from property owners adjacent to the alley south of Washington Street between Fourth and Fifth Streets, requesting paving of that alley, was read. It was moved by Commissioner Acocks, supported by Commissioner Coyne, and carried unanimously to refer this item to the City Manager for a report and recommendation.

**MICHIGAN MUNICIPAL LEAGUE - Annual Convention**

A communication from the Michigan Municipal League, regarding the selection of voting delegates to the Annual Convention, was read. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously to appoint Mayor Berube as the City's delegate and Commissioner Coyne as the alternate.

#### **COUNTY ROAD 553 - Sewer Extension**

A report and recommendation from the City Manager, regarding extension of sanitary sewer on County Road 553, was read. Lynn Swadley addressed the Commission explaining why he would like the sewer extended this summer instead of next summer as previously proposed. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to authorize the Administration to negotiate with the parties involved to explore possible solutions, and to schedule a public hearing on the determination of necessity for this project for the next regular Commission meeting in the event that the creation of a special assessment district is being pursued.

#### **PIONEER ROAD - Indian Housing**

A report and recommendation from the City Manager, regarding a proposal for placing property owned by an Indian tribe on Pioneer Road into trust status, was read. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously that the Administration be authorized to continue pursuing the interests enumerated in the City Manager's communications including negotiating an agreement with the Sault Ste. Marie tribe of Chippewa Indians.

#### **SOLID WASTE DISPOSAL AGREEMENT - K.I. Sawyer Air Force Base**

A report and recommendation from the City Manager, regarding an agreement with K.I. Sawyer Air Force Base for disposal of the Base's solid waste in the County Landfill, was read. It was moved by Commissioner Birch, supported by Commissioner Acocks, and carried unanimously that the City Commission authorize the submittal of a proposal to provide solid waste disposal services for K.I. Sawyer Air Force Base and that the agreement with the Air Force Base be approved.

#### **BOND ISSUE - 1989 Series**

A report and recommendation from the City Manager, regarding the issuance of transportation, and water and sewage bonds, was read. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously that the resolution authorizing the application for approval to issue these bonds be adopted, that the Finance Director be authorized to execute the related necessary documents, and that a special meeting be scheduled for 5:00 p.m. on July 18, 1989 to consider the interest rate and acceptance of the bonds. The following resolution was adopted:

WHEREAS, the City of Marquette intends to issue bonds to pay project costs as follows:

1. Michigan Transportation Fund Bonds, Series 1989, in an amount not to exceed \$2,000,000, to pay part of the cost of the reconstruction of parts of Third Street, Bluff Street and Presque Isle Avenue and the replacement of the Dead River Bridge.
2. Water Supply and Sewage Disposal System Revenue Bonds, Series 1989, in an amount not to exceed \$1,000,000, to pay part of the cost of extending, expanding and improving water and sewer mains and acquiring water meters and an automated reading and billing system.

WHEREAS, the City of Marquette desires to apply to the Municipal Finance Division of the Department of Treasury for an Order Providing Exception or, if an Order Providing Exception is not available, an Order of Approval.

IT IS RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN, that:

1. Any one of the City Manager, City Clerk and the Finance Director is hereby authorized to prepare and file a Notice of Intent To Issue An Obligation or, if an Order Providing Exception is not available, an application for an Order Of Approval, with the Municipal Finance Division of the Department of Treasury and to take any and all action and execute any and all documents that may be required, necessary or desirable to obtain an Order Providing Exception or an Order of Approval with respect to the issuance of the following bonds:

A. Michigan Transportation Fund Bonds, Series 1989, in an amount not to exceed \$2,000,000.

B. Water Supply and Sewage Disposal System Revenue Bonds, Series 1989, in an amount not to exceed \$1,000,000.

#### **STREET CONDITIONS**

City Manager Svanda reported on street conditions in the City. He said that there are many utility cuts which still need to be repaired and that pothole patching is needed as always. He said that City crews are running behind on these activities for several reasons. He said that spring cleanup had been unusually large and had taken a very long time, also there had been a very large windstorm last August which had required six to seven weeks of cleanup at a time when preventive street maintenance would have been done. He said that crews have also been busy coordinating the large street construction projects around the City this summer and that the curbing and paving subcontractors are busy with other work and have not been able to get to the City work. He also noted that there are smaller crews at the Public Works Department due to vacations, use of compensatory time, and illness and disability.

#### **JULY 31 MEETING**

Mayor Berube announced that this was the time set to consider rescheduling the July 31 City Commission meeting. It was moved by Commissioner Acocks, supported by Commissioner Birch, and defeated unanimously to change the July 31 Commission meeting to July 24.

#### **CONSENT AGENDA**

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

- A. Award the bid for a Folding Machine to Pitney-Bowes.
- B. Award the bid for Miscellaneous Concrete Construction to Tantara Concrete.
- C. Approve an Application for a Fireworks Display Permit for the Great Lakes Training Center Association.

### **PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 913 HIGH STREET: Noise problems currently and in the past owned by J.G. Campeau.
- 1806 WILKINSON STREET: Maintenance violations now and in the past owned by Vickie Haas who was formerly Vickie Billings.
- 2101 FITCH STREET: Noise violations now and maintenance violations in the past owned by Robert Berger who is an absentee landlord.
- 2010 LONGYEAR AVENUE: Noise violations now and in the past from various tenants owned by Steve Pelto.
- 212 WEST BLUFF STREET: Noise violations now and in the past all caused by the same tenant, Richard Terpening with the property owned by Phoebe Hillier who is an absentee landowner.

### **RECESS**

It was moved by Commissioner Sciotto, supported by Commissioner Acocks, and carried unanimously to call a ten-minute recess at 7:50 p.m.

### **LOWER HARBOR MARINA - Financing Plan**

A report and recommendation from the Marina Advisory Committee, regarding a possible grant award and financing plan for the Lower Harbor Marina, was read. Harbor Advisory Committee Chairman Tom Knauss and City Manager Svanda answered several questions about the proposal. It was moved by Commissioner Coyne, supported by Commissioner Birch, and carried unanimously to follow the recommendation of the Harbor Advisory Committee and approve a plan of implementation and financing for the Lower Harbor Marina. Mayor Berube thanked the Harbor Advisory Committee and staff for their hard work on this project.

### **CITIZEN COMMENT**

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

### **SCIOTTO**

Commissioner Sciotto said that he has received calls of concern about speeding in the parking area near the bandshell at Presque Isle Park, especially during band concerts. He would like this item referred to the Traffic and Parking Advisory Committee. He also noted calls from several people on Albert Street regarding drag racing on Lakeshore Boulevard on weekend nights. He said many people were surprised not to see "Old Jerry", the City's antique fire truck, in the Fourth of July parade. He said it is at Northern Michigan University for extensive repair and repainting. He also said he was pleased to see the settlement of the labor dispute at Lakeshore, Inc. He said he would hate to see the industry leave the City and that the Commission should act to support it.

### **GLENN**

Commissioner Glenn complimented Commissioner Coyne on his involvement in the Marquette Foundation. She noted complaints about high water pressure and low water pressure in various parts of the City. City Manager Svanda and Public Works Superintendent Lawry answered questions regarding water pressure problems.

**COYNE**

Commissioner Coyne said that the Fourth of July weekend celebration had been great, especially the fireworks. He said the effects of last year's storm damage are not too obvious at Presque Isle now with the leaves out but that the interior paths still show the damage. He asked when the final grading of the paths would be done. Parks and Recreation Director John Turausky said that the final cleanup should be done within two to three weeks. Commissioner Coyne also noted several concerts this weekend by the Detroit Symphony Orchestra and the City band.

**COFFEY**

Commissioner Coffey noted the excellent Fourth of July celebration and wished his wife a happy 32nd wedding anniversary.

**ACOCKS**

Commissioner Acocks said she is looking forward to the Detroit Symphony concerts. She wished her husband a happy anniversary and asked if the meter changeout program was complete. City Manager Svanda said the program is not complete and that some people will still be getting estimated two-month water bills. She also said that she is upset about a project to move geese from Lower Michigan to the Upper Peninsula.

**BERUBE**

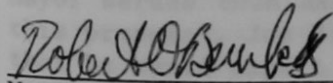
Mayor Berube congratulated Neil Hayward, Andrew Parnell, and MacGlynn Signs for successfully attaining certification as water works operators. He also said that recognition should be given to John DePetro, Steve Burling, and Scott Fleury, City employees who volunteered their time to operate City equipment in the Fourth of July parade. He complimented the American Legion for a great Fourth of July celebration and the Exchange Club for a good food fest. He said many people are still not using the trash receptacles along the bike path.

**CITY MANAGER SVANDA**

City Manager Svanda said that Detroit Symphony Orchestra tickets are still available in several locations.

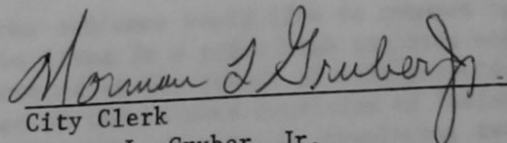
**ADJOURNMENT**

The meeting was adjourned at 8:38 p.m.



