

**CITY OF MENOMINEE, MICHIGAN  
REGULAR COUNCIL PROCEEDINGS  
JULY 20, 2009**

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A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Monday, July 20, 2009 at 5 p.m. in the Municipal Complex Council Chambers.

The Honorable George W. Krah called the meeting to order and led the pledge of allegiance to the flag.

**PRESENT:** Councilmembers Fernstrum, Hudon, Organ, Pintarelli, Schloegel, Sorensen, and Williams; Mayor Krah  
**ABSENT:** Councilmember Mick (excused)

**PRESENT: 8                      ABSENT: 1**

A motion was made by Councilmember Fernstrum and seconded by Councilmember Williams to excuse Councilmember Mick from the meeting. This motion was carried unanimously.

A motion was made by Councilmember Organ and seconded by Councilmember Hudon to amend the agenda to include granting a new easement to Menominee River Golf Club, LLC, which is identical to the existing easement previously granted to Riverside Country Club for the purpose of allowing grantee to transport refreshments across 14<sup>th</sup> Avenue between their two parcels of land as required by the Michigan Liquor Control Commission. This motion was carried unanimously.

A motion was made by Councilmember Williams and seconded by Councilmember Hudon to approve the agenda for the meeting dated July 14, 2009 as amended. This motion was carried unanimously.

There being no additions or corrections to the minutes of the regular meeting of June 15, 2009, the special meeting of June 29, 2009, or the special meeting of June 30, 2009, the minutes of all of the meetings stood approved as presented.

**PUBLIC COMMENT:**

Mayor Krah opened the public comment session.

Keith Killen, owner of M&M Plaza at 1301-8<sup>th</sup> Avenue, spoke regarding the plaza and planned improvements to the sign.

Barb Killen, owner of M&M Plaza at 1301-8<sup>th</sup> Avenue, presented pictures of the planned sign.

Kandy Anderla, 2402-17<sup>th</sup> Street, supported the Plaza for its economic activity.

Marie Kakuk, co-owner of Curves, supported the sign request.

Nancy Douglas, Business Development Director, supported the sign and also said that the easement to Menominee River Golf, LLC, was necessary for their liquor license.

A motion was made by Councilmember Williams and seconded by Councilmember Hudon to close the public comment session. This motion was carried unanimously.

**COMMUNICATIONS:**

Mr. Jamo read the following memo into the minutes:

***CITY OF MENOMINEE***

*GEORGE W. KRAH, MAYOR*

*ERIC A. STRAHL, CITY MANAGER*

CITY HALL • 2511 10<sup>TH</sup> STREET • MENOMINEE, MICHIGAN 49858-1995 • PHONE (906) 863-2656 TDD (800) 649-3777

**July 16, 2009**

**TO:** HONORABLE MAYOR GEORGE W. KRAH  
CITY COUNCIL MEMBER LISA FERNSTRUM  
CITY COUNCIL MEMBER DONALD HUDON  
CITY COUNCIL MEMBER DONALD MICK  
CITY COUNCIL MEMBER ERNEST PINTARELLI  
CITY COUNCIL MEMBER ARNOLD ORGAN  
CITY COUNCIL MEMBER TODD SCHLOEGEL  
CITY COUNCIL MEMBER CARL SORENSEN  
CITY COUNCIL MEMBER RAYMOND WILLIAMS

**FROM:** ROBERT J. JAMO, CITY ATTORNEY

**RE:** M & M Plaza Sign

I have enclosed background material for the M & M Plaza sign issue that is on Monday's Council agenda. The material consists of the information I have provided to the Judicial & Legislative Committee. It includes:

- March 19, 2009 memo to the Judicial & Legislative Committee with sign license agreement I drafted;
- April 7, 2009 memo to the Judicial & Legislative Committee with the Plaza attorney's response;
- April 24, 2009 memo to the Judicial & Legislative Committee with MDOT map and State sign application and permit; and
- License agreement as modified Plaza's attorney and conditionally recommended by Judicial & Legislative Committee.

My opinion remains that the sign is in a very dangerous location. It is within the City's road right of way, and extremely close to the road surface. The highway exception to governmental immunity would likely apply to an accident involving the sign. A compelling argument can be made that the sign constitutes a highway defect for which the City is responsible. Accordingly, the sign should be moved out of the right of way. If that is not going to happen, the next best approach is a revocable license agreement like the one I drafted in March.

As always, please let me know if you have questions or concerns.

