

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

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Monday, April 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, Mick, Organ, Pintarelli, Sorensen, and Williams
Mayor Krah

ABSENT: Councilmember Schloegel (excused)

PRESENT: 8 ABSENT: 1

A motion was made by Councilmember Hudon and seconded by Councilmember Organ to excuse Councilmember Schloegel from the meeting. This motion was carried unanimously.

A motion was made by Councilmember Williams and seconded by Councilmember Sorensen to add the resolution transferring a liquor license to the Baron Restaurant Group to the agenda and to approve the amended agenda for the meeting dated April 17, 2009. This motion was carried unanimously.

There being no additions or corrections to the minutes of the special meeting of March 10, 2009, the regular meeting of March 23, 2009, the Committee-of-the-Whole meeting of March 25, 2009, the special meeting of April 2, 2009, or the special meeting of April 7, 2009, the minutes of all of the meetings stood approved as presented.

PUBLIC HEARING:

Mayor Krah opened the public hearing that was called for hearing citizen comments on proposed M.O.C. 8:7.1 - An ordinance to establish the City of Menominee Downtown Development Authority Downtown Development Area No. 2 and to approve a Development and Tax Increment Financing Plan for Downtown Development Area No. 2.

Ed Smith, 1515-20th Avenue, asked who paid the expenses and why 8th Avenue by the Legion was trying to be changed. He also asked if assessments were lower in the TIF District.

Doug Robinson, 4504-13th Street, said the Plan was crucial for enhancement of the City.

Freddie Aubert, 427-10th Avenue, said the downtown was right next to the water. Tourism was part of the solution. The downtown was very lovely and residents should be happy with it.

Darrell Eland, 3215-18th Street, supported the TIF District as requested.

Joe Peacock, 1610-41st Avenue, has a business downtown and requested Council support for the TIF Plan. The downtown employs over 400 people.

Mary Johns, Chamber of Commerce, asked for Council support of the district.

Mike Stimac, 2001-24th Avenue, asked why it was for such a small area and not larger.

Donna Beeken asked for support of the TIF District because it would enhance the city.

Arthur Baron, 619-621 First Street, spoke in support of the TIF District and the work that has been done and that which still needs to be accomplished.

Annamac Amerman, 1205-15th Street, said that 8th Avenue by the Legion should not be moved. There was no point to moving it, and this had been turned down three times in recent time.

A motion was made by Councilmember Sorensen and seconded by Councilmember Williams to close the public hearing. This motion was carried unanimously.

PUBLIC COMMENT:

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

COMMITTEE REPORT:

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

General Fund in the amount of \$259,874.70

River Park Fund in the amount of \$3,329.67

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Finance Committee reported that they had reviewed a request from the Cemetery Department to waive the bidding process for the purchase of a used John Deere Model 725 riding lawn mower from Linder Implements at the cost of \$5,600 and they recommended approving this purchase.

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Finance Committee reported that they had reviewed proposed changes to the current health insurance coverage including abortion coverage versus coverage for mammograms, a stand-alone dental plan for employees' children who have turned 19, vision coverage, and preventive care allowance and they recommended approving the changes as proposed by the City Manager.

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Finance Committee reported that they had reviewed the municipal buildings energy conservation proposals prepared and presented by Honeywell and they recommended proceeding with Option #3 with 15 year financing, with costs not to exceed \$1,000,000 and a positive cash flow over the 15 year payback period.

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Judicial and Legislative Committee reported that they had reviewed proposed M.O.C. 8:7.1 - An ordinance to establish the City of Menominee Downtown Development Authority Downtown Development Area No. 2 and to approve a Development and Tax Increment Financing Plan for Downtown Development Area No. 2 and they forwarded the ordinance to Council without a recommendation.

S/JUDICIAL & LEGISLATIVE COMMITTEE

A motion was made by Councilmember Williams and seconded by Councilmember Sorensen to receive the foregoing report and place it on file. This motion was carried unanimously.

COMMITTEE REPORT:

The Judicial and Legislative Committee reviewed proposed amendments to MOC 9:2.4 Wintertime Parking (2:30 a.m. to 6:00 a.m.) and they recommended that a public hearing be scheduled on the proposed ordinance amendments and that council adopt the amendments.

S/JUDICIAL & LEGISLATIVE COMMITTEE

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

COMMITTEE REPORT:

The Parks and Recreation/Buildings and Grounds Committee reported that they had reviewed a municipal trash receptacles/ Earth Day project proposed by Annette Dick, a student at UW-Marquette, and they recommended supporting and authorizing this project which would be coordinated through the Public Works Department.

