

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION

Monday, May 11, 1992

A regular meeting of the Marquette City Commission was duly called and held on Monday, May 11, 1992 at 7:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

AGENDA

It was moved by Commissioner Coyne and supported by Commissioner Coffey that item 19 be removed from the agenda for tonight's meeting. After discussion, this motion was withdrawn. It was then moved by Commissioner Coyne and supported by Commissioner Cihak that item 19 be moved to position 6a on the agenda. After noting that item 7 was a scheduled public hearing, it was moved by Commissioner Coyne and supported by Commissioner Coffey to amend the motion to move item 19 to 7a on the agenda. The following vote was taken:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes.

Nays: Commissioners Cihak, Schneider.

The amendment was carried. The vote on the amended motion was:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes, Schneider.

Nays: Commissioner Cihak.

The motion was carried.

Commissioner Cihak requested that item 20a be removed from the consent agenda and be made item 19a. Commissioner Howes asked that items 20c and d be removed from the consent agenda and be made item 19b and c.

PROCLAMATION - Womens' Business Owners Week

Mayor Sciotto made the following proclamation:

WHEREAS, Women business owners make many important and longlasting contributions to the overall growth and vitality of Marquette County's business climate; and,

WHEREAS, The Women Business Owner's Council of Marquette County works to meet the needs of the increasing numbers of the new women business owners and helps them join the community of successful entrepreneurs; and

WHEREAS, Networking for entrepreneurial development is a significant endeavor to enhance and improve the economic climate in our community,

NOW, THEREFORE, I, Frank Sciotto, Mayor of the City of Marquette, do hereby declare the week of May 11 - 15, 1992 to be WOMEN'S BUSINESS OWNER'S WEEK throughout the City of Marquette.

PROCLAMATION - Arbor Day 1992

Mayor Sciotto made the following proclamation:

WHEREAS, the Marquette County Council on Physical Fitness and Sports is the only one in the state that has been designated as the official arboreal organization of the state; and

WHEREAS, it is the intent of the City of Marquette to promote the physical fitness of all people,

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

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

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

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

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

WHEREAS, the City of Marquette has recognized the value of the goals represented by Arbor Day and has established a Tree Ordinance, a Street Tree Planting Program, and a Tree Committee to promote trees in our community, and

WHEREAS, the Marquette Tree Committee has established a Big Tree Contest to increase the public's awareness of trees to our City, and

WHEREAS, the Resolve Through Sharing group at Marquette General Hospital will sponsor a Memorial Tree Planting at the Ellwood A. Mattson Lower Harbor Park on Arbor Day,

NOW, THEREFORE, I, Frank P. Sciotto, Mayor of the City of Marquette, do hereby proclaim Thursday, May 21, as Arbor Day in the City of Marquette, and I urge all citizens to support the efforts to plant and protect trees and thereby to improve the excellent quality of life which we enjoy in Marquette.

PROCLAMATION - National Fitness and Sports Month

Mayor Sciotto made the following proclamation:

WHEREAS, the President's Council on Physical Fitness and Sport was established by President Eisenhower in 1956 to enhance the physical fitness of the younger generation, and

WHEREAS, the mission has since evolved to include people of all ages, and

WHEREAS, President Bush has continued this tradition by appointing Arnold Schwarzenegger as the National Chairman of the Council with direction to visit each state to promote health and physical fitness, and

WHEREAS, the Marquette County Local Council on Physical Fitness and Sports is the only one in the State of Michigan, and

WHEREAS, it is the concern of all citizens to promote the health and physical fitness of all people,

NOW THEREFORE, LET IT BE RESOLVED, that the Marquette City Commission recognizes the approach and observance of May as National Fitness and Sports month, May 13 as National Employee Health and Fitness Day, Federal Fitness Day, and All Children Exercising Simultaneously (ACES) Day, and commends the Marquette County Local Council on Physical Fitness and Sports for its work in promoting physical fitness in the area.

BOY SCOUT TROOP 302

Mayor Sciotto recognized members of Boy Scout Troop 302 under the leadership of Freddie Anderson who are attending the meeting tonight to observe City government in action. He said they are working on their civics merit badges.

UNITED WAY AWARDS

Mayor Sciotto introduced City Treasurer Elizabeth Grill who presented United Way Awards of Excellence to the Marquette Police Department and Executive Department for 100% participation. She said City employees have contributed in excess of \$4,400 to United Way this year and that that represents a 18% increase. She said the Marquette Housing Commission and Peter White Public Library also participated as City entities in the United Way Campaign. City Manager Iman expressed his thanks to Mrs. Grill for her hard work as the City Co-Chair of the United Way Campaign this year and to City employees for their participation in the campaign.

SISTER CITY UPDATE

Dr. Pryse Duerfeldt, Director of Japanese Sister City Relations, spoke regarding the planned visit of a delegation from Yokaichi between July 31 and August 5 this summer. He said packets containing detailed information have already been distributed.

PUBLIC HEARING - 1992 - 93 Fiscal Year Budget

A report and recommendation from the City Manager, regarding adoption of the 1992-93 fiscal year budget and fee schedule, was read. Six persons addressed the Commission opposing funding for the special assessment district to extend Center Street between Elder Drive and McClellan Avenue. The hearing was closed. It was moved by Commissioner Howes and supported by Commissioner Pinkard to adopt the 1992 Budget, General Appropriations Act and Fee Schedule as presented. It was then moved by Commissioner Howes and supported by Commissioner Cihak to delete project #53 relating to Center Street from the 1992-93 Budget. After further discussion, it was moved by Mayor Pro Tem Pinkard and supported by Commissioner Cihak to amend the amendment to have the funding from this project transferred to bike path construction, especially in the McClellan and Lower Harbor Park areas. After discussion, during which City Manager Iman noted deficiencies in water main, sewer main and street repair budgets, the motion was withdrawn. It was moved by Commissioner Cihak and supported by Mayor Pro Tem Pinkard to amend the amendment to refer Center Street to the Planning Commission or City administration to consider the concept of deleting this item from the budget forever and to rebudget the Center Street funding to put the water main construction money in the water main construction budget, the sewer main construction money in the sewer main construction budget, and the street funds in the Street Improvement and Maintenance Program budget with

the balance, which is equal to the amount which would have been assessed, not to be withdrawn from the fund balance. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Cihak, Coyne, Howes, Schneider.

Nays: Mayor Sciotto. Commissioner Coffey.

The amendment was carried.

The vote on the amendment to delete project #53 was:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Coyne, Howes, Schneider.

Nay: Commissioner Coffey.

The amendment was carried.

It was then moved by Commissioner Coffey and supported by Commissioner Howes to amend the budget to take from the contingency fund \$5,000 to fund the Arts Council at a level of \$10,000 for the year. Following discussion, the vote was:

Ayes: Commissioners Coffey, Coyne, Howes.

Nay: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Schneider.

The amendment was defeated.

It was moved by Commissioner Cihak to amend the budget by deleting the \$5,000 for Arts and Culture until all local arts and culture organizations make a presentation to the City Commission. The motion died for lack of support. It was then moved by Commissioner Schneider, supported by Mayor Sciotto, and carried unanimously to amend the budget to delete the \$2,000 for the Washington parallel street project, item 202 on page 66. It was moved by Commissioner Cihak and supported by Commissioner Schneider to amend the budget by deleting one police patrol unit from item 8. After lengthy discussion, regarding warranties and mileage of police cars, the following vote was taken:

Ayes: Commissioner Cihak.

Nays: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes, Schneider.

The amendment was defeated.

It was then moved by Commissioner Cihak and supported by Commissioner Sciotto to amend the budget to take money from the contingency fund to buy 100,000 mile warranties for the three patrol units which would be purchased in item 81. After further discussion, this motion was withdrawn. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried unanimously to amend the budget by moving the \$2,000 from the Washington parallel street study to bike path construction. The vote on the amended motion to approve the Budget, Appropriations Act and Fee Schedule was:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes, Schneider.

Nay: Commissioner Cihak.

The motion was carried. The following was adopted:

General Appropriations Act

May 11, 1992

For the Fiscal Period Beginning July 1, 1992

and Ending June 30, 1993

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 1992-1993 was prepared and submitted by the City Manager to the City Commission on April 13, 1992; and April 20, 1992; 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 11, 1992;

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, 1992, and for the payment of interest and indebtedness to fall due during the year for the following functions and purposes respectively, viz:

General Fund Revenues by Source:

Taxes	\$	3,820,740
Licenses & Permits		10,010
Federal Grants		19,790
State Grants/Shared Revenues		2,004,770
Contributions from Local Units		27,586
Charges for Services		2,105,692
Fines & Forfeits		75,000
Interest and Rents		370,477
Other Revenues		2,300,603
Operating Transfers In		14,000
Transfer From Fund Balance		703,272
TOTAL	\$	11,451,940

General Fund Expenditures by Function:

Legislative	\$	34,775
General Government		1,416,605
Public Safety		2,818,320
Public Works		2,018,659
Health & Welfare		151,035
Recreation & Culture		1,366,323
Other Functions		1,569,225
Appropriations Transfers Out		1,976,998
Contingencies		100,00
TOTAL	\$	11,451,940

Major Street & Trunkline Fund Revenues by Source:

State Grants	\$	1,830,000
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Interest	200
Other Revenues	3,000,000
Operating Transfers In	677,530
TOTAL	\$ 5,507,730

Major Street & Trunkline Fund Expenditures by Function:

Public Works	5,148,655
Debt Service	359,075
TOTAL	\$ 5,507,730

Local Street Fund Revenues by Source:

State Grants	200,000
Interest	50
Other Revenues	1,000,000
Operating Transfers In	263,245
TOTAL	\$ 1,463,295

Local Street Fund Expenditures by Function:

Public Works	\$ 1,372,695
Debt Service	90,600
TOTAL	\$ 1,463,295

Parking Fund Revenues by Source:

Parking Fees	\$ 83,500
Fines & Forfeits	75,000
Interest	2,000
TOTAL	\$ 160,500

Parking Fund Expenditures by Function:

Contingencies	\$ 39,675
Public Works/Enforcement/Collections	120,825
TOTAL	\$ 160,500

Infrastructure Improvement Fund Revenues by Source:

Interest	
Fund Balance Carried Forward	\$ 15,000
Operating Transfer In - General Fund	1,007,500
	400,000

TOTAL \$ 1,422,500

Infrastructure Improvement Fund Expenditures by Function:

Operating Transfer Out-Muni Serv Ctr Constr	\$	1,022,500
Capital Outlay		400,000
TOTAL	\$	1,422,500

Parking Structure Fund Revenues by Source:

Taxes	\$	65,753
Interest and Rents		61,800
Other Revenues		20,810
TOTAL	\$	148,363

Parking Structure Fund Expenditures by Function:

Public Works (Parking System)	\$	68,700
Appropriation Transfers Out (Bldg Auth Debt)		61,605
Reserves		18,058
TOTAL	\$	148,363

Library Fund Revenues by Source:

Taxes	\$	422,234
State Grants		70,300
Charges For Services		90,917
Fines & Forfeits		76,000
Interest & Rents		8,300
Other Revenues		27,093
Transfer From Fund Balance		-0-
Transfer From General Fund		-0-
TOTAL	\$	694,844

Library Fund Expenditures:

TOTAL \$ 694,844

Criminal Justice Training Fund Revenues by Source:

State Grants	\$	7,250
Transfer From Fund Balance		1,300
TOTAL	\$	8,550

Criminal Justice Training Fund Expenditures: TOTAL \$ 8,550

1991 Building Authority Debt Fund Revenues:

Transfer From Construction Fund	\$	408,583
TOTAL	\$	408,583

1991 Building Authority Debt Fund Expenditures:

Debt Service	\$	408,583
TOTAL	\$	408,583

1984 Special Assessment Debt Fund Revenues:

Interest & Fees	\$	24,147
Transfer From Fund Balance		18,200
Operating Transfer In - General Fund		12,638
TOTAL	\$	54,985

1984 Special Assessment Debt Fund Expenditures:

Special Assessments	\$	200
Debt Service		54,785
TOTAL	\$	54,985

1985 Building Authority Debt Fund Revenues:

Interest	\$	13,985
Assessments Levied		18,300
Approp. Transfers In		61,605
Transfer From Fund Balance		8,970
TOTAL	\$	102,860

1985 Building Authority Debt Fund Expenditures:

Debt Service	\$	102,860
TOTAL	\$	102,860

River Park Sports Complex Fund Revenues:

State Grants	\$	340,125
Contributions		60,600
Interest		-0-
Other Revenue		130,500
TOTAL	\$	531,225

River Park Sports Complex Fund Expenditures:

Capital Outlay	TOTAL	\$	531,225
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Lower Harbor Marina Project Fund Revenues by Source:

State Grants		\$	375,000
Operating Transfers In			435,000
Fund Balance Carried Forward		\$	35,000
Interest			1,400
	TOTAL	\$	846,400

Lower Harbor Marina Project Fund Expenditures:

Capital Outlay		\$	846,400
	TOTAL	\$	846,400

Lower Harbor Prop Acq & Dev Fund Revenues:	TOTAL	\$	57,100
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Lower Harbor Prop Acq & Dev Fd Expenditures:	TOTAL	\$	57,100
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Municipal Service Center Construction Fund Revenues by Source:

State Grant		\$	57,000
Operating Transfer In-Infrastr Improv		\$	1,022,500
Bond Proceeds Carried Forward		\$	2,642,200
Interest		\$	50,000
	TOTAL	\$	3,771,700

Municipal Service Center Construction Fund Expenditures:

Contingency		\$	71,700
Capital Outlay		\$	3,700,000
	TOTAL	\$	3,771,700

Intermodal Transportation Terminal Fund Revenues:

	TOTAL	\$	162,000
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Intermodal Transportation Terminal Fund Expenditures:

	TOTAL	\$	162,600
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Marquette Area Wastewater Treatment Facility Fund Revenues:

TOTAL \$ 1,079,220

Marquette Area Wastewater Treatment Facility Fund Expenditures:

TOTAL \$ 1,079,220

Water & Sewage Disposal System Fund Revenues:

TOTAL \$ 4,880,665

Water & Sewage Disposal System Fund Expenditures:

TOTAL \$ 4,880,665

Marina Fund Revenues:

TOTAL \$ 263,141

Marina Fund Expenditures:

TOTAL \$ 263,141

Municipal Service Center Fund Revenues:

TOTAL \$ 509,500

Municipal Service Center Fund Expenditures:

TOTAL \$ 509,500

Motor Vehicle Equipment Fund Revenues:

TOTAL \$ 1,976,878

Motor Vehicle Equipment Fund Expenditures:

TOTAL \$ 1,976,878

BE IT FURTHER RESOLVED, that this Commission has estimated the revenue which will be forthcoming during Fiscal Year 1992-93, and has determined the amount necessary to balance the General Fund budget to be the sum of \$3,820,740; and has determined the amount necessary to balance the Peter White Library budget to be the sum of \$422,234; 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 \$3,820,740; is hereby fixed as the amount to be raised by Real and Personal Taxes for the 1992-93 Fiscal Year for the General Fund (a millage rate of 12.53 mills); and the sum of \$422,234; is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 1992-93 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.

WHETSTONE AND ORIANNA DRAINAGE DISTRICTS

Mayor Sciotto laid the following ground rules for this discussion. He said order will be maintained during the presentations to the City Commission, that the Commission will not be voting on these items tonight, that former City Commissions had previously asked the Drain Commissioner to initiate these two districts, that people should attend the County Drain Commissioner's hearings on the two districts to get the correct information and should give their input to the people who will be making the decisions, and that the Commission will listen to the people who wish to speak tonight. Four people spoke in opposition to the two drainage districts saying that they represented many others. One person said information is needed and it is up to the City Commission to find the answers. Mayor Sciotto said the case must be made to the Drain Commissioner and Board of Determination who will make the decisions on whether these projects will be established or not. Commissioner Cihak asked if the City Commission can withdraw the petitions. City Attorney Martin said that once the petitions were filed, the City could not withdraw them. Commissioner Cihak asked the City Attorney to research this question before the next regular meeting. It was moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously that if the Attorney finds that the City Commission can withdraw the petitions, the City Manager be directed to prepare a detailed report on these two drainage districts. Mr. Iman responded to questions about where the correct information on the two drainage districts is available. He said that the engineer for the Drain Commissioner has the correct information. Mayor Sciotto called a ten minute recess at 10:05 p.m.

CITIZEN COMMENT

Gary Dahlke, Colleen Walker, Bill Ferns, Jorma Lankinen, and Bill Lambert asked to speak on item 8, Peter Dompierre on item 13, and Jeff Millen on item 14.

SECOND READING

Lambert Encroachment - Heikkila Drive

Gary Dahlke and Colleen Walker, members of the Board of Zoning Appeals, spoke regarding their positions on this encroachment and the Board of Appeals denial of the variance. Mrs. Walker also spoke regarding the appeals process from the Board of Zoning Appeals decision. Jorma Lankinen, President of the Home Builders Association, said this issue should be resolved in short order. Bill Ferns and Bill Lambert supported the proposal to vacate the street right of way and offered to answer questions. It was moved by Commissioner Coyne and supported by Commissioner Coffey to ask all concerned parties to meet and come to a negotiated settlement to this issue which will not require a City Commission decision. After lengthy consideration, the following vote was taken:

Ayes: Mayor Sciotto. Commissioners Coyne, Howes.

Nay: Mayor Pro Tem Pinkard. Commissioners Cihak, Coffey, Schneider.

The motion was defeated.

Following extensive further discussion, no action was taken.

CRESCENT STREET AND ADAMS STREET RECONSTRUCTION

A report and recommendation from the City Manager, regarding an agreement for engineering services for the Adams Street and Crescent Street reconstruction projects, was read. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried unanimously to accept the

City Manager's recommendation, to award the engineering services contract for the Adams Street and Crescent Street reconstruction projects to U.P. Engineering, and to authorize the Mayor and City Clerk to execute the documents on behalf of the City.

RECOMMENDED FOR SUSPENSION OF RULES AND APPROVAL ON THE FIRST READING

City Hall Roof Replacement

A report and recommendation from the City Manager, regarding roof replacement of the City Hall, was read. It was moved by Commissioner Schneider, supported by Commissioner Coffey, and carried unanimously to suspend the rules and pass this item on the first reading, to accept the recommendation of the City Manager, to use the Marquette-based bid policy, to award the contract to Bell Roofing in the amount of \$30,418 and to authorize the Mayor and City Clerk to execute the contract.

ROOF REPAIRS - Park Buildings

A report and recommendation from the City Manager, regarding roof repairs to various park buildings, was read. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Pinkard, and carried unanimously to accept the recommendation of the City Manager, to suspend the rules, to pass this item on its first reading, and to award a contract to Pellow Roofing and Sales, Inc. in the amount of \$6,471.00.

PRESQUE ISLE MARINA - Floating Dock Repair

A recommendation from the Harbor Committee, regarding emergency repair of the Presque Isle Marina floating docks, was read. It was moved by Commissioner Howes, supported by Commissioner Schneider, and carried unanimously to concur with the recommendation, to waive the bidding procedure as being in the best interest of the City, and to accept the price quote from Shoremaster in the amount of \$13,206.00, with the City to perform the installation, and to appropriate \$13,206.00 from the Marina Fund.

AFSCME UNION GRIEVANCE

A report from the City Attorney and the Personnel Director, regarding a Public Works grievance dated March 18, 1992, was read. Peter Dompierre, representing the AFSCME Union spoke at length regarding the grievance and the City's position that the grievance was not filed in a timely manner. He answered questions from the Commissioners regarding his interpretation of the contract and the Union's position on negotiating the dispute in this grievance. After a lengthy discussion, this matter was continued until the next meeting.

FIRST READING

River Park Complex Lots 15 and 16

A report and recommendation from the City Manager, regarding the sale of lots 15 and 16 in River Park Complex to Ortho Engineering, was read. Jeff Millen, representing Pioneer Labs, a subsidiary of Ortho Engineering, addressed the Commission. He said they like the cost of the lot and the proposed land contract but would like to move more quickly on the purchase of this property. It was moved by Commissioner Coffey and supported by Mayor Pro Tem Pinkard to suspend the rules and act on this item tonight. It was then moved by Commissioner Coffey and supported by Commissioner Schneider to amend the motion to approve the City Manager's recommendation

to authorize the sale of River Park Complex lots 15 and 16 to Ortho Engineering for \$17,712.00, to instruct the City administration to develop the necessary documents for the sale to be reviewed and approved by the City Commission and to authorize the City administration to begin processing an Act 198 Commercial Facilities Exemption Certificate for future consideration by the Commission. The amended motion was then carried unanimously.

PENSION ENHANCEMENT - Landfill Personnel

A report and recommendation from the City Manager, regarding pension enhancements for the Landfill Authority Director and Landfill Supervisor at the Marquette County Solid Waste Management Authority, was read. It was moved by Commissioner Schneider, supported by Mayor Sciotto, to suspend the rules and to concur with the recommendation of the City Manager. After further discussion, the motion was withdrawn and this item was referred to the next meeting for second reading.

CAPITAL OUTLAY SINKING FUND

A report and recommendation from the City Manager, regarding establishment of an excess capital outlay sinking fund, was read. This item was deferred to the next agenda for second reading.