Mayor

Robert O. Berube, II



City Clerk

Norman L. Gruber, Jr.



OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Tuesday, July 18, 1989

A special meeting of the Marquette City Commission was duly called and held at 5:00 p.m. on Tuesday, July 18, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

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

**EXCUSE ABSENCES**

It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to excuse the absences of Commissioners Birch and Coffey.

**AGENDA**

Mayor Berube said that there are two items to be discussed at this special meeting. The first is consideration of a proposal for an Indian Housing Project on Pioneer Road and the second is approval of interest rates for transportation and water and sewer bonds.

**INDIAN TRUST LAND - Pioneer Road**

City Manager Svanda gave an oral report on a proposed Indian Housing Project on Pioneer Road. He discussed at length a meeting held between City staff members and representatives of the Sault Ste. Marie tribe of Chippewa Indians last week. He said that, in his opinion, the City and the tribe will be able to negotiate an agreement which will ensure that the Indian Housing will be pursuing the same quality of life goals as the surrounding community. He recommended that the Administration be authorized to proceed with negotiating an agreement with the Indian tribe and that the Bureau of Indian Affairs be notified of the positive direction of relations.

Mayor Berube called on Tribal Attorney Dan Green, who answered questions from the Commission about the housing project and the tribe's operations. He said that the tribe is looking at two or three duplexes or triplexes on this property, to be constructed this season, with the possibility of limited expansion in the future.

Mayor Berube then asked if anyone in the audience would like to comment on this proposal. Joe Blemberg said that he lives in a prime high tax area and that he would expect the taxes to be lowered as the result of this project. William LaMora opposed the project based on the rundown condition of Indian housing in the L'Anse area. Lynn Swadley said that he is developing two projects in this area and that he and his partner are not concerned about the Indian housing project. Dennis Honch opposed the project saying that he does not want to live near a low income housing project and that there would be severe law enforcement problems on Indian Trust land. He said local laws would have no authority. Ed Burch said that the area is a high tax area and that putting in low rent housing would be bad. He also said there would be no local control.

Following lengthy discussion, it was moved by Commissioner Coyne, supported by Commissioner Glenn, and carried, to implement the recommendation of the



City Manager by authorizing the administration to continue negotiating with the tribe and notifying the bureau of Indian affairs of the successful progress of negotiations.

#### **1989 SERIES BONDS - Interest Rates**

A communication from the Finance Director, regarding interest rates offered for water and sewer, and transportation bonds, was read. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried with no dissensions that the Commission adopt the Michigan Transportation Fund Bond resolution and the Water Supply and Sewage Disposal System Revenue Bond resolution, that the Finance Director be authorized to execute the purchase agreement for these bonds with the Michigan Municipal Bond Authority, and that the Commission authorize the Finance Director to enter into an agreement with the Michigan Municipal Bond Authority whereby bond proceeds will be invested in yield restricted state and local government series in order to comply with IRS arbitrage regulations. The following resolutions were adopted:

#### **WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BOND RESOLUTION**

WHEREAS, the City of Marquette (the "City"), Marquette County, Michigan, desires to make certain improvements to the City of Marquette Water Supply and Sewage Disposal System (the "System"), consisting of extending, expanding and improving water and sewer mains and acquiring and installing water meters and an automated reading and billing system (the "Project"); and

WHEREAS, the City intends to pay part of the cost of the Project from the proceeds of revenue bonds issued pursuant to Act 94, Public Acts of 1934, as amended (the "Act"); and

WHEREAS, the City intends to sell the bonds in a private negotiated sale to the Michigan Municipal Bond Authority (the "MMBA") as authorized by Act 227, Public Acts of Michigan, 1985, as amended, pursuant to a purchase contract to be entered into between the City and the MMBA.

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

1. AUTHORIZATION OF BONDS - PURPOSE. Bonds of the City, in the aggregate principal sum of One Million dollars (\$1,000,000), shall be issued and sold pursuant to the provisions of the Act and other applicable statutory provisions, for the purpose of paying part of the cost of the Project.

2. BOND DETAILS. The bonds shall be designated "Water Supply and Sewage Disposal System Revenue Bonds, Series 1989," shall have an original issuance date of August 10, 1989, shall be numbered from 1 upwards, shall be fully registered, shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the outstanding principal amount for each maturity, shall bear interest at a rate or rates to be determined upon the sale thereof, payable on May 1, 1990, and on each November 1 and May 1 thereafter and shall mature on May 1 in each year as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1990	\$15,000	2000	\$45,000
1991	20,000	2001	50,000
1992	25,000	2002	55,000
1993	25,000	2003	60,000
1994	30,000	2004	65,000
1995	30,000	2005	70,000
1996	35,000	2006	80,000
1997	35,000	2007	85,000
1998	40,000	2008	90,000
1999	45,000	2009	100,000

3. SALE OF BONDS TO THE MICHIGAN MUNICIPAL BOND AUTHORITY. It is hereby determined that the bonds shall be sold at a private negotiated sale to the MMBA, as authorized by Act 227, Public Acts of Michigan, 1985, as amended. The sale shall be made pursuant to the terms and conditions set forth in a Purchase Contract substantially in the form of Exhibit A hereto (the "Purchase Contract") and the form of the Purchase Contract is hereby approved. Each of the Mayor and the Finance Director is hereby authorized to approve the interest rate on the bonds and the price at which the bonds are sold to the MMBA and to execute and deliver the Purchase Contract on behalf of the City; provided, the net interest rate on the bonds shall not exceed 10% per annum and the price to be paid by the MMBA for the bonds shall be not less than 96% of the aggregate face amount of the bonds. Each of the Mayor, City Clerk and Finance Director is authorized to execute and deliver the Revenue Sharing Pledge Agreement substantially in the form of Exhibit B, a Non-Arbitrage And Tax Compliance Certificate, a Non-Litigation Certificate and such other certificates, documents and instruments as the MMBA and bond counsel shall require.

In order to facilitate the sale of the bonds to the MMBA, the City hereby covenants and agrees for the benefit of the owners of the bonds that it will comply with the applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), so that the interest on the bonds shall be and continue to be excluded from gross income for federal income tax purposes.

4. PAYMENT OF PRINCIPAL AND INTEREST. So long as the MMBA is the registered owner of the bonds, (a) the bonds are payable as to principal, premium, if any, and interest at the principal corporate trust office of Comerica Bank-Detroit, Detroit, Michigan, or at such other place as shall be designated in writing to the City by the MMBA (the MMBA's Depository"); (b) the City agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on the bonds in immediately available funds at least five business days prior to the date on which any such payment is due, whether by maturity, redemption or otherwise; and (c) written notice of any redemption of the bonds shall be given by the City and received by the MMBA's Depository, at least 40 days prior to the date on which such redemption is to be made. If the bonds are not registered in the name of the MMBA, the principal of and premium, if any, shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature and interest shall be paid, when due, to the registered owner of each bond as shown on the

registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address. The principal of, premium, if any, and interest on the bonds shall be payable in lawful money of the United States.

5. OPTIONAL REDEMPTION. The bonds are subject to optional redemption in whole or in part in such order as the City shall determine, in integral multiples of \$5,000 on any date on or after May 1, 1999, at the following redemption prices (expressed as percentages of their principal amounts), plus accrued interest to the redemption date.

<u>Period During Which Redeemed</u>	<u>Redemption Price</u>
May 1, 1999, to April 30, 2000, inclusive	102 %
May 1, 2000, to April 30, 2001, inclusive	101 1/2
May 1, 2001, to April 30, 2002, inclusive	101
May 1, 2002, to April 30, 2003, inclusive	100 1/2
May 1, 2003 and thereafter	100

6. BOND REGISTRAR AND PAYING AGENT; EXECUTION AND DELIVERY OF BOND.

Until a successor is appointed, the Treasurer of the City shall act as the bond registrar and paying agent for the bonds. The City may, from time to time, designate as bond registrar and paying agent for the bonds, a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States or the State of Michigan.

The bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City, or a facsimile thereof, shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer to the purchaser upon receipt of the purchase price. Additional bonds bearing the manual facsimile signatures of the Mayor and the City Clerk and upon which the seal of the City, or a facsimile thereof, is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication.

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

Each bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer

satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any bonds, the bond registrar and paying agent on behalf of the City shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticate and deliver a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_."

The City and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the City as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of paying the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 4 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

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

8. SECURITY, ADDITIONAL BONDS AND DEFEASANCE. The principal of, premium, if any, and interest on the bonds is secured by a lien on the net revenues (as defined in the Act) of the System, which lien is subordinate to any liens which have been imposed on the net revenues of the System prior to the date of this resolution in connection with the issuance of bonds pursuant to the Act and is, by the Act, made a statutory lien on such net revenues. The City may issue additional bonds or series of bonds, unlimited in number and amount, payable from the net revenues of the System and subordinate the lien created by this resolution to a lien on the net revenues of the System to secure all or part of such additional bonds or series of bonds.