S/PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

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

COMMITTEE REPORT:

The Parks and Recreation/Buildings and Grounds Committee reported that they had reviewed the request from the M&M Youth Football League to place a 20" x 30" message board at Spies Field on or near the concession stand and they recommended authorizing placement of this provided there would be no advertising and that this be coordinated through the Public Works Department.

S/PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

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

COMMITTEE REPORT:

The Parks and Recreation/Buildings and Grounds Committee reported that they had reviewed the municipal buildings energy conservation proposals prepared and presented by Honeywell and they recommended proceeding with Option #3 with an estimated project cost of \$785,200 financed over 15 years.

S/PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

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

COMMITTEE REPORT:

The Parks and Recreation/Buildings and Grounds Committee reported that they had reviewed the request from the Menominee County Juvenile Probation Department for a community garden at Duby Park and they recommended supporting and authorizing this project which would be coordinated through the Public Works Department.

S/PARKS AND RECREATION/BUILDINGS AND GROUNDS COMMITTEE

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

COMMITTEE REPORT:

The Public Safety/Public Works Committee reported that they had reviewed the need for engineering services for bond issue street projects and they recommended following normal procedures to solicit proposals for this work.

S/PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

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

COMMITTEE REPORT:

The Special Projects/Community Relations Committee reported that they had discussed encouraging residents to sweep their sidewalks, curb cuts, and gutter pans, and they recommended designating the first Saturday of May as "Community Pride Clean Sweep Day".

S/SPECIAL PROJECTS/COMMUNITY RELATIONS COMMITTEE

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

COMMITTEE REPORT:

The Special Projects/Community Relations Committee reported that they had reviewed reviving the City newsletter and they recommended proceeding with a target date of fall 2009.

S/SPECIAL PROJECTS/COMMUNITY RELATIONS COMMITTEE

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

COMMITTEE REPORT:

The Special Projects/Community Relations Committee reported that they had reviewed the communication from the American Legion Auxiliary Post 146 and VFW Auxiliary Post 1887 announcing Poppy Days and they recommended that May 7-8-9, 2009 be proclaimed as Official Poppy Distribution Days within the City of Menominee.

S/SPECIAL PROJECTS/COMMUNITY RELATIONS COMMITTEE

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

MOTIONS AND RESOLUTIONS:

The first item under motions and resolution was the following resolution:

**CITY OF MENOMINEE
MENOMINEE COUNTY, MICHIGAN**

RESOLUTION

**APPROVING ORDINANCE (A) ESTABLISHING THE CITY OF MENOMINEE
DOWNTOWN DEVELOPMENT AUTHORITY DOWNTOWN DEVELOPMENT AREA NO. 2
AND (B) APPROVING A DEVELOPMENT AND TAX INCREMENT FINANCING PLAN
FOR SAID DOWNTOWN DEVELOPMENT AREA NO. 2**

Councilmember _____, supported by Councilmember _____, moved the adoption of the following resolution:

WHEREAS, pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended, MCL 125.1651 et seq. ("Act 197"), the City Council in January, 1982, created the City of Menominee Downtown Development Authority (the "DDA"); and

WHEREAS, Act 197 permits the City Council, after notice and conducting a public hearing in accordance with Act 197, to establish in connection with the creation and establishment of the DDA the boundaries of a downtown district known as "Downtown Development Area No. 2" ("Development Area No. 2"); and

WHEREAS, to accomplish the purposes of Act 197, the City Council, after notice and conducting a public hearing in accordance with Act 197, is permitted to approve a development and tax increment financing plan, entitled the "Tax Increment Financing and Downtown Development Area Plan," for Development Area No. 2 (the "Plan"); and

WHEREAS, public hearings have been held on February 16, 2009 and April 20, 2009 after notice in accordance with Act 197 to establish Development Area No. 2 and to approve the Plan; and

WHEREAS, in accordance with Act 197 a development area citizens council known as the “Historic Waterfront Downtown Citizens Advisory Council” has reviewed the Plan and recommended it to the City Council for approval.

RESOLVED:

1. That the ordinance attached hereto is approved.
2. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Councilmembers

NAYS: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

RESOLUTION DECLARED ADOPTED.