WASHINGTON PARALLEL STREET

A recommendation from the Planning Commission, regarding implementation of the Master Plan provision for a new street parallel to Washington Street, was read. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried unanimously to suspend the rules and to concur with the Planning Commission that no further action be taken toward development of this street but not to eliminate the concept from the Master Plan.

CITY COMMISSION MEETING RULES

Mayor Sciotto announced this was the time set to reconsider the rules for first reading and second reading of agenda items adopted by the City Commission five meetings ago. It was moved by Commissioner Howes and supported by Commissioner Coffey to continue with the meeting format that has been developed over the last four meetings. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

Nays: Mayor Sciotto. Commissioners Cihak, Schneider.

The motion was carried.

MINUTES OF THE APRIL 27 CITY COMMISSION MEETING

At Commissioner Cihak's request, these minutes were deferred to the next regular meeting so that he could consult with the City Clerk.

DRILL PRESS BIDS

A recommendation from the Purchasing Agent for the purchase of a drill press was read. Purchasing Agent Ron Cardone answered questions about the bidding procedure used for purchase of this piece of equipment. It was moved by Commissioner Howes, supported by Mayor Pro Tem Pinkard, and carried unanimously to accept the City Manager's recommendation and award the bid for a drill press to Grainger, Inc. in the amount of \$3,303.47.

CONCESSION ITEM BIDS

A recommendation from the Purchasing Agent, regarding purchase of concession items for the Lakeview Arena and other locations, was read. After discussion of the way the bid items were grouped, it was moved by Commissioner Howes, supported by Commissioner Coyne, and carried unanimously to concur with the recommendation and award the bids for hot dog buns to Metz Baking Company, skinless wieners and potato chips to Reinhart Foods, and candy bars to Simon Brothers.

CONSENT AGENDA

The City Clerk presented the remaining consent agenda items. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Sciotto, and carried to approve the consent agenda as follows:

- B. Approve the total bills payable in the amount of \$ 404,825.95.
- E. Schedule a public hearing for the next regular City Commission meeting on rezonings at the corner of proposed McClellan and County Road 553.
- F. Schedule a public hearing for the next regular City Commission meeting on an ordinance to amend the Water and Sewer Regulations.
- G. Schedule a public hearing for the next regular City Commission meeting on the proposed Industrial Parkway special assessment district.
- H. Award the bid for sanitary sewer root control to Visu-Sewer Clean & Seal of Menominee Falls, Wisconsin in the amount of \$18,518.78.
- I. Authorize the issuance of an RFP for an Environmental Assessment at the River Park Sports Complex.
- J. Approve the Chemical Storage Facility Contract with the Michigan Department of Transportation and authorize the Mayor and City Clerk to execute it.
- K. Award a contract for the purchase of non-slip matting to Flood Industries of Ishpeming in the amount of \$4,013.40.

CITIZEN COMMENT

There were no citizens wishing to address the Commission.

PINKARD

Mayor Pro Tem Pinkard said Michigan Bell will use their equipment to install the water line for the Dead River Park drinking fountain. He expressed the City's appreciation for this contribution. He said he had received a letter from Bresnan Communications regarding the Tiger baseball games. He said 84 of the 122 games will be carried and it would cost an excessive amount to carry the remaining games. He suggested that we direct management to keep track of all items being purchased for use in the municipal service center over and above the construction contract price. He noted we have adopted a balanced budget. He said a City in the Detroit area has recently gone bankrupt and that the recommendation from the State was to privatize as many services as possible. He said we should also do that for economy.

CIHAK

Commissioner Cihak said he would like the issue of the speed limit on U.S. 41 South on the next agenda. Public Works Director Lawry said the administration has met with the Michigan Department of Transportation and State Police who said they have the authority to set speed limits and do

not, as a rule, accept recommendations from local governments. He said they will be sending us a letter regarding the speed limits on U.S. 41 South. Commissioner Cihak said we should try to influence their decision to keep the speed limit down. He said he had received a call of concern about the deer at the zoo not having water and asked when the deer herd will be reduced. Parks and Recreation Director Turausky said the deer have had water at all times and that the herd will be reduced within the next week or two. Commissioner Cihak said the budget hit and wish list should be done at a special meeting. He asked if the City had been contacted by the Department of Natural Resources about Little Presque Isle to reassess the City's position. Mr. Iman said the City has not been contacted.

COFFEY

Commissioner Coffey asked where the speed limit would be increased on South Front Street. City Manager Iman said the speed limit would be increased from Baraga Avenue south and that the increase would relate to what the present speed limit is. Commissioner Coffey said the State Adopt-a-Highway Program as well as our Adopt-a-Park Program are both doing very well. He said there were many out of state license plates on the highways when he was travelling downstate last weekend indicating good tourist activity.

HOWES

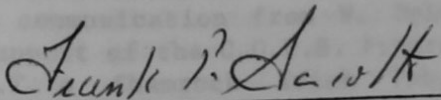
Commissioner Howes said he was contacted by a citizen regarding Little Presque Isle. He said an article in the newspaper from Sault Ste. Marie indicates City Manager Nebel is running very good meetings there. He noted that May 13 is National Employee Health and Fitness Day.

SCIOTTO

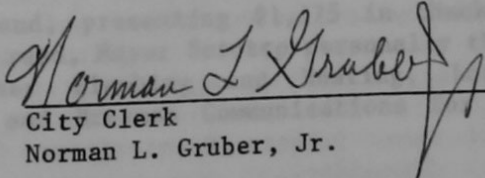
Mayor Sciotto urged the City Commissioners and all interested people to attend the drainage district hearings. He said the fire danger in the woods is exceptionally high right now and urged people to be careful. City Manager Iman said the City auction took in over \$22,000 and expressed his thanks to Chief Johnson, Captain Dishno, Public Works Director Lawry, and especially to auctioneer John Pace.

ADJOURNMENT

The meeting was adjourned at 12:29 a.m.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

PUBLIC HEARING - McMillan Avenue
A recommendation from the Planning Commission for the rezoning of property in the area of the intersection of proposed McMillan Avenue and County Road 535, was read. There being no one to address the Commission at this hearing, it was closed. It was moved by Commissioner Schneider, supported by Commissioner Pickett, and carried unanimously to accept the recommendation of the Planning Commission and to submit that part of Section 24.1204 #25W lying west of proposed McMillan Avenue extended and Section 24.1204 #25W lying east of proposed McMillan Avenue extended and County Road 535 and north of the abandoned Duluth South Shore and Atlantic Railroad grade from Conservation Recreation to Single Family Residential.

...as a rule, accept recommendations from local government... will be sending me a letter regarding the... Commission Clerk said we should try to... the speed limit down. He said he had... at the road having water and asked... reduced. Park and Recreation Director... water at all times and that the... of two. Commissioner Clerk said the... at a special meeting. He asked if... Department of Natural Resources about... City's position. Mr. ... as a result but, ...

Commissioner Coffey asked where the speed limit would be increased on South Front Street. City Manager ... from Paraga Avenue south and that the increase would relate to where the present speed limit is. Commissioner Coffey said the State Adopt-a-Highway program was well set out. Adopt-a-Highway is both done very well. He said there were many out of state license plates on the highways when he was traveling downstate last weekend indicating good tourist activity.

Commissioner Howett said he was contacted by residents regarding Little A. Township. He said an article in the newspaper from Little A. Township mentioned that they were having very good meetings there. He noted that May 13 in National Employee Health and Fitness Day. ...

Mayor Rototto urged the City Commissioners and all interested people to attend this strategic planning hearing. He said the five target areas the words is exceptionally high right now and urged people to be careful. City Manager ... said the City auction took in over \$22,000 and expressed his thanks to Chief Johnson, Captain Diano, Public Works Director ... especially to auctioneer John ...

ADJOURNMENT
The meeting was adjourned at 4:30 p.m. and adjourned this hearing and was adjourned. ...

...the animal people ...

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION**

Tuesday, May 26, 1992

A regular meeting of the Marquette City Commission was duly called and held on Tuesday, May 26, 1992 at 7:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

AGENDA

Commissioner Cihak asked where the second reading for the Whetstone and Orianna Drainage District are. City Manager Iman said discussion items are not placed on the next agenda as second readings, they are intended for discussion only. Commissioner Cihak asked that further discussion of the drainage districts be added to the agenda as item 15a. Commissioner Coffey asked that item 13a, discussion of a 401K retirement plan be added. He also asked that items f and g be removed from the consent agenda and be made items 13b and c. Commissioner Schneider asked that item 15b, discussion of the zoo, be added. Mayor Sciotto suggested that more blank lines be left in the agenda for rescheduled items. Commissioner Coyne said the minutes of the May 11 Commission meeting should be removed from the consent agenda.

SEATBELT AWARD

Gerald Hough, representing the United States Department of Transportation National Highway Traffic Safety Administration, addressed the City Commission regarding Marquette's achieving of a presidential goal of 75% seat belt use. He spoke about the development and implementation of a national program as outlined by President Bush. He described the many things done in Marquette to promote seat belt use and said use had been increased during the program from 50% to 77%. He presented a plaque to Mayor Sciotto and Police Chief Johnson acknowledging this achievement. Chief Johnson thanked his entire department, but especially Captain Orville Dishno and Officer Russell Kilgren, for their hard work on this program. Mr. Hough then presented a similar award to County Sheriff Joe Maino and County Seatbelt Program Coordinator Jamie Sills.

C.O.P.S. PROGRAM

A communication from W. Dale Berglund, presenting \$1,175 in checks for support of the C.O.P.S. Program, was read. Mayor Sciotto personally thanked J.T.'s Shamrock Irish Pub, Feltner Plumbing and Heating, Longyear Apartments, First of America Bank, and Bresnan Communications for their generous support of this program.

PUBLIC HEARING - McClellan/553 Rezoning

A recommendation from the Planning Commission for the rezoning of property in the area of the intersection of proposed McClellan Avenue and County Road 553, was read. There being no one to address the Commission at the hearing, it was closed. It was moved by Commissioner Schneider, supported by Commissioner Pinkard, and carried unanimously to accept the recommendation of the Planning Commission and to rezone that part of Section 34 T48N R25W lying west of proposed McClellan Avenue extended and County Road 553 and North of the abandoned Duluth South Shore and Atlantic Railroad grade from Conservation Recreation to Single Family Residential;

and the NE 1/4 of the NE 1/4 and the NW 1/4 of the NE 1/4 lying East of proposed McClellan Avenue extended, the SW 1/4 of the NE 1/4 lying East of County Road 553, the N 1/2 of SE 1/4 lying East of County Road 553 & North of the abandoned Duluth South Shore and Atlantic Railroad grade, all in Section 34, T38N, R25W from Conservation Recreation to Multiple Family Residential.

PUBLIC HEARING - Water and Sewer Ordinance Amendment

A recommendation from the Water and Sewer Utility Advisory Board was read. There being no one to address the Commission, the hearing was closed. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried unanimously to accept the recommendation of the Water and Sewer Utility Advisory Board and adopt ordinance #440 as follows:

AN ORDINANCE TO AMEND TITLE VII, CHAPTER 57, "SEWAGE REGULATIONS" TO PROVIDE FOR THE REPAIR AND REPLACEMENT OF EXISTING SEWERS AND FOR THE ASSESSMENT OF NEW SEWER CONSTRUCTION WHERE EXISTING SEWER SERVICE DOES NOT MEET CURRENT CITY STANDARDS.

During discussion, Commissioner Coffey asked questions about the application of the ordinance and City Manager Iman and City Engineer Haapala responded.

CITIZEN COMMENT

During the time set for citizens wishing to address the Commission, Tom Dunham and Robert Funk asked to speak on item 15a. Jeff Millen offered to answer questions on item 6.

SECOND READING

MARQUETTE COUNTY SOLID WASTE - Management Authority Pension Enhancements

It was moved by Commissioner Schneider, supported by Mayor Pro Tem Pinkard, and carried unanimously to accept the recommendation of the City Manager that the City Commission approve the requested pension enhancements for Marquette County Solid Waste Management Authority employees with the stipulation that the cost of the enhancement be borne by the Authority or other appropriate entity other than the City of Marquette.

EXCESS CAPITAL OUTLAY SINKING FUND

It was moved by Commissioner Coyne and supported by Commissioner Coffey to accept the recommendation of the City Manager to not create a sinking fund for excess capital outlay monies. After discussion, the following vote was taken:

Ayes: Mayor Sciotto, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nay: Mayor Pro Tem Pinkard.

The motion was carried.

RIVER PARK COMPLEX LOTS 15 AND 16

A report and recommendation from the City Manager, regarding a land contract with Ortho Engineering for purchase of lots 15 and 16 in River Park Complex Industrial Park, was read. It was moved by Commissioner Schneider, supported by Commissioner Coyne, and carried unanimously to accept the recommendation of the City Manager, to authorize the City to

enter into the land contract and to further authorize the Mayor and City Clerk to sign the land contract.

FIRST READING

WATER METER POLICY - Variance Request

City Manager Iman said late this afternoon communication had been received from Joseph Sylvester indicating that the matter he had requested to be on the agenda had been resolved.

JOINT MARKETING REPRESENTATIVE

A report and recommendation from the City Manager, regarding approval of an area marketing representative to be shared with the Tourism Council and Northern Michigan University, was read. Commissioner Cihak said the budget was too tight to fund this position and there is a cheaper way to do it. The item was referred to the next agenda for second reading.

MCCLELLAN AVENUE PURCHASE AGREEMENT

A report and recommendation from the City Manager, regarding a purchase agreement with Marquette Public Schools for the extension of McClellan Avenue south of Grove Street, was read. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried unanimously to suspend the rules and to approve the McClellan Avenue extension agreement on the first reading, and to authorize the Mayor and City Clerk to execute the agreement and consummate the transfer of property. During discussion, City Manager Iman answered questions and noted changes in the draft document. City Engineer Haapala also answered questions.

SHIRAS POINTE PLANNED UNIT DEVELOPMENT - Birchwood Phase

A recommendation from the Planning Commission, regarding approval of the final development plan of the Birchwood Phase of the Shiras Pointe Condominium Planned Unit Development, was read. This item was referred to the next agenda for second reading.

SUSPENSION OF RULES ON FIRST READING - Equipment Purchase Financing

A report and recommendation from the City Manager, regarding financing for equipment purchases, was read. It was moved by Commissioner Howes, supported by Commissioner Schneider, and carried unanimously that the rules be suspended, the requirement for a second reading be waived, and that the financing of a commercial promissory note with MFC First National Bank be approved.

CINDER POND MARINA - Design Engineering and Construction Administration

A recommendation from the Harbor Advisory Committee, regarding a professional services agreement with United Design Associates for design, engineering, and construction administration for the Cinder Pond Marina, was read. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to accept the recommendation of the Harbor Committee, to waive the rules for a second reading, and to approve a professional service agreement with United Design Associates, Incorporated as recommended. During discussion, Parks and Recreation Director Turausky answered questions about the agreement.

ELLWOOD A. MATTSON LOWER HARBOR PARK - Standardized Use Agreement
A report and recommendation from the City Manager, regarding the adoption of a standardized use agreement for the Ellwood A. Mattson Lower Harbor Park, was read. It was moved by Commissioner Coyne and supported by Commissioner Schneider to accept the recommendation of the City Manager to suspend the rules, to approve use of the standardized user agreement on the first reading, and to further authorize the City Manager and Parks and Recreation Director to execute the agreement when appropriate. During discussion, City Manager Iman and Parks and Recreation Director Turausky answered questions about variations from the agreement. The motion was then carried unanimously.

MONEY PURCHASE PLAN - Authorization
A report and recommendation from the City Manager, regarding a resolution to authorize participation in a money purchase plan with the ICMA Retirement Corporation, was read. It was moved by Commissioner Coffey, supported by Commissioner Howes, and carried unanimously to suspend the rules and to adopt the following resolution on the first reading:

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of:

The ICMA Retirement Corporation Prototype Money Purchase Plan and Trust, pursuant to the specific provisions of the Adoption Agreement.

The plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED, that the Employer hereby executes the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED, that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED, that the FINANCE DIRECTOR shall be the coordinator for the Plan; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED, that the Employer hereby authorizes the Finance Director to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

SHIRAS POOL IRRIGATION BIDS

A recommendation from the Purchasing Agent and Assistant Parks and Recreation Director, regarding bids for a Shiras Pool Irrigation System, was read. It was moved by Commissioner Coffey, supported by Mayor Pro Tem Pinkard, and carried unanimously to suspend the rules, to concur with the recommendation, and to award this bid to Meister's Landscape and Nursery in the amount of \$9,450.00. During discussion, City Manager Iman and Assistant Parks and Recreation Director Al Strasser answered questions about this equipment. Mr. Strasser said the money being used for this purchase was left over from the bid for installation of sod at the pool and it was being used out of this year's budget as opposed to budgeting the money in the next fiscal year.

PUBLIC WORKS SERVICE CENTER - Change Order

A report and recommendation from the Water and Wastewater Plant Superintendent Paul Seglund, regarding installation of a waste dumping facility at the new Public Works Service Center, was read. Mr. Seglund answered questions about the proposed dumping facility and the advantage to the Wastewater Treatment Plant. It was moved by Commissioner Coffey, supported by Mayor Pro Tem Pinkard, and carried unanimously to suspend the rules for a second reading, and to concur with the recommendation of the Wastewater Treatment Facility Advisory Board, and to approve a change order for construction of a waste dumping facility at the new Public Works Service Center in the amount of \$4,511.00.

U.S. 41/M-28 SPEED LIMITS

Mayor Sciotto announced this was the time set for discussion of Michigan Department of Transportation vehicle speed studies on U.S. 41/M-28 and U.S. 41 Business Route. A report and recommendation from the City Manager was read. It was moved by Commissioner Cihak and supported by Commissioner Howes to direct the City Administration to send a letter to all applicable parties opposing speed limit increases on U.S. 41/M-28 and U.S. 41 BR in Marquette. After lengthy discussion, during which City Manager Iman and Police Chief Johnson answered questions about the process the State uses in setting these speed limits. The following vote was taken:

Ayes: Mayor Sciotto, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nay: Mayor Pro Tem Pinkard.

The motion was carried. It was then moved by Commissioner Coffey, supported by Commissioner Cihak, and carried unanimously to put this item on the next agenda for second reading, to get additional information, and to ask representatives of the Michigan Department of Transportation and State Police to be present, and to accept public comments in opposition to the higher speed limits.

PETUNIA PANDEMONIUM

Commissioner Cihak spoke in support of the petunia pandemonium project. He encouraged volunteers to participate in the planting this Saturday. He said

23,000 petunia plants will be set out this year. He said the Chamber of Commerce provides \$1,000 and the City \$1,500 with the remainder of the \$6,000 to \$7,000 budget being raised by the Beautification Committee. He said this is the fourth year for this project and that it is great for the City. He encouraged the City Administration to assist the Beautification Committee with watering of these plants.

WHETSTONE AND ORIANNA DRAINAGE DISTRICTS

It was moved by Commissioner Cihak and supported by Mayor Pro Tem Pinkard to suspend the rules and direct that the City of Marquette withdraw the petitions for the Whetstone and Orianna Drainage Districts, and if this is not legal, that a communication be directed to the County Drain Commissioner and the three member Board of Determination. Commissioners discussed this matter at great length. During the discussion, Tom Dunham said he would like to receive the City Attorney's opinion that the City cannot withdraw it's petition, prior to the next City Commission meeting. Bob Funk said he has been working on this project for 11 years and Mr. Iman has only been in town 10 months. Mr. Dunham said the public hearing is a trial. Commissioner Howes said he was concerned that Mr. Dunham was aware of the City Attorney's confidential opinion before the meeting. The vote on the motion was:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Schneider.

Nays: Commissioners Coffey, Coyne, Howes.

The motion was carried.

Commissioners asked for more information and a copy of the Drain Commission Act before the next meeting.

ZOO COMMITTEE

It was moved by Commissioner Schneider, supported by Commissioner Cihak, and carried unanimously to suspend the rules and to direct that the City Commission direct the City administration to explore terminating the contract with the Kestral Design Group before any more work on the Zoo Study is done, on the basis that the City retain the remaining \$4,000. After discussion, the motion was carried unanimously. Mayor Sciotto said the Zoo Committee has been receiving a great deal of unjustified criticism. He said the Committee has done a good job with the charge given them by the City Commission. It was then moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously to suspend the rules and recommend that the City administration, along with the Heritage Preservation Committee, explore the idea of making Presque Isle a historical site so as to preserve the beauty, integrity, and fragileness of this piece of real estate within our City.

CONSENT AGENDA

The City Clerk presented the consent agenda. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Pinkard, and carried unanimously to approve the consent agenda as follows:

- A. Approve the minutes of the April 27, 1992 City Commission meeting.
- B. Approve the total bills payable in the amount of \$865,367.56.
- C. Extend the real estate listing for River Park Complex for a 12 month period.
- D. Schedule a public hearing to confirm the individual assessments for the East Avenue paving project.

E. Approve forming a joint water supply with Marquette Township for the sole purpose of monitoring the lead and copper requirements of the Safe Drinking Water Act.

APPOINTMENTS

With the Commission's concurrence, Mayor Sciotto made the following appointments:

HANDICAPPED CITIZENS ADVISORY BOARD: Susan Clark for a term expiring January 1, 1995.

TRAFFIC/PARKING ADVISORY COMMITTEE: Reappointment of Michael Beaudry for a term expiring May 30, 1995.

MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY: Reappoint Loretta Acocks for a term expiring July 1, 1994.

CITIZENS

During the time set for citizens wishing to address the Commission, Tom Dunham said "thank you" for the vote on the drainage districts. He said he will get more information for the Commission.

HOWES

Commissioner Howes said he was greatly troubled that the confidentiality of some material the City Commission has received has been breached. He said a request for confidentiality should be honored by Commissioners. He thanked the organization for outdoor recreational professionals, which is made up of students from Northern Michigan University, for adopting the fishing areas at the mouths of the Dead and Carp Rivers and agreeing to pick up litter and clean them. He said there is a great deal of litter being placed along the Carp River Road leading to Mount Marquette including dumping of lawn clippings, tree limbs, and garbage. He asked if something could be done about this. He also asked what could be done about the gap in the bike path between the Coast Guard Station and the Lower Harbor Park. Mr. Iman said the path will have to run along the railroad right of way and this is not an abandoned presently a working railroad track. Commissioner Howes also said he had attended Sandy Knoll School to participate in the Space Shuttle Enterprise voyage last week. He said this is an excellent and innovative program and asked if some of the students could attend a Commission meeting to report on it.

COYNE

Commissioner Coyne offered her congratulations to Dan Smith on his appointment as Assistant City Manager. She expressed her appreciation to Dr. Christopher and members of the Zoo Committee for their hard work on the zoo plans. She said there are five candidates for two City Commission vacancies and one for the one Board of Light and Power vacancy. She wished them all good luck in the election. She asked if the parking ramp elevator changes will meet the ADA requirements. She said four Commissioners had an excellent visit to Novi last week and that she is looking forward to their visit here. She said she was particularly impressed with their landscaping ordinance. She said it was good that the petunias on South Front Street will be planted by the time the visitors from Novi arrive. She said the Village Business Association and the City should address the parking problems in residential areas adjacent to Third Street. She said Recycle Marquette is now accepting glossy magazine and newspaper inserts. She said these items will be picked up as recyclables but they must be separated

from regular newsprint. She reiterated her pleasure at the safety belt award received by the City. She said she is very proud of our City and that this is another good example of private-government cooperation. She said citizens should be aware that the Commission might take action on a specific item at either the first or second reading and that they can speak at either time. She said she supports lower speed limits on U.S. 41.

COFFEY

Commissioner Coffey said seatbelts prevent the "second collision" which is the one which causes injuries. He commended people on the Zoo Committee for their hard work on this project. He offered his congratulations to Dan Smith as Assistant City Manager. He said an existing staff member had been moved up and, instead of being replaced, his duties will be distributed amongst other staff. He said this was also done when the Public Works Director left and noted that the administration is always pursuing efficiency. He said he likes the deer being loose at Presque Isle Park.

CIHAK

Commissioner Cihak said there were two deer on Division Street this afternoon. He said credit should go to the Beautification and Restoration Committee for their public awareness campaign regarding the zoo plans at Presque Isle Park. He especially recognized Virginia Long, Mary Ferguson, and Barbara Kelly. He said this is not the Committee's first effort at preserving Presque Isle Park and there are many people willing to assist in maintaining the park. He said the Sports Rack has donated a mountain bike to be used by the COPS Program this summer. He asked if copies of the public opinion survey are available. Mr. Iman said copies are in the City Clerk's office and the Peter White Public Library. He asked if Little Presque Isle will be on the next Commission agenda.

PINKARD

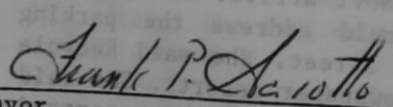
Mayor Pro Tem Pinkard said the City has done a good job of repairing damage to lawns caused by City snow removal activities. He said there was a very large volume of yard waste collected in this spring's clean up and that the Kiwanis Chicken Barbeque is this Sunday.

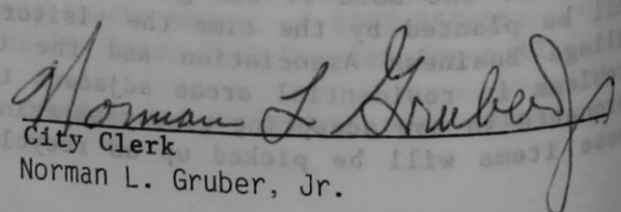
SCIOTTO

Mayor Sciotto congratulated Dan Smith on his appointment as Assistant City Manager. He said Commissioners should sign up soon for attendance at the Region X Michigan Municipal League meeting in Escanaba in June. He said he was very impressed by his visit to Novi, especially that City's landscaping ordinance. He said he has been receiving unsigned mail, and he does not bother to read letters which have not been signed. He expressed his appreciation to Marquette General Hospital and the Rehabilitation Unit. He said tomorrow will be his last appointment with them, and they are an exceptional institution.

ADJOURNMENT

The meeting was adjourned at 11:02 p.m.


Mayor
Frank P. Sciotto


City Clerk
Norman L. Gruber, Jr.

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, June 8, 1992**

A regular meeting of the Marquette City Commission was duly called and held on Monday, June 8, 1992 at 7:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

AGENDA

Commissioner Coffey asked that items 14c and 14e be removed from the consent agenda and be made items 13a and 13b. Commissioner Howes asked that item 14a be removed from the consent agenda and be made 13c. Commissioner Cihak asked that item 13d, discussion of the City Manager evaluation, 13e, the letter to the Kestral Design Group, and item 13f, discussion of Drain Commissioner public meetings, be added to the agenda. Commissioner Coffey objected and called a point of order on the addition of so many items at the beginning of the meeting. The Commission discussed the objection and point of order at great length. It was moved by Commissioner Cihak and supported by Commissioner Schneider to vote on the entire agenda as proposed with the changes. The following vote was taken:

Ayes: Commissioners Cihak, Schneider.

Nays: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes.

The agenda was defeated.

Mayor Sciotto then reviewed the requested changes. There were no objections to proposed items 13a, 13b, or 13c or to moving item 11 to position 3a on the agenda. On proposed item 13d, the vote was:

Ayes: Mayor Sciotto, Commissioners Cihak, Coffey, Coyne, Schneider.

Nays: Mayor Pro Tem Pinkard, Commissioner Howes.

This item was added to the agenda.

The vote on proposed item 13e was:

Ayes: Commissioners Cihak, Schneider.

Nays: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes.

The item was not added to the agenda. On proposed item 13f, the vote was:

Ayes: Mayor Sciotto, Commissioners Cihak, Schneider.

Nays: Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes.

The item was not added to the agenda. The agenda as modified was then unanimously approved.

SIMULATED SPACE SHUTTLE PROGRAM

Mayor Sciotto announced this was the time set for a presentation by students from Sandy Knoll School on the simulated space shuttle program. Sandy Knoll Principal George Ruuska described the origination of this program and how it has been developed. He said teacher Stuart Skaug had developed the program based upon a concept from NASA and that it has been refined over several years. He introduced teachers Carolyn Northy and Mary Bengry whose students were active in the program this year. He also introduced student participants Amy Pesola, Emily Keplinger, Brandon June,

Michael Plourde, and Andy Imdieke who were mission specialists. Michael Plourde and Andy Imdieke gave brief presentations about the mission in which they had participated. Mr. Skauge thanked the City for support of this program as it developed. He said this has been a real community effort and acknowledged the support received from many businesses. Mayor Sciotto thanked Mr. Ruuska, Mr. Skauge, and the teachers and students for their presentation.

SPECIAL ASSESSMENT ROLL 526 - East Avenue Paving

A report and recommendation from the City Manager, regarding approval of special assessment roll 526, was read. Lowell Jolin showed photos of the front of his lot and his mother's lot. He complained that nothing had been done with the deep cut which had been made to install the pavement. He felt it should be sloped back and sodded. He also asked how the bills should be paid. The hearing was closed. It was moved by Commissioner Pinkard and supported by Commissioner Schneider to support the recommendation and affirm special assessment roll 526. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nay: Mayor Sciotto.

The motion was carried and the following resolution adopted:

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

PAVING ON EAST AVENUE FROM WRIGHT STREET SOUTH 440 FEET

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 #526 and the respective assessments therein, are hereby confirmed:

PAVING ON EAST AVENUE FROM WRIGHT STREET SOUTH 440 FEET

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 June 15, 1992; that all unpaid installments shall bear interest at the rate of 9.5% from July 15, 1992; 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.

INDUSTRIAL PARKWAY - Special Assessment

Mayor Sciotto announced that this was the time and date set for a public hearing on a proposed special assessment district for curbing and paving on Industrial Parkway. Peter O'Dovero spoke in support and urged a financially conservative project. Rudy Jensen said he did not want to give up any land to the City for right of way and that a half width road would be okay. Jim Mansfield supported the need for dust control and paving but objected to any assessment for upgrading the water line in front of his property. He said he had bought the property assuming that it had adequate sewer and water service and had buried the line deeper to keep it from freezing. Chuck Oberstar supported the project. The hearing was closed. Following questions of City Engineer Robert Haapala, it was moved by Commissioner Coffey, supported by Mayor Pro Tem Pinkard, and carried unanimously to concur in the recommendation of the administration and 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:

CURBING AND PAVING OF INDUSTRIAL PARKWAY BETWEEN WRIGHT STREET AND UNION STREET

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:

INDUSTRIAL PARKWAY - CURBING AND PAVING

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 OWNERS - \$262,400

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.

MICHIGAN DEPARTMENT OF TRANSPORTATION - Speed Study

Mayor Sciotto announced this was the time set to discuss the proposed traffic speed changes on U.S. 41 / M-28 and U.S. 41 Business Route. He said representatives from the Michigan State Police and the Michigan Department of Transportation were here to speak on this issue. Sargeant Len Dawson of the Michigan State Police Traffic Safety Division showed a video tape on how speed limits are set in Michigan. He introduced Sargeant Ron Willough, of the Michigan State Police, and Bill Hutchens, representing the Michigan Department of Transportation. Each man spoke on the traffic study done in the southern part of the City. They described what kinds of things are studied and the criteria that are used in making a recommendation. They spoke a great deal about the use of the 85th percentile in setting traffic speeds. They answered questions from the Commissioners at length. Mayor Sciotto asked if anyone from the public wished to speak in opposition to the higher speeds. Raynold Lepola of Tonti Road spoke in opposition to the higher speed limits. It was moved by Commissioner Coyne and supported by Commissioner Coffey to suspend the rules and, on the first reading, to direct that the City Commission send a letter objecting to the proposed speed limit increases on U.S. 41/M-28 and U.S. 41 Business Route. The letter should be sent to the Director of the Michigan Department of Transportation, the Director of the Michigan State Police, Representative Jacobetti, and Senator Koivisto. They should also receive a copy of the citizens' letter from Fred Huffman regarding Marquette Drive access to the highway. The following vote was taken:

Ayes: Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nays: Mayor Sciotto, Mayor Pro Tem Pinkard.

The motion was carried.

CITIZEN COMMENT

During the time set for citizens wishing to reserve time to speak on agenda items, Dave Lucas, Dennis Girard, Gary Bantle, and Lowell Kafer asked to speak on item 8. Mike Beaudry and Gary Bantle asked to speak on item 13.

SECOND READINGS

AREA MARKETING REPRESENTATIVE

Mayor Sciotto said this was the time set to consider the report and

recommendation from the City Manager for participation in an area marketing representative program. It was moved by Commissioner Coffey, supported by Commissioner Howes, and carried unanimously to concur with the recommendation of the City administration. Commissioner Cihak said that he has not found a more economical way to perform this function and that his comments at the last meeting did not indicate opposition to the program.

SHIRAS POINTE - PLANNED UNIT DEVELOPMENT - Birchwood Phase

Mayor Sciotto announced this was the time set to consider a recommendation from the Planning Commission for approval of the final development plan for the Birchwood Phase of the Shiras Pointe Planned Unit Development. It was moved by Commissioner Cihak and supported by Commissioner Schneider to support the recommendation of the Planning Commission and approve the final development plan. Assistant City Manager Dan Smith and City Manager Iman answered questions about the proposed development. The following vote was taken:

Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Howes, Schneider.

Nays: Mayor Pro Tem Pinkard. Commissioner Cihak.

The motion was carried.

FIRST READINGS

ADAMS AND CRESCENT STREET RECONSTRUCTION

A report and recommendation from the City Manager, regarding bids for reconstruction of Adams and Crescent Street, was read. It was moved by Commissioner Coffey and supported by Commissioner Coyne to suspend the rules for a second reading, to concur with the recommendation of the City Manager, to award the contract to C. Oberstar Excavating in the estimated amount of \$622,105.91, to not expand the scope of services to include new sidewalk construction, and to schedule a public hearing for the next regular City Commission meeting to confirm the special assessment roll for water main and curbing on Adams Street. During discussion, it was moved by Commissioner Coffey and supported by Commissioner Cihak that sidewalks be installed on one side of Adams Street at City expense, preferably on the west side. After lengthy discussion regarding the sidewalk issue, it was moved by Commissioner Coffey and supported by Commissioner Cihak to postpone discussion of the amendment until the next meeting. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nay: Mayor Sciotto.

The motion to postpone consideration of the amendment was carried. The unamended motion was then carried unanimously.

RECESS

Mayor Sciotto called a five-minute recess at 10:05 p.m.

FIRST READINGS - Continued

MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY - Lawsuit

A recommendation from the City Attorney, regarding the lawsuit between the Solid Waste Management Authority and the City versus Braithwaite, was read. It was moved by Commissioner Coffey and supported by Commissioner Cihak to suspend the rules and meet in closed session after the citizen comment portion of the agenda. The following vote was taken:

Ayes: Mayor Sciotto. Commissioners Cihak, Coffey, Coyne, Howes.
Nays: Mayor Pro Tem Pinkard. Commissioner Schneider.
On a point of order, Mayor Sciotto ruled that five was two-thirds of seven and the motion was passed. It was moved by Commissioner Schneider and supported by Mayor Pro Tem Pinkard to challenge this ruling. After discussion, the following vote was taken:
Ayes: Mayor Pro Tem Pinkard, Commissioner Schneider.
Nays: Mayor Sciotto. Commissioners Cihak, Coffey, Coyne, Howes.
The motion to challenge was defeated.

CENTER STREET - Reconsideration

A communication from Steve Pelto, asking that the Commission reconsider the Center Street construction project and put it back in the budget, was read. Steve Pelto said he has two proposals which he feels should please both the City, for development reasons, and residents of Elder Drive by not making Center Street go through. He answered questions about the proposals. Dave Lucas said Center Street should not be built at all. Public Works Superintendent Steve Lawry answered questions about Mr. Pelto's proposals. He said the cul de sac apparently is smaller than the City's minimum standard. Commissioner Cihak asked if this was a reconsideration. City Attorney Martin said not yet, because this is a first reading and there is not a motion on the floor. He said it is appropriate for citizens to ask the City Commission to reconsider items. Lowell Kafer said he was happy to see the effort to keep everyone satisfied. It was moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously that all the available information that comes to the City Commission before the next meeting be made available to the Elder Drive residents. The item was deferred to the next meeting for second reading.

WASHINGTON STREET - Right of Way Donation

A report and recommendation from the City Manager, regarding a request from the Michigan Department of Transportation for the donation of City land to be used as right of way for the widening of Washington Street between McClellan Avenue and Rublein Street, was read. This item was deferred to the next meeting for second reading.

BLAKER STREET TOWNHOUSES

A recommendation from the Planning Commission for approval of the final development plan for the planned unit development for the Blaker Street Townhouses, was read. This item was deferred to the next meeting for second reading.

DISCUSSIONS

ZONING VIOLATIONS AND PENALTIES

Commissioner Howes asked that this item be withdrawn from the agenda until a later time due to the lateness of the hour.

U.P. SHORTLINES - Static Railroad Engine Display

Commissioner Cihak said he has received concerns from citizens about the display of a locomotive, ore car, and caboose near the L.S. & I. Ore Dock between Lakeshore Boulevard and the shoreline. Mike Beaudry, representing U.P. Shortlines Model Railroad Club, answered questions about the display. Gary Bantle, President of the Lake Superior and Ishpeming Railroad, also answered questions. Margo Ruman said there are many concerns about this

proposal, and it needs more study. It was moved by Commissioner Cihak and supported by Commissioner Schneider to postpone until the next City Commission meeting the decision on the site for the locomotive. During discussion, Gary Bantle said the location is important to the railroad because the land west of Lakeshore Boulevard may be needed for future development. Charlie York said this is not an overnight decision because the Model Railroad Club has been two years in preparing it and six months in working out the details with the City, he said the Club is committed to maintaining the display. The following vote was taken:

Ayes: Commissioner Cihak.

Nays: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes, Schneider.

The motion to postpone was defeated.

FROM CONSENT AGENDA

EMERGENCY SIDEWALK REPAIR CRITERIA

Commissioner Coffey said he does not agree with the criteria as applied to the sidewalks in question. It was moved by Commissioner Coffey and supported by Commissioner Schneider to postpone discussion of this item until the next regularly scheduled meeting. The following vote was taken:

Ayes: Commissioners Coffey, Schneider.

Nays: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Coyne.

Commissioner Howes was out of the room during the vote. The motion was defeated. It was then moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried unanimously to approve the emergency sidewalk repair criteria as proposed. City Engineer Haapala agreed to review application of the criteria at some of the sites about which Commissioner Coffey had concerns.

SOFT DRINK BIDS

A report and recommendation from the City Manager, regarding bids for the purchase of soft drink items, was read. Commissioner Coffey asked about the deposit on the soft drink cans. It was moved by Commissioner Coffey, supported by Commissioner Schneider, and carried unanimously to concur in the City Manager's recommendation to award the bids for soft drink items in cans to the Coca Cola Bottling Company Midwest, being low unit price bid, and the premix per tank and bag in box to Marquette Bottling Works, being the low unit price bid.

MINUTES

Commissioner Howes asked that at the end of the drainage district discussion on page 78 of the May 26 minutes a notation be added saying he was concerned that Mr. Dunham was aware of the City Attorney's confidential opinion before the meeting. City Attorney Martin said he saw no harm in making that report public, however, he feels his weekly report to the City Commission is confidential and that the Commissioners should decide when and where to release that information. Commissioner Schneider asked about filing of City Attorney opinions in the City Clerk's office. It was moved by Commissioner Cihak, supported by Commissioner Coyne, and carried unanimously to approve the minutes of the May 11 and May 26, 1992 meetings as presented.

ADDED ITEMS

CITY MANAGER EVALUATION

Mayor Sciotto said this was the time for the Commission to set a date for evaluation of the City Manager. The Commission discussed the procedure for making this evaluation as well as adding the City Attorney's evaluation at the same time. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried unanimously to consider the evaluation of the City Manager and City Attorney on July 13 and that by then, review materials will be distributed to the Commissioners, returned, and copies of all materials circulated to the Commission.

CONSENT AGENDA

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

- B. Approve the total bills payable in the amount of \$908,919.25.
- D. Adopt the reimbursement resolution for the 1992-93 street improvement bond issue as follows:

WHEREAS, the Issuer proposes to issue its tax-exempt bonds (the "Bonds") to finance construction of McClellan Avenue - Grove to Pioneer, reconstruction of portions of Fair Avenue, McClellan Avenue, Crescent Street and Adams Street (the "Project"); and

WHEREAS, it is anticipated that the Issuer will advance all or a portion of the costs of the project prior to the issuance of the Bonds, such advance to be repaid without interest from proceeds of the Bonds upon the issuance thereof; and

WHEREAS, Section 1.103-18 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the Issuer intends by this resolution to qualify moneys advanced by the Issuer for the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations;

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

1. The maximum principal amount of debt expected to be issued to reimburse costs of the Project, including issuance costs, advanced by the Issuer is \$1,500,000.00.
2. The Issuer declares its official intent to issue the Bonds to finance costs of the Project and declares that it reasonably expects to reimburse, without interest, the advances by the Issuer for the Project as anticipated by this resolution.
3. The Bonds shall be authorized by proper proceedings subsequent to this resolution.
4. It is determined that no funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer, or by any member of the same controlled group (as defined in Treas. Reg. 31.150-1(f)) as the issuer of the Bonds, if any, pursuant to its budget or financial policies with respect to the expenditures for the Project expected to be reimbursed from the proceeds of the Bonds.
5. The City Clerk is authorized and directed to make copies of this resolution available for inspection by the general public at the

Issuer's main administrative offices located at 300 W. Baraga Avenue, Marquette, Michigan, during normal business hours on every business day of the period beginning within thirty days after the date of adoption of this resolution and ending on, and including, the date on which the Bonds are issued.

6. The City Manager and the Finance Director are each individually authorized to prepare and file a Notice of Intent To Issue Bonds 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 Bonds.

7. All prior resolutions and parts of resolutions insofar as they may be in conflict with this resolution are hereby rescinded.

F. Award the bid for Lakeview Arena seating to Superior Schools Equipment Company in the amount of \$13,321.00.

G. Schedule a public hearing for the City Commission meeting on June 29 on the rezoning of the property at the southwest corner of Pioneer Road and County Road 553 from Conservation Recreation to Multiple Family Residential.

H. Grant the approvals and authorizations requested by the Arts and Culture Committee for the visit of the Detroit Symphony Orchestra Brass Quintet.

