

**CITY OF MENOMINEE, MICHIGAN  
REGULAR COUNCIL PROCEEDINGS  
JANUARY 16, 2012**

---

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Monday, January 16, 2012 at 6 p.m. in the Municipal Complex Council Chambers.

The Honorable Jean Stegeman called the meeting to order and led the pledge of allegiance to the flag.

**PRESENT:** Council Members Erickson, Felch, Mick, Organ, Plemel, Pohlmann, Vary, and Walker; Mayor Stegeman

**ABSENT:** None

**PRESENT:** 9            **ABSENT:** 0

A motion was made by Council Member Plemel and seconded by Council Member Organ to approve the agenda for the meeting dated January 12, 2012. This motion was carried unanimously.

There being no additions or correction to the minutes of the regular meeting of December 19, 2011, the minutes stood approved as presented.

**PUBLIC COMMENT:**

Mayor Stegeman opened the public comment session called for the purpose of hearing citizen comments on agenda items only.

No one was heard.

A motion was made by Council Member Felch and seconded by Council Member Plemel to close the public comment session. This motion was carried unanimously.

**REPORTS OF OFFICERS:**

City Manager Michael Cramer gave an update on the Capital Improvement Plan and the status of the M-35 public hearing.

The following standing committees were appointed by Mayor Stegeman:

**FINANCE COMMITTEE:**

\* Pohlmann, Organ, Plemel, and Stegeman

**JUDICIAL AND LEGISLATIVE/PERSONNEL AND LABOR COMMITTEE:**

\* Plemel, Felch, Pohlmann, and Stegeman

**PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE:**

\* Mick, Erickson, and Vary

**PUBLIC SAFETY/PUBLIC WORKS COMMITTEE:**

\* Organ, Felch, and Mick

**SPECIAL PROJECTS/COMMUNITY RELATIONS COMMITTEE:**

\* Walker, Erickson, Vary, and Stegeman

\* Chairperson

A motion was made by Council Member Plemel and seconded by Council Member Organ to receive the foregoing committee appointments and place them on file. This motion was carried unanimously.

Next, Mayor Stegeman submitted for confirmation the appointment of Lee Bunting to the Planning Commission, replacing Mark Erickson, with his term to expire October 7, 2013.

A motion was made by Council Member Organ and seconded by Council Member Felch to confirm the appointment. This motion was carried unanimously.

Mayor Stegeman also submitted for confirmation the reappointments of Bob Foley, Joe Fournier, and Jeff Jones to the Condemnation Board with their terms to expire September 20, 2014.

A motion was made by Council Member Plemel and seconded by Council Member Organ to confirm the appointment. This motion was carried unanimously.

Mayor Stegeman next submitted for confirmation the reappointments of Lucy Pier, Marion Enstrom, and Cindy Walker to the Downtown Development Authority with their terms to expire January 25, 2016.

A motion was made by Council Member Mick and seconded by Council Member Plemel to confirm the reappointments. This motion was carried unanimously.

Mayor Stegeman submitted for confirmation the reappointments of Mitch Hubert and Edgar Nelson to the Harbor Commission with their terms to expire December 21, 2016.

A motion was made by Council Member Plemel and seconded by Council Member Vary to confirm the reappointments. This motion was carried unanimously.

Mayor Stegeman also submitted for confirmation the reappointments of John Baker, Karen Kloida, and Linda Mentch to the Planning Commission with their terms to expire October 7, 2014.

A motion was made by Council Member Organ and seconded by Council Member Felch to confirm the reappointments. This motion was carried unanimously.

Next Mayor Stegeman submitted for confirmation the reappointments of John Baker, Jim Hoffman, Rom LeMay, and Jim Zobel to the Zoning Board of Appeals with their terms to expire October 15, 2014.

A motion was made by Council Member Felch and seconded by Council Member Erickson to confirm the reappointments. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Organ to nominate and elect Council Member Mick Deputy Mayor. This motion was carried unanimously.

**MOTIONS AND RESOLUTIONS:**

A motion was made by Council Member Mick and seconded by Council Member Plemel to approve Engineering Amendments #3 to the agreement with Wilcox Professional Services for both the water and sewer construction on the US-41 project. This motion was carried unanimously.

The following resolution was presented next:

**RESOLUTION**

---

I HEREBY CERTIFY, that I am the duly sworn appointed City Clerk/Treasurer of the City of Menominee and keeper of the records and corporate seal of said city and that the following is a true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said city held in accordance with the City Charter of said city at its offices at City Hall on the \_\_\_\_ day of \_\_\_\_\_, 2012.