In the event sufficient cash or direct obligations of the United States of America or obligations the principal of and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and the interest payments on which, without reinvestment of interest, or a combination thereof, come due at such times and in such amounts as to be fully sufficient to pay, when due, the

principal of, redemption premium, if any, and interest on the bonds on the stated maturity date or earlier redemption shall have been deposited in trust for payment in full of the bonds to their maturity, or, if called for redemption, to the date fixed for redemption, this Bond Resolution shall be defeased and the holders of the bonds shall have no further rights under this Bond Resolution except for payment from the deposited funds and the transfer and exchange of bonds and such bonds shall no longer be considered to be outstanding under this Bond Resolution.

9. ADDITIONAL INTEREST. In the event of a default in the payment of principal of or interest on bonds owned by the MMBA when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is one percent above the MMBA's cost of providing funds (as determined by the MMBA) to make payment on the bonds of the MMBA issued to provide funds to purchase the bonds, but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the MMBA has been fully reimbursed for all costs incurred by the MMBA (as determined by the MMBA) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the MMBA. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the MMBA) the investment of amounts in the reserve account established by the MMBA for the bonds of the MMBA issued to provide funds to purchase the bonds, fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the MMBA issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the MMBA) of such deficiency as additional interest on the Bonds.

10. FORM OF BONDS. The bonds shall be in substantially the following form:

11. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimated period of usefulness of the Project is hereby determined to be 20 years and upwards and the cost of the Project is estimated to be \$1,000,000.

12. RATE COVENANT. The rates which have been established for water supply and sewage disposal services are estimated to be sufficient (a) to provide for the payment of the expenses of administration and operation of the System and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order, (b) to provide for the payment of the principal of and interest on all bonds payable therefrom, as and when the same shall become due and payable, and for the reserve for the payment of the principal of and interest as required in Ordinance No. 165, and Ordinance No. 309, (c) to provide for such other expenditures and funds for the System as are required by Ordinance No. 165 and Ordinance No. 309 and (d) to have sufficient funds in the Surplus Fund to pay the principal of, premium, if any, and interest on the bonds. Rates shall be fixed and revised from time to time by the City Commission so as to produce the foregoing amounts and the City covenants and agrees to maintain at all times such rates for services furnished by the System which, together with other income, shall be sufficient to provide for the payment of the

expenses of administration, operation and maintenance of the System and the principal of, redemption premium, if any, and interest on the bonds, when due, and all other bonds which are payable from the redemption of the System.

13. FUNDS AND ACCOUNTS; FLOW OF FUNDS. The receiving fund, the Operation and Maintenance Fund, the Bond and Interest Redemption Fund, the Replacement fund and the Surplus Fund which have been established pursuant to the provisions of Ordinance No. 165 and Ordinance No. 309, shall be continued in accordance with the terms of Ordinance No. 165, Ordinance No. 309 and this resolution, with their present assets remaining therein. The revenues of the System as collected shall continue to be set aside into the fund known as the "Receiving Fund" of the system and shall be transferred therefrom periodically into the separate and special funds as required by Ordinance No. 165 and Ordinance No. 309, provided that there shall be transferred from the Surplus Fund to the bond registrar and paying agent, from time to time, amounts sufficient to pay, when due, the principal of, premium, if any, and interest on the bonds.

14. REBATE FUND. There shall be established and maintained a fund designated the Rebate Fund (the "Rebate Fund"). Moneys representing investment earnings or profits shall be transferred annually from all funds and accounts established under this Bond Resolution and deposited in the Rebate Fund in an amount sufficient to enable the City to rebate investment earnings to the federal government, if necessary, in accordance with the requirements of the Code. Funds on deposit in the Rebate Fund are not pledged as security for the Bonds. Monies shall be deposited in the Rebate Fund and shall be rebated to the United States of America unless the City has received an opinion of nationally recognized bond counsel that failure to take such actions will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on the bonds.

15. AUTHENTICATION AND PUBLICATION. This resolution shall be recorded in the minutes of the meeting of the City Commission at which it was adopted, which record shall be authenticated by the signatures of the Mayor and City Clerk, and shall be published once in The Mining Journal, a newspaper of general circulation within the City. This resolution shall become effective immediately upon its adoption.

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

#### **MICHIGAN TRANSPORTATION FUND BOND RESOLUTION**

WHEREAS, this City Commission hereby determines that it is necessary to reconstruct parts of Third Street, Bluff Street and Presque Isle Avenue and replace the Dead River bridge ( the "Improvements") in the City of Marquette (the "City"); and

WHEREAS, the cost of the Improvements is estimated to be in excess of Two Million Dollars (\$2,000,000); and

WHEREAS, to pay a part of the cost of the Improvements the City Commission deems it necessary to borrow the sum of Two Million Dollars (\$2,000,000) and issue bonds as authorized by the provisions of Act 175, Public Acts of Michigan, 1952, as amended ("Act 175"), the balance of the cost to be paid from other funds of the City and available grants, if any; and

WHEREAS, the Improvements are in accordance with the purposes enumerated in Act 51, Public Acts of Michigan, 1951 ("Act 51"); and

WHEREAS, the revenues received by the City from the Michigan Transportation Fund pursuant to Act 51, in the year preceding this contemplated borrowing are more than sufficient to comply with all the requirements specified in Section 4 of Act 175; and

WHEREAS, the City desires to sell bonds in a private negotiated sale to the Michigan Municipal Bond Authority (the "MMBA") as authorized by Act 227, Public Acts of Michigan, 1985 ("Act 227").

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

1. AUTHORIZATION OF BONDS - PURPOSE. The City Commission hereby determines to borrow the sum of Two Million Dollars (\$2,000,000) and issue bonds pursuant to the provisions of Act 175 for the purpose of providing funds to pay part of the cost of the Improvements. The period of usefulness of the Improvements is estimated to be not less than twenty (20) years. The plans for and estimates of cost of the Improvements are hereby approved and adopted.

2. BOND DETAILS. The bonds shall be designated "Michigan Transportation Fund Bonds, Series 1989"; shall have an original issue date of August 10, 1989; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or, at the option of the bondholder, any integral multiple thereof not exceeding the aggregate principal amount for each maturity; shall bear interest at a rate or rates to be determined upon the sale of the bonds, first payable on February 1, 1990, on each August 1 and February 1 thereafter and shall mature on August 1 in each year as follows:

Year	Principal Amount	Year	Principal Amount
1990	\$40,000	2000	\$ 90,000
1991	45,000	2001	100,000
1992	50,000	2002	110,000
1993	50,000	2003	120,000
1994	55,000	2004	130,000
1995	60,000	2005	140,000
1996	65,000	2006	155,000
1997	70,000	2007	170,000
1998	80,000	2008	185,000
1999	85,000	2009	200,000

3. SALE OF BONDS TO THE MICHIGAN MUNICIPAL BOND AUTHORITY. It is hereby determined that the bonds shall be sold at a private negotiated sale to the MMBA, as authorized by Act 227, Public Acts of Michigan, 1985 ("Act 227"). The sale shall be made pursuant to the terms and conditions set forth in a

Purchase Contract substantially in the form of Exhibit A hereto (the "Purchase Contract") and the form of the Purchase Contract is approved. Each of the Mayor and the City Finance Director is authorized to approve the interest rate on the bonds and the price at which the bonds are sold to the MMBA and to execute and deliver the Purchase Contract on behalf of the City; provided, the net interest cost on the bonds shall not exceed 10% per annum and the price to be paid by the MMBA shall not be less than 98% of the aggregate face amount of the bonds. Each of the Mayor, the City Clerk, and the City Treasurer and the City Finance Director is authorized to execute and deliver the bonds, a Non-Arbitrage Certificate, a Non-Litigation Certificate and such other certificates or documents as the MMBA and bond counsel shall require.

In order to facilitate the sale to the MMBA, the City hereby covenants and agrees for the benefit of the owners of the bonds that it will comply with the applicable requirements of the Internal Revenue Code of 1986, as amended, so that the interest on the bonds shall be and continue to be excluded from gross income for federal income tax purposes.

4. PAYMENT OF PRINCIPAL AND INTEREST. So long as the MMBA is the registered owner of the bonds, (a) the bonds are payable as to principal, premium, if any, and interest at the principal corporate trust office of Comerica Bank-Detroit, Detroit, Michigan, or at such other place as shall be designated in writing to the City by the MMBA (the "MMBA's Depository"), (b) the City agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on the bonds in immediately available funds at least two business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise and (c) written notice of any redemption of the bonds shall be given by the City and received by the MMBA's Depository at least 40 days prior to the date on which such redemption is to be made. If the bonds are not registered in the name of the MMBA, the principal of and premium, if any, shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature and interest shall be paid, when due, to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address. The principal of, premium, if any, and interest on the bonds shall be payable in lawful money of the United States.