APPOINTMENTS AND RESIGNATIONS

Mayor Sciotto discussed a recommendation from the Harbor Committee that four members whose second terms are expiring be reappointed for three year terms. The Harbor Committee believes that the talent, interest, and experience of this group will be beneficial during construction of the Cinder Pond Marina. There being only one opposition, Mayor Sciotto reappointed the following members to the Harbor Committee: Carl Hammerstrom to a term ending June 1, 1993, Tom Knauss to a term ending June 1, 1994, William McDonald to a term ending June 1, 1994, and Bill York to a term ending June 1, 1995. Mayor Sciotto then nominated Assistant City Manager Dan Smith for the "City" position on the Marquette County Solid Waste Planning Committee.

CITIZEN COMMENT

Tom Dunham complained about the proposed Whetstone Drainage District.

CLOSED SESSION

It was moved by Commissioner Howes, supported by Mayor Pro Tem Pinkard, and carried unanimously to change the agenda to have the closed session following Commissioner comments.

PINKARD

Mayor Pro Tem Pinkard asked why it is necessary to sweep City streets late in the evening. Public Works Superintendent Steve Lawry said this is the best time for low traffic and parking and is very efficient and economical. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried unanimously that at the next meeting the sidewalk policy be put on the agenda for discussion.

CIHAK

Commissioner Cihak asked the status of the letter to the Kestral Design Group. City Attorney Martin said after reviewing the situation with Parks and Recreation Director Turausky and Zoo Committee Chairman Dr. Christopher, he was waiting until tonight's meeting before contacting Kestral about terminating the contract. Following discussion, the Commission directed Mr. Martin to proceed to terminate the contract. Commissioner Cihak said there have been too many closed meetings in regard to the drainage district. He said the City Commission should hold a work session and decide how and when to meet with the Drain Commissioner. City Manager Iman said the Drain Commissioner's Attorney has advised him not to meet in public due to pending litigation on the Whetstone Drainage District. He said the Drain Commissioner will meet with no more than three City Commissioners at one time. Commissioner Cihak asked if the improvements to the bike path could include repainting the white line between Lakeshore Boulevard and the bike path.

COFFEY

Commissioner Coffey said he sees nothing wrong with individual meetings between the Commissioners and experts such as the Drain Commissioner.

COYNE

Commissioner Coyne had a letter which was unsigned and which she said she will not read.

HOWES

Commissioner Howes said he had received a copy of the same letter and he will not read his either. He said the visit of the Novi elected officials was a great success. He offered his congratulations to last week's DARE graduates from Bothwell Middle School and to Nancy Berglund for running an excellent Project Graduation for high school seniors. He offered his congratulations to Marquette Senior High School graduates. He said in regard to the Drain Commissioner, we need to gather as much information as possible.

SCHNEIDER

Commissioner Schneider asked what trouble the City is having in regard to the miscellaneous concrete construction contract. City Engineer Haapala said the items of work under this contract are small and that it is difficult to get any of the four contractors to work on it because they are busy with larger jobs.

SCIOTTO

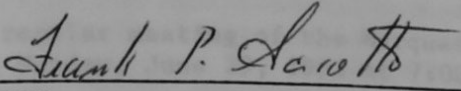
Mayor Sciotto said that the DARE Program is an excellent return for the tax dollars spent on it and congratulated Officers Wasie and St. John. He asked which Commissioners are going to the Michigan Municipal League Region X meeting later this week. He noted the fine reception with the people from Novi last weekend. Mayor Sciotto asked the City Clerk to read a letter from the UPSET North Commander to Chief George Johnson congratulating him for an excellent and professional staff.

RECESS

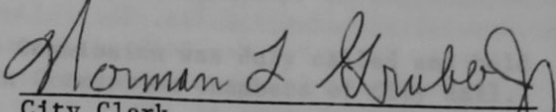
The Commission recessed to closed session at 12:09 p.m.

ADJOURNMENT

The Commission returned to open session at 12:17 a.m. and adjourned immediately.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

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

Commissioner Schneider asked that the T. & N. Shortline Model Railroad static display be placed on the agenda for the next meeting. Mayor Pro Tem Piskard asked that this be removed from the current agenda and be made item 11a. Commissioner Cihak asked that discussion of the process of hiring the new Assistant City Manager be added to the next agenda. Mayor Sciotto said Attorney Dennis Nikko, who is representing us in the Nick lawsuit, is here to discuss the proposed settlement of the Commission desired. It was moved by Commissioner Coyne, supported by Commissioner Schneider, and carried with all dissenting votes to meet with Mr. Nikko in closed session at the end of the meeting. Mayor Sciotto suggested that, in order to shorten the meeting, an adjournment time of 10:30 p.m. be set. He also said that first reading items would automatically go to second reading unless there is a need for discussion. He urged each Commissioner to speak only once on each agenda item and said citizens comment would be restricted to five minutes each. Following discussion, Mayor Sciotto ruled that the meeting would conclude at 10:45 p.m. with any remaining agenda items to be dealt with tomorrow night. Commissioner Cihak challenged this action, however, there was no support.

BRAITSWORTH LAWSUIT

City Attorney Harris said the City Commission should consider the proposed settlement in the Braitworth lawsuit this evening as the County Solid Waste Management Authority has already acted on the proposal. It was moved by Commissioner Schneider, supported by Commissioner Cihak, and carried to accept the proposed settlement.

PURDIE HEARING - Adams Street Special Assessments

A report and recommendation from the City Manager, regarding approval of special assessment rolls #523 and #528 for assessments on Adams Street, was read. Mary Malloy said the City should pay for all water main construction in this project. The Council said that in the past, City tax dollars have paid for this work. Dennis Harris noted a letter of protest submitted previously. The hearing was closed. It was moved by Commissioner Schneider and supported by Commissioner Cihak to reject the special assessments. After lengthy discussion, the following vote was taken:

Ayes: Mayor Sciotto, Commissioners Cihak, Schneider,
Mayor Pro Tem Piskard, Commissioners Coyne, Neve,
The motion was not carried.

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, June 29, 1992**

A regular meeting of the Marquette City Commission was duly called and held on Monday, June 29, 1992 at 7:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coyne, Howes, Schneider.
ABSENT: Commissioner Coffey.

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

AGENDA

Commissioner Schneider asked that the U.P. Shortlines Model Railroad static display be placed on the agenda for the next meeting. Mayor Pro Tem Pinkard asked that item 241 be removed from the consent agenda and be made item 23a. Commissioner Cihak asked that discussion of the process of hiring the new Assistant City Manager be added to the next agenda. Mayor Sciotto said Attorney Dennis Mikko, who is representing us in the Mick lawsuit, is here to discuss the proposed settlement if the Commission desires. It was moved by Commissioner Coyne, supported by Commissioner Schneider, and carried with no dissenting votes to meet with Mr. Mikko in closed session at the end of the meeting. Mayor Sciotto suggested that, in order to shorten the meeting, an adjournment time of 10:30 p.m. be set. He also said that first reading items would automatically go to second reading unless there is a need for discussion. He urged each Commissioner to speak only once on each agenda item and said citizen comment would be restricted to five minutes each. Following discussion, Mayor Sciotto ruled that the meeting would conclude at 10:45 p.m. with any remaining agenda items to be dealt with tomorrow night. Commissioner Cihak challenged this motion, however, there was no support.

BRAITHWAITE LAWSUIT

City Attorney Martin said the City Commission should consider the proposed settlement in the Braithwaite lawsuit this evening as the County Solid Waste Management Authority has already acted on the proposal. It was moved by Commissioner Schneider, supported by Commissioner Cihak, and carried to accept the proposed settlement.

PUBLIC HEARING - Adams Street Special Assessments

A report and recommendation from the City Manager, regarding approval of special assessment rolls #525 and #528 for assessments on Adams Street, was read. Mary Malloy said the City should pay for all water main construction in this project. Tom Dunham said that in the past, City tax dollars have paid for this work. Dennis Havican noted a letter of protest submitted previously. The hearing was closed. It was moved by Commissioner Schneider and supported by Commissioner Cihak to reject the special assessments. After lengthy discussion, the following vote was taken:

Ayes: Mayor Sciotto. Commissioners Cihak, Schneider.

Nays: Mayor Pro Tem Pinkard. Commissioners Coyne, Howes.

The motion was not carried.

After further discussion, during which City Manager Iman and Assistant City Engineer Golisek answered questions about the projects, it was moved by Commissioner Coyne and supported by Mayor Pro Tem Pinkard to accept the recommendation of the City Manager and adopt the resolutions approving the two special assessment rolls. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Coyne, Howes.

Nays: Mayor Sciotto. Commissioners Cihak, Schneider.

The motion was not carried.

It was then moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried to postpone this item until the next regular meeting.

PUBLIC HEARING - Rezoning Pioneer Road and County Road 553

Mayor Sciotto announced this was the time and date set for a public hearing on rezoning land at the southwest corner of Pioneer Road and County Road 553. There being no one to address the Commission, the hearing was closed. It was moved by Commissioner Howes and supported by Mayor Pro Tem Pinkard and carried to accept the recommendation of the Planning Commission and rezone the land at the southwest corner of Pioneer Road and County Road 553, which is currently zoned Conservation Recreation, to Multiple Family Residential.

CITIZEN COMMENT

During the time set for citizens wishing to reserve time to address agenda items, Lowell Kafer and Steve Pelto asked to speak on item 3. Mike Bissonette, Tom Dunham, and David Weeks asked to speak on items 19 and 20a. Bart Bartelli asked to speak on item 6, Robert Funk on item 19, Bill Ferns on item 11, and Gary Dahlke on items 11, 19, and 20a.

SECOND READING

CENTER STREET - Extension

A report and recommendation from the City Manager, regarding the extension of Center Street east of proposed McClellan Avenue, was read. Lowell Kafer, representing the citizens group in University Subdivision, supported the proposed tee turnaround west of the former railroad right of way and presented a petition opposing Center Street as a through street. Steve Pelto thanked the Elder Drive residents for their support. It was moved by Commissioner Howes, supported by Commissioner Schneider, and carried to accept the recommendation of the City Administration for a tee turnaround with inclusion of a sidewalk for pedestrian traffic between the two portions of Center Street and to allow the residents to plant cedar trees as requested at the end of the tee turnaround. During discussion, City Manager Iman, Assistant City Engineer Golisek, and Mr. Kafer answered questions.

ADAMS STREET - Sidewalk

Mayor Sciotto offered comments from Commissioner Coffey about the tabled motion to install sidewalk on one side of Adams Street. Commissioner Cihak and Mayor Pro Tem Pinkard objected to accepting these comments. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried to postpone this item until the next meeting.

WASHINGTON STREET - Right of Way Donation

Mayor Sciotto announced this was the time set for consideration of a recommendation from the City Manager for the donation of right of way to permit widening Washington Street east of McClellan Avenue. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried to approve the donation of the required right of way and authorize the Manager and City Clerk to execute the appropriate documents.

BLAKER STREET TOWNHOUSES - Final Development Plan

Mayor Sciotto announced that this was the time set for consideration of a recommendation from the Planning Commission for approval of the final development plan for the Blaker Street townhouses. Bart Bartelli offered to answer questions about the plan. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried to approve the final development plan as recommended.

FIRST READING

SHIRAS ZOO IMPROVEMENT COMMITTEE

A communication from the Shiras Zoo Improvement Committee was read. It was moved by Commissioner Schneider, supported by Commissioner Howes, and carried to suspend the rules and to accept Mr. Christopher's letter as the final action of the Shiras Zoo Improvement Committee, that the Zoo Committee be dissolved, to express the City Commission's appreciation to the Committee members for their work, and further to direct that the City administration continue exploration with Kestral regarding the residual funds left in the contract and obtain the best proposal they can regarding these funds.

MARQUETTE COUNTY ECONOMIC DEVELOPMENT CORPORATION

A communication from the Marquette County Economic Development Corporation, requesting a work session, was read. It was moved by Commissioner Coyne, supported by Commissioner Schneider, and carried to schedule a work session with the Marquette County Economic Development Corporation. The City administration will work on setting a time for this work session.

POLICE DEPARTMENT - Collective Bargaining Agreement

A report and recommendation from the City Manager, regarding approval of the collective bargaining agreement with Teamsters Union Local #328, representing the Police Department, was read. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Pinkard, and carried, to suspend the rules, to accept the recommendation of the City Manager and negotiating team, and to approve the agreement in its entirety.

LAMBERT ENCROACHMENT

A recommendation from the Board of Zoning Appeals, regarding resolution of the Lambert setback encroachments on Heikkala Drive, was read. It was moved by Mayor Pro Tem Pinkard and supported by Commissioner Coyne to accept the recommendation as presented. It was then moved by Commissioner Howes and supported by Mayor Pro Tem Pinkard to amend the motion to direct the administration to prepare proposals for the Board of Zoning Appeals to assess penalties for zoning violations. The vote on the amendment was:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioner Howes.

Nays: Commissioners Cihak, Coyne, Schneider.

The amendment was not carried.

During discussion of the motion, Gary Dahlke, representing the Board of Zoning Appeals, and Bill Ferns, representing Bill Lambert, answered questions. The unamended motion was then carried with no dissenting votes.

ARTS AND CULTURE COMMITTEE - City Logo Proposal

A recommendation from the Arts and Culture Committee, regarding the adoption of a new City logo, was read. It was moved by Commissioner Schneider and supported by Commissioner Cihak to not accept the recommendation of the Committee. After brief discussion, it was moved by Commissioner Cihak, supported by Mayor Sciotto, and carried to postpone action on this motion until the next regular meeting.

GENERAL APPROPRIATIONS ACT - Amendment

A report and recommendation from the City Manager, regarding an amendment to the 1991-92 General Appropriations Act, was read. It was moved by Commissioner Coyne, supported by Commissioner Schneider, and carried to suspend the rules and accept the recommendation of the Finance Director to adopt the amended General Appropriations Act as follows:

Amended General Appropriations Act

June 29, 1992

For the Fiscal Period Beginning July 1, 1991

and Ending June 30, 1992

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 1991-1992 was prepared and submitted by the City Manager to the City Commission on April 15, 1991; and April 29, 1991; 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 13, 1991;

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, 1991, 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	\$ 3,758,646.00
Licenses & Permits	9,360.00
Federal Grants	38,185.00
State Grants/Shared Revenues	1,871,225.00
Contributions from Local Units	24,270.00
Charges for Services	2,623,106.00

Fines & Forfeits		
Interest and Rents		77,000.00
Other Revenues		1,472,326.00
Operating Transfers In		2,785,897.00
Transfer From Fund Balance		57,798.00
		1,428,091.00
TOTAL	\$	14,145,904.00

General Fund Expenditures by Function:		
Legislative	\$	38,150.00
General Government		1,316,041.00
Public Safety		2,590,354.00
Public Works		3,313,067.00
Health & Welfare		144,715.00
Recreation & Culture		1,308,266.00
Other Functions		1,735,657.00
Appropriations Transfers Out		3,699,654.00
Contingencies		-0-
TOTAL	\$	14,145,904.00

Major Street & Trunkline Fund Revenue by Source:		
State Grants	\$	858,375.00
Interest		12,915.00
Other Revenues		100.00
Operating Transfers In		2,214,269.00
TOTAL	\$	3,085,659.00

Major Street & Trunkline Fund Expenditures by Function:		
Public Works		2,735,941.00
Debt Service		349,718.00
TOTAL	\$	3,085,659.00

Local Street Fund Revenue by Source:		
State Grants		245,810.00
Interest		2,066.00
Other Revenues		-0-
Operating Transfers In		1,394,290.00
Fund Balance Carried Forward		65,000.00
TOTAL	\$	1,707,166.00

Local Street Fund Expenditures by Function:		
Public Works	\$	1,636,120.00
Debt Service		71,046.00
TOTAL	\$	1,707,166.00

Parking Fund Revenue by Source:		
Parking Fees	\$	82,000.00
Fines & Forfeits		65,500.00
Equity Transfer In		39,280.00

Parking Fund Expenditures by Function:

Contingencies	\$	106,848.00
Public Works		79,932.00
TOTAL	\$	186,780.00

Solid Waste Management Fund Revenue by Source:

Interest	\$	9,123.00
Fund Balance Carried Forward		233,175.00
TOTAL	\$	242,298.00

Solid Waste Management Fund Expenditures by Function:

Operating Transfer Out	\$	45,798.00
Contingencies		-0-
Solid Waste Operations		196,500.00
TOTAL	\$	242,298.00

Parking Structure Fund Revenue By Source:

Taxes	\$	58,850.00
Interest and Rents		70,150.00
Other Revenues		28,710.00
TOTAL	\$	157,710.00

Parking Structure Fund Expenditures By Function:

Public Works (Parking System)	\$	68,150.00
Appropriation Transfers Out (Bldg Auth Debt)		64,934.00
Reserves		24,626.00
TOTAL	\$	157,710.00

Infrastructure Improvement Fund Revenue by Source:

Transfer from Public Works Facility Construction Fund	\$	67,220.00
TOTAL	\$	67,220.00

Infrastructure Improvement Fund Expenditures:

Reserved for Capital Outlay	\$	67,220.00
TOTAL	\$	67,220.00

Library Fund Revenue by Source:

Taxes	\$	418,728.00
State & Federal Grants		41,194.00
Charges For Services		27,200.00
Fines & Forfeits	\$	65,900.00
Interest & Rents		18,700.00
Other Revenues		75,529.00

-Transfer From Fund Balance		8,785.00
00.00 Transfer From General Fund		46,815.00
00.00		
-0-		
	TOTAL \$	692,851.00
Library Fund Expenditures:		
	TOTAL \$	692,851.00
Criminal Justice Training Fund Revenue By Source:		
00.00 State Grants	\$	7,500.00
Transfer From Fund Balance		2,000.00
-0-		
-0-		
	TOTAL \$	9,500.00
Criminal Justice Training Fund Expenditures:	TOTAL \$	9,500.00
1991 Building Authority Debt Fund Revenue:		
Transfer From Construction Fund	\$	251,600.00
-0-		
	TOTAL \$	251,600.00
1991 Building Authority Debt Fund Expenditures:		
00.00 Debt Service	\$	251,600.00
	TOTAL \$	251,600.00
1984 Special Assessment Debt Fund Revenues:		
00.00 Interest & Fees	\$	28,489.00
Transfer From Fund Balance		30,815.00
00.00		
	TOTAL \$	59,304.00
1984 Special Assessment Debt Fund Expenditures:		
Special Assessments	\$	200.00
Debt Service		59,104.00
	TOTAL \$	59,304.00
1985 Building Authority Debt Fund Revenues:		
Interest	\$	15,957.00
Assessments Levied		19,483.00
Approp. Transfers In		64,934.00
Transfer From Fund Balance		6,221.00
00.00		
	TOTAL \$	106,595.00
1985 Building Authority Debt Fund Expenditures:		
Building Authority	\$	100.00
Principal On Bonds		50,000.00
Paying Agent Fees		760.00
Interest - Long Term Debt		55,735.00
00.00		
	TOTAL \$	106,595.00
River Park Sports Complex Fund Revenues:		

State Grants		\$ -0-
Contributions		1,100.00
Interest		5,800.00
Other Revenue		-0-
	TOTAL	\$ 6,900.00

River Park Sports Complex Fund Expenditures:

Capital Outlay	TOTAL	\$ 6,900.00
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Lower Harbor Marina Project Fund Revenues by Source:

State Grants	\$ -0-	
Operating Transfers-In	-0-	
Fund Balance Carried Forward	-0-	
	TOTAL	\$ -0-

Lower Harbor Marina Project Fund Expenditures:

Capital Outlay	TOTAL	\$ -0-
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Lower Harbor Property Acquisition & Development Fund Revenues by Source:

Contributions	TOTAL	\$ 7,276.00
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Lower Harbor Property Acquisition & Development Fund Expenditures:

Capital Outlay	TOTAL	\$ 7,276.00
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Neck of Presque Isle Fund Revenues:

	TOTAL	\$ 30,050.00
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Neck of Presque Isle Fund Expenditures:

	TOTAL	\$ 30,050.00
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Public Works Facility Construction Fund Revenues by Source:

State Grant	\$ -0-	
Fund Balance Carried Forward	-0-	
Bond Proceeds	5,200,000.00	
Interest	141,500.00	
	TOTAL	\$ 5,341,500.00

Public Works Facility Construction Fund Expenditures:

Transfer to Infrastructure Improv. Fund	\$ 67,220.00	
Transfer to Debt Fund	251,600.00	
Capital Outlay	4,641,780.00	
Reserve	380,900.00	
	TOTAL	\$ 5,341,500.00

River Park Complex Phase II Fund Revenues:

Taxes	\$ 3,130.00	
Interest	3,600.00	
	TOTAL	\$ 6,730.00

River Park Complex Phase II Fund Expenditures:

Contingencies	\$ 5,570.00
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Miscellaneous

1,160.00

TOTAL \$ 6,730.00

Intermodal Transportation Terminal Fund Revenue:

TOTAL \$ 150,700.00

Intermodal Transportation Terminal Fund Expenditures:

TOTAL \$ 150,700.00

Marquette Area Wastewater Treatment Facility Fund Revenue:

TOTAL \$ 1,105,388.00

Marquette Area Wastewater Treatment Facility Fund Expenditures:

TOTAL \$ 1,105,388.00

Water & Sewage Disposal System Fund Revenue:

TOTAL \$ 4,618,935.00

Water & Sewage Disposal System Fund Expenditures:

TOTAL \$ 4,618,935.00

Marina Fund Revenue:

TOTAL \$ 152,909.00

Marina Fund Expenditures:

TOTAL \$ 152,909.00

BE IT FURTHER RESOLVED, that this Commission has estimated the revenue which will be forthcoming during Fiscal Year 1991-92, and has determined the amount necessary to balance the General Fund budget to be the sum of \$3,758,646; and has determined the amount necessary to balance the Peter White Library budget to be the sum of \$418,728; 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 \$3,758,646; is hereby fixed as the amount to be raised by Real and Personal Taxes for the 1991-92 Fiscal Year for the General Fund (a millage rate of 12.53 mills); and the Sum of \$418,728; is hereby fixed as the amount to be raised by Real and Personal Property Taxes for the 1991-92 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.