BE IT RESOLVED, that Thomas F. DeNike, City Clerk/Treasurer, be and is hereby designated a depository of this city and that funds so deposited may be withdrawn upon a check, draft, note or order of the city.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by two (2) of the following as specified:

**TWO SIGNATURES REQUIRED**

Bank: STEPHENSON NATIONAL BANK AND TRUST  
Accounts: General Fund, City of Menominee Insurance Escrow, Medical Reimbursement

Bank: FIRST NATIONAL BANK & TRUST COMPANY OF IRON MOUNTAIN  
Accounts: Street Bond Construction, Current Tax Fund, Police/Fire Retirement, City (Waterfront Festival), Section 125 Fund, Pooled Cash Fund, Spies Field, Public Improvement Fund, ACH Trust Account

Bank: NICOLET NATIONAL BANK  
Accounts: City of Menominee Revolving Loan Fund

Bank: WELLS FARGO  
Accounts: Cemetery Board of Trustees, Downtown Development Authority, Spies Public Library – City, City MSHDA Rehab, City County/County Invest, City Marina Management, City River Park Campground, City of Menominee General Fund, Spies Library Debt Reduction, Public Improvement Fund, River Park Fund, UTGO Series 2001 Debt, UTGO Series 2001 Construction, Spies Public Library, City Cemetery Perpetual Care, City Cemetery Flower Fund, City Marina Fund, Downtown Development Authority, Spies Library – Petty Cash, City of Menominee – Lloyd Mausoleum Fund, City of Menominee – Board of Cemetery Trustees, Water Receiving Fund, Water Treatment Utility Board, Wastewater Treatment Utility Board, Sewer Receiving Fund, Water Treatment Capital Equipment Replacement, Sewer Receiving Fund, Water Receiving Fund, Wastewater Capital Equipment Replacement, Utility Board Capital Replacement, Sewer Bond & Interest Redemption, Water Treatment Improvement Fund, Water Treatment Capital Improvement, Sewer Bond Redemption

A motion was made by Council Member Plemel and seconded by Council Member Felch to adopt the resolution. This motion was carried unanimously.

The next item on the agenda was the following resolution:

**Election Location Resolution**

---

RESOLVED, the following location is designated as the polling place for all of the four wards in the City of Menominee for the Presidential Primary Election to be held Tuesday, February 28, 2012:

Menominee High School Cafeteria  
2101-18<sup>th</sup> Street

and that the Election Board consist of Chairperson and up to five (5) inspectors for each ward and that the rate of pay be \$9.50 per hour for Chairpersons and \$8.75 per hour for inspectors;

RESOLVED FURTHER, that all election personnel be paid \$20.00 for attending the Election School and \$10.00 for attending the Election Session for Chairpersons preceding the election;

RESOLVED FURTHER, that the polling place be open from 7 a.m. to 8 p.m., Local Time, on said day.

A motion was made by Council Member Felch and seconded by Council Member Erickson to adopt the resolution. This motion was carried unanimously.

The following resolution was presented next:

**NOTICE OF INTENT RESOLUTION  
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS**

City of Menominee  
County of Menominee, State of Michigan

---

Minutes of a regular meeting of the City Council of the City of Menominee, County of Menominee, State of Michigan (the "City") held on the 16th day of January 2012, at 6:00 o'clock p.m. prevailing Central Time.

**PRESENT:** Members Erickson, Felch, Mick, Organ, Plemel, Pohlmann, Stegeman, Vary, and Walker

**ABSENT:** Members None

The following preamble and resolution were offered by Member Plemel and supported by Member Organ:

WHEREAS, the City intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000) for the purpose of paying all or part of the cost of acquiring and constructing certain capital improvement items consisting of library improvements in the City (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

**NOTICE TO ELECTORS  
OF THE CITY OF MENOMINEE  
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING  
POWER OF THE CITY AND THE RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the City Council of the City of Menominee, Menominee County, Michigan, intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000) for the purpose of paying all or part of the cost of acquiring and constructing library improvements in the City.

Said bonds will mature in annual installments not to exceed thirty (30) in number, with interest rates to be determined at sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds. The bonds may be issued in one or more series as shall be determined by the City Council.

**SOURCE OF PAYMENT OF BONDS**

THE PRINCIPAL OF AND INTEREST ON THE BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable charter, statutory and constitutional limitations.

**RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE

REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Thomas DeNike  
Clerk, City of Menominee

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's taxpayers and electors of this Council's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, does not exceed \$450,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member, Felch, Mick, Organ, Plemel, Pohlmann, Stegeman, Vary, and Erickson

NAYS: Member None

ABSTENTION: Member Walker

**RESOLUTION DECLARED ADOPTED.**

A motion was made by Council Member Plemel and seconded by Council Member Organ to adopt the resolution.

AYES: Felch, Mick, Organ, Plemel, Pohlmann, Stegeman, Vary, and Erickson

NAYS: None

ABSTENTION: Walker

This motion was carried.

A motion was made by Council Member Mick and seconded by Council Member Plemel to approve payment of the US-41 wastewater invoices in the amount of \$2,437.12. This motion was carried unanimously.

A motion was made by Council Member Plemel and seconded by Council Member Vary to approve payment of the US-41 water invoices in the amount of \$487.50. This motion was carried unanimously.

**PUBLIC COMMENT:**

Mayor Stegeman opened the public comment session.

No one was heard.

A motion was made by Council Member Plemel and seconded by Council Member Felch to close the public comment session. This motion was carried unanimously.

**ADJOURN:**

A motion was made by Council Member Plemel and seconded by Council Member Mick to adjourn the meeting. This motion was carried unanimously.

Thomas F. DeNike, City Clerk/Treasurer