

CITY OF IRONWOOD

213 S. Marquette Street
Ironwood, Michigan 49938



Telephone: (906) 932-5050
FAX: (906) 932-5745

AGENDA
REGULAR IRONWOOD CITY COMMISSION MEETING
MONDAY, JUNE 10, 2013
Budget Public Hearing – 5:15 P.M.
Public Hearing – 5:20 P.M.
Zoning Board of Appeals Public Hearing – 5:25 P.M.
Regular Meeting - 5:30 P.M.

LOCATION: COMMISSION CHAMBER MEMORIAL BUILDING

5:15 P.M.

1. Call Public Hearing to Order.
 2. Recording of Roll.
 3. Open Public Hearing.
 4. Public Hearing: To hear comment relative to Fiscal Year 2013-2014 Proposed Budget. Schedule of Rates for the City Services and the Property Tax Millage Rate levied to support Proposed Budget.
 5. Close Public Hearing.
-

5:20 P.M.

1. Open Public Hearing.
 2. Public Hearing: To hear comment and review the status of the 2009 Housing Resource Fund Grant for the Norrie Location.
 3. Close Public Hearing.
-

5:25 P.M.

Continuation of:

1. Call Zoning Board of Appeals to Order.
 2. Recording of the Roll.
 3. Open Public Hearing.
 4. Public Hearing: To hear comment on a variance for a garage to be erected at 527 Bundy Street, Ironwood, MI 49938 that exceeds the maximum square footage for accessory structures and erecting an accessory structure without a principle structure on site.
 5. Close Public Hearing.
 6. Consider Action on the Variance Request.
 7. Adjourn Zoning Board of Appeals.
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5:30 P.M.

- A. Regular Meeting Called to Order.
Pledge of Allegiance.
- B. Recording of the Roll.
- C. Approval of the Consent Agenda.*

All items with an asterisk (*) are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of those items unless a Commission member or citizen so requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

*1) Approval of Minutes – May 28th Regular City Commission Meeting and Work Session of May 23rd.

*2) Review and Place on File:

- a) Ironwood Housing Commission Meeting Minutes of April 2nd.
- b) Downtown Ironwood Development Authority Meeting Minutes of April 25th.
- c) Parks and Recreation Committee Meeting Minutes of May 6th.
- d) Ironwood Planning Commission Meeting Minutes of May 1st.

- D. Approval of the Agenda.
- E. Citizens wishing to address the Commission on Items on the Agenda. (Three Minute Limit).
- F. AUDIENCE: Eric Anderson, E5299 W. Pioneer Road.
(RE: Weight Limits on South Range Road).
- G. PRESENTATION: Andrew DiGiorgio, Director of Public Safety.
(RE: Update on Blight Enforcement).

OLD BUSINESS

- H. Review and consider Resolution #013-016 Approving an Appropriations Act for Fiscal Year 2013-2014 including Budget establishment of the 2013-2014 Millage Rates for City Services and authorizing the collection of a 1% Tax Administration Fee and adopt 2013-2014 Fee Schedule.

NEW BUSINESS

- I. Discuss and consider application for one (1) day Liquor License for a Special Events at the Pat O'Donnell Civic Center on July 19th for Cage Fighting and October 4th for Battle of the Bands.
- J. Discuss and consider approval of Change Order #8 for Wagner Construction to balance quantities, extend the contract time to July 9, 2013 and authorize Mayor to sign all applicable documents.
- K. Discuss and consider approval of Partial Pay Estimate #1 to Angelo Luppino, Inc. in the amount of \$117,239.85 for the City of Ironwood – Depot Park Improvement Project Phase II and authorize Mayor to sign all applicable documents.
- L. Discuss and consider authorizing advertisement of bids for the remaining Entrée & Companions Kitchen Equipment Sale #2.
- M. Discuss and consider Resolution #013-015 Approving Grant for Michigan's Western Gateway Trail Improvements from Michigan Department of Natural Resources Trust Fund.
- N. Discuss and consider Garage Sale Ordinance.

- O. Discuss and consider awarding bid to purchase 20 Mueller Fire Hydrants.
- P. Discuss and consider awarding bid for the 2013 Street Pavement Markings.
- Q. Discuss and consider reappointing Scott Erickson and Bob Tervonen to the Gogebic-Iron Waste Water Board and Authority.
- R. Manager's Appointment to the Ironwood Housing Commission.
- S. Manager's Report.
- T. Other Matters (Three Minute Limit).
- U. Citizens wishing to address the Commission on Items not on the Agenda (Five Minute Limit).
- V. Adjournment.

CITY COMMISSION RESOLUTION AUTHORIZING THE 2013 CITY TAX LEVY,
AUTHORIZING A GENERAL APPROPRIATION ACT FOR FISCAL 2013-2014,
AND AUTHORIZING THE COLLECTION OF A 1% TAX ADMINISTRATION FEE.

At a Regular Meeting of the City Commission of the City of Ironwood held on the 10th of June, 2013 in the Commission Chambers of the Memorial Building in the City of Ironwood, Michigan, the following Resolution was offered by Commissioner _____, and supported by Commissioner _____.

WHEREAS, Act 621 of the Michigan Public Acts of 1978, known as the "Uniform Budgeting and Accounting Act", requires that an Appropriation Act be passed by the City Commission authorizing the expenditure of City funds, and to provide for the disposition of all income received by the City; and

WHEREAS, pursuant to Section 14 (1) of said Act, the City Manager, as the Chief Administrative Officer has prepared and presented the City Commission with a budget; and

WHEREAS, the recommended budget includes the requirements of Section 15 (1) of said Act and is a balanced budget as required by Section 15 (2); and

WHEREAS, pursuant to Act 197 of the Michigan Public Acts of 1975, the Downtown Development Authority has submitted a budget request indicating their required revenues and expenditures for Fiscal 2013-2014 and

WHEREAS, Act 503 of the Michigan Public Acts of 1982 requires that the collection of a Property Tax Administrative Fee (PTAF) and a Late Penalty Fee (LPF) be by resolution of the governing body;

NOW THEREFORE BE IT RESOLVED, that the proposed budget for Fiscal 2013-2014 is hereby approved and the City Assessor and City Treasurer are hereby authorized to levy the following millage rates for the 2013 - 2014 Fiscal Year, beginning July 1, 2013 thru June 30, 2014:

General Fund	19.2000	Mills
Library Fund	0.9658	Mills
Police & Fire Pension Fund	6.5000	Mills
Memorial Building Renovation	2.0000	Mills
Civic Center Fund	<u>1.0000</u>	Mills
TOTAL	29.6658	Mills

BE IT FURTHER RESOLVED, that in accordance with Act 197, of the Michigan Public Acts of 1975, an amount equivalent to 1.9414 mills is hereby levied against the C-2 Zoned Downtown Commercial District and appropriated for the financing of the Downtown Development Authority; and

BE IT FURTHER RESOLVED, that in accordance with Section 44 of Act 503 of the Michigan Public Acts of 1982, that the City Assessor and the City Treasurer be authorized to impose a 1% Property Tax Administrative Fee (PTAF) and a 3% Late Penalty Fee (LPF) and that a separate activity account be established for pursuant to said Act, and