CITY HALL EMPLOYEES - Collective Bargaining Agreement

A report and recommendation from the City Manager, regarding approval of a collective bargaining agreement with AFSCME Local 1852 Michigan Council 25 for the Marquette City Hall employees, was read. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Pinkard, and carried to suspend the rules and accept the recommendation of the City Manager and negotiating committee to ratify this agreement in it's entirety.

LAKEVIEW ARENA - Compressor Service Agreement

A recommendation from the Lakeview Arena Advisory Board, regarding a service agreement for compressor system at the Arena, was read. This item was referred to a second reading.

SHIRAS ZOO - Dismantling

A report and recommendation from the City Manager, regarding removal of the Shiras Zoo cages and site restoration, was read. Mayor Pro Tem Pinkard said the Zoo cages could be used as an animal rehabilitation center and asked administration to look into this. The item was referred to the next agenda for second reading.

WASHINGTON STREET ALLEY - Special Assessment Petition

A report and recommendation from the City Manager, regarding a petition for creation of a special assessment district to pave the alley north of Washington Street between Lincoln and Garfield, was read. This item was referred to the next agenda for second reading and a report from the City Engineer.

WATER ORDINANCE AMENDMENT

A recommendation from the City Attorney, regarding an amendment to the water ordinance, was read. The City Clerk was directed to set a public hearing on this ordinance for the next regular meeting.

WHETSTONE AND ORIANNA DRAINAGE DISTRICTS

Mayor Sciotto announced that this was the time set to discuss Commissioner Cihak's proposal for a work session on the Orianna and Whetstone Drainage Districts. Gary Dahlke, Tom Dunham, Bob Funk, Mike Bissonette, and David Weeks all supported a work session. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried to suspend the rules and establish a date for a work session on the Orianna and Whetstone Drainage Districts at 7:00 p.m. on Monday, July 6, 1992.

EXCEL CAMPAIGN

A communication from Ellwood Mattson, Honorary Chair of the EXCEL Campaign, regarding local match for a grant from the Small Business Administration, was read. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried to suspend the rules and to ask representatives of the EXCEL Campaign to present information on their request at the work session to be held with the Marquette County Economic Development Corporation.

DISCUSSION ITEMS

WHETSTONE DRAINAGE DISTRICT

A report and recommendation from the City Manager, regarding a request from the County Drain Commissioner for City Commission support for the Whetstone Drainage District, was read. Tom Dunham said the Drainage Districts were not legal. Mike Bissonette said the agenda had been changed. David Weeks said a special assessment is being used to fund a project of general community benefit. Gary Dahlke asked that action be deferred until after the work session. This item was referred to the next meeting for second reading.

ZONING VIOLATIONS AND PENALTIES

Commissioner Howes asked the City Attorney for an opinion on whether the zoning ordinance could be changed to allow the Board of Zoning Appeals to levy penalties for zoning violations. City Attorney Martin answered questions about the proposal. This item was referred to the Board of Zoning Appeals.

SIDEWALK POLICY

Mayor Sciotto announced this was the time set for discussion of the sidewalk policy. This item was referred to the next agenda.

CITY PARKS - Bathrooms and Drinking Fountains

Mayor Sciotto announced this was the time set for discussion of bathroom facilities and drinking fountains in City parks. Commissioner Schneider noted the report from Parks and Recreation Director Turausky identifying which parks have facilities. He said he had received complaints because the portable toilets are not placed out early enough in the year and suggested the City look into having them out for a longer season.

SIDEWALK REPAIR AND REPLACEMENT BIDS

A report and recommendation from the City Manager, regarding bids for sidewalk repair and replacement, was read. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Coyne, and carried to support the City Manager's recommendation and award the bid to P & M Contractors, Inc. at the unit prices bid. Mayor Pro Tem Pinkard discussed problems with previously installed concrete curbs and sidewalk.

CONSENT AGENDA

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

- A. Approve the minutes of the June 6, 1992 regular and closed meetings.
- B. Approve the total bills payable in the amount of \$650,756.65.
- C. Approve the request of the Marquette City Band for release of funds.
- D. Award a contract to Wolverine Door Service of Marquette for exterior doors at the Wastewater Treatment Plant.
- E. Award contracts to Midland Contracting of Bay City, Michigan and Payne and Dolan of Gladstone, Michigan for bituminous aggregate materials.
- F. Reject the bid for the demolition of 543 West Washington Street.
- G. Award a contract to Vanguard Meter Service, Inc. of Owensboro, Kentucky for large meter testing and repairs.
- H. Award a contract to Hydrodynamics of Waterford, Michigan for a wastewater pump.
- J. Adopt resolutions approving MERS pension upgrades for the Landfill Director and Supervisor as follows:

In accordance with Act 427, P.A. of 1984, as amended, the City of Marquette adopts the following benefits for the Landfill Director (Bargaining Unit #17).

Benefit Program:

From C-1 (Old) To: B-4
Effective Date: January 1, 1992
Additional Benefits: FAC-3
Effective Date: January 1, 1992

In accordance with Act 427, P.A. of 1984, as amended, the City of Marquette adopts the following benefits for the Landfill Supervisor (Steve Kotaniemi #1101 New Bargaining Unit #20).

Benefit Program:

From C-1 (Old) To: B-1
Effective Date: July 1, 1992
Additional Benefits: FAC-3
Effective Date: July 1, 1992

K. Adopt a resolution approving MERS pension enhancements for the Marquette Housing Commission Director as follows:

In accordance with Act 427, P.A. of 1984, as amended, the City of Marquette adopts the following benefits for the Public Housing Director (Bargaining Unit #18).

Benefit Program:

From: C-1 (Old) To: B-4
Effective Date: January 1, 1993
Additional Benefits: FAC-3
Effective Date: January 1, 1993

L. The receipt of a letter to the City Commission from the Michigan Liquor Control Commission regarding the denial of a liquor license transfer at 910 Wright St.

APPOINTMENTS AND RESIGNATIONS

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

MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY: Leonard R. Parker to a term expiring July 1, 1994.

ARTS AND CULTURE COMMITTEE: Reappointment of Rosemary Glenn, Patricia Hicks and Christine Johnson-Martin to new three-year terms expiring June 1, 1995. Appointment of Carl Tilli to a term expiring June 1, 1995, and Christian Hansen to a term expiring June 1, 1993.

HOSPITAL FINANCE AUTHORITY: Reappointment of William Weaver to a term expiring July 13, 1997.

Mayor Sciotto also noted the resignations of Jim Kizer from the Marquette County Solid Waste Management Authority and Marion Lovewell from the Tree Committee. He thanked both of these gentlemen for their service to the City.

CITIZEN COMMENT

Mike Bissonette asked about maintenance of the drainage culverts on U.S. 41 and complained about his inability to get copies of the City Manager's weekly report.

SCHNEIDER

Commissioner Schneider referred to letters from Dan Vivian regarding handicapped access to the pavilion built next to the Island Store and from Glenda Robinson regarding the Crescent Street right of way next to Lake Superior. He asked that these items be put on the agenda for the next meeting. He also asked if the City could sell the property at the corner of Washington and McClellan which was sold to McDonald's.

HOWES

Commissioner Howes congratulated City Manager Iman on the settlement of two of the City's five union contracts. He noted a letter from Ken Hogg to the State Police Director regarding the speed limit on U.S. 41 South. He encouraged other letters of opposition.

CIHAK

Commissioner Cihak asked if the agenda for City Commission meetings could be published in the Mining Journal. He asked about the letter from Glenda Robinson. City Manager Iman said he had responded to that letter today. Commissioner Cihak asked if the City Manager and Attorney evaluations could be done at a special meeting of the Commission. Commissioner Coyne asked if this could be done at a closed session at 6:00 before a regular meeting.

PINKARD

Mayor Pro Tem Pinkard said drainage culvert maintenance is done as part of an assessment district. He noted a complaint about noisy cars on Third Street. City Attorney Martin answered questions about the noise ordinance.

CIHAK

Commissioner Cihak noted complaints about loud music in the Shiras Pool area.

SCIOTTO

Mayor Sciotto said roller bladers on Third Street are dangerous. He said he was glad to participate in the welcome for the Sports Fest last week, and of a meeting of rural mail carriers from Michigan. He also expressed pleasure at visiting Sally and Bill Birch's rehabilitated Dandelion Cottage.

CITY MANAGER IMAN

Mr. Iman noted a memo from Randy Britton regarding a crew under the direction of Lowell "Red" Jolin made up of Bernie Quayle, Ken Croschere, Les Croschere, Paul Duquette, and Mike Schmeltzer. In one 12-hour shift, this crew put down 49 tons of asphalt for street repairs. Mr. Iman said this was a very impressive job. Mr. Iman said that after complaints about the fog during the fireworks last year, the City has made arrangements to be sure the fireworks will be visible from all points where people are watching. He asked if the City Commissioners still want to receive the monthly financial statements. It was agreed that the statements could be kept on file and so noted in the City Manager's weekly report. Mr. Iman said that City Assessor Mark Clute has resigned to become the County Equalization Director in St. Joseph County and that Mr. Clute will be very difficult to replace. He noted a letter from the Board of Zoning Appeals to Mr. Clute complimenting him as a valuable employee.

RECESS
The Commission recessed to closed session at 11:01 p.m.

RECESS
The Commission recessed to closed session at 11:01 p.m.

ADJOURNMENT

ADJOURNMENT
The Commission returned to open session at 11:53 p.m. and adjourned immediately.

Mayor

Mayor
Frank P. Sciotto

City Clerk

Norman L. Gruber, Jr.

June 29, 1992

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, July 13, 1992**

A regular meeting of the Marquette City Commission was duly called and held on Monday, July 13, 1992 at 7:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

AGENDA

It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried unanimously to remove item 14, going into closed session to discuss the City Manager and City Attorney evaluations, from the agenda.

PROCLAMATION - Loraine Dormer Day

WHEREAS, Loraine Dormer, a Marquette citizen, has been blind since she was a young child and has learned how to overcome her handicap successfully, and

WHEREAS, Loraine Dormer's accomplishments include social work and counselling people who are blind, visually impaired, or handicapped in some way, and she has been active in business enterprises in Marquette, and

WHEREAS, Loraine Dormer took part in Community Theatre musicals, the Choral Society, music in church, and was organist at St. John's Catholic Church, and shares her talents in many ways.

WHEREAS, Loraine Dormer travelled all alone to Europe and took a tandem bike trip to Montreal with her sighted son Douglas, and

WHEREAS, Loraine Dormer is now the Executive Director of the Way UP Center for Independent Living, a non-profit agency located at 419 West Washington Street, which was founded to give more independence and dignity to people needing help due to blindness, visual impairment, or other handicaps,

NOW, THEREFORE, I, Frank P. Sciotto, Mayor of the City of Marquette, Michigan, do hereby proclaim Thursday, July 2, 1992 as Loraine Dormer Day in the City of Marquette, and do urge all citizens of Marquette to join with me in honoring her.

After the City Clerk read the proclamation, Mayor Sciotto stepped to the podium and presented a copy of the proclamation to Mrs. Dormer who thanked him for the recognition.

PUBLIC HEARING - Water Ordinance Amendment

The recommendation from the City Attorney was read. Three people asked questions about the proposed ordinance and said it should not be adopted without further review. The hearing was closed. It was moved by

Commissioner Coyne and supported by Commissioner Coffey to accept the recommendation of the City Attorney and approve the ordinance amendment as presented. Following discussion during which Commissioner Coffey presented a historical perspective on this ordinance, it was moved by Commissioner Schneider and supported by Commissioner Cihak to exclude sections 56.42 and 56.43 from the ordinance. Following lengthy discussion during which City Manager Iman answered questions, the following vote was taken:

Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Howes.

Nays: Mayor Pro Tem Pinkard. Commissioners Cihak, Schneider.

The amendment was defeated.

The vote on the original motion was:

Ayes: Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

Nays: Mayor Sciotto. Commissioners Cihak, Schneider.

The motion was carried.

Ordinance #436 was adopted as follows:

AN ORDINANCE TO AMEND TITLE VII, CHAPTER 56, TO PROVIDE A BASIS FOR SPECIAL ASSESSMENT OF WATER MAINS IN THOSE SECTIONS OF THE CITY WHICH ARE NOT PRESENTLY SERVED BY WATER MAINS AND WHICH WERE NOT PREVIOUSLY INCLUDED IN A SPECIAL ASSESSMENT DISTRICT.

CITIZEN COMMENT

The following people requested time to speak on the designated agenda items: Item 3 - Dennis Havican and Mary Malloy, Item 4 - Eugene Menapace and Dennis Havican, Item 5 - Stan Wright, Item 6 - Mick Vonck, Item 7 - Gary Dahlke, Tom Dunham, Mike Bissonette, Richard Mick, and Dennis Weeks, Item 10 - Mike Beaudry, Marianne Harbick, and Charles York. Mayor Sciotto said because of the many persons wishing to comment on agenda items, comments would be limited to five minutes for individuals or twelve minutes if representing a group. After being challenged by Commissioner Cihak and receiving comments about the inflexibility of this position, Mayor Sciotto withdrew his proposal.

SECOND READING

ADAMS STREET - Special Assessment Rolls

It was moved by Commissioner Coffey, supported by Mayor Pro Tem Pinkard, and carried unanimously to not re-read the report and recommendation on this item. Mary Malloy said the City should have to pay for all of the work being done on this project. Dennis Havican offered to answer questions about his letter of protest. It was moved by Commissioner Coffey and supported by Mayor Pro Tem Pinkard to concur with the recommendation of the City Manager and to approve the resolution confirming special assessment rolls 525 and 528. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

Nays: Mayor Sciotto. Commissioners Cihak, Schneider.

The motion was carried.

The following resolutions were 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 rolls for the following improvements:

SPECIAL ASSESSMENT ROLL #525 - CURBING ON ADAMS STREET BETWEEN MESNARD AND BLEMHUBER

SPECIAL ASSESSMENT ROLL #528 - WATERMAIN ON ADAMS STREET BETWEEN MESNARD AND BLEMHUBER

and appointing this day and time when the City Commission and Assessor would meet to review said special assessment rolls 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 rolls and the assessments therein, have been heard and considered; and

WHEREAS, said special assessment rolls 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 rolls, to wit: Special Assessment Rolls 525 and 528 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 July 6, 1992; that all unpaid installments shall bear interest at the rate of 9.5% from August 6, 1992; 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.

ADAMS STREET - Sidewalk

Mayor Sciotto said this was time set for reconsideration of a postponed motion to build sidewalk on one side of Adams Street. Eugene Menapace and Mary Malloy said the sidewalks should be on the east side of the street. The Commission then proceeded to discuss the following motion which had been made on June 8: "It was moved by Commissioner Coffey and supported by Commissioner Cihak that sidewalks be installed on one side of Adams Street at City expense preferably on the west side". During discussion, Dennis Havican said he had no objection to sidewalk construction if the City would pay for it. Commissioners Coffey and Cihak concurred in removing the word "preferably" and adding to the motion "and on the east side in the 1200 block at Hurley Field". The motion was then carried unanimously.

CITY LOGO

Mayor Sciotto announced that this was the time set for consideration of a postponed motion regarding the proposed City logo. Rosemary Glenn, representing the Arts and Culture Committee, thanked the Commission for their support for the Detroit Symphony Orchestra Brass Quintet Program on July 21. She suggested alternatives for the logo such as using the former logo, using the new logo for limited purposes, or phasing in use of the new logo. Stan Wright said the selection process had not been a contest because artists objected to a contest. He said it should be conceived as a bid process. He objected to awarding first, second and third prizes. The motion from the last meeting which was to not accept the recommendation of the Arts and Culture Committee, was then withdrawn. It was moved by Commissioner Schneider, supported by Commissioner Howes, and carried unanimously to accept the recommendation of the Arts and Culture Committee to award a \$300.00 honorarium to the artist, to accept the logo as City property, and to prepare a contract assigning the copyright for the logo to the City. It was then moved by Commissioner Coffey and supported by Mayor Sciotto to change the color of the logo to blue and to adopt it as the City logo when it is financially feasible, based on the present supply of decals and other logo material. The following vote was taken:

Ayes: Mayor Sciotto, Commissioners Coffey, Coyne.

Nays: Mayor Pro Tem Pinkard. Commissioners Cihak, Howes, Schneider.

The motion was defeated.

Mayor Sciotto thanked the Arts and Culture Committee for their work on the logo selection process.

LAKEVIEW ARENA - Compressor Maintenance Contract

It was moved by Commissioner Coyne, supported by Commissioner Cihak, and carried unanimously to accept the recommendation of the Lakeview Arena Advisory Board and to award a compressor service agreement to Carrier Building Systems.

WHETSTONE DRAINAGE DISTRICT

Commissioner Howes said after 13 years of effort no progress has been made on the Whetstone Drainage District. He said something should be done and suggested working with the County to develop a County-wide drainage ordinance so the people involved would have more input and control over the process. City Attorney Martin answered questions about the effect of such an ordinance and whether governmental units could be assessed for street right-of-way under such an ordinance. Gary Dahlke asked questions about Orianna Brook and said the City should do everything to delay this project until the questions are answered. Tom Dunham said the petitions were illegal and should be withdrawn. He played a tape recording of a telephone conversation with Representative Jacobetti's office. Mike Bissonette presented his interpretation of a lawsuit regarding withdrawal of petitions. Richard Mick asked for the City Manager's comments on his understanding of what Representative Jacobetti's office had said over the phone. David Weeks commented on the drainage districts. It was moved by Commissioner Howes, supported by Commissioner Schneider, and carried unanimously that the City explore with the County and/or Township the possibility of developing a drainage ordinance and/or district. Following further discussion, it was moved by Commissioner Coyne and supported by Commissioner Cihak that the City Commission proceed with the writing of a storm water management plan to be incorporated into the long range

strategic plan of the City and to be followed by a storm water management ordinance. The following vote was taken:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coyne, Howes, Schneider.

Nay: Commissioner Coffey.

The motion was carried.

It was then moved by Commissioner Cihak and supported by Commissioner Pinkard that the City Commission go on record to not support the Whetstone and Orianna Drainage Districts at the present time. During discussion, City Attorney Martin answered questions. The following vote was taken:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Howes, Schneider.

Nay: Commissioners Coffey, Coyne.

The motion was carried.

Mayor Sciotto called a ten-minute recess at 9:58 p.m.

SHIRAS ZOO CAGES

It was moved by Commissioner Cihak and supported by Commissioner Schneider that the City Commission not enter into a negotiated agreement with Preneau Construction to remove the zoo cages and instead to review other options. The following vote was taken:

Ayes: Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

Nay: Mayor Sciotto.

The motion was carried.

It was moved by Commissioner Coffey, supported by Commissioner Cihak, and carried unanimously to schedule a public hearing for the first meeting in August to get citizen input on use of the Shiras Zoo cages. It was then moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously to get a report and recommendation from the City administration on removing all cage materials except the stone work and wrought iron bars. Commissioner Cihak said there was no time table for this report.

FIRST READING

PUBLIC WORKS UNION - Labor Agreement

A report and recommendation from the City Manager, regarding a collective bargaining agreement with AFSCME Local #1852, the Department of Public Works Chapter, was read. It was moved by Commissioner Coyne, supported by Mayor Pro Tem Pinkard, and carried unanimously to suspend the rules and to accept the recommendation of the City Manager to ratify this agreement in its entirety.

HIRING PROCEDURES

This item was referred to the next meeting for second reading.

DISCUSSION ITEMS - U.P. Shortlines Static Railroad Display

Mike Beaudry and Charles York offered to answer questions about the proposed display of a locomotive, ore car, and caboose. Marianne Harbick said while the display is good, this is not a good location for it and gave several reasons. Mike Beaudry answered questions from the Commission at length. After discussion, it was moved by Commissioner Coyne and supported by Commissioner Coffey to go on record as affirming the previous decision.

to support the U.P. Shortlines Model Railroad Club in this issue. The following vote was taken:

Ayes: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Coffey, Coyne, Howes.

Nays: Commissioners Cihak, Schneider.

The motion was carried.

SIDEWALK POLICY

Mayor Sciotto announced this was the time set for discussion of the sidewalk policy. Mayor Pro Tem Pinkard said the decisions on Adams Street reaffirmed the adopted policy. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Coffey, and carried to direct management to provide background information on sidewalks.

CONSENT AGENDA

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

A. Approve the minutes of the June 29, 1992 City Commission meetings.

B. Approve the total bills payable in the amount of \$1,186,879.96.

C. Designate Mayor Sciotto as official voting delegate and Mayor Pro Tem Pinkard as alternate for the Michigan Municipal League Annual meeting.

