

**CITY OF MENOMINEE, MICHIGAN
REGULAR COUNCIL PROCEEDINGS
DECEMBER 15, 2008**

A regular meeting of the Menominee City Council, City of Menominee, County of Menominee, State of Michigan, was held Monday, December 15, 2008 at 5 p.m. in the Municipal Complex Council Chambers.

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

PRESENT: Councilmembers Fernstrum, Hudon, Mick, Organ, Pintarelli, Schloegel, Sorensen, and Williams; Mayor Krahn

ABSENT: None

PRESENT: 9

ABSENT: 0

A motion was made by Councilmember Williams and seconded by Councilmember Hudon to approve the agenda for the meeting dated December 8, 2008. This motion was carried unanimously.

There being no additions or corrections to the minutes of the regular meeting of November 17, 2008, the minutes stood approved as presented.

PUBLIC HEARING:

Mayor Krahn opened the public hearing called for the purpose of hearing citizen comments on the proposed amendments to M.O.C. 9:2.2 - Schedule of Parking Fines.

No one was heard.

A motion was made by Councilmember Organ 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.

Ed Smith, 1514-20th Avenue, said that senior citizens need partial payments on taxes to help them budget.

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

REPORTS OF OFFICERS:

Under reports of officers, Mayor Krah submitted for confirmation the appointment of Rob Lemay to the Zoning Board of Appeals, as an alternate replacing Alfred Rasmussen who did not wish to be reappointed, with his term to expire on October 15, 2011.

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

COMMITTEE REPORT:

The Finance Committee reported that they reviewed the claims for November 2008 and they recommended that checks be drawn on the treasurer in payment of the bills as follows:

General Fund in the amount of \$271,101.86
River Park Fund in the amount of \$8,186.58

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Finance Committee reported that they had reviewed the audit for the fiscal year ended June 30, 2008 as prepared by Kerber, Rose and Associates, and they recommended that the audit be accepted and the financial statements be published as required.

S/FINANCE COMMITTEE

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

COMMITTEE REPORT:

The Finance Committee reported that they had reviewed accepting partial payment of property taxes and they recommended adoption of the following resolution:

**RESOLUTION AUTHORIZING THE ACCEPTANCE
OF PARTIAL PAYMENT OF PROPERTY TAXES**

WHEREAS, it is deemed by the Menominee City Council to be prudent, and in the best interests of the public, to authorize the acceptance of partial payments of taxes due pursuant to MCL 211.53(1).

NOW, THEREFORE, BE IT RESOLVED by the Menominee City Council that the Menominee City Treasurer shall accept partial payments of taxes due, upon application, beginning January 1, 2009. If the applicant for partial payment owes taxes on more than one parcel of real property, she or he must designate, at the time of partial payment, the parcel to which the payment is to be applied first.

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 Public Safety/Public Works Committee reported that they had reviewed Change Order #4 increasing the contract amount by \$13,133.74 and Application for Payment #2 in the amount of \$182,356.41, to Barley Excavating, Inc. for the 7th Avenue/2nd Street Parking Lot Project and they recommended that they be approved.

S/PUBLIC SAFETY/PUBLIC WORKS COMMITTEE

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

MOTIONS AND RESOLUTIONS:

The first item under motions and resolutions was approval of the meeting schedule for 2009 as follows:

CITY OF MENOMINEE, MICHIGAN
 2009 MEETING SCHEDULE

MONTH	MONDAY 5 p.m. CITY COUNCIL	THURSDAY 4 p.m. W W U B	TUESDAY 10 a.m. CEMETERY BOARD	TUESDAY 4:15 p.m. PLANNING COMMISSION
January	19 th	8 th	13 th	13 th
February	16 th	12 th	10 th	10 th
March	16 th	12 th	10 th	10 th
April	20 th	9 th	14 th	14 th
May	18 th	14 th	12 th	12 th
June	15 th	11 th	9 th	9 th

July	20 th	9 th	14 th	14 th
August	17 th	13 th	11 th	11 th
September	21 st	10 th	8 th	8 th
October	19 th	8 th	13 th	13 th
November	16 th	12 th	10 th	10 th
December	21 st	10 th	8 th	8 th

A motion was made by Councilmember Schloegel and seconded by Councilmember Hudon to approve the foregoing schedule. This motion was carried unanimously.