BE IT FURTHER RESOLVED, that the City Manager, serving as Chief Administrative Officer of the City, is hereby authorized and permitted, pursuant to Section 19 (2) of Act 621, to execute transfers up to 30% between appropriations (budget centers); and

BE IT FURTHER RESOLVED, that the charges for City Services for Fiscal 2013 - 2014 shall be as indicated in the attached Fee Schedule, and

BE IT FURTHER RESOLVED, that this General Appropriations Act hereby appropriates City Revenues to be expended in the amounts and for purposes as set forth below:

Revenues

General Fund

Description

Property Taxes & Fees	\$1,708,000
State Grants	955,000
Rentals, Fees & Services, Interest, Other	<u>594,100</u>
Total General Fund Revenues	\$3,257,100

Major Street Fund	\$594,750
Local Street Fund	504,600
Volunteer Fire Department	7,000
Library Fund	136,700
CDBG Housing Grant	286,000
Façade Grant	600,000
Rental Rehab Grant	270,000
Capital Improvement Fund	171,000
Economic Development	4,400
Civic Center Fund	613,350
Equipment Fund	651,900
Water Utility Fund	1,861,000
Sewer Utility Fund	1,815,000
Cemetery Fund	67,250
Downtown Development Authority	<u>12,500</u>

Total Revenues – All Funds \$10,852,550

Expenditures

General Fund

City Commission	\$35,100
City Manager	106,950
Elections	9,500
Finance Department	161,200
Treasurer	35,500
Assessor	61,475
Computer Department	52,200
Clerk	162,100
Board of Review	1,300
Building Inspection	43,925
Memorial Building	149,400
Fire Related Activities	18,200
Public Safety	912,700
Drug Enforcement	3,500
Community Development	222,600
Code Enforcement	91,300
Street Lighting	121,000
Other Sanitary Activities	31,800
City Centre	12,000

Parks Maintenance	104,150
Aurora Land Survey	20,600
Western Gateway Trail Project	300,000
Curry Park Project	60,000
Longyear Park Project	60,000
Insurance/Fringes	27,000
Programs	16,000
Labor Relations	5,000
Appropriations to Other Funds	<u>432,600</u>
Total General Fund Expenditures	\$3,257,100
Major Street Fund	\$594,750
Local Street Fund	504,600
Volunteer Fire Department	7,000
Library Fund	136,700
CDBG Housing Grant	286,000
Façade Grant	600,000
Rental Rehab Grant	270,000
Capital Improvement Fund	171,000
Economic Development	4,400
Civic Center Fund	613,350
Equipment Fund	651,900
Water Utility Fund	1,861,000
Sewer Utility Fund	1,815,000
Cemetery Fund	67,250
Downtown Development Authority	<u>12,500</u>
Total Expenditures – All Funds	\$10,852,550

AYES: Commissioner(s), _____

NAYS: Commissioner(s), _____

ABSENT: Commissioner(s), _____

RESOLUTION DECLARED ADOPTED

I, Karen M. Gullan, do hereby certify that I am the duly appointed acting and qualified Clerk of the City of Ironwood, and do further certify that the above and foregoing Resolution is a true and correct copy of the Resolution passed by the City of Ironwood City Commission, at a Regular Meeting held June 10, 2013.

KAREN M. GULLAN, CITY CLERK



MEMO

To: Mayor Corcoran and the City Commission

From: Karen M. Gullan, City Clerk

Date: June 4, 2013

Meeting Date:

June 10, 2013

Re: 2009 Review of the Housing Resource Fund Grant for the Norrie Location

The Community Development Office has been busy wrapping up the 2009 Housing Resource Fund Grant for the Norrie Location. The grant was in the amount of \$200,000 plus \$43,900 for administration. The City of Ironwood has expended to date \$238,373.00. The public hearing scheduled for June 10th at 5:15 p.m. is a requirement of the State of Michigan. The present work performance period for the 2009 Housing Resource Fund Grant was from June 30, 2010 to December 31, 2012, with a six (6) month extension to June 30, 2013 due to weather to finish up the projects. The targeted area was the Norrie Location, 2 blocks on either side down Alfred Wright Blvd. There were sixteen (16) applicants; fifteen (15) homes were rehabilitated, with one (1) more nearing completion.

One of the reasons this area was chosen was because of the significant investment to the infrastructure by the City of Ironwood and the proximity to the downtown.



MEMO

To: Zoning Board of Appeals

From: Michael J. D. Brown, Community Development Director

Date: April 30, 2013

Meeting Date: May 28, 2013

Re: 2013-003 527 Bundy Street Garage Variance

Request

Before the Board is a variance request from Robert Miklesh to request a variance to erect an 896 square foot (28' x 32') garage (which exceeds ordinance restrictions by 220 square feet) at 527 Bundy St (lot size 6,600 square feet or 50' x 132') without a principle structure, such as a residential home. The property is zoned R-1 single-family residential. Mr. Miklesh is requesting a variance from the following sections of the Zoning Ordinance to allow the erection of this garage; there is an existing garage on site he intends to remove:

1. **Section 34-53(1)**, which states "Accessory buildings are permitted in the R-1 single-family residential district but not prior to erection of the principal buildings" and
2. **Section 34-53(a)(i)**, which states "For lots of ten thousand (10,000) square feet in area or less, the accessory building shall not exceed twenty-six (26) feet by twenty-six (26) feet or six hundred seventy-six (676) square feet. They shall not exceed fifteen (15) feet in height"

Per Section 34-285(6)(c) A use variance may be allowed by the ZBA only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:

- i. *Unreasonable current zoning designation.* The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require submission of documentation from professionals or certified experts to substantiate this finding.
- ii. *Unique circumstances.* That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:
 1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
 2. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
 3. The use or development of the property immediately adjoining the property in question.

4. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

iii. *Character of neighborhood.* The use variance will not alter the essential character of the neighborhood or the intent of the comprehensive development plan, or be a detriment to adjacent properties.

iv. *Capacity of roads, infrastructure and public services.* The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

