



## Meeting Minutes City Commission

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Monday, July 13, 2015

7:00 PM

Commission Chambers

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### Call to Order, Pledge of Allegiance & Roll Call

**Present:** 7 - Mayor Mike Coyne, Commissioner Sara Cambensy, Mayor Pro Tem Dave Campana, Commissioner Sarah Reynolds, Commissioner Mike Conley, Commissioner Thomas Baldini and Commissioner Peter Frazier

### Note of Agenda Changes

*None.*

### Approval of the Agenda

*It was moved by Mayor Pro-tem Campana, seconded by Commissioner Frazier and carried unanimously to approve the Agenda as presented.*

### Announcements

*Mayor Coyne said there are still several vacancies on Boards and Committees, and said there will be a report coming shortly from the Committee on Recruiting Board and Committee members.*

### Boards and Committees

1. Welcome New Members:
  - G.G. Gordon, Police-Fire Pension Board
  - Ellen Weingarten, Parks and Recreation Advisory Board

*Mayor Coyne asked Ellen Weingarten, Parks and Recreation Advisory Board to join him at the lectern, where he thanked her for volunteering for this Board, and presented her with thank you gifts from the City.*

### Public Hearing(s)

2. Public Hearing to Consider Ordinance #628 - Amendments to Chapter 80 of the City Code Regarding Parking Requirement Reductions in the Community Business and General Business Zoning Districts

**Attachments:**    [051915 PC Minutes Excerpt](#)  
                              [060215 PC Minutes Excerpt](#)  
                              [Draft 02-ZOA-06-15 05192015](#)  
                              [628 Parking Amendments-Chpt 80](#)

*Mayor Coyne opened the public hearing and asked if any citizens would like to speak on this item. Dan Torres read from the minutes of a Planning Commission meeting, where he said that there is an assumption that there is plenty of parking on Third street, and he does not believe this is true. Michele Butler said she is not in favor of this ordinance as it will change the dynamics of private parking spaces. Mona Lang, DDA Director said there will be 32 additional on-street parking spaces once this ordinance is in place, and this follows the Third Street Corridor, Sustainability, and the Downtown Parking Management Strategy Plans. There being no one further to speak, Mayor Coyne closed the public hearing and asked for Commissioner comments.*

*It was moved by Commissioner Cambensy, seconded by Mayor Pro-tem Campana and carried unanimously to suspend the rules for further discussion.*

*Commissioner Cambensy said she sees both sides of this issue, but wonders if some of the private parking space owners can be reimbursed for their property, and the City create additional parking from the private lots. Mayor Pro-tem Campana said he owned a business on Third Street, and is aware of the problems there. He said he is basically in favor of this ordinance, but the proposed bike lane scares him, and he has other reservations about this plan. Commissioner Frazier said he is in favor of this ordinance if the Planning Commission thinks its going to work. Commissioner Reynolds thanked Mona Lang for her explanation about the Plan, and said she thinks a bike lane on Third Street will be safer than biking down Third Street now. Commissioner Baldini said we have a recommendation from the Planning Commission and the Downtown Development Authority, and believes we can't let the practice of the past dictate what we do in the future. He said he believes we should go forward with this ordinance. Commissioner Conley said it sounds like the business owners currently on Third Street are concerned about fairness, and asked Ms. Lang if any of these business owners have been approached about buying back their private lots to make them open to the public. Ms. Lang said nothing has been vetted yet, and there is always room for looking at options. Mayor Coyne said unless businesses come to the downtown area, there will be no need for additional parking, and this is one of the reasons for developing an ordinance.*

*It was then moved by Commissioner Reynolds, seconded by Mayor Pro-tem Campana and carried on a six-to-one vote (with Commissioner Frazier voting no) to adopt Ordinance #628; amendments to Chapter 80 of the City Code regarding parking requirement reductions in the Community Business and General Business Zoning Districts.*

*Commissioner Cambensy asked that although she voted yes, she wanted it on record that she voted yes with the condition that instead of creating new public parking lots, those businesses in the corridor be approached first about either leasing or buying back some of these parking lots.*

**Approved**

3.                      Public Hearing - Special Assessment #582 - 1100 Block of Jefferson Street Special Assessment Request

**Attachments:**     [Special Assessment Report - Jefferson Street - 06-05-15](#)  
[Notice of Special Assessment Hearing](#)