The next agenda item was an ordinance amending M.O.C. 9:2.2 – Schedule of Parking Fines as follows:

TITLE 9: TRAFFIC
CHAP. 2: PARKING 9:2.2

9:2.2 SCHEDULE OF PARKING FINES.

- (1) The following fines shall be charged for parking violations:
- | | | |
|---------------------------------------|--------------------|----------|
| (a) Restricted Parking..... | \$15.00 | |
| (b) Double Parking | \$ 5.00 | \$ 15.00 |
| (c) No Parking Zone (Yellow)..... | \$ 5.00 | \$ 15.00 |
| (d) Blocking Alley..... | \$ 5.00 | \$ 15.00 |
| (e) Blocking Driveway | \$ 5.00 | \$ 15.00 |
| (f) Plow Period..... | \$ 5.00 | \$ 15.00 |
| (g) Parked Wrong Side of Street | \$ 5.00 | \$ 15.00 |
| (h) Handicap Parking..... | \$25.00 | |
| (i) Other | \$ 5.00 | \$ 15.00 |

With the exception of ~~Restricted and~~ Handicap Parking Violations, all the above stated fines, will automatically increase to ~~Ten Dollars (\$10.00)~~ Twenty-Five Dollars (\$25.00) if the violation is not settled within five (5) days of date served.

~~If Restricted Parking violations are not settled within five (5) days of date of issue, the amount of fine will automatically increase to \$25.00.~~

For purposes of this ordinance, restricted parking shall be defined as parking in an area, during a time period or under circumstances that such parking has been prohibited or controlled by ordinance or traffic order of the City of Menominee, in areas where notification of such prohibition or control is posted or otherwise publicized at the time of the parking.

~~(2) In addition to any fines that may be charged above, the following schedule shall apply to towed or impounded vehicles:~~

(a) Towing.....	\$ 25.00
(b) Storage/Day.....	
(c) Boot Removal.....	\$ 25.00

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

The next agenda item was the following resolution:

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 _____, 2008.

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

ACCOUNT TITLES:

City of Menominee Sewer Bond Redemption

NAME:

George W. Krah
Eric A. Strahl
Thomas F. DeNike
Laura Copeland

NATIONAL CITY BANK

NUMBER

1000262691

TITLE:

Mayor
City Manager
City Clerk/Treasurer
Head Cashier

whose signatures shall be duly certified to said bank, and that checks, notes or orders so drawn against said bank shall be void unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby directed and authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders, or any of such person in their individual capacities or not, whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the

individual credit of any of the other officers or not. This resolution shall continue in force and said bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue set forth in the Certificate of the City Clerk, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said bank.

IN WITNESS WHEREOF, I have hereunto affixed my name as Thomas F. DeNike, City Clerk/Treasurer and have caused the corporate seal of said city to be hereunto affixed this ____ day of _____, 2008.

Thomas F. DeNike, City Clerk/Treasurer

A motion was made by Councilmember Fernstrum and seconded by Councilmember Mick to adopt the foregoing resolution.

The following resolution was next on the agenda:

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 _____, 2008.

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

ACCOUNT TITLES:
Street Bond Construction
Current Tax Fund
Police/Fire Retirement
City (Waterfront Festival)
Section 125 Fund
Pooled Cash Fund
Spies Field
Public Improvement Fund

RIVER VALLEY BANK

NUMBERS
644818537
91504
90860
1930006273
1930014871
500199353
100243495
100319730

NAME:

George W. Krah
Eric A. Strahl
Thomas F. DeNike
Laura Copeland

TITLE:

Mayor
City Manager
City Clerk/Treasurer
Head Cashier

whose signatures shall be duly certified to said bank, and that no checks, notes or orders so drawn against said bank shall be void unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby directed and authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders, or any of such person in their individual capacities or not, whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue set forth in the Certificate of the City Clerk, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said bank.

IN WITNESS WHEREOF, I have hereunto affixed my name as Thomas F. DeNike, City Clerk/Treasurer and have caused the corporate seal of said city to be hereunto affixed this ____ day of _____, 2008.

Thomas F. DeNike, City Clerk/Treasurer

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

The next agenda item was the following resolution:

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 _____, 2008.