Dated: April ____, 2009

Thomas F. DeNike, City Clerk/Treasurer

ORDINANCE NO. 8:7.1

**AN ORDINANCE TO ESTABLISH THE CITY OF MENOMINEE
DOWNTOWN DEVELOPMENT AUTHORITY
DOWNTOWN DEVELOPMENT AREA NO. 2
AND TO APPROVE A DEVELOPMENT AND TAX INCREMENT FINANCING PLAN
FOR DOWNTOWN DEVELOPMENT AREA NO. 2**

THE CITY OF MENOMINEE ORDAINS:

Section 1. Establishment of Downtown District. A downtown district of the City of Menominee Downtown Development Authority (the “DDA”) is established and known as “Downtown Development Area No. 2” and is legally described as follows:

Commencing at the intersection of the south line of Tenth Avenue extended and the west shoreline of Green Bay; thence southeasterly along said shoreline to the south line of Lot 5 Block 11, Ludington & Carpenters 1st addition and subdivision of parts of Block 8, 14, and 15; thence southwesterly along said Lot 5, Block 11 to east line off First Street; thence southeasterly along east line of First Street to north line of Fourth Avenue; thence southwesterly along the north line of Fourth Avenue to the intersection of said line and east line of Second Street; thence northwesterly along the east line of Second Street, to its intersection with the south line of Tenth Avenue; thence northeasterly on the south line of Tenth Avenue to the point of beginning. The V.A. Lundgren, Jr. land described as:

East 55.4' in south line and East 55.5' in west line of Lot 1 in Block 2 of Gewehrs 2nd addition to the City of Menominee; Municipal Water Plant land described as: Lot 4 and North 84 feet of Lot 5, Block 1 of Gewehrs 2nd addition to the City of Menominee; CMSTP&P land described as Lots 1, 2 and 3, Block 6 and Lots 18, 19 and 20, Block 6, Plat of Menominee; that part of Block 1 of Quimby's addition to the City of Menominee formerly occupied by the Washington School Building and the land adjacent thereto described as follows: Commencing at intersection of the west line of Second Street and the north line of Ninth Avenue; thence northwesterly along the west line of Second Street two hundred twenty-one (221) feet; thence west along an established iron fence one hundred twenty-two (122) feet to the westerly end of iron mesh fence; thence southeasterly to a four-inch iron pipe imbedded in the center of the gate entry way to school ground located at the north line of Ninth Avenue at which point is one hundred forty-six (146) feet ten (10) inches from point of beginning; thence east along the north line of Ninth Avenue to the point of beginning.

Excepting the Parcel Described as:

THAT PART OF LOT THREE (3), BLOCK ONE (1) ACCORDING TO THE RECORDED PLAT OF GEWEHR'S ADDITION TO THE CITY OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN, AND OF LOTS ONE (1), TWO (2), AND THREE (3), BLOCK ONE (1) ACCORDING TO THE RECORDED PLAT OF JOHN QUIMBY'S LOTS TO THE CITY OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN AND OF LOTS EIGHT (8), NINE (9), AND TEN (10), BLOCK ONE (1), ACCORDING TO THE RECORDED PLAT OF JOHN QUIMBY'S FIRST ADDITION TO THE CITY OF MENOMINEE, MENOMINEE COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF LOT 3, BLOCK 1 OF NICHOLAS GEWEHR'S ADDITION TO MENOMINEE; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 3 EXTENDED TO THE EASTERLY LINE OF KIRBY STREET (NOW 2ND STREET); THENCE SOUTHERLY ALONG THE EASTERLY LINE OF KIRBY STREET TO THE NORTH LINE OF LIBERTY STREET, (NOW 9TH AVE); THENCE EASTERLY ALONG THE NORTH LINE OF LIBERTY STREET TO THE WESTERLY LINE OF SHERIDAN ROAD (NOW 1ST STREET); THENCE NORTHERLY ALONG THE WESTERLY LINE OF SHERIDAN ROAD TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING PARCELS: THE LANDS OCCUPIED BY: THAT CERTAIN THEATER BUILDING, AND GARAGE BUILDING; AND ALL THAT PORTION OF THE ARCADE LYING WESTERLY OF THE PARTY WALL PORTION OF THE WESTERLY WALL OF THE FOUR STORY "MAIN BUILDING"; THE MARQUEE OR CANOPY OVER THE FIRST STREET ENTRANCE TO THE ARCADE; AND THAT PORTION OF THE PREMISES LYING WESTERLY OF THE THEATER AND GARAGE BUILDING BOUNDED BY 9TH AVENUE ON THE SOUTH AND 2ND STREET ON THE