*Mayor Coyne opened the public hearing on SA582, and asked if there was anyone that would like to speak to this item. Leo Smith said he has lived on this street for over 50 years, and that when the new apartments were built on the street they caused water issues, including water in basements. He said there are no storm sewers on the corner, and this change is long overdue. Chris Kovala said the proposed improvements go above and beyond the issue, and the cost is a substantial burden for the residents on the street. He said he is not in favor of this special assessment. Mark Ulrickson said the burden is associated with development allowed by the City, and he is not in agreement with the costs that are suggested for property owners. Kim Ziegler said she is against this assessment as is it is undue hardship and personal financial devastation for her. Mayor Coyne then closed the public portion of the hearing, and asked for Commissioner comments.*

*It was moved by Commissioner Frazier, seconded by Commissioner Cambensy and carried unanimously to suspend the rules for discussion.*

*Commissioner Frazier said he can see both sides of this issue, but if the residents are not in favor of incurring the costs, something should be done. Commissioner Cambensy asked staff if any other options have been looked at and what is the cheapest outcome? City Engineer Keith Whittington said there are several issues here, there is gravel, slopes, and there is water coming through this street and the only way to handle it would be with curb and gutter to divert the water into catch basins and pave the street. Mayor Coyne said there is no mention of sanitary sewers and asked if they are working well. Mr. Whittington said there is some laterals are Orangeburg and they will eventually need to be replaced. He also said there are 1.5" galvanized pipe that is very insufficient for fire protection, so they should be upgraded to an 8" water main. Commissioner Reynolds said that they all understand this is not in this years' budget and if possible, some sort of repairs should be made so they are able to carry this into next year.*

*It was then moved by Commissioner Cambensy, seconded by Commissioner Frazier and carried unanimously to direct staff to come back to the City Commission in a reasonable amount of time with an estimate of providing rock rip rap, or best case scenario based on materials and resources, fix for the time being, the cost of that as it pertains to the 1100 block of Jefferson Street.*

**Deferred**

## **Proclamations**

### **4. Americans with Disabilities Act Pledge**

**Attachments:**     [ADA Act Pledge](#)

**Public Comment - Comments may not exceed three minutes per person.  
Please state your name and physical address when making public  
comments.**

*Randy Yelle and Jorma Lankinen reserved time to speak on Item #8, MCSWMA, Jorma Lankinen, Michele Butler and Bill Sanders asked to reserve time to speak on Item #10 Clark Lambros Beach Park. Mr. Lankinen said he opposed the Clark Park*

development, and \$250,000 is not enough for maintenance, he also has concerns over contamination, and a beach house on the lake side of the property. Sarah Peura Koski Director of SAIL, spoke on the ADA proclamation, and read from a statement from the Superior Alliance for Independent Living saying they extend their gratitude to the City for the proclamation. Frank Verito expressed his opinion on Founders Landing, the patch of trees on Shiras Hills overlooking Lake Superior, slopes ordinances and the mine lawsuit.

## Consent Agenda

### Approval of the Consent Agenda

*It was moved by Commissioner Conley, seconded by Commissioner Reynolds and carried unanimously to approve the Consent Agenda.*

**Approved on the Consent Agenda**

- 5 a.** Approve the total bills payable in the amount of \$581,106.69 which excludes \$103.73 in City Commissioner travel reimbursement, this reimbursement will be New Business item #6 (file number 15-325).  
**Approved on the Consent Agenda**

- 5 b.** Approve the minutes of the June 29, 2015 Commission meeting.

**Attachments:**     [06-29-15](#)

**Approved on the Consent Agenda**

- 5 c.** Transmission Repair for Front Line Front End Loader

**Attachments:**     [Fabco - Quote Repair July 2015](#)

**Approved on the Consent Agenda**

- 5 d.** Plow Blades and Cutting Edges

**Approved on the Consent Agenda**

- 5 e.** Art on the Rocks - Special Event Permit

**Attachments:**     [Art on Rocks Agreement](#)

**Approved on the Consent Agenda**

- 5 f.** Outback Art Fair - Special Event Permit

**Attachments:**     [Outback Agreement](#)

**Approved on the Consent Agenda**

## New Business

- 6.** Commissioner Cambensy Travel Reimbursement

*A report and recommendation from the City Manager was read regarding the reimbursement of travel costs incurred by Commissioner Cambensy while attending the Great Lakes & St. Lawrence Cities Initiative Conference in Sarnia Ontario, at which she represented the City of Marquette.*