v. *Not self-created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

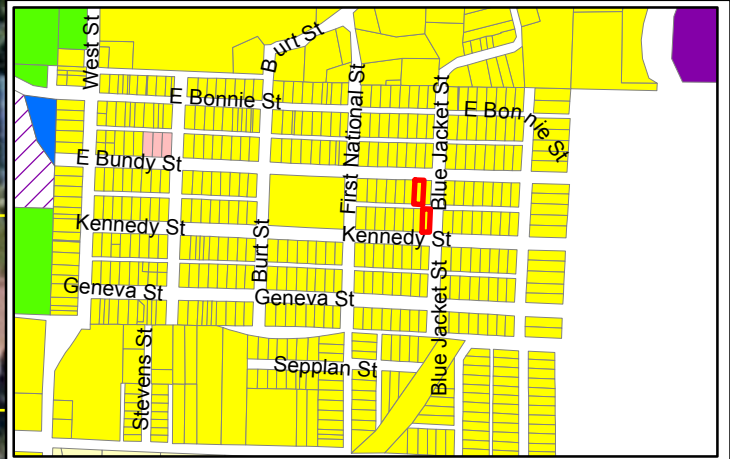
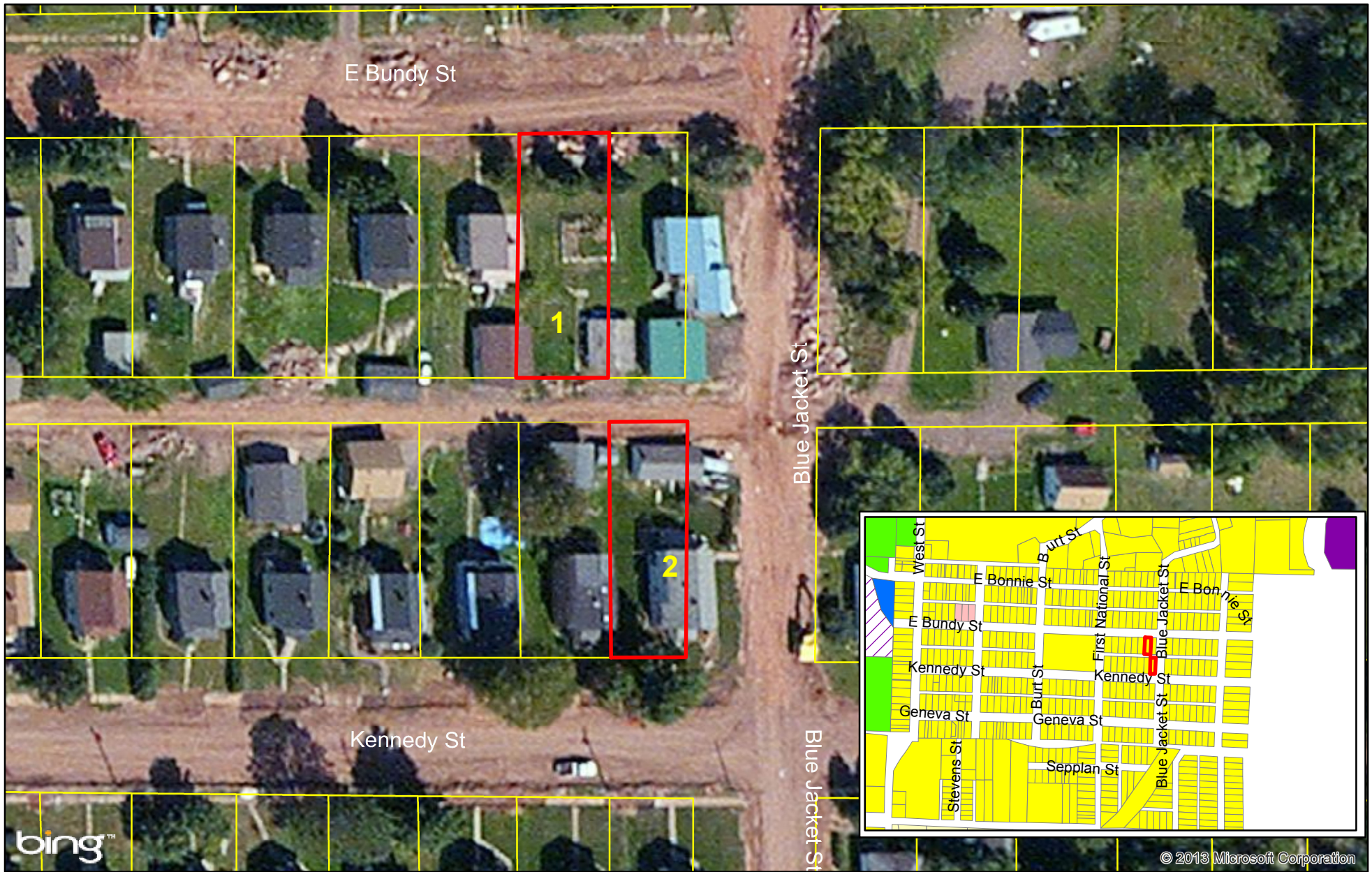
Per Section 34-286(1) a 2/3 vote or 4 out of 5 members shall vote in favor of the request in order for it to pass.

Per Section 34-287 The ZBA may impose, in writing, specific conditions with an affirmative decision pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.)

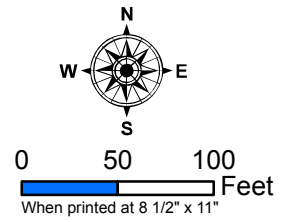
The Board should discuss these two variance requests and consider them against the standards set above.

Motion 1: To *Grant/Deny* a variance to Section **34-53(1)** of the Zoning Ordinance to allow a garage to be erected at 527 Bundy Street without a principle building.

Motion 2: To *Grant/Deny* a variance to Section **34-53(a)(i)** of the Zoning Ordinance to allow an 896 square foot garage to be erected and exceed the maximum square foot requirement of 676 square feet at 527 Bundy Street.



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ZBA Case 2013-003 527 Bundy St Garage Variance

Tuesday, April 30, 2013

Legend

- 1 = 527 Bundy Street
- 2 = Robert Miklesh Primary Residence

The information contained in this map is for reference purposes only. The City of Ironwood is not responsible for the accuracy of the data.

Proceedings of the Ironwood City Commission

A Regular Meeting of the Ironwood City Commission was held on May 28, 2013 at 5:30 P.M. along with a Zoning Board of Appeals Public Hearing at 5:20 P.M. in the Commission Chambers, Second Floor of the Municipal Memorial Building in the City of Ironwood, Michigan.

1. Mayor Pro Tem Semo called the Zoning Board of Appeals to Order at 5:20 P.M.
2. Recording of the Roll.

PRESENT: Commissioner Cayer, Shackleford, Tauer, and Mayor Pro Tem Semo.
ABSENT: Mayor Corcoran.

3. Mayor Pro Tem Semo opened Public Hearing at 5:21 P.M.
4. Public Hearing: To hear comment on a variance for a garage to be erected at 527 Bundy Street, Ironwood, MI 49938 that exceeds the maximum square footage for accessory structures and erecting an accessory structure without a principle structure on site.

Community Development Director Michael Brown addressed the City Commission regarding a variance to erect a 28' x 32' garage at 527 Bundy Street, which exceeds the ordinance restrictions by 220 square feet without a principle structure, such as a residential home. Mr. Brown further noted that proper notices were given and the City received no comments for or against the construction of the garage.

Bob Miklesh was present and addressed the City Commission stating originally he was told he could build a garage before he took the previous building down. Mr. Miklesh would like to build a 28' x 32' building and noted his garage would be set back from the alley not like other garages in the area giving more room to plow. Further discussion of this matter took place.

Mayor Pro Tem Semo questioned how many votes were needed to pass the variance.

City Attorney Pope responded by stating that a 2/3rd vote of the entire Zoning Board of Appeals (ZBA) would be required to approve a use variance. In other words 4 out of 5 members need to vote for the variance to construct the garage. Attorney Pope also opined that a majority vote of the entire ZBA members would be needed to approve a non-use variance. In other words 3 out of 5 members are needed to approve a variance on the size of the garage.

5. Mayor Pro Tem Semo closed the Public Hearing at 5:35 P.M.
6. Consider Action on the Robert Miklesh (527 Bundy Street) Dimensional Request.

