

June 8, 2015

SPECIAL MEETING
CITY COMMISSION
AGENDA
MONDAY, JUNE 8, 2015
6:00 P.M.

- A. CALL TO ORDER REGULAR CITY COMMISSION MEETING
- B. PUBLIC COMMENTS (non-agenda items)
- C. OLD CITY BUSINESS
 - 1. Committee Reports - Updates
- D. NEW CITY BUSINESS
 - 1. Rick Nebel Water Bills
 - 2. Jim Isleib address Commission on a Sewer issue
 - 3. Cemetery Well Repairs \$9,057.08
 - 4. Diane Howard License Agreement at Bayshore Park - Art in the Park
 - 5. Authorize City Manager to sign Contract and Documents related to the H-58 Water Main Replacement Project
 - 6. Hall Contracting Pay Request #4 \$95,146.08
 - 7. Resolution for City of Munising Part II Application for a Community Development Block Grant
 - 8. Econo Signs - Signs \$1,067.10
 - 9. Opt Out PA 152 of 2011
 - 10. Addendum to Logging Agreement - Cemetery Orchard Plot
 - 11. Approve City Commission Meeting Minutes of 5-11-15 & 5-18-15
 - 12. Check Register - List of Bills
 - 13. City Manager Report
- E. CORRESPONDENCE
- F. PUBLIC COMMENTS (non-agenda items)
- G. ADJOURNMENT

CITY COMMISSION

Official Proceedings

- A. CALL TO ORDER REGULAR CITY COMMISSION MEETING

The Special Meeting of the City Commission was duly called and held on Monday, **June 8, 2015**, in the City Commission Room of City Hall. Mayor DesJardins called the Special Meeting to order at 6:00 p.m.

PRESENT: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
ABSENT: Commissioner: Bornslaeger absent excused

- B. PUBLIC COMMENTS (non-agenda items)

There were none.

- C. OLD CITY BUSINESS

- 1. Committee Reports - Updates

Mayor DesJardins stated that the DDA ask that the City and Pictured Rocks Cruises share the renderings and architectural design plans for the many projects going on in the City. These will hang in a tent on the 4th of July in the park for people to see what is going on in the City.

June 8, 2015

Moved by Commissioner Cotey to amend the agenda to include 9A. City Logging & Trail Network Update and 10A. Sale of Clay to the County. Support by Commissioner Dolaskie.

Unanimous Voice Vote:

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins

Nays: None

D. NEW CITY BUSINESS

1. Rick Nebel Water Bills

Rick Nebel spoke to the Commission about delinquent water bills and the City not following its own ordinance. He has three properties with a balance totaling around \$10,000.00. He does not feel that the bank should have to pay these bills. The City should have shut them off way before the balances became that high. City Manager Olson stated that he and the City Attorney are currently working on amending the Water-Sewer Ordinance. Olson then explained the shut off process and agreed that the City should have been placing the delinquent amounts on the tax bill according to the existing ordinance. It was agreed that the ordinance needs to be updated. The Commission thanked Rick for bringing his concerns to their attention.

2. Jim Isleib address Commission on a Sewer issue

Jim Isleib stated that the City Water Department was really good to him and were very helpful. He said he felt he was in the hole on this whole ordeal. On April 24, 2014, he contacted City Hall and was told that sewer laterals were freezing all over the community. The assumption was that the sewer lateral was frozen. It was suggested that he contact Healthy Homes, he did this and they tried to thaw the line, this did not work. He also had a couple of plumbers in to try to rod the line, this did not work either. He contacted Gerou Excavating to excavate and repair the problem. They all assumed that it was a broken or plugged lateral. He had to have trees removed before starting the excavation, a maple tree, fruit trees and some other things. Eventually the problem was identified right in front of his home on West Munising Avenue, kitty corner from Bayview Apartments where he lives. About 10' down in the ground there was a 12" cast iron pipe very deep, and his clay sewer lateral entered a gap in that pipeline, it was cemented in and there were a couple of other laterals coming from the opposite direction that entered at the same gap. It was installed that way, the City Crew tried to flush that large cast iron pipe with the pumper "vactor truck", and they could not get it to flow, they were going to put some dye in it to see where the outlet was for that line. They could not succeed in getting it to flow. So at that point the City Crew sealed up the old pipe with concrete. It was his understanding at that point that the pipe was abandoned. He thought an effort was made to identify the pipe in the City plans, apparently it did not show up on the plans; it had been there for a long time. Gerou then finished connecting up the new sewer line to the existing modern sewer system on Walnut St. on May 16, 2014. Then his lot had to be re-graded because it was dug up a lot, extensively looking for the sewer line. Logic told him and the City guys and the contractor where that lateral should have been connected to the sewer line along Walnut St. down the hill at the bottom of his lot; so Gerou trenched across his yard looking for it, but it was not there. They had to dig other places until it was found. The landscape was pretty much ruined including the loss of the lawn, ornamental fruit trees, raised flower beds, rose gardens and the sidewalk was damaged, there was some structural damage to the front porch, when the supports were undermined by this 12' hole right in front of the house. So there was a lot of clean up, time, effort and money trying to reestablish the lawn in addition to the grounds repair the porch and clean up trees and things in addition to the expense of getting the sewer line installed. There were damages from sewer flooding in his basement when the sewer stopped flowing. He did submit those expenses to his home owners insurance and he was covered that way. The City Manager suggested at that time that his costs could be submitted to the City's insurance carrier, since it was the city pipe that failed. So he did submit those costs to the City Manager in late July or early August and the total that he submitted was \$13,519.00 and \$13,800.00 of that was an estimate for the basement clean up. So he said he is into this for about \$10,000.00. Tracy Hardy responded to that submission, she is from the Municipal League, she sent him a letter dated October 10, 2014, stating that there was not a defect with the City's sanitary sewer system that caused his problems and that he was illegally hooked into the City's storm sewer. Jim stated that he visited with the City Manager and at that time he had not retained a lawyer and that City government doesn't interfere with their insurance carrier's decision. He understands that, it has to do with precedence and he sees the Mayor frequently at Veteran's events, so he is aware of that. He does understand