D. Award contracts for the purchase of water treatment chemicals to the low bidders Hydrite Chemical Company, and VanWaters & Rogers, Inc.

E. Award a contract for water service lateral replacement to Premeau Construction, the low bidder meeting specifications.

F. Award a contract for miscellaneous street improvements and bituminous paving to Payne and Dolan, Inc.

APPOINTMENTS

Mayor Sciotto made the following appointments:

VILLAGE DEVELOPMENT COORDINATING COMMITTEE: Holly Aldrich for a term ending July 31, 1996 and the reappointment of David Lundquist to a term ending July 31, 1996.

Mayor Sciotto noted a letter from the Marquette Area Public Schools regarding a Marquette 2000 Task Force. He asked for a volunteer from the Commission to serve on this Task Force. Commissioner Coffey said he would attend the first meeting, but is willing to be replaced if another Commissioner wishes to serve.

CITIZEN COMMENT

Tom Dunham said the recording he had played earlier in the meeting was a record of a verbal report by Representative Jacobetti's office of a verbal opinion from the Attorney General's office.

PINKARD

Mayor Pro Tem Pinkard said the proposed Beautification Committee goals are good, but they should be sent to the City Commission in a formal communication. He noted a letter from High School principal Larry Lawless, regarding the good job done by the Police Department in school relations. He said the International Food Fest was successful and that there was

excellent cooperation between the City and park users. He asked if we have reinstituted the efficiency study on the landfill. City Manager Iman said he does not think it has been restarted but it is planned to start soon. Mayor Pro Tem Pinkard also asked about turn lanes on Washington Street at the intersection with Lakeshore Boulevard. Public Works Superintendent Lawry said there is bad sight distance to the left if cars are too far to the left. Mayor Pro Tem Pinkard said the fireworks had been fantastic and that he had been fortunate to be able to view the U.S.S. Boulder. He said the ship's visit to the City had been excellent for both members of the crew and the City.

CIHAK

Commissioner Cihak said tours of the Tilden Mine are now available and they are excellent tours. Interested people should contact local Chambers of Commerce. He said he had received a photo of walking trails at Presque Isle Park which indicate severe rutting being caused by mountain bikes. He asked what could be done. He said there are conflicting signs at the Presque Isle Marina docks about whether visitors are welcome or not. He asked about the sign near the Marina launch ramp parking lot which says "Joe's Park". City Manager Iman explained that this was a nice gesture for a gentlemen who spends a great deal of time helping people who use the launch ramp. Commissioner Cihak thanked Bresnan Communications for the new microphones which were in use this evening.

COFFEY

Commissioner Coffey said the fireworks on the Fourth of July had been good, however, the fireworks used by individuals both legal and illegal were very dangerous. He said he had talked to Representative Jacobetti's office about the speed limit on U.S. 41 South and received a report that the increase in the speed limit is temporarily on hold pending visits by both the head of the Department of Transportation and the head of the State Police this summer. He said the U.S.S. Boulder was great to visit. He commented that the Lambert encroachment solution did not deal with the location of the houses to be placed on vacant lots. He said not all material on the Center Street issue had been presented to the City Commission and that Center Street should have gone through. He said there would be no significant increase in traffic there.

COYNE

Commissioner Coyne said she had enjoyed all Fourth of July activities and the cruise on the U.S.S. Boulder. She asked what item 9a on the agenda this evening had been about. City Manager Iman said he had not received any information to distribute to the Commission. Commissioner Coyne said she had received citizen comment about the steps on the very steep sidewalk on East Ridge Street. She said a child had an accident on a bike on these steps and asked about a warning sign.

HOWES

Commissioner Howes offered his congratulations and thanks to the people responsible for the Food Fest and the fireworks. He also complimented a group of NMU students who are responsible for clean up of the Carp River

area and said that the base of the Mount Marquette Road has been cleaned up also. He said the new issue of the City's newsletter was very good.

SCHNEIDER

Commissioner Schneider asked about the letters from Dan Vivian and Glenda Robinson which he thought would be on the agenda this evening. City Manager Iman said the letters had been addressed to him and he had responded to them. He did not feel they should be placed on the agenda.

SCIOTTO

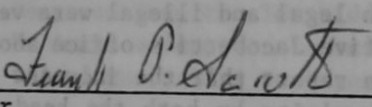
Mayor Sciotto expressed his thanks to Bresnan Communications for the new microphones. He noted previous comments about roller bladers and roller skates being dangerous on sidewalks and said bicycles on sidewalks in the downtown are dangerous also and are prohibited. He said he had seen an accident where bicycles ran into the side of a new car. He displayed placques from the U.S.S. Boulder and from the marine contingent on the Boulder. He said the City Commission would receive the Sister City Delegation from Yokaichi, Japan at a special meeting on August 3.

CITY MANAGER IMAN

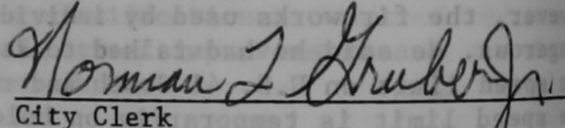
Mr. Iman said the financial statements for the City will be available for the Commissioners in a binder in the Commission Chambers. He said the County Road Commissioner has agreed to do some additional clean up work on East Avenue.

ADJOURNMENT

The meeting was adjourned at 11:25 p.m.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, July 22, 1992**

A special meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, July 22, 1992 in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

Mayor Sciotto said this was a special meeting and listed the five items on the agenda. It was moved by Commissioner Schneider and supported by Commissioner Pinkard that item 5, discussion and consideration of the City Attorney and City Manager's salary and benefits, be postponed to the next regular meeting. The following vote was taken:

Ayes: Commissioners Cihak, Schneider.

Nays: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

The motion was defeated.

EXCEL PROPOSAL

Chris Bohnak addressed the Commission in support of this proposal and answered several questions. It was moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously that the City Administration prepare a report and recommendation to be put on the next regular City Commission agenda.

ECONOMIC DEVELOPMENT CORPORATION

Mayor Sciotto announced that this was the time set for a presentation by Marquette County Economic Development Corporation. Steve Balbierz, representing the Corporation, spoke on the need for additional funding to keep the Corporation's programs going. He answered many questions. It was moved by Commissioner Howes, supported by Commissioner Coffey, and carried unanimously to direct the Administration to prepare a proposal as to how much could be done this year and how much could be done in the next fiscal year as well as for a two to three year period. Mary Lynn Markey, Administrative Aide for the Economic Development Corporation, answered questions on the rent the Corporation pays to the airport and on the Corporation's operations. Mr. Balbierz also answered several more questions. Mayor Sciotto asked for comments from other members of the Economic Development Corporation. Leonard Angeli, a member of the County Board of Commissioners, said he is an example of how well the EDC works because his business was developed with an EDC loan which has now been repaid. He said this could be a political common ground between the City, the Townships, and the County. Tony Kroncich, President of the County EDC, said he is also a member of the City Economic Development Corporation, which is not active now because the statutory reason for it's formation has been removed. He said there is \$7,000 to \$10,000 in the City EDC account. He gave examples of businesses which have been helped by the County EDC and answered questions. Don Potvin, a member of the County Board of Commissioners, explained why the airport charges rent. He said the City should take a leadership role because it stands to benefit the most from continuing activity of the County EDC. City Manager Iman answered questions

about the City's participation in this activity. Mayor Sciotto thanked the representatives of the EDC for their participation.

KAUFMAN FOUNDATION

Mayor Sciotto announced that this was the time and date set for discussion of a Kaufman Foundation proposal for City support of renovation of the Kaufman Auditorium. It was moved by Commissioner Coffey, supported by Commissioner Cihak, and carried unanimously to ask the administration for a report and recommendation within a reasonable time. City Manager Iman answered questions and made a verbal recommendation for a \$10,000 to \$15,000 appropriation from the contingency fund and a letter to explain that the City's budget cycle has been completed and that perhaps more money will be available in next year's budget.

CITIZEN COMMENT

It was moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried unanimously to move the citizen comment to this point on the agenda. Don Potvin said citizen comment should be moved to this point on the agenda permanently.

CLOSED SESSION

It was moved by Mayor Pro Tem Pinkard and supported by Commissioner Coyne to go into closed session to discuss the City Manager's and City Attorney's evaluations. The following vote was taken:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

Nays: Commissioner Cihak, Schneider.

The motion was carried.

The meeting was recessed to closed session at 9:12 p.m.

The Commission returned to open session at 10:30 p.m.

CITY MANAGER AND CITY ATTORNEY SALARIES AND BENEFITS

Mayor Sciotto said this is the time set to discuss the City Manager and City Attorney salary and benefits. He asked if the Commissioners had each read the evaluation papers prepared by the other Commissioners. It was moved by Mayor Pro Tem Pinkard and supported by Commissioner Coffey to increase the City Manager's salary to \$61,900 plus enhancement of his life insurance to whole life insurance equal in value to his salary. During lengthy discussion, Commissioners considered the fringe benefit packages for other City employees, salaries of other administrators in the area, and a number of other items. The following vote was taken:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey, Coyne, Howes.

Nays: Commissioners Cihak, Schneider.

The motion was carried.

It was then moved by Mayor Pro Tem Pinkard and supported by Commissioner Howes to increase the City Attorney's salary by 3.75%, to change his fringe to whole life insurance, and to make him eligible for the health insurance buyout which will be offered in the union contracts. After brief discussion, the following vote was taken:

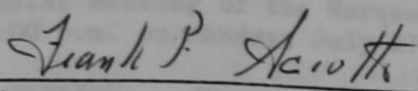
Ayes: Mayor Pro Tem Pinkard. Commissioners Cihak, Coyne, Schneider.

Nays: Mayor Sciotto. Commissioners Coffey, Howes.

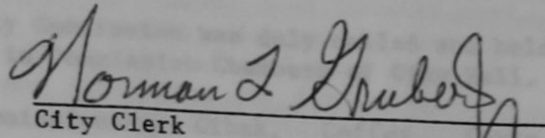
The motion was carried.

ADJOURNMENT

The meeting was adjourned at 11:28 p.m.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

It was moved by Commissioner Cihak, supported by Commissioner Schneider, and carried to suspend the absence of Mayor Pro Tem Richard and Commissioner Wayne.

It was moved by Commissioner Cihak, supported by Commissioner Cihak, and carried to hold a closed meeting at the end of the agenda on the High Road litigation. It was moved by Commissioner Schneider, supported by Commissioner Cihak, and carried to the item 10, scheduling a public hearing on the vacation of Summit Street, to the current agenda.

PROCLAMATION - Forget Me Not Days

Mayor Sciotto made the following proclamation:

WHEREAS the Disabled American Veterans is an organization which provides financial and other assistance to local veterans who are in dire need, and to the National United Veterans Organization; and

WHEREAS, Marquette Chapter 22 of the Disabled American Veterans will be conducting its local fund raiser on August 7 and 8, 1992 by selling Forget-Me-Not through out the Marquette area;

NOW THEREFORE, I, Frank P. Sciotto, Mayor of the City of Marquette do hereby proclaim Friday and Saturday, August 7 and 8, 1992 as Forget-Me-Not Days in Marquette, and do urge all Marquette citizens to support this most worthwhile activity.

PROCLAMATION - Yokaichi Week

Mayor Sciotto made the following proclamation:

WHEREAS, The City of Marquette, Michigan and the City of Yokaichi, of Shiga, Japan did on August 18, 1979 formally become Sister Cities for the purposes of developing long-term cultural and educational understandings and personal friendships; and,

WHEREAS, The people of Yokaichi have welcomed eight formal delegations of Marquette area citizens and several informal visitors and treated each to warm hospitality; and,

WHEREAS, The people of the Marquette area have welcomed seven formal delegations, two informal delegations and numerous informal visitors from Yokaichi and treated each to warm hospitality; and,

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, July 27, 1992**

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, July 27, 1992 in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto. Commissioners Cihak, Coffey, Coyne, Schneider.

ABSENT: Mayor Pro Tem Pinkard. Commissioner Howes.

It was moved by Commissioner Cihak, supported by Commissioner Schneider, and carried to excuse the absences of Mayor Pro Tem Pinkard and Commissioner Howes.

AGENDA

It was moved by Commissioner Cihak, supported by Commissioner Coyne, and carried to hold a closed meeting at the end of the agenda on the Mick pond litigation. It was moved by Commissioner Schneider, supported by Commissioner Cihak, and carried to add item 14h, scheduling a public hearing on the vacation of Summit Street, to the consent agenda.

PROCLAMATION - Forget Me Not Days

Mayor Sciotto made the following proclamation:

WHEREAS the Disabled American Veterans is an organization which provides financial and other assistance to local veterans who are in dire need, and to the National Blind Veterans Organization, and

WHEREAS, Marquette Chapter 22 of the Disabled American Veterans will be conducting it's local fund raiser on August 7 and 8, 1992 by selling Forget-Me-Nots through out the Marquette area,

NOW THEREFORE, I, Frank P. Sciotto, Mayor of the City of Marquette do hereby proclaim Friday and Saturday, August 7 and 8, 1992 as Forget-Me-Not Days in Marquette, and do urge all Marquette citizens to support this most worthwhile activity.

PROCLAMATION - Yokaichi Week

Mayor Sciotto made the following proclamation:

WHEREAS, The City of Marquette, Michigan and the City of Yokaichi, of Shiga, Japan did on August 13, 1979 formally become Sister Cities for the purposes of developing long-term cultural and educational understandings and personal friendships; and,

WHEREAS, The people of Yokaichi have welcomed eight formal delegations of Marquette area citizens and several informal visitors and treated each to warm hospitality; and,

WHEREAS, The people of the Marquette area have welcomed seven formal delegations, two informal delegations and numerous informal visitors from Yokaichi and treated each to warm hospitality; and,

WHEREAS, And in support of our Sister City relations, The Rotary Clubs and Chambers of Commerce and some of the schools of our two cities have entered into formal relationships, Northern Michigan University extends an annual scholarship to a student from Yokaichi, the Marquette Area Schools welcomes an annual visit of teachers from Shiga Prefecture, and the artists of our two cities have shared in several exchanges of their works; and,

WHEREAS, Over 1200 citizens of Marquette and Yokaichi have, since our program began, been involved as delegates or visitors to their Sister City, or as receiving host family members; and,

WHEREAS, These visits and relationships have led to increased cultural, educational and personal understandings and many personal friendships which the people of Marquette and Yokaichi wish to further expand; and,

WHEREAS, A delegation of Yokaichi citizens, led by Koichi Nakamura, Vice Mayor of Yokaichi, arrives in Marquette on July 31, 1992 to enjoy a week of our hospitality,

NOW, THEREFORE, I, Frank P. Sciotto, by virtue of the authority vested in me as Mayor of Marquette, do hereby proclaim July 31 to August 5, 1992 as Yokaichi Week in Marquette and extend to the delegates from Yokaichi the status of honorary citizens of Marquette. I, furthermore, encourage the citizens of our area to support and participate in our celebration of this visit and our expanding friendship with the people of Yokaichi.

Don Potvin presented a Japanese flag which he had obtained in Japan recently which can be flown in Marquette during the visit of the delegation from Yokaichi. Mayor Sciotto accepted it with his thanks.

PROCLAMATION - Breastfeeding Awareness Week

Mayor Sciotto made the following proclamation:

WHEREAS, the people of Marquette are deserving of good health throughout their lifetimes; and

WHEREAS, all available knowledge indicates that human milk optimally enhances the growth, development and well-being of the infant by providing the best possible nutrition, protection against specific infections and allergies, and the promotion of maternal and infant bonding; and

WHEREAS, breastfeeding has benefits for society through stronger family bonds, women's fulfillment of their aspirations for motherhood, and decreased health care costs for infants; and

WHEREAS, the incidence and duration of breastfeeding among women in the United States has steadily declined since 1984, especially among economically disadvantaged families; and

WHEREAS, breastfeeding has become an endangered practice due to social and economic pressures, misunderstandings of lactation management, and a decrease in available experienced breastfeeding mothers for help and support; and

WHEREAS, public and private health organizations support re-education of communities about the advantages of breastfeeding and the establishment of needed support systems to facilitate the initiation and continuation of breastfeeding as the normal and preferred infant feeding method;

NOW, THEREFORE, I, Frank P. Sciotto, as Honorable Mayor of the City of Marquette, do hereby proclaim August 1 - 7, 1992, as

BREASTFEEDING AWARENESS WEEK

in the City of Marquette, Michigan, and urge all citizens to join me in supporting breastfeeding as a high priority for healthier babies in Marquette.

CITIZEN COMMENT

During the time set for citizens wishing to reserve time to comment on agenda items, William and Glenda Robinson asked to speak on item 15 and Bernard LaBonte on item 9. Commissioner Cihak said Mrs. Emmendorfer will be here to address item 15 and Commissioner Coyne said Michelle Butler will be here to address item 16.

SECOND READING

ALLEY PAVING

A report and recommendation from the City Manager, regarding paving of the alley north of the 700, 800, and 900 blocks of Washington Street, was read. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to concur with the City Manager's recommendation that a meeting of the property owners adjacent to the three block improvement area be called to explain the preliminary design, estimated costs, and special assessment process.

FIRST READING

FAIR AND BARAGA AVENUE - Reconstruction Projects

A report and recommendation from the City Manager, regarding agreements for construction engineering on the Fair Avenue and Baraga Avenue reconstruction projects, was read. It was moved by Commissioner Coyne, supported by Commissioner Sciotto, and carried to suspend the rules, to approve the construction engineering agreements with Sundberg, Carlson, and Associates, and to authorize the Mayor and City Clerk to execute them. During discussion, City Manager Iman and City Engineer Robert Haapala answered questions.

BARAGA AVENUE - Reconstruction

A report and recommendation from the City Manager, regarding a contract for the Baraga Avenue reconstruction project, was read. It was moved by Commissioner Coyne and supported by Commissioner Coffey to suspend the rules, to approve the City Manager's recommendation to award the contract to C. Oberstar Excavating of Marquette in the estimated amount of

\$211,885.85, and to authorize the Mayor and City Clerk to execute the documents. The following vote was taken:
Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Schneider.
Nays: Commissioner Cihak.
The motion was carried.

SUPERVISORY UNIT - Labor Contract

A report and recommendation from the City Manager, regarding a labor agreement between AFSCME Local 1852, the supervisory unit, and the City, was read. It was moved by Commissioner Coffey and supported by Commissioner Schneider to concur with the recommendation of the City Manager, to suspend the rules requiring a second reading, and to ratify the agreement in it's entirety. The following vote was taken:

Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Schneider.
Nay: Commissioner Cihak.
The motion was carried.

FIRE FIGHTERS UNION - Labor Contract

A report and recommendation from the City Manager, regarding ratification of a labor agreement between the City and the Firefighters Labor Union, was read. It was moved by Commissioner Coffey, supported by Mayor Sciotto and carried to concur with the recommendation of the City Administration, to suspend the rules requiring a second reading, and to ratify this agreement in it's entirety.

DEAD RIVER PARK - Drinking Fountain

A communication from the Telephone Pioneers of America, regarding a drinking fountain at the Dead River Park on Lakeshore Boulevard, was read. Bernard LaBonte addressed the Commission requesting support for this project. It was moved by Commissioner Coffey, supported by Commissioner Schneider, and carried to accept the recommendation to build the water fountain, to ask the Parks and Recreation Department to look for excess budgeted funds to pay for it, and if there are none, to take it from the contingency fund. During discussion, Parks and Recreation Director Turausky, City Manager Iman, and Public Works Superintendent Lawry answered questions.

HEIKKILA DRIVE - Vacation

A recommendation from the Planning Commission that portions of the Heikkila Drive right of way not be vacated, but to investigate the option of resolving the zoning violation be resolved by an easement, was read. It was moved by Commissioner Coffey and supported by Commissioner Schneider to suspend the rules and concur with the recommendation from the Planning Commission to explore the option of an easement. During discussion, Attorney Martin reported that one of the Planning Commission members had changed his position after receiving an opinion from his Attorney. He explained the option of vacating the street right of way with an agreement between the City and the property owner to transfer the right of way back to the City if it is ever needed. The following vote was taken:
Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Schneider.
Nays: Commissioner Cihak.
The motion was carried.

LAKEVIEW ARENA - Heating and Cooling System

A report and recommendation from the City Manager, regarding a contract for heating and cooling system improvements for portions of the Lakeview Arena, was read. This item was referred to the next meeting for second reading.

DISABILITY INSURANCE

A report and recommendation from the City Manager, regarding proposals for long term disability income insurance, was read. This item was referred to the next meeting for second reading.

CHARTER AMENDMENT

Mayor Sciotto announced this was the time set to discuss a proposed Charter amendment to elect the Mayor at large. It was moved by Commissioner Coffey, supported by Commissioner Cihak, and carried to refer this to the first meeting in September.

DISCUSSION ITEMS

Sidewalk Ordinance

Mayor Sciotto announced this was the time set for discussion of a proposed amendment to the sidewalk ordinance. This item was postponed to the next meeting.