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 any two (2) of the following as specified:

TWO SIGNATURES REQUIRED

ACCT. TITLES:

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

WELLS FARGO
NUMBERS

788-0100001
788-0172240
788-0180339
788-0177543
788-0512727
788-0512321
788-0515020
62M016051
62M016150
62M016333
62M016283
62M016325
62M016317
62M016291
62M361002
62M362000
62M016234
62M016267
788-0175695
6651321249
3349336746

Water & Wastewater Utility Board:

Water Receiving Fund 788-0511134
Water Treatment Utility Board 788-0100052
Wastewater Treatment Utility Board 788-0182094
Sewer Receiving Fund 788-0181542
Water Treatment Capital Equipment Replacement 62M016218
Sewer Receiving Fund 62M016176
Water Receiving Fund 62M016085
Wastewater Capital Equipment Replacement 62M016101
Utility Board Capital Replacement 62M016028
Sewer Bond & Interest Redemption 62M016275
Water Treatment Improvement Fund 62M016309
Water Treatment Capital Improvement 085-0076837
Sewer Bond Redemption 62M016192

NAME:

George W. Krah
Eric A. Strahl
Thomas F. DeNike
Laura Copeland

TITLE:

Mayor
City Manager
City Clerk/Treasurer
Head Cashier

whose signatures shall be duly certified to said bank, and that no checks, notes or orders so drawn against said bank shall be void unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby directed and authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders, or any of such person in their individual capacities or not, whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue set forth in the Certificate of the City Clerk, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said bank.

IN WITNESS WHEREOF, I have hereunto affixed my name as Thomas F. DeNike, City Clerk/Treasurer and have caused the corporate seal of said city to be hereunto affixed this ____ day of _____, 2008.

Thomas F. DeNike, City Clerk/Treasurer

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

The final resolution on the agenda was the following:

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 _____, 2008.

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

ACCOUNT TITLES:

General Fund
City of Menominee Insurance Escrow
Medical Reimbursement

NAME:

George W. Krah
Eric A. Strahl
Thomas F. DeNike
Laura Copeland

STEPHENSON NATIONAL
BANK AND TRUST

NUMBERS

0410000074
0425003720
410001394

TITLE:

Mayor
City Manager
City Clerk/Treasurer
Head Cashier

whose signatures shall be duly certified to said bank, and that checks, notes or orders so drawn against said bank shall be void unless so signed.

BE IT FURTHER RESOLVED, that said bank is hereby directed and authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders, or any of such person in their individual capacities or not, whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the City Clerk, accompanying a copy of this resolution when delivered to said bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said bank.

IN WITNESS WHEREOF, I have hereunto affixed my name as Thomas F. DeNike, City Clerk/Treasurer and have caused the corporate seal of said city to be hereunto affixed this ____ day of _____, 2008.

Thomas F. DeNike, City Clerk/Treasurer

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

PUBLIC COMMENT:

Mayor Krah opened the public comment session.

Ed Smith, 1514-20th Avenue, asked why the City had so many bank accounts at different banks. He also questioned whether or not money was being set aside for equipment replacement.

Mary Johns, Chamber of Commerce Director, gave a report on the Waterfront Festival. She said that sales were down due to the weather and cancellation of the fireworks. A minor survey was done regarding the parade route. Information on the festival will be forthcoming.

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

ADJOURN TO CLOSED SESSION:

A motion was made by Councilmember Mick and seconded by Councilmember Hudon to adjourn to closed session to discuss Wisconsin Public Service Corporation Michigan Tax Tribunal Case, Docket No. 270836, proposed settlement.

AYES:: Fernstrum, Hudon, Krah, Mick, Organ, Pintarelli, Schloegel, Sorensen, and Williams
NAYS: None

This motion was carried unanimously.

RETURN TO OPEN SESSION:

A motion was made by Councilmember Organ and seconded by Councilmember Williams to return to open session. This motion was carried unanimously.

A motion was made by Councilmember Organ and seconded by Councilmember Williams to accept the recommendation of our attorneys to settle the Wisconsin Public Service Corporation Case (Michigan Tax Tribunal Docket No. 270836) and authorize the City Manager to sign the required documents.

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

This motion was carried.

COUNCIL COMMENTS:

Councilmember Fernstrum said she had heard many comments on the Christmas decorations and how nice the City looks.

ADJOURN:

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


Thomas F. DeNike, city Clerk/Treasurer