June 8, 2015

that, but he did retain a lawyer to help him in he thought in March. At that point he tried to collect some information from City Hall. The City was not able to document at least to his satisfaction that that 12" cast iron pipe was a storm drain, and the smoke test conducted in 1979 did not indicate that his home sewage lateral was connected to the storm drains. The engineering drawing provided by the City also don't support the insurers claim that he was hooked into a storm system. He submits that he is hooked into the old sanitary sewer system. Michigan Municipal League to him has been slow and unresponsive, he would categorize as "stone walling" to some degree, to communications from his attorney. He stated he was curious if they (MML) had made any effort to collect any information about this issue. He stated that he didn't know if it was appropriate for the Commission to tell him, requesting drawings, smoke test results and talking to employees that were involved. City Manager Olson stated that they have inquired with us. Jim then stated that in the City Commission Minutes he did find on February 6, 2008 under new business that there was a loan resolution for the sewer that was approved at that time. Some of the language in that resolution was that the City resolves to provide adequate service to all persons within the service area that can be feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate service to such person upon failure to provide services which are feasible and legal such person shall have a direct right of action against the association or public body which was defined earlier as the City of Munising in that document. He mainly wanted to publically address this issue and to ask if the City is willing to communicate with the Michigan Municipal League to request that a settlement could be made without going to court. He indicated that he is not eager to file a law suit. He just doesn't know what else to do.

The Commission was upset about the "stone walling" by Michigan Municipal League. The City Manager indicated he would be in contact with the Michigan Municipal League to expedite a decision.

3. Cemetery Well Repairs \$9,057.08

Motion by Commissioner Dolaskie to sole source the cemetery well repairs in the amount of \$9,057.08 with Kleiman Pump and Well Drilling, Inc., also approving necessary budget adjustments for this purchase. Support by Commissioner Nettleton.

Unanimous Voice Vote:

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor
DesJardins
Nays: None

4. Diane Howard License Agreement at Bayshore Park - Art in the Park

Moved by Commissioner Dolaskie to approve the Bayshore Park License Agreement with Diane Howard "Art in the Park" as submitted. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor
DesJardins
Nays: None

5. Authorize City Manager to sign Contract and Documents related to the H-58 Water Main Replacement Project

Moved by Commissioner Dolaskie to authorize the City Manager to sign documents and contracts related to the H-58 Water Main Replacement Project. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor
DesJardins
Nays: None

6. Hall Contracting Pay Request #4 \$95,146.08

Moved by Commissioner Dolaskie to approve Hall Contracting's Pay Request #4 in the amount of \$95,146.08. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor
DesJardins
Nays: None

7. Resolution for City of Munising Part II Application for a Community Development Block Grant

June 8, 2015

Moved by Commissioner Cotey to table this item until the next meeting 6-15-15. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

8. Econo Signs - Signs \$1,067.10

Moved by Commissioner Dolaskie to approve the purchase of signs from Econo Signs in the amount of \$1,067.10. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

9. Opt Out PA 152 of 2011

Moved by Commissioner Cotey to opt out of the PA 152 of 2011. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

Agenda Amended:

9A. City Logging and Trail Network Update

City Manager Olson stated that they should be finished by the end of June. Commissioner Dolaskie stated that the trail is not attractive any more with the logging 1.2 miles of the trail is just terrible. Dolaskie continued stating that volunteers put a lot of work into the trail and now it is ruined. His other concern is that the volunteers may stop volunteering and that would be detrimental to the whole trail system. It was stated that the logging operation is to try to clean up their area. It was suggested that the area be reevaluated.