RJJ/alr

Enc.

cc: Thomas DeNike, City Clerk/Treasurer Legal Office\Administrative\My Documents\Council\Memo\CC 7-16-09.doc

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The City of Menominee is an Equal Opportunity Provider and Employer

**COMMITTEE REPORT:**

The Finance Committee reported that they reviewed the claims for June, 2009 and they recommended that checks be drawn on the treasurer in payment of the bills as follows:

General Fund in the amount of \$202,650.42

River Park Fund in the amount of \$2,121.77

S/FINANCE COMMITTEE

A motion was made by Councilmember Sorensen and seconded by Councilmember Organ to adopt the foregoing report. This motion was carried unanimously.

**COMMITTEE REPORT:**

The Judicial and Legislative Committee reported that they had reviewed the M&M Plaza entrance sign and the "Public Right-of-Way Encroachment License" and they recommended that the document be approved, subject to the City Manager working out appropriate language for Section 6.

S/JUDICIAL AND LEGISLATIVE COMMITTEE

A motion was made by Councilmember Williams and seconded by Councilmember Sorensen to amend the recommendation and to adopt the recommendation as amended. The amended recommendation reads as follows:

**COMMITTEE REPORT:**

The Judicial and Legislative Committee reported that they had reviewed the M&M Plaza entrance sign and the "Public Right-of-Way Encroachment License" and they recommended that the document be approved.

S/JUDICIAL AND LEGISLATIVE COMMITTEE

This motion was carried unanimously.

**COMMITTEE REPORT:**

The Public Safety/Public Works Committee reported that they had reviewed the proposed reconstruction of US-41 North from 20<sup>th</sup> Avenue and they forwarded the type and number of street lights on this street to City Council without a recommendation.

S/PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

A motion was made by Councilmember Hudon and seconded by Councilmember Williams to approve reinstalling lights as currently there.

AYES: None

NAYS: Hudon, Krah, Organ, Pintarelli, Schloegel, Sorensen, Williams, and Fernstrum

This motion failed to carry.

A motion was made by Councilmember Hudon and seconded by Councilmember to send this item back to the committee for further review. This motion was carried unanimously.

**COMMITTEE REPORT:**

The Public Safety/Public Works Committee reported that they had reviewed the need for a sanitation collection vehicle and they recommended to City Council that they approve purchasing a new collection vehicle as currently operated at the approximate cost of \$160,000 and they further recommended waiving the bid process.

S/PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

A motion was made by Councilmember Sorensen and seconded by Councilmember Fernstrum to adopt the foregoing report.

AYES: Krah, Organ, Sorensen, and Fernstrum

NAYS: Pintarelli, Schloegel, Williams, and Hudon

This motion failed to carry.

**MOTIONS AND RESOLUTIONS:**

A motion was made by Councilmember Fernstrum and seconded by Councilmember Williams to approve granting a new easement to Menominee River Golf Club, LLC, which is identical to the existing easement previously granted to Riverside Country Club for the purpose of allowing grantee to transport refreshments across 14<sup>th</sup> Avenue between their two parcels of land as required by the Michigan Liquor Control Commission. This motion was carried unanimously.

**PUBLIC COMMENT:**

Mayor Krahn opened the public comment session.

Ed Smith, 1514-20<sup>th</sup> Avenue, commented on budgeting for sanitation collection trucks. He also commented on other areas of the budget. Mayor Krahn suggested he make an appointment with the City Manager for answers.

A motion was made by Councilmember Fernstrum and seconded by Councilmember Williams to close the public comment session. This motion was carried unanimously.

**COUNCIL COMMENTS:**

Councilmember Organ spoke on the street bond projects - three short blocks in fiscal year ended June 2009 - when? Mr. Strahl said the workload was too high for the number of people available (and missing).

Councilmember Schloegel said the new person needed to know expectations on him.

Councilmember Organ commented on derelict buildings - there is no money - Flint received a large grant for demolitions - is any money still available?

Mayor Krahn said a new City Manager should be here soon and can address these items. Interviews are scheduled for Tuesday through Thursday of this week.

Councilmember Hudon asked about taping meetings and what needed to be done.

Councilmember Schloegel said this was the time of year to be fitness friendly. Ms. Kosewski had also talked about this.

A motion was made by Councilmember Schloegel and seconded by Councilmember Hudon to close the council comments portion of the meeting. This motion was carried unanimously.

**ADJOURN:**

A motion was made by Councilmember Williams and seconded by Councilmember Hudon to adjourn the meeting. This motion was carried unanimously.

  
Thomas F. DeNike, City Clerk/Treasurer