5. OPTIONAL REDEMPTION. The bonds are subject to optional redemption in whole or in part, in such order as the City may determine, in integral multiples of \$5,000, on any date on or after August 1, 1999, at the following redemption prices (expressed as percentages of their principal amounts), plus accrued interest to the redemption date.

Period During Which Redeemed	Redemption Price	
	Price	%
August 1, 1999, to July 31, 2000, inclusive	102	
August 1, 2000, to July 31, 2001, inclusive	101 1/2	
August 1, 2001, to July 31, 2002, inclusive	101	
August 1, 2002, to July 31, 2003, inclusive	100 1/2	
August 1, 2003 and thereafter	100	



Written notice of such redemption must be given to the MMBA's Depository by the City at least 40 days prior to the date on which such redemption is to be made, so long as the MMBA is the owner of the bonds, and thereafter by mail at least 30 days prior to the redemption date to the holders of the bonds at the close of business on the 45th day of the month preceding the redemption date.

6. BOND REGISTRAR AND PAYING AGENT. Until a successor bond registrar and paying agent is appointed, the Treasurer of the City shall act as the bond registrar and paying agent for the bonds.

7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The bonds shall be executed in the name of the City with the actual or facsimile signatures of the Mayor and the City Clerk and shall bear the actual or a facsimile of the City seal. No bond of this series shall be valid until authenticated by the bond registrar or paying agent. The bonds shall be delivered to the City Treasurer for authentication and be delivered by him to the MMBA upon payment of the purchase price for the bonds. Executed blank bonds for registration and issuance to transferees shall, from time to time as necessary, be delivered to the bond registrar and paying agent for safekeeping.

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

Each bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any bonds, the bond registrar and paying agent on behalf of the City shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_."

The City and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the City as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of paying the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 4 of this resolution shall be valid and effectual to satisfy and

discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

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

9. APPROPRIATION OF CITY'S MICHIGAN TRANSPORTATION FUND PAYMENTS. In accordance with the provisions of Act 175, there is hereby made an irrevocable appropriation of the amount necessary to pay the principal of and interest on the bonds from the moneys to be derived from State-collected taxes returned to the City for highway purposes. The Treasurer of the City is directed, each year that any of the principal of and interest on the bonds remains unpaid, to set aside in a separate depository account, to be designated Michigan Transportation Fund Bonds, Series 1989 Debt Retirement Fund, sufficient moneys from revenues received during such year from the Michigan Transportation Fund to pay the principal of and interest on the bonds next maturing. The Treasurer is further directed to open a separate depository account, to be designated 1989 Michigan Transportation Fund Construction Fund into which bond proceeds less accrued interest and premium, if any, shall be deposited and from which account the costs of constructing the Improvements shall be paid.

10. PLEDGE OF FULL FAITH AND CREDIT. Pursuant to Act 175, and as additional security for the prompt payment of the principal of and interest on the bonds, there is hereby irrevocably pledged the limited tax full faith and credit of the City. If the funds primarily pledged are not adequate to pay the principal of and interest on the bonds, when due, the City will levy a tax sufficient to pay the principal of and interest on the bonds, when due, provided, that taxes levied by the City to pay principal of and interest on the bonds are subject to constitutional charter and statutory limitations.

11. FORM OF BONDS. The bonds shall be in substantially the following form:

12. DEFEASANCE. In the event sufficient cash or direct obligations of the United States of America or obligations the principal of and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and the interest payments on which, without reinvestment of interest, or a combination thereof, come due at such times and in such amounts as to be fully sufficient to pay, when due, the principal of, redemption premium, if any, and interest on the bonds on the stated maturity date or earlier redemption shall have been deposited in trust for payment in full of the bonds to their maturity, or, if called for redemption, to the date fixed for redemption, this resolution

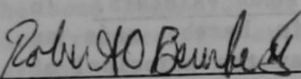
shall be defeased and the holders of the bonds shall have no further rights under this resolution except for payment from the deposited funds and the transfer and exchange of bonds and such bonds shall no longer be considered to be outstanding under this resolution.

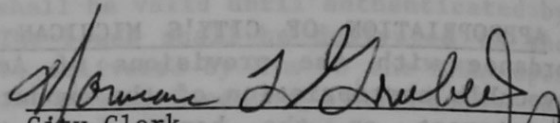
13. PUBLICATION OF BOND RESOLUTION. A copy of this resolution shall be published once in The Mining Journal, Marquette, Michigan.

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

**CITIZEN COMMENT**

There being no citizens present to address the Commission, the meeting was adjourned at 5:52 p.m.

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

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

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, July 31, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, July 31, 1989 in Commission Chambers of City Hall.

**ROLL CALL**

PRESENT: Mayor Pro Tem Acocks. Commissioners Coffey, Coyne, Glenn, Sciotto.

ABSENT: Mayor Berube, Commissioner Birch.

**EXCUSE ABSENCES**

It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to excuse the absences of Mayor Berube and Commissioner Birch as they are 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 July 10 regular and July 18 special meetings as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$516,034.79 for the 1988-89 Fiscal Year and \$602,255.82 for the 1989-90 Fiscal Year were presented. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried to approve these bills as presented.

**AGENDA CHANGES**

Mayor Pro Tem Acocks added item 12a, a report and recommendation from the City Attorney. Commissioner Glenn asked that item 13a be removed from the consent agenda and be made item 12b.

**MODEL RECYCLING PROGRAM**

Commissioner Coyne demonstrated a recycling program based on the example of his family. He displayed the relative volumes of solid waste resulting from an effort at separating the different kinds of material. He said that the amount which needed to be landfilled was reduced by approximately two-thirds. He urged the City Commission and citizens to become involved in recycling programs and described markets for recycled materials. He said that such programs will extend the life of the landfill, cut costs and are ecologically sensible.

**PUBLIC HEARING - County Road 553 Sewer Special Assessment**

Mayor Pro Tem Acocks announced that this was the time and date set for a public hearing on the necessity for sewer construction on County Road 553. There being no one to address the Commission, the hearing was closed. A report and recommendation from the City Manager, regarding this matter, was read. It was moved by Commissioner Coffey, supported by Commissioner Glenn, and carried to approve the agreement between the affected parties and to authorize the Mayor and City Clerk to execute it on behalf of the City. Commissioner Coyne asked to make it a record that this sewer main will be considered City property.

#### **CITIZEN COMMENT**

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

#### **MARQ TRAN LEASE EXTENSIONS**

A recommendation from the Marquette County Transit Authority, regarding leases with Greyhound and Great Northern Title and Abstract for space in the Transportation Center, were read. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to follow the recommendation, to approve the leases, and to authorize the Mayor and City Clerk to execute them.

#### **PUBLIC WORKS ADVISORY BOARD - Service Center**

A recommendation from the Public Works Advisory Board, regarding conclusions reached at a work session on May 24 about the proposed Public Works Service Center, was read. It was moved by Commissioner Glenn, supported by Commissioner Coyne, and carried to confirm that the conclusions presented by the Public Works Advisory Board are the direction the Commission wishes to proceed, based upon the work session held on May 24, 1989. Commissioners agreed that the issue of whether the Engineering Department should be located in City Hall or in the new facility needs to be studied further.

#### **NON-SUFFICIENT FUNDS ORDINANCE**

A report and recommendation from the City Attorney, regarding the adoption of an ordinance covering non-sufficient funds checks, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried to schedule a public hearing on this proposed ordinance for the next regular Commission meeting.

#### **ENTRE AMIGOS - Pocket Park Lease**

A report and recommendation from the City Attorney, regarding a lease assignment and subordination agreement for the Entre Amigos of Marquette expansion project, was read. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to approve the lease assignment and subordination agreement and to authorize the Mayor and City Clerk to execute them.

#### **METER CHANGEOUT - Contract Amendment**

A report and recommendation from the City Attorney, regarding an amendment to the contract with Swick Plumbing and Heating for completion of the meter changeout program, was read. It was moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried to approve this amendment with Swick and to authorize the Mayor and City Clerk to execute it.

#### **LABOR AGREEMENT - City Hall Employees**

A report and recommendation from the City Manager, regarding a labor agreement with the technical, professional, and clerical employees represented by AFSCME Local 1852, was read. It was moved by Commissioner Coffey, supported by Commissioner Glenn, and carried to concur in 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.

#### **TRANSFER FACILITY - Use Agreement**

A report and recommendation from the City Manager, regarding a use agreement with Chocolay Township for the utilization of the City's transfer facility, was read. It was moved by Commissioner Glenn, and carried to concur with Commissioner Coffey, supported by City Manager, to approve the agreement with the recommendation of the authorize the Mayor and City Clerk to execute it.

#### **LAKESHORE BOULEVARD SPEED LIMIT REDUCTION**

A report and recommendation from the City Manager, regarding the proposal to reduce the speed limit on Lakeshore Boulevard west of Peter White Drive, was read. It was moved by Commissioner Sciotto, supported by Commissioner Coffey, and carried to concur in the recommendation, to keep the speed limit on this section of street at 25 miles per hour, and to install proper signage indicating children at play.