10. Addendum to Logging Agreement - Cemetery Orchard Plot

Moved by Commissioner Cotey to amend the Logging Agreement to remove the St. Martins Hill logging location and add the cemetery orchard plot. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

Agenda Amended:

10A. Sale of Clay to the County

Moved by Commissioner Dolaskie to allow the sale of clay 200 cubic yards at \$1.00 per cubic yard to the County. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

11. Approve City Commission Meeting Minutes of 5-11-15 & 5-18-15

Moved by Commissioner Dolaskie to approve the City Commission Meeting Minutes of 5-11-15 and 5-18-15 as submitted. Support by Commissioner Cotey.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

12. Check Register - List of Bills

Moved by Commissioner Cotey to approve and pay the Check Register-List of Bills as submitted. Support by Commissioner Nettleton.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor DesJardins
Nays: None

13. City Manager Report

June 8, 2015

City Manager Olson gave an update on the Cox Addition Project, the pipe work has been started on High St. this is being done in two sections as to keep a smaller portion exposed during construction. Nestor St., Cleveland St. and Center St. all have final road bed in place. Regarding the H-58 Water Main Replacement Project 100 feet of jack and bore was completed by Bacco late last week, they were to be laying 180 linear feet of main today, this project is on schedule for late June completion. The Legion sewer issue is going to be resolved by slipping a 4 inch SDR 41 Class PVC pipe down the main for a length of 120 feet. Two sweeping T's will have to be installed. There will be minimal disruption to the new concrete sidewalk and roadway. The "LUST" site has a final Assessment Report, Closure Report that needed revisions that are now complete and the Restrictive Covenants have been signed and recorded. Mylan Koski should have the packet into DEQ by COB on the 12th. As for the new software BS&A is in the final week of implementation, all systems are up and running, the new water bills are now on an 8 ½ x 11 sheet format.

E. CORRESPONDENCE

There was none.

F. PUBLIC COMMENTS (non-agenda items)

There were none.

G. ADJOURNMENT

Moved by Commissioner Cotey to adjourn the Special Meeting of the City Commission. Support by Commissioner Dolaskie.

Approved: Yeas: Commissioners: Dolaskie, Cotey, Nettleton and Mayor
DesJardins
Nays: None

The Special Meeting of the City Commission adjourned at 7:13 p.m.

Rod DesJardins, Mayor

Sue Roberts, Clerk

LIST OF BILLS

29128) CONSUMERS MUTUAL INSURANCE OF MICHIGAN	15312.56
29129) DENMAN'S HARDWARE	1456.65
29130) DTE ENERGY	657.14
29131) UPPER PENINSULA POWER COMPANY	3526.78
29132) CASH	125.00
29133) CHARTER COMMUNICATIONS	78.28
29134) DELTA DENTAL	1805.27
29135) GALLS/QUARTERMASTER	371.04
29136) GRAINGER	31.20
29137) HYDRITE CHEMICAL COMPANY	8716.48
29138) QUILL CORPORATION	48.86
29139) SUPERIORLAND SERVICES, INC.	58.92
29140) U.P. CONCRETE PIPE COMPANY	280.16
29141) UPPER PENINSULA POWER COMPANY	22.24
29142) UPCAP SERVICES, INC.	40.00
29143) HILLSIDE PARTY STORE	39.98
29144) TELNET WORLDWIDE, INC.	32.32
29145) UPPER PENINSULA RECREATION INC.	1230.77
29146) ALGER COUNTY ELECTRIC	406.00
29147) MADIGAN'S HARDWARE	21.00
29148) MUNISING DAIRY QUEEN	1215.00
29149) MUNISING VOLUNTEER FIRE DEPT.	330.00
29150) PETERSON PUBLISHING INC.	276.80
29151) UPPER PENINSULA POWER COMPANY	33.15
29152) UPCAP SERVICES, INC.	6.00
29153) UPPER MICHIGAN COMMUNITY CREDIT UNION	49.90
29154) GEI CONSULTANTS, INC.	1522.75
29155) HALL CONTRACTING INC.	78090.57
29156) VISION SERVICE PLAN	398.12
29157) AN*SER SERVICES	80.80
29158) FERGUSON ENTERPRISES INC.	178.23
29159) GEROU EXCAVATING, INC.	2116.70

June 8, 2015

29160)GEROU EXCAVATING, INC.	5353.95
29161)JOAN VINETTE SEWING	14.00
29162)MICHIGAN MUNICIPAL LEAGUE	2033.00
29163)MICHIGAN/WISCONSIN SPRING AND BRAKE	415.51
29164)POMP'S TIRE SERVICE, INC.	2195.06
29165)U.P. LAB TESTING	71.50
29166)UPPER PENINSULA RECREATION INC.	2821.72