Motion was made by Tauer, seconded by Cayer to grant the dimensional variance request.

Motion was made by Tauer, seconded by Cayer and carried to rescind the previous motion and table this matter until the next regular City Commission Meeting when a full City Commission would be present.

7. Mayor Pro Tem Semo adjourned the Board of Zoning Appeals at 5:40 P.M.
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- A. Mayor Pro Tem Semo called the Regular Meeting Called to Order at 5:40 P.M.

B. Recording of the Roll.

PRESENT: Commissioner Cayer, Shackelford, Tauer, and Mayor Pro Tem Semo.

ABSENT: Mayor Corcoran.

C. Approval of the Consent Agenda.*

*1) Approval of Minutes – May 6th & 13th Special & Regular City Commission Meeting & Work Session Minutes of May 6th & 13th.

*2) Schedule a public hearing to receive comment relative to the Fiscal Year 2013-2014 Proposed Budget, Schedule for City Services and the Property Tax Millage Rate levied to support the proposed Budget at the first meeting in June on June 10th at 5:15 P.M.

*3) Schedule a public hearing for Monday, June 10th at 5:25 P.M. to review status of the 2010 Housing Grant for the Norrie Location.

Motion was made by Shackelford, seconded by Tauer to approve the consent agenda as presented. Unanimously passed by roll call vote.

D. Receive & Place on File from the Finance Director.

1. Statement of Revenue & Expenditures,
2. Monthly Cash Report.

Motion was made by Shackelford, seconded by Tauer and carried to receive and place on file the Statement of Revenue & Expenditures for the month ending April 30, 2013 and the Monthly Cash Report dated April 2013.

E. Approval of Monthly Check Register Report.

Motion was made by Shackelford, seconded by Tauer and carried to approve the Monthly Check Register Report dated April 2013. Unanimously passed by roll call vote.

F. Approval of the Agenda.

Motion was made by Shackelford, seconded by Tauer and carried to approve the amended agenda removing items I. and O.

G. Citizens wishing to address the Commission on Items on the Agenda. (Three Minute Limit).

Jim McKenzie, of 112 Bonnie Rd. addressed the City Commission on the Dalbeck Rezoning Request stating he did not represent anyone but himself and felt that there were unanswered questions regarding the use of this property. He further urged the City Commission to support the Planning Commissions decision in denying the rezoning request.

John Kostac, of 111 Bonnie Road, also addressed the City Commission and questioned if the truck traffic would make the sinkholes worse in that area.

- H. AUDIENCE: James Loeper, Gogebic County Emergency Management Director.
(RE: Flood Update).

James Loeper, Gogebic County Emergency Management Director updated the City Commission on the recent flood. He noted that FEMA aide was signed by the Governor and was on its way to the federal level for review and consideration. Mr. Loeper commended the City of Ironwood Workers, Manager Erickson, Department of Public Works Supervisor Alonen, Public Safety, and the City of Hurley for working so well together during the flood. Further discussion of this matter took place.

OLD BUSINESS

- I. Discuss and Consider action on Planning Commission Case 2013-001 Dalbeck Rezoning Request.

Motion was made by Tauer, seconded by Shackelford to deny Planning Commission Case 2013-001 Dalbeck Rezoning Request. Unanimously passed by roll call vote.

NEW BUSINESS

- J. Discuss and Consider awarding bids to Western U.P. Recycling for the Department of Public Works Surplus Vehicles.

Motion was made by Shackelford, seconded by Tauer to award the bids to Western U.P. Recycling for the Department of Public Works Surplus Vehicles as stated on the bid tabulation sheet. Unanimously passed by roll call vote.

- K. Discuss and Consider awarding bids for the Entrée & Companions kitchen equipment.

Motion was made by Shackelford, seconded by Cayer to award the bids for the Entrée & Companion's kitchen equipment as stated on the bid tabulation sheet. Unanimously passed by roll call vote.

- L. Discuss and Consider authorizing advertisement to bid remaining Entrée & Companions kitchen equipment.

This item was removed from the Agenda.

- M. Discuss and Consider approving Resolution #013-014 authorizing the 2013 Capital Improvement Bonds (Limited Tax General Obligation) for certain capital improvements to the City's Pat O'Donnell Civic Center.

Motion was made by Tauer, seconded by Shackelford approving Resolution #013-014 authorizing the 2013 Capital Improvement Bonds (Limited Tax General Obligation) for certain capital improvement to the City's Pat O'Donnell Civic Center and authorize Mayor Pro Tem Semo to execute the Resolution. Unanimously passed by roll call vote.

- N. Discuss and Consider approving an amendment to the Agreement entered into between the Michigan Department of Natural Resources and the City of Ironwood and authorize Mayor Corcoran to execute the agreement.

Motion was made by Tauer, seconded by Shackelford to approve the amendment to the Agreement entered into between the Michigan Department of Natural Resources and the City of

Ironwood and authorize Mayor Pro Tem Semo to execute the agreement. Unanimously passed by roll call vote.

O. Manager's Appointment to the Ironwood Housing Commission.

This item was removed from the agenda.

P. Manager's Report.

City Manager Scott B. Erickson verbally gave the manager's report noting the following items:

*The Cemetery was not opened until this week and due to the late spring and because of the wet conditions the grass was not mowed. There was a lot of work accomplished at the cemetery over the past week to get it ready for the weekend (over 120 man hours). He also mentioned the water would be turned on this week but there is water at the mausoleum in case someone needed it.

*Depot Park is well underway and there are efforts to sod the area.

*Northwoods Paving will be mobilizing in town to continue paving under last years local street overlay project.

*Ross Peterson Construction will be meeting with City Staff to discuss their schedule to finish the remaining work on the West Ayer Street sewer and water project.

*Wagner Construction is back in town raising manholes and valve boxes in preparation for street paving. A preliminary punch list of work is being completed for Wagner Construction to finish.

*Next Wednesday at 2:00 p.m. there will be a walking audit associated with the creation of a Safe Routes to School program. It will start at Coleman Engineering's office.

*The Compost Site Hours are Monday through Friday from 8:00 a.m. to 7:00 p.m. and Saturday and Sunday from 8:00 a.m. to 3:00 p.m.

*The EPA will be in town on Thursday regarding the Gas Plant site and will begin doing the final landscape work on June 10th.

Q. Other Matters (Three Minute Limit).

Commissioner Shackelford announced that there would be a clean up in Miner's Memorial Heritage Park on Saturday morning starting at 9:00 a.m.

Commissioner Tauer requested staff look into the speeding on Garvey Street along with the additional truck traffic.

Mayor Pro Tem Semo requested staff look into the loud ATV's in neighborhoods. Further comments were received.

R. Citizens wishing to address the Commission on Items not on the Agenda (Five minute Limit).

John Kostac, of 111 Bonnie Road mentioned there were barricades that were smashed on Iron King Road.

Paul Grbaveich, of 247 E. Francis Street complained about the cemetery and the snow dump by the Indian being closed.

Steve Frank, of 212 E. Oak Street expressed his concerns with one officer on staff during the Memorial Day Holiday, Public Safety being in charge of blight, the garbage in the snow dumps, and felt Hazel Street should be paved. Further comments were received.