WEST. AND FURTHER EXCEPTING; THE NORTH 10 FEET OF SAID LOT 3 BLOCK 1 OF THE PLAT OF GEWEHR'S ADDITION, AND THAT PORTION THEREOF (IF ANY) LYING WITHIN THE RIGHT OF WAY OF 1ST STREET AS NOW LAID OUT;

Excepting the Parcel Described as:
QUIMBYS 1ST ADD S 1/2 OF LOT 2 BLK 8 952 1ST ST

Excepting the Parcel Described as:
QUIMBYS LOTS BLEEKER CTY N 25' OF S 27' 1" OF W 129' OF LOT 2 BLK3

Excepting the Parcel Described as:
QUIMBYS LOTS BLEEKER CTY S 2' 11" OF W 129.3 ' OF LOT 2 & N 45 OF E 116.3' OF W 129.3' OF LOT 3 BLK 3

Excepting the Parcel Described as QUIMBYS LOTS BLEEKER CTY N 45' OF W 133' OF LOT 2 BLK5

Section 2. Findings with Respect to Plan. The development and tax increment financing plan, entitled the "Tax Increment Financing and Downtown Development Area Plan" for Downtown Development Area No. 2 (the "Plan") constitutes a public purpose and the following findings are made with respect thereto:

- a. a development area citizens council known as the "City of Menominee Downtown Citizens Advisory Council" has reviewed and recommended the Plan for approval;
- b. the Plan meets the requirements of the Downtown Development Authority Act, Act 197 of the Public Acts of Michigan of 1975, as amended ("Act 197") including specifically Section 17(2) of Act 197;
- c. The proposed method of financing the public facilities identified in the Plan is feasible and the DDA has the ability to arrange the financing as described in the Plan;
- d. the development described in the Plan is reasonable and necessary to carry out the purposes of Act 197;
- e. the Plan is in reasonable accord with the City's master plan;
- f. necessary public services including fire and police protection and utilities are adequate to service Downtown Development Area No. 2;
- g. no changes in zoning are required to implement the Plan; and
- h. changes in streets and utilities required to implement the Plan are identified in the Plan and are reasonably necessary to implement the Plan and for the City.

Section 3. Approval of Plan. The Plan is hereby approved.

Section 4. Publication of Ordinance. Upon adoption, this ordinance, or a summary thereof as permitted by law, shall be published in the *Eagle Herald*, a newspaper of general circulation in the City.

Section 5. Effective Date. This ordinance shall take effect upon its publication, or a summary thereof as permitted by law, is published as provided in Section 4.

Section 6. Filing with Secretary of State. Upon adoption, the City Clerk shall file a copy of this ordinance with the Michigan Secretary of State.

A motion was made by Councilmember Mick and seconded by Councilmember Williams to remove the relocation of 8th Avenue and the parking ramp from the Plan, to amend the length of the Plan to six years, and to approve the Plan as amended.

AYES: Hudon, Krah, Mick, Organ, Pintarelli, Sorensen, Williams, and Fernstrum

NAYS: None

This motion was carried unanimously.

The following resolution was considered next:

RESOLUTION

At a regular meeting of the City Council called to order by Mayor Krah Laurie A. Stupak on June 19, 2000 at 6 p.m.

The following resolution was offered:

Moved by Councilmember Hudon and supported by Councilmember Sorensen that the request to transfer ownership of 2008 Class C licensed business with Dance Permit, located in escrow at 121-131 Railroad, Daggett, MI 49821, Menominee County, from JR's Pour Haus, Inc. to Baron Restaurant Group, LLC; and transfer location (governmental unit) MCL 436.1531(1) to 617-621 First, Menominee, MI 49858, Menominee County be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

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

PUBLIC COMMENT:

Mayor Krah opened the public comment session.

Ed Smith, 1515-20th Avenue, asked what the status was for bond issue street projects. He added that streets were bad and getting worse. He asked what the amount of tax dollars was that were spent on Spies Field and what was happening with automated garbage pickup.

Mike Stimac, 2001-24th Avenue, commented on acting on agenda items and allowing time for discussion and voting.

Doug Robinson, 4504-13th Street, thanked Council for good discussion and concerns of the members. He also said that the parking ramp downtown would be needed sooner rather than later.

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

COUNCIL COMMENTS:

Mayor Kraha commented on Committee-of-the-Whole meetings versus the committee structure.

ADJOURN:

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



Thomas F. DeNike, City Clerk/Treasurer