#### **EASEMENT - Barrier Free Ramp at Forsberg Flowers**

A report and recommendation from the City Manager, regarding an easement for Forsberg Flowers to construct a barrier free access ramp on the Third Street right of way, was read. Louann Balding answered questions about the proposed ramp. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried that the Commission grant an easement to Forsberg Flowers for construction of a barrier free ramp with stipulations that the City may order its removal at any time, that a maximum sidewalk width of six feet be maintained, and that the encroachment be subject to any future fees established by the City Commission.

#### **HERITAGE HOTEL PROJECT - Loan Agreement Amendments**

A report and recommendation from the City Manager, regarding amendments to the CDBG and UDAG loan agreements, was read. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried that the resolution be adopted. The following resolution was adopted:

RESOLUTION APPROVING (1) AMENDED LOAN AGREEMENT WITH MARQUETTE HOTEL BUILDING CORPORATION IN CONNECTION WITH A \$525,000 COMMUNITY DEVELOPMENT BLOCK GRANT LOAN AND (2) AMENDED UDAG LOAN AGREEMENT WITH MARQUETTE HOTEL BUILDING CORPORATION IN CONNECTION WITH A \$725,000 URBAN DEVELOPMENT ACTION GRANT FOR THE HERITAGE HOTEL PROJECT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SUCH AMENDED AGREEMENTS FOR AND ON BEHALF OF THE CITY

WHEREAS, the City of Marquette ("the City") has previously applied for and received a Community Development Block Grant ("CDBG") in the amount of \$525,000 and an Urban Development Action Grant ("UDAG") in the amount of \$725,000; and

WHEREAS, the City has previously authorized the lending of the CDBG moneys and the UDAG moneys to Marquette Hotel Building Corporation ("MHBC") pursuant to certain loan agreements which have previously been approved by the City; and

WHEREAS, the CDBG moneys and the UDAG moneys will be used by MHBC to acquire, construct and renovate the former Heritage Hotel located on North Front Street in the City (the "Project"); and

WHEREAS, MHBC has arranged for the construction financing of the remaining cost of the Project with Greyhound Real Estate Finance Company of Chicago, Illinois ("Greyhound"); and

WHEREAS, Greyhound has requested as a condition of its loan to MHBC that MHBC collaterally assign its right and obligations under the loan agreements with the City for CDBG moneys and UDAG moneys.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the amended loan agreement between the City and MHBC for the CDBG moneys and UDAG moneys as presented at this meeting and which collaterally assigns the loan agreements to Greyhound and, upon the default of MHBC and the assumption of MHBC's obligation under the loan agreements, Greyhound would be substituted for MHBC in said loan agreements.

2. That the Mayor and City Clerk are hereby authorized to execute the loan agreements as amended in the form presented at this meeting with such additions, changes and modifications as shall be approved by the City Manager.

3. All resolutions and parts of resolutions, to the extent of any conflict with this resolution, are rescinded.

#### **WILKINSON AVENUE - Easement for Home at 2302**

A report and recommendation from the City Attorney, regarding an easement to Mr. and Mrs. Richard Laux, allowing the front steps of their home at 2302 Wilkinson Avenue to extend onto the City right of way, was read. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to accept this request for an easement.

#### **PLANNING COMMISSION - Rezoning North of Grove Street**

A recommendation from the Planning Commission for the rezoning of 5.3 acres of land lying between Grove Street, Forest Park Drive, and McClellan Avenue. Commissioner Glenn said there was a discrepancy in the zoning district in the documentation provided. Bill Nemacheck, who was one of the petitioners, answered questions. He said that they are requesting RG Zoning on this property. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried unanimously to schedule a public hearing for the next regular Commission meeting to receive comment on the proposal to rezone this property from RM to RG.

#### **CONSENT AGENDA**

It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to approve the consent agenda as follows:

B. Adopt the following resolution for designation of depositories.

RESOLVED,

1. That the First National Bank & Trust Company, Marquette, Michigan, First of America Bank, Marquette, Michigan and the Northern Michigan Bank, Marquette, Michigan, (hereinafter referred to as the "Banks") be hereby designated as depositories for the City of Marquette and authorized to accept for its credit and/or for collection, any and all

checks, drafts, and other negotiable instruments when endorsed in its name by rubber stamp or otherwise.

2. That the Treasurer be hereby authorized to open, with the Banks, such accounts under such captions as she may determine to be necessary or desirable.

3. That any and all funds credited to such accounts with the Banks may be paid out or withdrawn by checks, drafts or other instruments drawn against the respective accounts when signed by the following (two signatures required):

CITY TREASURER  
OR DEPUTY CITY TREASURER  
AND  
FINANCE DIRECTOR  
OR ASSISTANT FINANCE DIRECTOR

whose signatures shall be duly certified to the Banks, and the Banks hereby are authorized to honor and pay any and all checks, drafts, or other instruments so signed, without inquiry as to the circumstances of issue or the disposition of the proceeds thereof.

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

City Manager Svanda identified the following properties:

2101 FITCH: Maintenance problems now and in the past owned by Robert and Mary Berger.

901 NORTH FRONT: Maintenance problems now and in the past owned by John Schroeder who also owns other properties with maintenance problems.

809 NORTH THIRD: Maintenance problems in the past and now a noise problem where the tenant is Kronschnabel and the owner is David Klumb.

514 NORWOOD: Noise problems in the past and now maintenance problems owned by Carl Olson.

393 WEST CRESCENT: Zoning and maintenance problems now and in the past owned by Thom Bogdan.

Commissioner Coyne noted that the Commission has received a letter which is proposed to be sent to the owner of each property which would be listed at City Commission meetings. This allows a property owner to attempt to resolve the problem before his property becomes listed.

#### **APPOINTMENTS**

Mayor Pro Tem Acocks made the following appointments:

INVESTMENT ADVISORY BOARD: Reappointment of Barry Ellis for a term expiring July 1, 1992, appointment of Carol Whitman-Johnson to fill an unexpired term ending July 1, 1990, and appointment of Mike Morgan for a term expiring July 1, 1992.

HOSPITAL FINANCE AUTHORITY: Reappointment of Melvin Rossway for a term expiring July 1, 1994.

PARKING/TRAFFIC ADVISORY COMMITTEE: Reappointment of Irving Wagner for a new term expiring May 30, 1992.

VILLAGE DEVELOPMENT COORDINATING COMMITTEE: Reappointment of Irving Wagner, David Svanda, and Jim Bielinski for new terms expiring July 31, 1993.

LAKEVIEW ARENA ADVISORY BOARD: Reappointment Dan Trotochaud and James Kizer to new terms expiring August 1, 1992.



Mayor Pro Tem Acocks also noted that there are vacancies on the Tree Committee and the Public Works Advisory Board.

#### **CITIZEN COMMENT**

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

#### **COFFEY**

Commissioner Coffey said that he was concerned about indiscriminate parking at Art on the Rocks. He said there had been potential safety problems because people were parking in ways which would block emergency vehicles. He noted a visit to Holland, Michigan last week which is noted for its many flowers and said that upon returning to Marquette, he found the petunias to be very beautiful also.

#### **COYNE**

Commissioner Coyne said that he had spent part of last week in Detroit and that he finds Marquette much more attractive. He said the Ellwood A. Mattson Lower Harbor Park dedication had gone extremely well and offered his congratulations to Parks and Recreation Director John Turausky and the City Band.

#### **GLENN**

Commissioner Glenn said that she had enjoyed being a part of the flotilla accompanying the Governor to the Park dedication. She asked when there will be a traffic signal installed at the intersection of McClellan and the Bypass. City Manager Svanda said that we are waiting for a crew from the Michigan Department of Transportation to install this signal.

#### **SCIOTTO**

Commissioner Sciotto said that the petunias in South Marquette look very good, that the Park dedication had gone well, and that John Turausky and the Parks and Recreation Department deserve a hand for their organization of the dedication. He noted the City Manager's report that warning devices are required on bicycles, however, he said that walkers must also be aware of bike riders on the bike path. He congratulated Assistant Fire Chief Charles Maki on his designation as Fireman of the Year, said that Commissioner Coyne had presented an excellent recycling effort, and noted that it was too late to put out trash for the spring pickup. He said it is illegal to put out garbage before the day of collection because this allows animals to get into it and cause a mess. He said the letter to be sent to landlords regarding problem properties was a good idea.

#### **CITY MANAGER SVANDA**

Mr. Svanda said that this weekend is the U.P. Sports Festival which should be an excellent program. Commissioner Sciotto said that everyone should plan to attend and participate in this festival.

#### **ADJOURNMENT**

The meeting was adjourned at 8:31 p.m.



Major Eric ... also noted that there are vacancies on the ...  
Commissioner ...