*It was moved by Commissioner Reynolds, seconded by Commissioner Baldini and carried on a 6-1 vote, with Commissioner Cambensy abstaining to approve the travel reimbursement for Commissioner Cambensy.*

**Approved**

**7. Bids for Street Improvements/Bituminous Paving and Sanitary Sewer Lateral Replacements**

*A report and recommendation from the City Manager regarding street improvements, covered under the City's Capital Improvement Plan for FY2014-15 was read. This project was approved under the FY2014-15 budget and sufficient funds are available. The one bid received came in under the budgeted amount.*

*It was moved by Commissioner Frazier, seconded by Mayor Pro-tem Campana and carried unanimously to award a contract for bids for street improvements/bituminous paving and sanitary sewer lateral replacements to Payne & Dolan, Inc. in the amount of \$893,737.85 at the unit prices bid.*

**Approved**

**8. Marquette County Solid Waste Management Authority  
Intergovernmental Agreement - Proposed Amendment**

**Attachments:**     [Intergovernmental Agreement Amendment Request Letter](#)  
                                 [Intergovernmental Agreement 6-16-88](#)

*A report and recommendation from the City Manager was read regarding the MCSWMA Intergovernmental Agreement-proposed amendment. Jorma Lankinen said he is the Vice-Chair on the MCSWMA and the reason the Board is asking for this amendment is to have more latitude in hiring, as they do not need more engineers, they need a manager.*

*It was then moved by Commissioner Cambensy, seconded by Commissioner Reynolds and carried unanimously to suspend the rules for further discussion.*

*Commissioner Cambensy asked if the State of Michigan requires an engineering degree to sign off of regulatory requirements. Randy Yelle said they have hired two engineers in the past, and neither one of them have worked out, they are looking for someone with strong managerial qualities. He said in the past, even with having an engineer on staff, they have hired out for the project, and had that engineer sign off, so they have met requirements that way. Commissioner Reynolds asked if other municipalities have also been contacted about the amendment, and Mr. Yelle said yes; so far there are 15 yes votes, three no votes, and three still outstanding; the City of Marquette, Skandia and Champion Townships.*

*It was moved by Mayor Pro-tem Campana, seconded by Commissioner Frazier and carried unanimously to adopt the Resolution as proposed by the Marquette County Solid Waste Management Authority.*

**Approved**

**9. Marquette County Solid Waste Management Authority**

## Correspondence

**Attachments:**     [MCSWMA Letter](#)  
                              [Randy Yelle Letter](#)  
                              [Proposal Draft](#)

*A report and recommendation from the City Manager was read regarding correspondence received from the MCSWMA regarding the former recycling center project.*

*It was moved by Commissioner Conley, seconded by Commissioner Baldini and carried unanimously to consider the Marquette County Solid Waste Management Authority correspondence and proposed response, approve the Mayor to sign the proposed response, and direct the City Manager to send the response to the Marquette County Solid Waste Management Authority.*

**Approved**

10.

## Clark Lambros Beach Park - Development Agreement

**Attachments:**     BEA Final Draft  
                              BEA Appendices  
                              Due Care Plan  
                              Due Care Plan - Appendices  
                              Grant of License  
                              Development Agreement

*A report and recommendation from the City Manager was read regarding the Clark Lambros Beach Park-Development Agreement. Jorma Lankinen said he hopes the City holds off on making any decision until they have read through all the reports as there is a lot of negativity in them. He said we obtained the Cliffs Dow property for \$1 and we are still paying for mitigation. Bill Sanders said the BEA is in place for the City's protection, and the Due Care Plan outlines Ms. Butler's obligations into the future as it is attached to the Development Agreement. Mayor Coyne said he was using Mayor's discretion and not limiting Michele Butler's speaking time to three minutes due to the complexity of this issue. Ms. Butler said she is committed to create an endowment so that we don't run into problems in the future, and as they have the opportunity, they will help that endowment grow. She believes that other people in the community will also be contributors. She said this is a gift to the City and residents of Marquette, and she is here tonight to answer any questions the Commission may have. She also said she would like to see completion of the Park before the end of boating season.*

*It was moved by Commissioner Conley, seconded by Commissioner Reynolds and carried unanimously to suspend the rules for further discussion.*