S. Adjournment.

Motion was made by Tauer, seconded by Shackelford and carried to adjourn the meeting at 6:38 P.M.

Rick Semo, Mayor Pro Tem

Karen M. Gullan, City Clerk

Proceedings of the Ironwood City Commission Work Session

A Budget Work Session with the Ironwood City Commission was held on Thursday, May 23, 2013 at 5:00 P.M. in Conference Room #1, 2nd Floor-Memorial Building, 213 S. Marquette Street, Ironwood, MI 49938. The purpose of the Budget Work Session was to discuss the 2013-2014 Fiscal Year Budget.

PRESENT: Commissioner Cayer, Shackelford, Tauer, and Mayor Corcoran.

ABSENT: Commissioner Semo (excused).

OTHERS PRESENT: City Manager Erickson, Community Development Director Brown, City Finance Director Linn, City Assessor/Building Inspector Hewitt, DPW Supervisor/Blight Enforcement Officer Alonen, Public Safety Director DiGiorgio, Utilities Manager Tervonen, and City Clerk Gullan.

Finance Director Linn reviewed the 2013/2014 Fiscal Year Budget with the Ironwood City Commission. He noted the City Commission's selected project priorities remained unchanged.

The City Commission agreed that they liked the budget process this year.

Budget Work Session adjourned at 5:15 P.M.

Karen M. Gullan, City Clerk

**IRONWOOD HOUSING COMMISSION
REGULAR MEETING MINUTES
APRIL 2, 2013, 4:00 P.M.
PIONEER PARK APARTMENTS, COMMUNITY ROOM
515 E VAUGHN STREET-IRONWOOD, MI 49938**

The regular meeting of the Ironwood Housing Commission was held on Tuesday, April 2, 2013 in the Community Room at Pioneer Park Apartments at 515 E. Vaughn Street, Ironwood, Michigan. The meeting was open to the public.

Present: Tom Yelich
Dennis Cossi
Kathryn Probelske
~~Gay Frier~~ *approved w/ correction EK.*

Absent: None

1. Call to order

The meeting was called to order at 4:00 p.m. in the Commission Meeting Room and moved to the Community Room. It was announced by President Yelich that in the future all meetings will be held in the Community Room.

2. Approval of Minutes

2.1.1 Correction of February 20, 2013 minutes to reflect the correction of votes as follows to Section H to read:

Ayes: 3 Nays: 2 Motion by Cossi, second by Probelske. All approved.

Motion by Cossi, second by Probelske to approve the minutes of March 12, 2013. All approved.

3. Old Business

3.1.1 Relocation of the office to 515 E. Vaughn St. was discussed. Motion by Cossi to approve the hiring of Wes Nasi Construction for the conversion of 405 S. Mansfield and Clark Transfer to move the office furniture. Second by Probelske. All approved by unanimous roll call vote.

3.1.2 Motion by Cossi, second by Probelske to approve Resolution 2013-3 Amendment to Rent Policy. All approved.

3.1.3 Motion by Cossi, second by Probelske to approve Resolution 2013-4 Procurement Policy.

3.1.4 Motion by Cossi, second by Probelske to table discussion on Employee Benefits by Attorney's recommendation.

4. New Business

4.1.1 Motion by Cossi, second by Probelske to have a special meeting on April 23, 2013 to discuss the recommendations given by Bonnie Pelt. This would give the new board members the opportunity to partake in the hiring.

4.1.2 Motion by Cossi, second by Probelske to approve 2013.7 Amendment to Rent Policy. All approved.

4.1.3 Elevator bids were presented from Tyson-Krupp and Otis Elevator for the work to be done on the Annex elevator. Motion by Cossi, second by Probelske to accept the bid from Otis Elevator. All approved by unanimous roll call vote.

5. Financial Reports

5.1.1 Motion by Cossi, second by Probelske to approve checks between meetings. All approved by unanimous roll call vote.

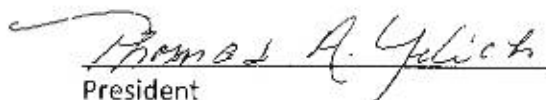
5.1.2 Claims were presented for payment. Motion by Cossi, second by Probelske. All approved by unanimous roll call vote.

6. Public Comment


A survey was taken by the residents to show support in moving the office. A newsletter to all tenants was discussed along with quarterly meetings, rent collections and questions were answered pertaining to the Board of Commissioners.

7. Adjournment

Motion by Cossi, second by Probelske to adjourn at 5:30 p.m. All approved



President



Executive Director

IRONWOOD HOUSING COMMISSION
SPECIAL MEETING
APRIL 23, 2013, 6:00 P.M.
PIONEER PARK APARTMENTS, COMMUNITY ROOM
515 E. VAUGHN STREET-IRONWOOD, MI 49938

A special meeting of the Ironwood Housing Commission was held on Tuesday, April 23, 2013 In the Community Room at Pioneer Park Apartments at 515 E. Vaughn Street, Ironwood, Michigan. The meeting was open to the public.

Present: Tom Yelich
Dennis Cossi
Guy Trier
Kathryn Probelske (telephone conference)

Absent: None

1. Meeting was called to order at 6:00 p.m. by President Tom Yelich.
2. Hiring of the Executive Director

Motion by Cossi, second by Trier to follow consultant's recommendation to hire Bobbie Kangas for Executive Director conditioned upon reaching an agreement by negotiating a contract with two of the Board members. The board members upon the attorney's written agreement come back to the commission for approval of the contract. All approved by unanimous roll call vote.

3. Motion by Cossi to move to closed session to hear attorney's opinion on the retirement of Clifford Berg. Second by Trier. All approved by unanimous roll call vote.

Motion to return to open session to adjourn, second by Trier. Meeting adjourned at 7:15 p.m.



President



Executive Director



**Proceedings of the Downtown Ironwood Development Authority
Thursday April 25, 2013**

A regular meeting of the Downtown Ironwood Development Authority was held on Thursday, April 25, 2013 at 8:00 A.M. in Conference Room #1, 2nd Floor, Memorial Building, Ironwood, Michigan.

1. Call to Order:

Chair Williams called the meeting to order at 8:00 A.M.

2. Recording of the Roll:

MEMBER	PRESENT		EXCUSED	NOT EXCUSED
	YES	NO		
Williams, Tom, Chair	X			
Corcoran, Kim		X	X	
Garske, Lea-ann	X			
Johnston, Gail	X			
Peterson, Larry	X			
Schwartz, Becky	X			
Smith-Furgason, Eva	X			
Tippett, Rick	X			
Erickson, Tim	X			

Also present: Community Development Director Michael J. D. Brown. Ms. Karla Magdziak appeared but excused herself. Also in the audience Michael Foley of Coleman Engineering, Steve Frank and Jim Albert were in the audience.

3. Approval of Minutes:

Motion by Smith-Furgason to accept the meeting minutes from the Meeting on March 28, 2013.
Second by Garske. **Motion Carried 8 – 0.**

4. Approval of the Agenda:

Item 7 has been deleted.