CRESCENT STREET

Mayor Sciotto announced that this was the time set to discuss the Crescent Street right of way east of Lakeshore Boulevard. William Robinson objected to the present appearance of the Crescent Street right of way as private property. He suggested that one of the barrier posts be removed and a path to the beach be installed. Glenda Robinson read a letter she had sent to the City Manager objecting to the appearance that the street right of way was the Emmendorfer's private property. Dan Emmendorfer explained the series of actions taken by him and the City which caused the appearance that the right of way is not open to the public. Chris Emmendorfer said that they had not taken any actions in regard to the City right of way without approval of the City administration. She said they were trying to improve the appearance of an eyesore. She said the right of way could not be used for access to the beach because of a big tree at the end of the right of way and there are many other ways to get to the beach. Commissioner Schneider said people are concerned over the appearance that this is no longer City property. He said the posts were placed to keep vehicles off the beach and that the cedar trees were planted at the direction of the arborist. He said he felt people perceived the right of way was no longer the City's. Commissioners discussed the item extensively.

PRESQUE ISLE PARK - Store

Mayor Sciotto announced that this was the time set for discussion of the pavilion next the Island Store at Presque Isle Park. Michelle Butler gave a history of how the pavilion had been sited and built. She said that a building permit was paid for but that there was confusion in that the City and Vango's were not notified of building code violations, only the contractor. She said she is working with John Turausky and the County Building Inspector to rectify the problems. Commissioner Schneider said people are concerned about Presque Isle Park because it is highly visible. He said we should be sure proper permits are obtained and followed.

FIRE STATION #2

Mayor Sciotto announced this was the time and date set to discuss the status of fire hall #2. Commissioner Cihak said there has been citizen comment and questions about the status of the fire station. City Manager Iman explained that due to complications of an improvement project, the fire hall has been closed since February. Fire Department Administrator Johnson explained how the project to repair the floor inside the building had taken so long. City Attorney Martin said he had spoken with John Wasmuth, who had set the Marquette fire insurance ratings. He said there would be no change in the rating resulting from fire hall #2 being closed either temporarily or permanently. Mayor Sciotto said the fire insurance rates are based on many things. City Manager Iman said that permanently closing the fire stations would be a City Commission policy decision, not an administrative decision. The Commission discussed response time briefly.

AGENDA FORMAT

Mayor Sciotto said that this was the time set to discuss the current agenda format. Commissioner Cihak said the agenda is not user-friendly, the people who come to speak have to wait until the end of the agenda, and this is not acceptable. Commissioner Coyne asked about people who had taken the trouble to be on the agenda having to wait while people who had not gone to that trouble speak before them. Commissioner Cihak suggested limiting the early comment and having both early and late public comment.

CONSENT AGENDA

City Clerk Gruber 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 the minutes of the July 13, 1992 meeting.
- B. Approve the total bills payable in the amount of \$443,551.66.
- C. Approve the transfer of a liquor license at 517 North Third Street to North Coast Food Service Corporation contingent upon final inspection prior to opening.
- D. Award a contract for design and construction of a cold storage warehouse to the low bidder, Associated Constructors in the amount of \$26,813.50.
- E. Adopt the corrected resolution confirming special assessment rolls 525 and 528.
- F. Concur with the Planning Commission and not abandon the option of connecting Center Street.
- G. Authorize the administration to negotiate with Marquette and Chocolay Townships for sale of excess wastewater treatment plant capacity.
- H. Schedule a public hearing on the vacation of Summit Street east of Presque Isle Avenue for the regular meeting on August 10, 1992.

APPOINTMENTS

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

LAKEVIEW ARENA ADVISORY BOARD: Chris Brooks and Joseph Cools to three year terms expiring August 1, 1995.

ELECTIONS BOARD: Reappointment of Howard Schweppe for a term expiring April 11, 1996.

CANVASS BOARD: Robert Toutant to a term expiring January 1, 1996.

PARKING/TRAFFIC ADVISORY COMMITTEE: Howard Schweppe for a term
expiring May 30, 1995.

CITIZEN COMMENT

Mike Bissonette read a letter from his committee. He said they are not a small minority within the proposed Whetstone Drainage District. Tom Dunham asked questions about the City's bidding procedures.

SCHNEIDER

Commissioner Schneider asked if the damage to the grass in the Ellwood A. Mattson Lower Harbor Park resulting from the International Food Fest would affect the Family Fest. Parks and Recreation Director Turausky said it would not.

COYNE

Commissioner Coyne wished all candidates good luck on the Primary Election Tuesday and urged all citizens to vote. She also urged everyone to attend the Family Fest.

COFFEY

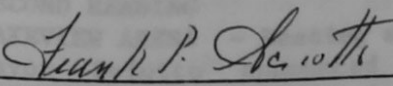
Commissioner Coffey said he had received complaints about the reseeding of the right of way on Presque Isle Avenue between Wright and Hawley Streets. He said that 98% of the plants are weeds. He said we are fortunate to have had a no smoking ordinance for a lot longer than other places. City Manager Iman said that the weeds on Presque Isle are a major problem. He said this area has been seeded twice by the contractor and that there needs to be weed maintenance by the property owners. He said the problems will be addressed.

CIHAK

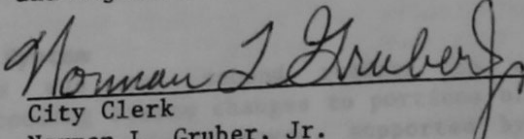
Commissioner Cihak asked if sodding would correct the weed problem on Presque Isle Avenue. City Engineer Haapala said the Public Works Advisory Board had looked at this in the past and that sod is very expensive and it dies if the property owners do not water it. Commissioner Cihak said the contractor should not be paid until the work is done right. He said at the May 26 meeting a motion had been passed to send a letter to the Drainage District objecting to the Whetstone Drainage District. City Manager Iman said the letter had been written. Mayor Sciotto said he had welcomed the Michigan Probate Judge's Convention this morning. He said he had also gone to a Baikal-Superior Connection meeting and received a painting of Lake Baikal. He read a letter of thanks from the Captain of the U.S.S. Boulder for the warm reception during their visit here.

RECESS

The Commission recessed to closed session at 10:07 p.m. The Commission returned to open meeting at 10:55 p.m. and adjourned immediately.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

July 27, 1992

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**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, August 10, 1992**

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, August 10, 1992 in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Cihak, Howes, Schneider.

ABSENT: Commissioners Coyne, Coffey.

It was moved by Commissioner Howes, supported by Commissioner Schneider, and carried to excuse the absences of Commissioners Coyne and Coffey as they are out of the City.

AGENDA

Mayor Sciotto removed item 10a from the consent agenda as the minutes had not yet been received. He then said Attorney Mikko will be here later to discuss the Mick lawsuit. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Schneider, and carried with no dissenting votes to go into closed session at the end of the meeting to discuss the Mick lawsuit. Commissioner Schneider asked that item 6 be changed to a first reading as opposed to first reading with immediate action. Mayor Sciotto concurred in this change. Commissioner Cihak asked that item 10d be removed from the consent agenda and be made item 9a. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Howes, and carried to approve the agenda as altered.

SUMMIT STREET - Vacation

Mayor Sciotto announced that this was the time and date set for a public hearing on the vacation of Summit Street east of Presque Isle Avenue. There being no one to address the Commission, the hearing was closed. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Howes, and carried to vacate Summit Street from the east line of Presque Isle Addition east to the east line of Ayre's Addition contingent upon transfer of ownership of the storm and sanitary sewer in that section of street to Northern Michigan University.

SHIRAS ZOO - Future Use

Mayor Sciotto announced that this was the time set for a public hearing on possible uses for the Shiras Zoo. A letter from Virginia A. Long was read. There being no one to address the Commission, the hearing was closed. City Manager Iman answered questions about potential uses for the zoo cages. There was no action taken.

CITIZEN COMMENT

Michael McCarthy, representing O.K. Auto Supply, asked to speak on item 7.

Mike Beaudry asked to speak on item 9a.

SECOND READING

LAKEVIEW ARENA - Heating and Cooling System

Mayor Sciotto announced that this was the second reading on a recommendation regarding heating and cooling system changes to portions of the Lakeview Arena. It was moved by Commissioner Howes, supported by

Commissioner Schneider, and carried to accept the recommendation of the City Manager, to award a contract to Dressler and Sons in the amount of \$25,795, and authorize the Mayor and City Clerk to execute the document.

LONG TERM DISABILITY INSURANCE

Mayor Sciotto announced that this was the time set for second reading on proposals for long term disability insurance. It was moved by Commissioner Cihak, supported by Mayor Pro Tem Pinkard, and carried to concur with the City Manager's recommendation and award a contract to Fordyce, Incorporated of Marquette, Michigan for long term disability insurance at the approximate annual amount of \$4,500.00.

FIRST READING

RIVER PARK SPORTS COMPLEX

A recommendation from citizens for better recreation, regarding the award of a phase II environmental site assessment for the River Park Sports Complex, was read. Parks and Recreation Director John Turausky answered questions about the proposal. It was moved by Commissioner Howes, supported by Mayor Sciotto, and carried to accept the recommendation, to suspend the rules and act on the first reading, and to award a contract for phase II site assessment work to Sundberg, Carlson, and Associates in the amount of \$9,775.00 contingent upon the concurrent approval of the appropriate DNR offices.

NORTHERN MICHIGAN UNIVERSITY - Property Exchange

A report and recommendation from the City Manager, regarding the exchange of property with Northern Michigan University, was read. Commissioner Schneider said he sees no need for urgency on this action. City Manager Iman said only a slight inconvenience to the University would result from waiting until the next meeting. John Beckwith, representing Northern Michigan University said they would have no problem with the delay. This item was referred to the next meeting for second reading.

FILTERS - Bids

A report and recommendation from the City Manager, regarding bids for oil, air, and fuel filters, was read. Mike McCarthy, representing O.K. Auto Supply, said they were the lowest bidder inside the City and questioned whether the filters on the low bid would meet specifications. Purchasing Officer Ron Cardone answered questions from the Commission. This item was referred to the next meeting for second reading.

MUNICIPAL SERVICE CENTER - Construction Contract

A report and recommendation from the City Manager, regarding the approval of change orders for the Municipal Service Center contract, was read. This item was referred to the next meeting for second reading.

DISCUSSION ITEMS

Sidewalk Ordinance Amendment

Mayor Pro Tem Pinkard asked that this item be moved to a meeting when all Commissioners will be present. Mayor Sciotto placed it on the agenda for the September 14 meeting.

RAILROAD STATIC DISPLAY

A report and recommendation from the City Manager, regarding an agreement with the Lake Superior and Ishpeming Railroad and the U.P. Shortlines Model Railroad Club for the static railroad display, was read. Mike Beaudry, representing the model railroad club, and City Manager Iman answered questions at length. It was moved by Commissioner Howes and supported by Mayor Pro Tem Pinkard to accept the recommendation, to approve the agreement as presented, and to authorize the Mayor and City Clerk to sign it. The following vote was taken:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Howes, Schneider.

Nay: Commissioner Cihak.

The motion was carried.

CONSENT AGENDA

The City Clerk presented the consent agenda. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Cihak, and carried to approve the consent agenda as follows:

B. Approve the total bills payable in the amount of \$1,210,315.98.

C. Cast a ballot for the six nominees to the Michigan Municipal Worker's Compensation Fund.

E. Schedule a public hearing on the vacation of portions of the Heikkala Drive right of way for the August 31 City Commission meeting.

APPOINTMENTS

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

PLANNING COMMISSION: Greg Seiple for a term expiring February 15, 1994.

ARTS AND CULTURE COMMITTEE: Mark Hefke to a term expiring June 1, 1993, Mary Sullivan to a term expiring June 1, 1994.

CITIZEN COMMENT

Mike Bissonette asked if the City Attorney has received the opinion from the Attorney General's office regarding the withdrawal of the drainage district petitions. He asked if the bids for construction of McClellan Avenue south of Grove Street are out yet and said he has not seen the letter from the City to the Drain Commissioner regarding withdrawal of the petitions. Richard Mick concurred with Mr. Bissonette and questioned the existence of the letter from the City. Mayor Sciotto asked which letter he was discussing. Mr. Mick said in May the City Commission had directed that the petition be withdrawn and if that was not legal, that a letter indicating the Commission's opposition to the drainage districts be sent to the Drain Commissioner. City Manager Iman said that it has not yet been determined by the Attorney General if it is legal for the City Commission to withdraw the petitions and that when the opinion is received from the Attorney General, the letter will or will not be written based on the opinion. He also noted that, at a Commission meeting subsequent to the one in May, the Commission had directed that a letter be sent to the Drain Commissioner informing him of the City's strong opposition to this drainage district and that this letter has been sent. Commissioner Cihak noted that the Drain Commissioner had apparently received notice of the City's opposition because the two hearings scheduled for June had been cancelled.

Tom Dunham asked what would happen if the Attorney General takes a neutral position regarding withdrawal of the petitions. He then asked if the City Commission has cut a deal with the Drain Commissioner to keep the land occupied by the new municipal service center from paying a drainage assessment. He said there should be a study to see if the drainage district boundaries have been drawn to favor certain parties. Commissioner Howes asked if the municipal service center site had been removed from the district. City Manager Iman said he believed that the site was in the drainage district. Mayor Sciotto asked if we have received any communication from the Attorney General. City Attorney Martin said because the City could not directly request an opinion from the Attorney General, it was done through Representative Jacobetti's office and we have not received any notice from them of the Attorney General's opinion.

SCHNEIDER

Commissioner Schneider asked if the seating is going to be changed in the Kaufman Auditorium project to accommodate larger people. Mr. Iman said the present seats would be reconditioned but would not be changed.

HOWES

Commissioner Howes noted his concern over the dangers of jet skis in the Harbor. City Manager Iman said he has requested copies of ordinances from other cities on jet skis, that Chief Johnson is working on tighter enforcement of marina rules relating to jet skis, and the Coast Guard is working on more enforcement in the Harbor area. Commissioner Howes offered his congratulations to Public Works Superintendent Steve Lawry on his selection as the City's outstanding employee of the year. He also extended his congratulations to Public Works crews for their prompt storm cleanup.

CIHAK

Commissioner Cihak said there had been a meeting today on a possible County-wide drainage ordinance. He said the City administration should be represented at the next meeting. He said he will have material prepared regarding a change in the agenda format to allow citizen comment early in the meeting.

PINKARD

Mayor Pro Tem Pinkard said there should be public comment at the beginning of the meeting. He said he was disappointed that County Prosecuting Attorney Walker and Mr. Payant from that office were not interested in supporting a County drainage ordinance. He said we should see if other cities have such an ordinance. City Manager Iman said the County is taking the position that you cannot use a local ordinance to get around the State Drain Law. Mayor Pro Tem Pinkard asked questions about special parking permits for people who are working on buildings in the downtown area. He said there are apparently no people interested in purchasing the old public works building and asked if we could not sell it, if it could become part of the Tourist Park, or if the large building could be used as an unheated ice rink. He said he has received comments that there are not enough ice sheets in the City and an unheated ice rink would help to solve this problem.

SCIOTTO

Mayor Sciotto reported on the meeting at the Courthouse regarding a drainage ordinance. He said we could not adopt a soil erosion ordinance to take the place of the County drain law. He said the County has set up an Ad Hoc Committee to investigate this matter and that the Ad Hoc Committee has set up subcommittees which will study various aspects of the issue and report back. He said this process may take a long time. He said he had presented a welcoming address to the Vietnam Veterans at the opening ceremonies for "The Moving Wall" display. He said he was proud to have been asked to participate in this ceremony. He asked if there was any interest in exchanging visits with the Sault Ste. Marie City Commission next year. Commissioner Cihak said he would prefer Ludington. Mayor Sciotto asked about the policy for assigning addresses on corner lots. City Planner Gruber said the property number ordinance does not specify that the address must be on the street which the building faces, and that his policy is to allow the owner to choose an address on either street. Mayor Sciotto also noted a call regarding the status of the bocce ball court. Parks and Recreation Director Turausky said there had been only two uses of the equipment for bocce ball last year and two this year. Mayor Sciotto said the base of the court is poorly built and it should be rebuilt to encourage it's use.

CITY MANAGER IMAN

Mr. Iman said that Sault Ste. Marie has asked us to consider exchanging with them during Mayor Exchange Week and that they need to know by the beginning of September. The consensus was that we did not want to exchange with them. Mr. Iman offered his congratulations to Public Works Superintendent Lawry for receipt of the "Employee of the Year" award.

RECESS

The meeting was recessed to closed session at 8:51 p.m.

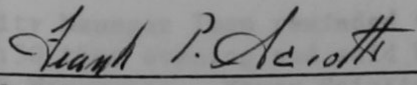
The Commission returned to open session at 9:38 p.m.

MICK LAWSUIT

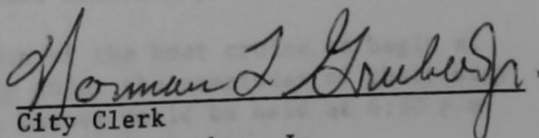
It was moved by Commissioner Cihak, supported by Commissioner Howes, and carried to pursue the settlement of the Mick Pond lawsuit through our legal representatives as was discussed in closed session.

ADJOURNED

The meeting was adjourned at 9:39 p.m.



Mayor
Frank P. Sciotto



City Clerk
Norman L. Gruber, Jr.

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, August 3, 1992

A special meeting of the Marquette City Commission was duly called and held on Monday, August 3, 1992 at 5:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Pinkard, Commissioners Cihak, Coffey, Coyne, Howes, Schneider.

ABSENT: None.

Mayor Sciotto announced that this meeting will be a ceremonial celebration to welcome and honor the Delegation from our Sister City of Yokaichi, Japan. Mayor Sciotto welcomed the Delegates to the City of Marquette and read a letter he received from the Mayor of Yokaichi. He then called upon Dr. Pryse Duerfeldt, Director of Yokaichi Sister City Relations, to introduce the Delegation. The members of the Delegation were introduced along with their host families and translators. Mayor Sciotto then introduced members of the Commission and staff members.

Mayor Sciotto, with the assistance of Commissioners, City Manager Dale Iman, and Assistant Manager Dan Smith, presented unwrapped gifts to each member of the Delegation. Dr. Duerfeldt described each of these gifts.

Yokaichi Vice-Mayor Nakamura then extended greetings from Yokaichi Mayor Usaburo Mochida.

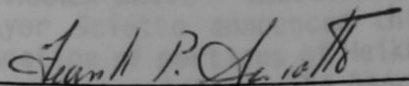
Yokaichi City Commissioner Masaru Kobayashi then presented a speech (in English) about the Sister City Relationship and thanking the Commission for the gifts.

Yokaichi Vice-Mayor Nakamura then presented a gift from Yokaichi to the City of Marquette and gifts to the Commissioners and members of the dias. Vice-Mayor Nakamura and Mayor Sciotto then exchanged personal gifts. Mayor Sciotto introduced his wife, Joan, and she was also presented with a gift. Vice-Mayor Nakamura also presented a gift to Mayor Pro Tem Pinkard.

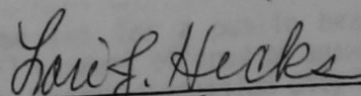
Commissioners gave thanks for the gifts and extended their appreciation to the Delegation for their visit. Mayor Sciotto gave thanks to the host families for their participation. The City Commission then gave Dr. Pryse Duerfeldt a large note of appreciation for the time and effort he has put into the Sister City Program over the past thirteen years.

City Manager Iman reminded the Delegation of the boat cruise to begin at 8:30 that evening and said he hopes they enjoy the remainder of their stay in Marquette. Mayor Sciotto noted that dinner would be held at 6:30 p.m. at the Ramada Inn.

The meeting was adjourned at 6:15 p.m.



Mayor
Frank P. Sciotto



Deputy City Clerk
Lori J. Hicks

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, August 3, 1992

A special meeting of the Marquette City Commission was duly called and held on Monday, August 3, 1992 at 5:00 p.m. in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto, Mayor Pro Tem Rickard, Commissioners Elbak, Coffey, Coyne, Hovess, Schneider.

ABSENT: None.

Mayor Sciotto announced that this meeting will be a ceremonial celebration to welcome and honor the Delegation from our Sister City of Yokohama, Japan. Mayor Sciotto welcomed the Delegation to the City of Marquette and read a letter he received from the Mayor of Yokohama. He then called upon Dr. Fyvie Buerfeldt, Director of Yokohama Sister City Relations, to introduce the Delegation. The members of the Delegation were introduced along with their host families and translators. Mayor Sciotto then introduced members of the Commission and staff members.

Mayor Sciotto, with the assistance of Commissioners, City Manager Dale Iann, and Assistant Manager Dan Smith, presented wrapped gifts to each member of the Delegation. Dr. Buerfeldt described each of these gifts.

Yokohama Vice-Mayor Nakamura then extended greetings from Yokohama Mayor Masahiro Nochioka.

Yokohama City Commissioner Masaru Kobayashi then presented a speech (in English) about the Sister City Relationship and thanking the Commission for the gifts.

Yokohama Vice-Mayor Nakamura then presented a gift from Yokohama to the City of Marquette and gifts to the Commissioners and members of the staff. Vice-Mayor Nakamura and Mayor Sciotto then exchanged personal gifts. Mayor Sciotto introduced his wife, Joan, and she was also presented with a gift. Vice-Mayor Nakamura also presented a gift to Mayor Pro Tem Rickard.

Commissioners gave thanks for the gifts and extended their appreciation to the Delegation for their visit. Mayor Sciotto gave thanks to the host families for their participation. The City Commission then gave Dr. Fyvie Buerfeldt a large note of appreciation for the time and effort he has put into the Sister City Program over the past thirteen years.