*Discussion among the Commission raised concerns over soil borings, Due Care Plan obligations, conservation easements and the designated maintenance amount for the Park. Also questioned was the section of property that was reserved by the Clark Estate for development. Ms. Butler was asked if the condos being proposed there would have beachfront access and would that then be private or public property? Ms. Butler said she would not be developing that property, but there is a potential purchaser, and the beachfront is part of the purchase. Mayor Coyne said it would be a deal maker if the beachfront from the reserved parcel was included with the Park property, and he won't support the agreement if that beachfront is not made public.*

Commissioner Frazier said he had concerns, including the building that is proposed for being built on the beach, he said it may be a great idea, but he doesn't know if all questions have been answered at this point. Commissioner Baldini asked if this item could be tabled until the next meeting so that more information can be obtained. Commissioner Reynolds asked Community Services Director Karl Zueger if tabling this item would hold up any of the grant funding, Mr. Zueger said the grant will not be jeopardized.

It was moved by Commissioner Reynolds, seconded by Commissioner Baldini and carried unanimously to approve continuing the meeting past the 10:00 p.m. hour.

Commissioner Baldini then moved to table this item to one month from this meeting, Mayor Pro-tem Campana supported this motion. The following vote was taken:  
AYES: Mayor Coyne, Mayor Pro-tem Campana. Commissioners: Baldini, Cambensy, Conley, Frazier.

NAYS: Commissioner Reynolds.

Motion to table for one month passes six-to-one.

**Tabled**

## Comments from the Commission

*FRAZIER-Commissioner Frazier said he is happy to see summer arrive, and we have beautiful beaches. He said he hopes the Clark Park issue can be resolved.*

*Commissioner Frazier said he hopes summer continues and everyone can enjoy it.*

*CAMPANA-Mayor Pro-tem Campana said regarding the Clark Park, he is basically for it, but there are too many questions still. He said on a good note, last Wednesday there was vandalism at the tennis courts and there were tournaments coming up. He said he called the City Manager's office and within a half hour it was fixed. He thanked Mike Sjolund and Randy Smessaert for doing such a great job.*

*CAMBENSY-Commissioner Cambensy said they had some tough issues tonight, and extended her thanks to staff on their work done on these issues. She also said "hats-off" to Commissioner Baldini and the crew for raising the money and all the work done for the fireworks on the Fourth of July.*

*REYNOLDS-Commissioner Reynolds said it's been a long meeting tonight, but something she wanted to address is that in the past the Commission has given out Exemplary Citizen Awards, and wondered if they would consider honoring Phil Niemisto, especially in light of all the work he has done around the City, and the vandalism that just happened in the Pocket Park.*

*BALDINI-Commissioner Baldini said it's been a long meeting tonight, and he thanked Commissioner Cambensy for passing along comments about the Fireworks, he will share them with the Committee. He also said there is discussion at the State level of a gas tax, and there are two provisions in the proposal that we should keep an eye on regarding revenue sharing. Commissioner Baldini said ours is truly a changing community, with the Third Street parking issues, Clark's Park, and noise issues. He said he thinks we are going to have to find a way for moving forward and making changes.*

*CONLEY-Commissioner Coley said this was the toughest session he's had yet, and said he'd vote for the Development Agreement on Clark's Park if the beach got thrown into it.*

*COYNE-Mayor Coyne said to City Manager Vajda that with tabling the Clark Park item, he doesn't want to have it balloon into a huge amount of work, and would like to call a work session, inviting Ms. Butler. He thanked staff for all the work done so far on the project. Mayor Coyne said he thinks it's a good idea to recognize Mr. Niemisto and hopes the other Commissioners agree. He said regarding the ADA proclamation and the Superior Alliance for Independent Living (SAIL) who are recognizing 25 years this year, he said the City has made a great deal of progress, but we need to do*

*better. Mayor Coyne said he participated in the Fourth of July as a Veteran and the rededication of the Harlow Park Veteran's Memorial. He said it was very moving and the American Legion did a wonderful job.*

### **Comments from the City Manager**

*None.*

### **Adjournment**

*Mayor Coyne adjourned the meeting at 10:13*

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### **Kris M. Hazeres, City Clerk**

*This meeting will be live on Marquette Charter Cable Channel 191 and will be rebroadcast (subject to temporary programming) as follows: Tuesday at 11 a.m. and 6 p.m.; Wednesday at noon and 8 p.m.; Thursday at 4 a.m. and 1 p.m.; Friday at 6 a.m. and 6 p.m.; Saturday at noon; and Sunday at 8 a.m. and 4 p.m.*

*If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@mqtcity.org](mailto:estemen@mqtcity.org).*