Motion by Schwartz to approve the Agenda. **Second** by Smith-Furgason. **Motion carried 8 - 0.**

5. Citizens wishing to address the Committee on Items on the Agenda (Three-Minute Limit):

Please see comments by Steve Franks in #6. Chair Williams agreed that Mr. Franks could speak under #6 below, for six minutes.

6. Citizens wishing to address the Committee on Items not on the Agenda (Three-Minutes Limit):

Steve Frank asked to be heard under Agenda Numbers 5 and #6 this morning. He had general comments about the Blue Print Plan and Depot Park Plan:

- a. How do you justify failing to implement the Blueprint Plan? I've read through the DIDA's 2013 goals and think that these items should have been taken care of in the earlier years after the Blueprint was passed.
- b. Why wasn't the DIDA consulted about the Depot Park changes? The project is 36% over estimate. The city manager indicated that this is standard business. There was an emergency meeting of Parks and Recreation about this; why weren't you asked for your recommendations? The City of Ironwood Commission took no action on this on Monday night.
- c. Four years after the blueprint was adopted, what is the net change in the number of downtown businesses and the number of people employed? Not the numbers reported to the state, but the net change since the blueprint was adopted.
- d. What is the net change in value of downtown property? What is the net change in occupied apartments? I've noticed that tax revenue is down. Is that because property values have decreased or is it because property owners haven't paid their taxes?
- e. How many businesses are for sale downtown?
- f. The \$30,000 Blueprint plan adopted in May 2009 states that the City of Ironwood should make the maximum possible effort to remove the snow, including snow banks, quickly and much more aggressively after each event. Owners must clear their business sidewalks of snow immediately after a snow event, and if they don't, the City of Ironwood should aggressively seek out and fine the Owners.
 - i. Has the City of Ironwood made the maximum effort to remove the snow? Are you aware that snow was piled in the handicap spaces on the McLeod lot? Have you done anything to lobby for increased funding for snow removal? Do you know which homeowners are habitual offenders for not shoveling sidewalks? Have habitual homeowners' been fined? Has the City of Ironwood shovel their sidewalks around city-owned property? Has the City of Ironwood instructed the City of Ironwood Manage or Code Enforcement officer, to prioritize enforcing the snow shoveling ordinance? Has the City reviewed the enforcement codes for written instructions on how the shoveling should be done, for example, depth, width?
 - ii. When placing trees and light posts, do you think about the effect of snow removal?

- iii. Are you aware that most access to sidewalks this winter were too narrow to allow wheelchair access?
- g. Today I spoke just about snow issues in the downtown area. At future meetings I will be addressing other items that you have failed to implement.

Chair Williams thanked Mr. Frank for his comments.

- 7. Removed from Agenda.
- 8. Financial Report:

Director Brown presented the financial reports for the month. The DIDA is in good financial condition.

Motion by Schwartz to accept the March 2013 financial reports as presented. **Second** by Johnston. **Motion Carried 8-0.**

- 9. Items for Discussion and Consideration:

- a. Depot Park Bid

Michael Foley of Coleman Engineering was introduced to the DIDA. The project came in, over budget. He provided an explanation on the history of the project to this point, along with how we got to today. The tasks in front of us are to eliminate some of the work to bring the budget into line. Parks and Recreation agreed that this Board should be asked to request that \$20,000.00 from the timber sales be allocated to this project. Coleman Engineering has been negotiating with the Department of Natural Resources on what can and can't be removed. There will be some items not installed at this time; awnings, appurtenances and playground equipment. Mr. Foley indicated that if the \$20,000.00 is approved by the City Commission he will know what amounts to be discussing with the Department of Natural Resources.

Motion by Garske to recommend to the City Commission to transfer \$20,000.00 from the timber sales to the Depot Park Budget. **Second** by Tippet. **Motion Carried 8 – 0.**

- b. Flower Basket Watering Contract approval

Ms. Kasieta's prices for flower basket watering have increased slightly and staff feels that this is reasonable. Director Brown wanted to know if Ms. Kasieta would need a business license. It was the consensus of the Committee that she does not need a business license as she is providing a service and so line item #6 in the Contract has been removed.

Garske indicated that the Committee let Ms. Kasieta know that if she has any problems with the baskets, that she advise us. There are twice the number of baskets this year.

Motion by Garske to approve the compensation for flower basket watering as per the contract. **Second** by Smith-Furgason. **Motion Carried 8-0.**

c. Pocket Park Maintenance Contract Approval

Director Brown stated that nothing has changed since last year, and the current year contract was signed by Range Master Gardeners. Range also submitted an invoice for April 2013 for \$275.00 for approval.

Motion by Garske to pay the invoice of April 2013 for \$275.00 and to approve the contract. **Second** by Tippett. **Motion Carried 8-0.**

d. Postage Budget:

Director Brown indicated that last month DIDA sent out flower basket donation request letters and the postage was \$235. It was discussed about the best way to handle future large mailings. DIDA's current year's budget is only \$200 and DIDA spent \$235 on mails for the flower basket donations alone. Talk ensued about sending out donation letters for wreaths. Brown asked how DIDA wants to proceed? Director Brown stated there is a fund balance, but believes the DIDA should rather spend this on more important items. The budget for the city must be approved today, but this will be a line item in the budget.

e. Flower Basket Donation Thank you letters:

Coon commented that \$440 was received for the baskets from ten donors.

Garske stated that we should put an article into the paper talking about the flower baskets and asking for donations; as well as commenting on Carianne Kasieta, and the Range Master Gardeners and the job they do to keep these looking great.

Schwartz asked if we sent these letters to the service organizations, such as the Professional Business Women's Club. We did not, but will. Garske to send Coon a list of the service organizations.

The group discussed on how they want to send thank you letters and how do they want them delivered? Coon will put together the thank you letters as donations come in and the DIDA members will hand-deliver the thank you letters. Director Brown will put together a press release and will get it to the members for approval.

f. Finalize Budget:

Brown indicated operating expenses exceed income. We put in the numbers for snowplowing, watering, and maintenance. Postage budget went from \$200 to \$100. Brown indicated that we need to approve this budget today so that Linn can get this put into the City of Ironwood's budget.

Brown indicated that we will get a jump start on the flowers and wreaths so we aren't fleshing this out at the last minute.

Motion by Schwartz to adopt the budget as presented. **Second** by Garske. **Motion Carried 8-0.**

g. Facebook Policy

Brown stated that last month Smith-Furgason put together a policy on Facebook and the group should have taken a look at it. It is a policy that down the road can be changed.

Garske asked about what the staff would be doing. Security/Administration items will be handled by Coon. City of Ironwood staff will not be doing updates or comments.

Smith-Furgason asked if there was anything that should not be included. Brown indicated that this information is Freedom of Information Access obtainable.

Peterson asked if there was some way of compensating for the fact that items are on Facebook, for the people who don't Facebook, Tweet or have a computer. Brown stated that all agendas are sent to the Daily Globe

Motion by Schwartz to adopt the Facebook policy as presented. **Second** by Tippet.
Motion carried 8 - 0.

10. Project Updates:

Brown talked about the MEDC Façade Improvement Program. The city will be attempting to find those who would be interested in the program.