*Norman J. Gruber*  
Norman J. Gruber, ...  
Loretta Anocks

**COMMISSIONER**  
Commissioner ... also noted that there are vacancies on the ...  
at ... He noted a visit to ...  
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**CITY MANAGER SVANDE**  
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be an excellent program. Commissioner Sciotta said that everyone should  
plan to attend and participate in this festival.

**COMMISSIONER**  
The meeting was adjourned at 11:11 p.m.

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, August 14, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, August 14, 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 Coyne, and carried unanimously to approve the minutes of the July 31, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$209,104.72 in the 1988-89 Fiscal Year and \$705,583.89 in the 1989-90 Fiscal Year were presented. It was moved by Commissioner Glenn, supported by Commissioner Sciotto, and carried unanimously to approve the bills payable with the exception of the one in the 1989-90 Fiscal Year to Loretta's Craft Corner in the amount of \$8.76. It was then moved by Commissioner Glenn and supported by Commissioner Sciotto to pay the above excluded bill and to allow Commissioner Acocks to abstain from voting. The following vote was taken:

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

**Nays:** None.

**Abstention:** Commissioner Acocks.

The motion was carried.

**AGENDA CHANGES**

During the time set for announcing changes in the agenda, Commissioner Sciotto asked that item 10b be removed from the Consent Agenda and be made item 9a.

**PUBLIC HEARING - Non Sufficient Funds Check Ordinance**

Mayor Berube announced that this was the time set for a public hearing on a non-sufficient funds check ordinance. The recommendation from the City Attorney was read. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Birch, and carried unanimously to adopt ordinance #422 as follows:

AN ORDINANCE TO AMEND TITLE IV OF THE CODE OF THE CITY OF MARQUETTE BY ADDING A NEW CHAPTER 36 PROHIBITING CHECKS, DRAFTS OR ORDERS DRAWN WITHOUT SUFFICIENT FUNDS, EVIDENCE OF INTENT TO DEFRAUD, NOTICE OF PROTEST AS EVIDENCE OF INTENT TO DEFRAUD, PENALTY, COSTS AND PROTEST FEES, PAYMENT OF WAGES BY INSUFFICIENT CHECK

**PUBLIC HEARING - Rezoning of 5.3 Acres of Land for U.S. Land Development Company**

Mayor Berube opened the public hearing on the rezoning of this land. The recommendation from the Planning Commission was read. A second recommendation from the Planning Commission regarding the preliminary plat of Valley View Subdivision which is located on this land, was also read. Dan Trotochaud, representing U.S. Land Development Company, supported the rezoning. The hearing was closed. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to rezone this land from Multiple Family Residential to General Residential as recommended. It was then moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to approve the preliminary plat of Valley View Subdivision as presented.

**CITIZEN COMMENT**

During the time set for citizens wishing to address the Commission, Frank Blemberg asked to speak on item 5, Dave Hickey asked to speak on item 6, and Charles Maki asked to speak on item 9a.

**MICHIGAN MUNICIPAL WORKERS COMPENSATION FUND**

A communication from the Michigan Municipal Workers Compensation Fund, regarding election of trustees, was read. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously to accept the slate of candidates as submitted.

**BEAUTIFICATION COMMITTEE**

A communication from the Beautification Committee, requesting assistance with incorporation, was read. It was moved by Commissioner Acocks, supported by Commissioner Coffey, and carried unanimously to refer this item to the City Attorney to work with Mrs. Kelly.

**WATER/SEWER UTILITY ADVISORY COMMITTEE - Water Tap on Adams Street**

A communication from the Water/Sewer Utility Advisory Committee, regarding a tap for a private water main on Adams Street, was read. Frank Blemberg addressed the Commission saying that he had never owned this property but that he was representing his mother in law, Ida Tervola. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously that the City Commission grant permission to these three home owners to tap into the City water system at the corner of Adams and Blemhuber Streets with a two-inch main, the work to be done by C. Oberstar Excavating, Inc. with all costs to be underwritten by the three home owners subject to the following conditions: 1) the receipt of a construction permit from the Department of Public Health, 2) the contractor must meet all insurance and bond requirements of the City, and 3) the actual tap is to be done by City personnel, not by the contractor. Mr. Blemberg asked questions about the cost of the water tap.

**PARKS AND RECREATION ADVISORY BOARD - Harlow Park Lighting Project**

A recommendation from the Parks and Recreation Advisory Board, regarding a lighting project to be done in Harlow Park to commemorate the 100th anniversary of the Board of Light and Power, was read. Board of Light and Power Director David Hickey requested approval of this project and said that it will benefit the park. It was moved by Commissioner Birch, supported by Commissioner Glenn, and carried unanimously to accept this

generous offer. Mayor Berube thanked the Board of Light and Power for their contribution to the improvement of this park.

#### **REVIEW ORDINANCE #419**

Mayor Berube said that when ordinance #419 had been adopted, it included a mandatory review at the first meeting in August of 1989. It was moved by Commissioner Acocks, supported by Commissioner Coyne, and carried unanimously to leave the ordinance as it is.

#### **BIDS FOR CITY HALL HEATING SYSTEM**

A report and recommendation from the City Manager, regarding bids for replacement of the City Hall heating system, was read. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to concur in the recommendation, to award the bid to Johnson Controls, Inc. in the amount of \$58,900, and to take the \$5,900 excess required from the current year contingency fund.

#### **TELEPHONE EQUIPMENT PROPOSALS**

A report and recommendation from the City Manager, regarding purchase of telephone equipment for the City Hall, was read. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to purchase the Merlin Plus system from AT & T at a price of \$29,750.00.

#### **BID FOR A FIRE DEPARTMENT VEHICLE**

A report and recommendation from the City Manager, regarding bids for the purchase of a four-wheel drive vehicle for use by the Fire Department, was read. Assistant Fire Chief Charles Maki asked that this award be made to Specker Motor for a four door vehicle as opposed to the two door vehicle from Frei Chevrolet. He explained that it was difficult for firemen wearing turnout clothing to get into a two door vehicle. It was moved by Commissioner Sciotto and supported by Commissioner Birch to not accept the recommendation and to purchase the Jeep Cherokee from Specker Motor Sales in the amount of \$15,024.00. During discussion, it was noted that the specifications had not originally called for a four door vehicle. The motion was withdrawn. It was then moved by Commissioner Coffey and supported by Commissioner Coyne to reject the bids and to direct the Administration to solicit new bids for four door vehicles with deletion of unnecessary items. It was moved by Commissioner Sciotto to bid a 1990 vehicle. This motion died for lack of support. The original motion was then carried unanimously.

#### **CONSENT AGENDA**

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

- A. Approve the Transfer of the Liquor License for the Pizza Hut located at 2131 U. S. 41 West.
- C. Award the Bid for Reconstruction of a Retaining Wall and Associated Improvements on Ohio Street to C. Oberstar Excavating in the Amount of \$77,119.
- D. Schedule a Public Hearing for the Rezoning of 212 West Ohio Street from General Residential to Community Business for August 28, 1989.

- E. Schedule a Public Hearing of Necessity for Center Street Special Assessment Improvements for August 28, 1989.
- F. Schedule a Public Hearing of Necessity for Alley Special Assessment Improvements for August 28, 1989.
- G. Recognize the Marquette Senior High School All-Sports Booster Club as a Non-profit Organization in the Community.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified 600 Altamont Street, the old orphanage building, as having maintenance problems now and in the past. He said the owner is Kevin Rundstrom, who is an Arizona resident.

**CITIZEN COMMENT**

Arne Heikkila asked what is happening to the proposal to pave the alley behind his business. Mayor Berube said that the Commission had scheduled a public hearing for the next Commission meeting.

**GLENN**

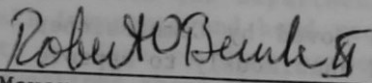
Commissioner Glenn said that it is possible to buy biodegradable diapers and that this would help keep the landfill from filling up too quickly. She asked about the purchase of tables and chairs for the Island Store. Parks and Recreation Director John Turausky said that this purchase will be completed before the end of the season. Commissioner Glenn also asked for a dollar accounting of the City's financial involvement in the Summer Sports Festival and the Detroit Symphony Concerts.

**BERUBE**

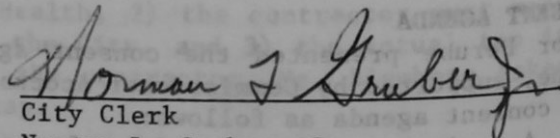
Mayor Berube thanked the many people who worked on the U.P. Summer Sports Festival. He noted that he had been on vacation and in coming through Charlevoix, their petunias had been dying and in very poor condition. He complimented Barb Kelly and her family along with the others who have worked on making our petunias very beautiful this summer. He asked about progress on a City Christmas tree. John Turausky said that a tree has been donated by the University but a large tree spade needs to be brought into town in order to move it. He said this will be done in time for the Christmas tree lighting ceremony in November. Mayor Berube also said that he had been attending his grandmother's 100th birthday party and that she was the oldest living graduate of Northern Michigan University.

**ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.



Mayor  
Robert O. Berube II



City Clerk  
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY COMMISSION  
Monday, August 28, 1989

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, August 28, 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 Acocks, and carried unanimously to approve the minutes of the August 14, 1989 meeting as presented.

**BILLS PAYABLE**

Total bills payable in the amount of \$533,772.45 were presented. It was moved by Commissioner Acocks, supported by Commissioner Glenn, and carried unanimously that the bills be paid as presented.

**AGENDA CHANGES**

During the time set for announcing changes in the agenda, Mayor Berube added item 9a, discussion of the Lakeshore Boulevard water supply. Commissioner Sciotto asked that item 15h be removed from the consent agenda and be made item 14a. City Manager Svanda introduced Data Processing Coordinator Alan Hawker who has recently started work with the City.

**SERVICE PROCLAMATION**

Mayor Berube went to the podium and asked Police Chief George Johnson to join him. He then presented the following proclamation:

POLICE CHIEF GEORGE JOHNSON DAY

WHEREAS, George Johnson, after completing 6 years of service in the U.S. Navy, during which time he participated in numerous major actions in the Korean War, and after attending Northern Michigan College, started his career in law enforcement with the City of Marquette on February 19, 1955; and

WHEREAS, throughout the next four decades George Johnson served as a patrolman, including five years in motorcycle duty, a year as detective, and was appointed Chief of Police on September 1, 1963; and

WHEREAS, Police Chief George Johnson has been an outstanding Police Chief throughout these years and through his capable leadership, professionalism and organizational skills has helped to make the Marquette Police Department the outstanding Department it is; and

WHEREAS, Chief Johnson has been highly respected in the community and by all his co-workers, and also is highly known and respected

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throughout the State, and has always been available and helpful to the citizens of Marquette; and

WHEREAS, as of September 1, 1989, George Johnson will complete 26 years as Chief of Police of Marquette, and becomes the longest-serving Chief of Police in one department in Michigan history;

NOW, THEREFORE, BE IT RESOLVED, I, Robert O. Berube II, Mayor of the City of Marquette, do hereby proclaim Friday, September 1, 1989, as Chief of Police George Johnson Day in Marquette and urge all citizens to recognize the dedication and distinguished service of Chief Johnson.

Mayor Berube said it is an honor to be able to make such proclamations as Mayor. He congratulated Chief Johnson on his many years of service with the City. Following his comments, there was a standing ovation for Chief Johnson.

#### **CITIZEN AWARDS**

Mayor Berube then presented citizen awards to John Kukla, Larissa Stratton, and Steve Carlson. The citation on the awards was as follows:

At the Picnic Rocks of the Shiras Park there are two rock islands located approximately 100 yards from the shore, these islands are used by swimmers who sometimes walk or swim to them. On August 4, several people were heard to be calling for assistance, with the help of John Kukla, Larissa Stratton and Steve Carlson, several potential drowning victims were rescued. Although it is tragic that one life was lost, the quick response of these people saved many others from the same fate.

#### **MARQUETTE TRIATHLON COMMITTEE - Presentation**

Marquette Triathlon Committee Chairman Buzz Tiseo thanked many members of the City staff and citizens of Marquette who had helped to run the Triathlon this year. He gave special recognition to the City Manager's office and the Parks and Recreation and Police Departments. He presented Lois Maki, a Special Olympian, who read the citation on a plaque which was then presented to Mayor Berube thanking the City for this assistance. Mr. Tiseo said that all proceeds of this event go to fund the Marquette-Alger Special Olympics. He said that \$1,500 was raised this year and that a total of \$6,500 has been raised by the Triathlon in the years it has been run. Mayor Berube thanked Mr. Tiseo for the recognition and gave special thanks to Minx Sport Shop for sponsorship of this event.

#### **CERTIFICATE OF EXCELLENCE IN FINANCIAL REPORTING**

Mayor Berube then noted that the City has for the third time, received the Certificate of Excellence in Financial Reporting. He said that this award reflects well on the City, especially the people in the Finance and Accounting Department. Commissioner Coffey said that less than 10% of the cities in the country receive this award.

#### **PUBLIC HEARING - Rezoning 212 West Ohio Street**

Mayor Berube announced that this was the time set for a public hearing on the rezoning of 212 West Ohio Street. The recommendation from the Planning

Commission was read. Scott Fure supported his petition. He explained the proposed development including the businesses which will occupy the new building and the need for a layout of the new parking lot. He gave a number of reasons that the rezoning should be approved and said many things have been done to protect the neighbors. Dan Trotochaud noted the long term attempts to develop backstrip parking along Third Street. He said that the City had supported this in the past. He said that lot depth is not uniform along Third Street and that the extra depth provided by this rezoning would really help in rear parking development. Gary Parkkonen said he is concerned about the exit onto Ohio Street next to his home. He wants it eliminated with all traffic from the parking lot to enter and exit from North Third Street. He said he would like a barrier along the Ohio Street side of the parking lot. Steve Morris said that the parking lot has not been designed to use his driveway as a safety consideration for his patients. Scott Dupras gave reasons that the traffic from the parking lot needs to use Ohio Street. Gail Forsberg said that she lives on North Third Street and that any parking lot in the area would be very beneficial to her patrons as well as to the area in general. Brian Debski supported the parking lot. He said it will be a benefit to the neighbors and to Third Street businesses. The hearing was closed. Following lengthy discussion and questions by the Commission, it was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried unanimously to approve the recommendation of the Planning Commission and to rezone 212 West Ohio Street from General Residential to Community Business.

#### **PUBLIC HEARING - Center Street Special Assessment**

Mayor Berube announced that this was the time and date set for a public hearing to determine the necessity of curbing and paving improvements on Center Street. The report and recommendation from the City Manager was read. Don Grisham said that he and his neighbors want the dirt road curbed and paved and that they are not petitioning for any other construction, especially as it pertains to McClellan Avenue. LeRoy Lorens supported this position. The hearing was closed. The Commission discussed the proposed development of McClellan and Center east of McClellan. City Manager Svanda said that the requested construction cannot be accomplished before next summer and that through the winter other planning considerations in the area including Center and McClellan Streets will be investigated and may be included in the overall project. It was moved by Commissioner Acocks, supported by Commissioner Sciotto, and carried unanimously to approve the following resolution:

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:

CURBING AND PAVING OF CENTER STREET FROM WEST AVENUE EAST TO THE WEST RIGHT OF WAY LINE OF MCCLELLAN 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:

CURBING AND PAVING OF CENTER STREET FROM WEST AVENUE EAST TO THE WEST RIGHT OF WAY LINE OF MCCLELLAN AVENUE.

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 - \$22,773

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 - Alley Special Assessment**

Mayor Berube announced that this was the time set for a public hearing to determine the necessity of making improvements to the alley south of Washington Street between Fourth and Fifth Streets. The report and recommendation from the City Manager was read. Bruce Heikkila supported this project if it will not reduce the parking along the alley. The hearing was closed. It was moved by Commissioner Coffey, supported by Commissioner Sciotto, and carried unanimously to adopt the following resolution:

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:

PAVING OF THE ALLEY SOUTH OF WASHINGTON STREET BETWEEN FOURTH AND FIFTH STREETS

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:

PAVING OF THE ALLEY SOUTH OF WASHINGTON STREET BETWEEN FOURTH AND FIFTH STREETS

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 - \$16,239

CITY - \$16,239

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.

**CITIZEN COMMENT ON AGENDA ITEMS**

Ned Aldridge, representing Schultz Equipment Company of Iron Mountain, asked to speak on item 15g. Mike Roche, representing the Marquette Area Chamber of Commerce asked to speak on item 8. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to remove item 15g from the consent agenda and make it item 14b.

**STREET BANNER PROJECT**

A report and recommendation from the City Manager, regarding expansion of the street banner project and the City's participation in it, was read. Mike Roche supported the proposal. It was moved by Commissioner Acocks, supported by Commissioner Birch, and carried unanimously to accept the City Manager's recommendation to participate in the project by purchasing the required brackets and to appropriate \$5,000 from the current year contingency fund for this purpose.

**VILLAGE DISTRICT - Special Assessment Investment Credit Program**

A report and recommendation from the City Manager, regarding the establishment of a special assessment investment credit program for the Village District, was read. It was moved by Commissioner Coyne, supported

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by Commissioner Coffey, and carried unanimously that this program be adopted as presented. It was noted that the retroactive period is the same as that used in the Downtown Redevelopment Project.

#### **LAKESHORE BOULEVARD WATER PROBLEM**

A communication from residents on Lakeshore Boulevard, regarding rust in their water and low water flow for fire hydrants, was read. Michelle Butler, Marianne Harbick, James VanLandschoot, Bernard LaBonte, Bart Bartelli, and Bob Koehs addressed the Commission describing in detail problems that they have had with their water supply. It was moved by Commissioner Glenn, supported by Commissioner Coffey, and carried unanimously to direct the Mayor to schedule a work session with the City Commission, the Engineers, the neighbors, and other interested parties and to direct the City staff to prepare facts relating to this problem prior to the work session. City Manager Svanda said that if water tests by the Michigan Public Health Department determine that there is a public health problem, the City would consider this an emergency situation.