City Manager Iann reminded the Delegation of the host cruise to begin at 8:30 that evening and said he hopes they enjoy the remainder of their stay in Marquette. Mayor Sciotto noted that dinner would be held at 6:30 p.m. at the Ramada Inn.

The meeting was adjourned at 6:15 p.m.

Deputy City Clerk
Lori J. Hicks

Mayor
Frank P. Sciotto

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY COMMISSION
Monday, August 31, 1992

A regular meeting of the Marquette City Commission was duly called and held at 7:00 p.m. on Monday, August 31, 1992 in Commission Chambers of City Hall.

PRESENT: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coffey,
Coyne, Howes, Schneider.
ABSENT: Commissioners Cihak.

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

EXEMPLARY CITIZEN AWARD - Sally and Bill Birch

Mayor Sciotto read a statement recognizing Sally and Bill Birch for their efforts in preserving Dandelion Cottage, a historic landmark in the City of Marquette. He then stepped to the podium and presented the Birch's with two gold Exemplary Citizen Award pins. The Birch's responded saying that they really love Marquette and are happy to have been able to preserve part of it.

PROCLAMATION - Alzheimer's Memory Walk Day

Mayor Sciotto made the following proclamation:

WHEREAS the Alzheimer's Association is a national, non-profit organization which is dedicated to research for the prevention, cure, and treatment of Alzheimer's disease and related disorders, and to providing support and assistance to afflicted patients and their families, and

WHEREAS the Marquette-Alger Chapter of the Alzheimer's Association was formed in January of 1986 to fulfill the local chapter function of providing support for patients and their families through education, research, advocacy, and respite time, and

WHEREAS the Marquette-Alger Chapter has provided money for respite care, and for construction of the Angel House, a home for Alzheimer's patients, and

WHEREAS the Marquette-Alger Chapter will hold its major fundraiser, the second Annual **Memory Walk** beginning at 10:00 a. m. on Saturday, September 12, 1992,

NOW THEREFORE I, Frank P. Sciotto, Mayor of the City of Marquette, Michigan do hereby proclaim Saturday, September 12, 1992 at **ALZHEIMER'S MEMORY WALK DAY** in the City of Marquette, and do urge all Marquette Citizen to support this fund raising effort.

HEIKKALA DRIVE - Vacation

Mayor Sciotto announced this was the time set for a public hearing on the vacation of portions of Heikkala Drive. Bill Lambert offered to answer questions about his petition. The hearing was closed. During discussion City Manager Iman

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and Attorney Martin answered questions. It was moved by Mayor Pro Tem Pinkard, supported by Commissioner Howes, and carried to accept the recommendation of the Planning Commission and to vacate portions of Heikkala Drive as follows:

- a) between the side lot lines extended and for a distance of nine feet at 1843 Heikkala (lot 15, Bartelli's Subdivision), and
- b) between the side lot lines extended and for a distance of 11.3 feet at 1853 Heikkala (lot 17, Bartelli's Subdivision),

with the condition that the City reserve on both vacated parcels an easement for all public purposes, and that the City reserve the right to repurchase this right of way at any future time for one dollar.

CITIZEN COMMENT

Tom Dunham asked to speak on items 6, 11, 12, and 15. Pete Milakovich and Chuck Esp asked to speak on item 5 and Jan Samar asked to speak on item 9.

SECOND READING

NORTHERN MICHIGAN UNIVERSITY - Land Exchange
Mayor Sciotto announced that this was the time set for a second reading on a proposed land exchange with Northern Michigan University. It was moved by Commissioner Coyne, supported by Commissioner Coffey, and carried to concur with the recommendation of the City Manager and to exchange a portion of the former Dead River Spur railroad right of way for University property to be used as bike path right of way.

FILTER BIDS

Mayor Sciotto announced that this was the time set for a second reading on the award of fuel, oil, and air filter bids. Pete Milakovich, representing O.K. Auto Supply, said they employ 50 people in Marquette County and 120 in the Upper Peninsula, that they have four outlets in the County, including one in Marquette, and that they pay for City taxes and utilities. He said there is only a \$20.00 difference between their bid and the low bid and this represents one-third of one percent. He said they helped pay the Washington Street special assessment and had this contract with the City last year so already have inventory in stock. Chuck Esp, representing NAPA Auto Parts, said they are a new business with seven employees and they were the low bid because they tried hard to be low. It was moved by Commissioner Coffey and supported by Commissioner Coyne to accept the recommendation of the administration and to award this bid to the lowest bidder, NAPA Auto Parts. After discussion, the following vote was taken:

Ayes: Mayor Sciotto. Commissioners Coffey, Coyne, Schneider.

Nays: Mayor Pro Tem Pinkard. Commissioner Howes.

The motion was carried.

MUNICIPAL SERVICE CENTER - Change Orders

Mayor Sciotto announced that this was the time set for second reading on the approval of change orders for the municipal service center construction contract. It was moved by Commissioner Pinkard, supported by Commissioner Howes, and carried to approve change orders #1, #2, and #4 through #14 to the municipal service center contract with DeVere Construction Company. During discussion, Public Works Superintendent Lawry answered questions about the proposed change orders.

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ECONOMIC DEVELOPMENT CORPORATION - Funding Proposal

A report and recommendation from the City Manager, regarding support for the Marquette County Economic Development Corporation, was read. It was moved by Commissioner Pinkard, supported by Commissioner Howes, and carried to appropriate \$21,000 from the Executive Department's salary and wages line item with the following contingencies:

- A. That the City's share be based on a formula that uses quantifiable data as a basis for spreading the assessment.
- B. That the City be given voting representation on the Board of Directors, and
- C. That a satisfactory level of participation by other jurisdictions is committed to funding the EDC.

During discussion, Mari Lynn Markey, Acting Executive Director of the EDC, answered questions.

KAUFMAN ENDOWMENT FUND

Mayor Sciotto announced that this was the time set for a second reading on a request for financial support for the Kaufman Auditorium Project. It was moved by Commissioner Coyne and supported by Mayor Pro Tem Pinkard to support the recommendation of the City Manager and to appropriate \$15,000 from the contingency line item in the 1992-93 budget towards the Kaufman Auditorium Project, to request that this contribution be earmarked for the elimination of barriers to the physically disabled, to support funding the remainder of the disabled accessibility contract in the fiscal year 1993-94 budget with a maximum contribution not to exceed \$25,000, and to authorize the Mayor and City Clerk to enter into a contract which in return for the contribution would require a minimum of three community events to be held in the facility for the next five years. It was moved by Commissioner Coffey and supported by Commissioner Schneider to change the \$15,000 appropriation to \$10,000 and to consider a request for the remainder in the next fiscal year. After discussion regarding when the construction would take place, the vote on the amendment was:

Ayes: Commissioner Coffey.

Nays: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coyne, Howes, Schneider.

The amendment was defeated.

The motion was then carried with no dissenting votes.

EXCEL PROGRAM SUPPORT

Mayor Sciotto announced this was the time set for the second reading on a request for support for the Excel Program. The report and recommendation from the City Manager was read. Jan Samar asked for support for this program. It was moved by Commissioner Coyne, supported by Mayor Sciotto, and carried that the City Commission contribute \$1,000 from the contingency fund for the local match requirement of \$15,000 and to authorize the Mayor and City Clerk to enter into an agreement whereby at least one women's business training and counseling workshop be conducted during the next twelve months by Excel.

FIRST READING

MCCLELLAN AVENUE - Construction Agreement

A report and recommendation from the City Manager, regarding an agreement with

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the Marquette Area Public Schools for a construction contract for McClellan Avenue and school site work, was read. It was moved by Commissioner Howes, supported by Commissioner Coffey, and carried to accept the recommendation of the City Manager, to suspend the rules for a second reading, to approve the agreement, and to authorize the Mayor and Clerk to execute the same.

MCCLELLAN AVENUE - Construction Engineering Contract

A report and recommendation from the City Manager, regarding an amendment to the construction engineering agreement for the McClellan Avenue project, was read. Tom Dunham said the City is proceeding with this project without proper permits and that the City is a cheat. It was moved by Commissioner Coffey, supported by Commissioner Howes, and carried to concur with the recommendation, to suspend the rules requiring a second reading, to approve the amended engineering agreement with Sundberg, Carlson, and Associates, and to authorize the Mayor and City Clerk to execute it. During discussion, Mike Pond, representing Sundberg, Carlson, and Associates and City Manager Iman answered questions regarding permits required for this project. Mr. Iman said, although the wetland permit has not been issued, it is anticipated that the DNR will issue it before the end of September and that the City will not allow any work to take place in the wetlands until the permit is issued. He said the other permits required for the construction have been issued.

MCCLELLAN AVENUE - Construction Contract

A report and recommendation regarding the award of a contract for construction of school and McClellan Avenue site work was read. Tom Dunham asked for a copy of Mr. Iman's statement regarding permits in writing. It was moved by Commissioner Coffey, supported by Commissioner Howes, and carried to concur with the City Manager's recommendation, to suspend the rules requiring a second reading, and to award the contract to the lowest qualified bidder, A. Lindberg & Sons, at the unit prices bid in the estimated amount of \$1,599,184.32. During discussion, Mike Pond and City Manager Iman reiterated their statements that no work would be done without the appropriate permit for that work. Mr. Pond said the wetlands permit is scheduled to be issued on September 25 and that all work done before that permit is received would be school site work and would not be in the wetlands at all.

TREE INVENTORY - Grant

A report and recommendation from the City Manager, regarding approval of a grant application for a tree inventory, was read. It was moved by Commissioner Coffey, supported by Mayor Pro Tem Pinkard, and carried to concur with the City Manager's recommendation, to waive the rules for a first reading, and to authorize a grant application with matching funds to be taken from the major and local street fund planting program.

HURLEY FIELD - Sidewalk Construction

A report and recommendation from the City Manager, regarding the difficulty of constructing sidewalk around the bleachers at Hurley Field as part of the Adams Street reconstruction project, was read. It was moved by Mayor Pro Tem Pinkard, supported by Mayor Scotto, and carried to support the City Manager's recommendation, to suspend the rules requiring a second reading, and to rescind the action of July 13 so as to delete the sidewalk around Hurley Field. During discussion, Assistant City Engineer Mike Golisek answered

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questions about the difficulty of designing this sidewalk and the reasons for the high bid price.

RECESS

Mayor Sciotto called a five-minute recess at 9:23 p.m.

FIRST READING

AGENDA FORMAT

A report and recommendation from the City Manager, regarding a proposal to change the agenda format to allow public comment early in the meeting, was read. Mayor Sciotto ruled that at the next meeting the Commission will allow public comment at the beginning of the agenda with a time limit of not more than three minutes per person to be measured by a timing device. During discussion, it was agreed that the public comment section at the end of the agenda would remain. Commissioner Coffey raised a point of order. He said that public comment had been allowed at the beginning of the agenda format previously and that the City Commission had passed a motion to change the format and, therefore, the Mayor could not rule in opposition to that motion. He cited examples of previous abuses of public comment early in the meeting. During discussion, City Attorney Martin said this was a different Commission from the one that might have passed that motion, and for that reason, the motion would not be binding at this time. Commissioner Coffey also suggested holding the public comment section during a half hour period before the meeting starts. Mayor Sciotto said the revised format would be tried for three meetings.

MAYOR - Election at Large

A report and recommendation from the City Manager, regarding a proposal to elect the Mayor at large, was read. Commissioner Howes suggested that this was the time for a broader look at the Charter. He asked for a report and recommendation on the costs and procedures for doing this. Tom Dunham said City government is responsible to no one. He said he wants a full time Mayor and no City Manager. This item was referred to the next meeting for second reading.

COMPUTER EQUIPMENT - Bids

A report and recommendation from the City Manager, regarding a contract for the purchase of computer equipment, was read. This item was referred to the next meeting for second reading.

PARKS AND RECREATION MASTER PLAN - Contract

A report and recommendation from the Parks and Recreation Advisory Board, regarding the award of a contract for development of a five year master plan for the Parks and Recreation Department, was read. This item was referred to the next meeting for second reading.

COMPUTER SOFTWARE - Purchase

A report and recommendation from the City Manager, regarding the waiver of bid requirements for the purchase of computer software for the Police Department and Wastewater Treatment Plant, was read. This item was referred to the next meeting for second reading.

CONSENT AGENDA

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

- A. Approve the minutes of the open and closed July 22 special, and July 27 and August 10 regular Commission meetings.
- B. Approve the total bills payable in the amount of \$549,784.32.
- C. Schedule a work session to discuss water filtration for September 21, 1992 at 5:00 p.m.
- D. Approve a resolution authorizing pension enhancements for department heads and non-represented professional employees.
- E. Designate Donna Kohut as the delegate and Diane Giddens as the alternate to the MERS Annual Meeting.
- F. Approve the sale of recyclable metals to the high bidder, Greg Donath, Dubuque, Iowa for \$6,409.55.
- G. Award a contract for sealing and restriping the City Hall parking lot to Arnt Asphalt Sealing Company, Escanaba for \$3,381.66.
- H. Authorize the Mayor and City Clerk to enter into a law enforcement agreement with the Sault Ste. Marie Tribe of Chippewa Indians.
- I. Award a contract to General Pipe Service, Waukesha, Wisconsin in the amount of \$10,914.69 for sanitary sewer cleaning, televising, and root control.
- J. Award a contract to Bell Equipment Company, Troy, Michigan, for the purchase of a street sweeper/catch basin vacuum in the amount of \$108,355.00.

APPOINTMENTS

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

Tree Committee - Ben Niessen appointed to a three year term ending December 30, 1994

Marquette Housing Commission - Robert Laferty reappointed to a new five year term ending June 8, 1997

Parks and Recreation Advisory Board - Steve Naglekirk reappointed to a new three year term ending January 29, 1995

Marquette Area Wastewater Treatment Facility Advisory Board - Dan Smith and Rick Updike appointed to new three year terms ending June 8, 1995, and Thomas Griffith reappointed to a new three year term ending June 8, 1995.

Investment Advisory Committee - Michael Morgan appointed to a new three year term ending July 1, 1995, and John Jilbert reappointed to a new three year term ending July 1, 1995

Fire-Police Pension Board - Don Grisham reappointed to a new three year term ending July 1, 1995.

Mayor Sciotto noted that the appointment to the Fire/Police Retirement Board August 31, 1992

was being done at the recommendation of the board, not at his direction, so that there would be no conflict of interest. Mayor Sciotto also noted a request from the Department of Natural Resources for a nomination to the Little Presque Isle State Forest Recreation Area Advisory Committee. It was moved by Commissioner Coffey, supported by Commissioner Coyne, and carried to nominate Parks and Recreation Director John Turausky to that Committee.

CITIZEN COMMENT

Mary Malloy complained about the grade design of the Adams Street reconstruction project. She also said a curb had been moved to avoid a newly located fire hydrant and asked if the street was now too narrow. She asked why the project is taking so long to be completed. Tom Dunham said if the Catholic Church can withdraw a petition, why can't the City. He complained that the municipal service center wasn't in the Whetstone Drain. In response, Mayor Sciotto read a memorandum from City Manager Iman saying that the drainage of the municipal service center site has been altered by the construction activity there and that the remainder of the site will be added to the district at the hearing of determination.

PINKARD

Mayor Pro Tem Pinkard said it is extremely important that no work in the wetlands on McClellan Avenue takes place until the permit is received. He asked about the stockbroker fees for transactions done for the Police-Fire Retirement Board. Finance Director Donna Kohut said the present brokerage commission paid by the Board is less than a yearly contract would be. Mayor Pro Tem Pinkard also said the construction activity and repair of streets throughout the City looks very good. He is glad the City is not waiting for the streets to become badly deteriorated.

COFFEY

Commissioner Coffey said the repaving of Magnetic Street near the hospital was a very good idea. He asked if the City has emergency plans to avoid problems like the ones being experienced in Florida. He was particularly concerned about extremely heavy snowfalls. City Manager Iman and Police Lieutenant Henderson described the training and plan development process for the County and City emergency plans.

COYNE

Commissioner Coyne said the left turn from South Front Street onto the bypass has had very long lines this summer, sometimes backing up into the travel lanes. She asked if the left turn lane could be lengthened. City Manager Iman said the Traffic and Parking Advisory Committee has looked at this and that it would require major reconstruction. Commissioner Coyne asked about the low number of bids on items being purchased recently. Purchasing Agent Ron Cardone said it is a cyclic phenomenon which does not stem from any one cause. Commissioner Coyne said she appreciated the efforts being made to have agenda items ready for both readings. She asked the City Commission to consider holding a town meeting twice a year and said the City Manager is responsive to the public through the City Commission. She said she was happy about the repaving of Magnetic Street.

HOWES

Commissioner Howes said the condition of Magnetic Street is vastly improved. He said he likes the town meeting idea and that tomorrow the Board of Determination for the Whetstone Project will be meeting. He said we have asked for an Attorney General opinion on whether we can withdraw the petition but the opinion has not come yet. It was moved by Commissioner Howes and supported by Commissioner Pinkard to send a letter to the Board of Determination asking them to delay action until the opinion is received from the Attorney General. The following vote was taken:

Ayes: Mayor Sciotto. Mayor Pro Tem Pinkard. Commissioners Coyne,

Howes, Schneider.

Nay: Commissioner Coffey.

The motion was carried.

Commissioner Howes offered his congratulations to Officer Crowley who has been selected by the Kiwanis Club as Officer of the Year. He said an area Child Watch Program is being started. Lieutenant Henderson briefly described this program. Commissioner Howes also said generosity for Hurricane Andrew victims would be appreciated.

SCHNEIDER

Commissioner Schneider asked why a meter parking enforcement person who is not a City resident had been hired. Personnel Director Ron Cardone said he and Police Chief Johnson had agreed that the person hired was the best applicant and there is no residency requirement. Commissioner Schneider said he had received a complaint that there are no speed limit signs on Presque Isle Avenue between Hawley and Wright. He asked that in the fiscal effects sections of recommendations include the amount of money budgeted for expenditures as well as the bid amount. He said Mary Malloy's questions need to be answered and that he would like to know the answers also.

SCIOTTO

Mayor Sciotto said he had received a letter from the Mayor of Yokaichi thanking Marquette for the gifts presented to the delegation and to Yokaichi. They are on display in the City Hall in Yokaichi. He has responded in kind to this letter. Mayor Sciotto also noted complaints about excessive noise on Third Street. He said that in a ceremony at the Ellwood A. Mattson Lower Harbor Park this morning, four flagpoles donated and erected by the Kiwanis Club had been dedicated. He said there would be a total of twelve when the project is completed. He said if the sealer is not received soon for the concrete floor at Fire Hall #2, it should be ordered from a different vendor. He asked that the agenda for the September 14 meeting include discussion of the Heritage House and that background materials be distributed.

IMAN

City Manager Iman welcomed back the Northern Michigan University students. He announced the discontinuance of federal and state funding for the City's COPS Program and said he intends to continue the program through June of 1993. He also announced that the 1993 Michigan Municipal League state convention will be held in Marquette. He said the great hospitality offered to this convention in 1989 was a major reason they are coming back so soon.

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ADJOURNMENT

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

Mayor

Frank P. Sciotto

City Clerk

Norman L. Gruber, Jr.

AGENDA

It was moved by Commissioner Coyne, supported by Commissioner Cihak, and carried unanimously that item 13a be removed from the current agenda and placed on the next agenda.

CITIZEN COMMENT

Mayor Sciotto announced that each citizen would be limited to three minutes maximum and that a timer would be used. Michelle Butler complained about the water quality on Lakeshore Boulevard. She displayed samples of water taken from the City main, a used water filter, and laundry which was damaged by rust in the water. Mike Bismarck said the city should get back control of the Ramey Creek drainage district. He said he liked the new public comment format and asked to speak on agenda items four and nine. Richard Wick complained about mud in his yard, said the loan to the Soil Conservation District should be renewed, and that the engineering fee for the Wheatstone and Orleans Drainage Districts should be paid. Gary Dahike said it was good the Wheatstone Drainage District had been defeated. He said the Commission should appoint a committee to advise on future problems in the Wheatstone and Orleans Creek areas. Hal Dorf complained about water quality on Lakeshore Boulevard. Julius Larsson said a filter would solve water quality problems on Lakeshore Boulevard. Linda Bekshan complained about the water quality on Lakeshore Boulevard. Mike LaPointe, representing the Soil and Water Conservation District, supported the loan extension. He said the culverts on Wheatstone Creek need maintenance badly and cited problems resulting from the heavy rain early this morning. Julie Larsson said the City had responded promptly to complaints about water quality last week and had resolved the problem quickly. She said an expensive project was not needed now. Hal Dorf asked to speak on item five. He said his company was the low bidder and cannot afford to become an authorized repair facility. He said this is not needed at this time. It was moved by Commissioner Cihak that the City Public Works Department consider the issue of flushing the water main on Lakeshore Boulevard every time valves are operated or the main is worked on. Commissioner Coffey called a point of order saying this item is not on the agenda. Mayor Sciotto, upon recommendation of the Attorney, said this item should be dealt with under new business by the Commissioners rather than at this time.

PROCLAMATION - Arts Week

Mayor Sciotto made the following proclamation:

WHEREAS, September 20 - 26, 1992 has been declared as National

September 14, 1992

August 31, 1992

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