Brown stated that on May 10, 2013 in Marquette, there is a free MEDC program on the Main Street Program from 2:00 p.m. – 5:00 pm. (Eastern).

Brown said that if there were businesses who wanted to participate in the program, we would notify the MEDC, who would then send someone to review the building and request and make a good decision and to let the party know expectations. This is an open-ended program, so when the money is spent, it's gone.

11. Other Business:

Smith-Furgason commented on the digital pictures from slides. She indicated that she talked to the person who was responsible for converting the slides and that person is no longer interested in doing this. Smith-Furgason indicated that at one time, these pictures were going to be a fund raiser for the DIDA. Director Brown said he could call Jim Lawrence at the Gogebic Community College and see if this is a project that they could help us with. The City owns the slides so there should not be any copyright issues. Smith-Furgason indicated that these could be sold at Festival Ironwood as a fundraiser.

Peterson said that a project is in conceptual design for an artists' festival.

12. Next Meeting: May 30, 2013

13. Adjournment at 9:47 a.m.

Respectfully Submitted



Thomas Williams, Chair



Kim M. Coon, Community Development Assistant



**Proceedings of the Parks and Recreation Committee
Monday May 6, 2013, 6:00 p.m.**

A regular meeting of the Parks and Recreation Committee was held on Monday, May 6, 2013 at 6:00 P.M. in the Conference Room #1, Second Floor, Memorial Building, Ironwood, Michigan.

1. Call to Order:

Chair Davey called the meeting to order at 6:00 p.m.

2. Recording of the Roll:

MEMBER	PRESENT		EXCUSED	NOT EXCUSED
	YES	NO		
Andresen, Will		X	X	
Burchell, Annette	X			
Davey, Sam – Chair	X			
Frank, Steve	X			
Kangas, Tom	X			
Shackelford, Monie, ex-officio, non-voting	X			
True, Marion	X			
Vuorenmaa, Bruce	X			

Also present, Community Development Director Michael J.D. Brown. Guest Paul Garthwait, Eagle Scout and his Troop leader.

3. Approval of the Minutes:

Motion by Frank to accept the Minutes of April 1 and the Special Meeting of April 18, 2013. **Second** by True. **Motion Carried 5 – 0.**

4. Approval of the Agenda:

Burchell arrived. **Motion** by True to approve the Agenda. **Second** by Kangas. **Motion carried 6 - 0**

5. Citizens wishing to address the Committee on Items on the Agenda (Three-Minute Limit):

None

6. Citizens wishing to address the Committee on items not on the Agenda (Three-minute limit):

None.

7. Eagle Scout, Paul Gathwaite:

Paul Garthwait, 323 Eagle Scout: Mr. Garthwait introduced himself and explained what he was going to be doing at Norrie Park. He noticed that the benches weren't out or had been moved. He is going to be working on the benches and placing wood chips on the trail; they are looking bad. The wood chips have been donated. Would anyone mind if he puts woodchips on the Pavilion? He will be receiving help from the R.O.T.C., from Ironwood High School. They will begin the work as soon as the ground dries up. True asked how this will help the environment. Mr. Garthwait stated that it will help maintain the water by keeping erosion at bay. Mr. Garthwait passed around pictures that he had showing the condition of the trail now. Mr. Garthwait was looking for a signature from the City on these projects so that as soon as the ground is thawed they can start work. Kangas asked how the wood chips would be brought in. Mr. Garthwait indicated that they would be wheel-barrowed into the spots.

Frank indicated that the trail signage and bench are faded and Mr. Garthwait indicated that he would be willing to look at that project. True stated that the work should match the color and design of what is currently there. Mr. Garthwaite also offered to mark the trees with their botanical names on the boardwalk area. The last tree identification was seven years ago. A disk was given to Bessemer resident, Allan Archie, with the trees and names. True stated that there are signs that ABR may want to assist with?

The Committee commended and thanked Mr. Garthwait for his service to the Community.

Motion by Frank to allow Mr. Garthwait to repair/replace/paint benches in Norrie Park as well as to put down wood chips. Also, allow Mr. Garthwait to identify and label trees. **Second** by True. **Motion Carried 7 – 0.**

8. Park and Recreation Financials: (Monie Schackleford arrived 6:12 p.m.) Finance Director Linn unable to attend meeting. Director Brown indicated that the schedule for the new budget should happen in June for the July 2013 fiscal year. Director Brown said that if anyone has questions about the financials, to talk to Paul Linn. Director Brown did submit the Committee's request to the City of Ironwood for \$3,000.00 for the Parks and Recreation for a discretionary fund. Discussion was had on various line items in the current month's financials. The Committee should start having conversations early in the fall season about what projects it would like to pursue.

9. Items for discussion and consideration:

- a. Xcel Energy: Dawn Schultz from Xcel in audience. Director Brown explained that Xcel is working on expanding their substation at Ayer Street and Easy Street outside Industrial Park. Part of the property is owned by the City of Ironwood and Xcel wants to purchase the property. Planning Commission reviewed a part of this. There is an old trail in the parcel; it's not an official trail. It is used to get to Trail 2. The Committee wanted to know what the purchase price is. Ms. Schultz explained that it is about \$3,000.00 acres and there is approximately 1.35 acres.

Kangas: Where did they come up with the \$3,000.00 per acre? Director Brown stated that in the Industrial Park and the IIDC, sell acreage for \$2,000.00 acre.

Kangas is worried that the City of Ironwood will be losing a trail as what happened in Ashland. In Ashland, they blocked off part of the trail and they were unable to get it re-opened.

Motion by Frank to recommend to the City of Ironwood Commissions that they sell this parcel to Xcel and that the funds be used to fund Parks and Recreation for things to do this summer. **Second by Davey. Motion carried 5 to 2** with Burchell and Kangas dissenting.

- b. Trail Map: Director Brown presented the City of Ironwood's trail map. He brought a working copy of the non-motorized trail map. Included in the map were the bicycle and the park plans. He also included the trail included in the Depot Park plan. Monie could provide a clear GIS shape file; Director Brown would like to get whatever documents that Will Andresen has. On the southern portion proposed routes possibly existing there on the old railroad grades. There really isn't anything in Jesseville. Frank would like to see a trail from Jesseville connecting up to our Trail area somehow. Davey stated that some of this goes through Luppino's property out by Wal-Mart. Frank stated that this plan looks very good. Director Brown stated this is non-motorized, walking and biking. In a few months Director Brown hopes to bring back the motorized to the Committee. Davey stated that this is a lot of trail for non-motorized.

The Committee took no action on this item. Schackleford will provide a shape file in GIS. Director Brown will work on this and tweak it a bit. It is a work in progress.

- c. Depot Park Pavilion Fee: Davey: The City of Ironwood would like to know what kind of a fee we should charge such as at the Norrie Park Pavilion. We don't have a full kitchen, but there are outlets to plug in items. There is a sink and counters. This preparation area will be locked when not in use. Frank stated he'd like to abolish the fee at Norrie and the fee for the downtown Pavilion, except for the locked area. Director Brown indicated that the fee schedule is usually amended during the budgeting process. Davey stated that more research needs to be done on the fee for the Depot Park Pavilion. Bring back before the Committee next month.