#### **RECESS**

It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to hold a five minute recess at 9:15 p.m.

#### **LABOR AGREEMENT - Supervisory Employees**

A report and recommendation from the City Manager, regarding a labor agreement with the City's supervisory employees, was read. It was moved by Commissioner Sciotto, supported by Commissioner Coyne, and carried unanimously that the agreement be approved and the Mayor and City Clerk be authorized to execute it on behalf of the City.

#### **MCCLELLAN AVENUE CONSTRUCTION**

A report and recommendation from the City Manager, regarding bids for construction of McClellan Avenue from Wilson Street to Grove Street, was read. It was moved by Commissioner Glenn, supported by Commissioner Coyne, and carried unanimously that the bid for construction of McClellan Avenue from Wilson Street to Grove Street be awarded to A. Lindberg & Sons of Negaunee, Michigan in the amount of \$366,868.30 being the low bid and meeting all specifications.

#### **MCCLELLAN AVENUE - Construction Engineering Services**

A report and recommendation from the City Manager, regarding a contract for construction engineering services for McClellan Avenue from Wilson Street to Grove Street, was read. It was moved by Commissioner Coyne, supported by Commissioner Acocks, and carried unanimously to approve the agreement with Sundberg, Carlson, & Associates of Marquette for construction engineering services for the McClellan Avenue construction project, to authorize the Mayor and City Clerk to sign all necessary documents and to authorize the payment of the initial fee for services of \$9,072.96.

#### **CLEAR VISION TRIANGLE**

A report and recommendation from the City Manager, regarding purchase of a clear vision triangle from Econo-Host, Inc. at the intersection of McClellan and U.S. 41, was read. It was moved by Commissioner Birch, supported by Commissioner Coffey, and carried unanimously that the agreement for purchase of the clear vision triangle from Econo-Host, Inc.

be approved and that the Mayor and City Clerk be authorized to sign any necessary documents to complete this transaction.

#### **SLUDGE MANAGEMENT**

A report and recommendation from the City Manager, regarding bids for sludge management services for the wastewater treatment plant, was read. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried unanimously to award a three-year contract to Enviroland, Inc. of DeWitt, Michigan, the second low bidder and to read the reasons in the supporting documentation for not awarding the bid to the low bidder. The City Clerk read a portion of the Purchasing Agent's report regarding problems with Sludge Management Corporation.

#### **FIRE STATION #1 - Roofing Bids**

A report and recommendation from the City Manager, regarding bids for reroofing of Fire Station #1, was read. It was moved by Commissioner Sciotto and supported by Commissioner Acocks to reject the recommendation of the City Manager and to not award the bid to Independent Roofing of Escanaba in the amount of \$14,744.00 but to award the bid to Bell Roofing of Marquette in the amount of \$14,854.00. Following lengthy discussion regarding the Charter requirement that bids be awarded to the lowest and best bidder, the following vote was taken:

Ayes: Commissioner Sciotto.

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

The motion was defeated. It was then moved by Commissioner Coffey and supported by Commissioner Acocks to concur with the recommendation of the City Manager and to award the bid to Independent Roofing of Escanaba in the amount of \$14,744.00. The following vote was taken:

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

Nay: Commissioner Sciotto.

The motion was carried.

#### **HEAVY DUTY ROLL OFF TRUCK**

A report and recommendation from the City Manager, regarding bids for a tandem axle heavy duty roll off truck, was read. Ned Aldridge, representing Schultz Equipment and Parts Company said that they are closer to Marquette than the low bidder from Green Bay and that they could give better service. He also said that Schultz Equipment had been the only bidder on the other two trucks which were bid and that their bid was intended to be very competitive. It was moved by Commissioner Coffey, supported by Commissioner Acocks, and carried unanimously to concur in the City Manager's recommendation and to award the bid for the tandem axle heavy duty roll off truck to Bauer Truck and Equipment Company of Appleton, Wisconsin in the amount of \$126,566.66 being the low bid and meeting all specifications.

#### **CONSENT AGENDA**

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

- A. Approve the lease for a portion of Craig Street Right of Way east of Front Street.

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- B. Award the bid for purchase of grader blades to Paper Calmenson and Company of St. Paul, Minnesota.
- C. Award of the bid for purchase of soft drinks to Midwest Coca-Cola Company as the low bidder.
- D. Award the bid for miscellaneous bituminous street paving projects to Payne & Dolan.
- E. Award the bid for the annual miscellaneous sewer repair contract to Associated Constructors, the low bidder.
- F. Award the bid for the annual water lateral repair contract to Associated Constructors, the low bidder.
- I. Award the bid for purchase of tires and related services to Brad Ragan, Inc. of Green Bay, Wisconsin, the low bidder.
- J. Award the bid for purchase of air, oil, and fuel filters to O.K. Auto Industrial, the low bidder.

**PROPERTIES CAUSING NEIGHBORHOOD PROBLEMS**

City Manager Svanda identified the following properties:

- 1007 CHAMPION: Maintenance violations now and in the past owned by John Okonkowski.
- 916 NORTH FOURTH: Noise problems now and in the past where the tenant, Anthony Boyer, has been involved in three noise violations. The owner is Norman Bottum who lives in Florida.
- 1912 LONGYEAR: Noise problems where the tenant is Allison Cleary and the owner is Ken Hogg.
- 711 NORTH THIRD: Noise problems now and maintenance problems in the past, the tenant is Krisna Panula, and the owner is Marion Poisson.
- 1104 NORTH THIRD: Noise problems now and noise and maintenance problems in the past where tenant Doug Garrow has been involved in three noise violations and tenant Phil Brown added this time, and the owner Don Potvin.
- 525 SOUTH FOURTH: Noise problems now and in the past, the tenant is Nancy Beaudin and the owner is Ken Blondeau who also owns 246 Fisher Street where there have been noise problems in the past.
- 1823 WILKINSON: Noise problems where the tenant is Brian Laitila and the owner is Charles Morrison who also owns 306 and 310 South Fifth Street with noise and maintenance violations in the past.

**APPOINTMENTS AND RESIGNATIONS**

Mayor Berube accepted with regrets, the resignation of Tony Wedal from the Harbor Committee. He reappointed Claudia Polzin to the Public Access Committee for a term expiring January 14, 1995, appointed James Kizer to the Water/Sewer Utility Advisory Board for a term expiring December 1, 1991 and appointed Julian VanOverloop to the Lakeview Arena Advisory Board to fill a vacancy which will expire August 1, 1991.

**CITIZEN COMMENT**

George Hansen wanted to know what streets are being paved this year. He said that the public should have some information about proposed paving projects.

**SCIOTTO**

Commissioner Sciotto noted traffic problems on North Front Street and said that we should work on this. Commissioner Glenn said there is a Committee

working on this. Commissioner Coyne said that there is too much speeding all over the City, not just on Front Street and that more enforcement is needed.

#### **COFFEY**

Commissioner Coffey welcomed the NMU students, faculty, and staff back to the City. He discussed speeding and traffic safety on North Front Street at length. He said citizens with problems should call City Hall and let staff know about the problems. He said staff cannot help if they do not know of the problems. Commissioner Coffey also asked how we can let people know about City support for backyard parking on Third Street. He said registration for the Michigan Municipal League convention has been very high and that people who live on streets which will be repaved are notified.

#### **BIRCH**

Commissioner Birch welcomed the students back to the City and said the streets will be repaired soon. He said that speeding is a problem generally, but that Front Street is unique because it is one way. He said we should try to address that group's problem.

#### **ACOCKS**

Commissioner Acocks said she is sympathetic with the Front Street group but that we cannot have a stop sign in every block. She said we need radar traps on the street. She also said she is proud of the City staff, especially Chief Johnson and the Accounting Department.

#### **MAYOR BERUBE**

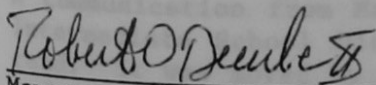
Mayor Berube welcomed Data Processing Coordinator Alan Hawker. He said the Seafood Fest will be coming the weekend after Labor Day and that the Lower Harbor Park is in excellent condition. He said there is speeding all over town but that the Front Street residents have better documentation than other people do.

#### **CITY MANAGER SVANDA**

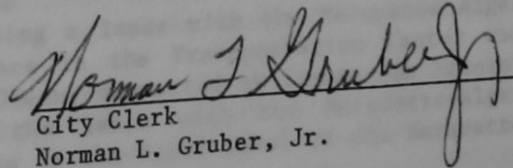
City Manager Svanda said that the Michigan Municipal League convention in Marquette will be the largest convention hosted by the City. He said that it is a chance to show the City off and that we should put our best foot forward.

#### **ADJOURNMENT**

The meeting was adjourned at approximately 10:15 p.m.



Mayor  
Robert O. Berube II



City Clerk  
Norman L. Gruber, Jr.

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