Davey spoke and said Curry Park's electrical is not sufficient for newer motorhomes, campers. It will be difficult to raise fees at this time. Until we get and receive a grant for this, we can't really raise the fees.

- d. Sidewalks (Frank):
1. Frank: Spoke about the sidewalk on the 200 block of East Ash. He specifically asked for the City of Ironwood Manager to be here tonight to explain why the sidewalk was removed. This was for the water sewer project. The City of Ironwood Commission and Parks and Recreation were not informed that these sidewalks had been removed. Why? He brought this up at the City of Ironwood Commission meeting last November. Coleman engineering told him this didn't happen. He performed research over the winter and spoke with the homeowners, who indicated that the City of Ironwood contacted them and said, and asked if they wanted to keep or get rid of their sidewalks. The homeowners were told by a City Official it was a way to save the City of Ironwood money. Other's considered keeping, but began to worry about maintenance, so they had the sidewalks removed.
 - a. How did this happen?
 - b. City of Ironwood never informed.
 - c. Committee never informed.
 - d. We talk about safety walks to school and I am upset about this.
 - e. He will be contacting the granting agencies and letting them know of this. They spent the money on the water and sewer and the sidewalk should be redone.
 - f. This is setting a horrible precedence. He feels that the public needs to know about this.True asked if this was Frank's property involved. Frank indicated he walks there and it is a public issue.

- g. Frank stated that homeowners were contacted about removal of the sidewalks and told the homeowners that this would save the City of Ironwood money. He believes that this is a Parks and Recreation issue because people walk, hike and bike down these sidewalks. He has heard that this has happened in other areas.

Franks indicated that the Grant says that any sidewalk and/or curbing that is damaged needs to be replaced. Another block of sidewalk that was not hurt by the water sewer work was dug up and replaced. Frank is contacting the granting agency as this is a very serious violation of the Grant.

Vuorenmaa stated that the sidewalks need to be replaced. Shackelford asked if funding can be obtained to replace the sidewalks? Director Brown stated that there are not many grants available for sidewalks. You could apply for sidewalk improvements grants for say, around school areas (safety zones).

Frank stated that we need the comprehensive plan. Frank wanted to know who ultimately maintains the sidewalks?

Director Brown was directed to find out what happened to the sidewalks on E Ash and bring back to the next meeting.

11. Other Business:

- a. Depot Park: City of Ironwood Commission did allocate \$20,000 towards reducing the amount of the bid by deleting bid items from the timber sale fund.
- b. The trail grant received for the Trust fund of the trails. Director Brown has been reviewing the lease from the DNR. There are hopes that the trail can be completed this fall, but if not, next year. The City of Ironwood, City of Bessemer and City Wakefield, Ironwood Township, Bessemer Township and Wakefield Townships are setting up a recreational Board. City of Ironwood staff was in Lansing and were talking to MDOT and DNR and they asked where our grants were to finish the trails. So we are providing those grant applications to the State.
- c. Davey commented that the Committee should change its meeting time to earlier, possibly 5:00 p.m. **Motion** by True to change the time of the Park and Recreation Meeting to 5:00 p.m. **Second** by Frank. **Motion carried 7 to 0.**

Director Brown indicated that Andresen will not be re-applying for appointment to the Committee and that Frank and Davey's terms on the Board are expiring. Frank indicated that this will be, in all likelihood, his last meeting as he doesn't expect the Mayor to re-appoint him.

Shackelford indicated that the Minor's Memorial clean-up is May 18, 2013. The Miners group has 200 trees to plant, approximately 100 white spruces and 100 red pines, donated by an Ashland attorney.


10. Next Meeting:

June 3, 2013.

11. Adjournment:

Motion by True. **Second by** Kangas. Motion Carried 7 to 0. Adjournment 7:20 P.M.

Respectfully Submitted



Sam Davey, Chair



Kim M. Coon, Community Development Assistant



**Proceedings of the Ironwood Planning Commission
Wednesday May 1, 2013**

A Regular Meeting of the Planning Commission was held on Wednesday, May 1, 2013 in the Conference Room #1, Second Floor of the Municipal Memorial Building in the City of Ironwood, Michigan.

1. Call to Order:

Chair Bergman called the meeting to Order at 5:30 p.m.

2. Recording of the Roll:

MEMBER	PRESENT		EXCUSED	NOT EXCUSED
	YES	NO		
Bergman, Thomas	X			
Burchell, Bob		X	X	
Cayer, Joseph Sr.	X			
Davey, Sam	X			
Geib, Courtland	X			
Lemke, Joseph	X			
Johnson, Leroy	X			
Semo, Rick, ex-officio, non voting member				X

Also present: Community Development Director Michael J.D. Brown. In the audience, numerous community members as well as Dawn Schultz, Xcel Energy.

3. Approval of Minutes:

Motion by Davey to accept the meeting minutes of April 3, 2013. **Second** by Johnson. **Motion Carried 6 to 0**

4. Approval of the Agenda:

Motion by Davey to accept the Agenda. **Second** by Geib. **Motion Carried 6 - 0.**

5. Citizens wishing to address the Commission regarding Items on the Agenda (three-minute limit):

None

6. Citizens wishing to address the Commission regarding Items not on the Agenda (three-minute limit):

None

7. Items for Discussion and Consideration:

- 7a. Consideration of PC Case 2013-001, Dalbeck Rezoning:

- i. Open Public Hearing. Chair Bergman explained the procedures for this public hearing.
- ii. Staff Report: Director Brown presented the facts of this property rezoning request (see attached). Before the Commission is a rezoning request from George Dalbeck to rezone his property from R-1 Single Family Residential District to R-3 Rural Residential District for the purpose of erecting a shop/barn to work on his logging equipment/trucks and to house a few horses. The surrounding properties are zoned R-1 and are residential uses or wooded/open space land. There is no other R-3 zoning in this area of town; the south/south eastern portion of town is zoned R-3.
- iii. Applicant Testimony:

George Dalbeck, Applicant
207 Bonnie Road, Ironwood, MI 49938

I was born and raised in Wakefield and moved here 2-3 years ago. I own the property I am on. As it is now, I must haul 15 miles to and from my parents shop to work on my truck. I want to build a big enough shop to handle my trucks.

Where I want to place the building and/or barn, you won't see it. It is heavily wooded with maples. The land has been vacant since the mining days.

I have 3 girls I am raising and they want a horse or pony and that is why I want to rezoned it to R-3. I do not work wee hours of the day or night, and if I am using Iron king, it won't be a bother to anyone. The road is condemned or something by the City of Ironwood. It is a year around road. Access to my property in the springtime is available. I have been in business 17 years and I want this to be my home. I want to be able to fix a tire if needed. I use and support local contractors for work. This is 30 acres of vacant land.

The City of Ironwood needs revenue for its tax base. Plus there is water and sewer if I want to put it in the building – which is also revenue for the City of Ironwood.

I don't understand the complaints on iron ore. I will not be clearing the property – I want to leave it wooded. If a truck leaves at 4:00 a.m. they will go out Iron Road.

Ironwood Ready mix trucks, Luppino's dump trucks and Globe all heavily travel the road. These are big trucks. I understand that people don't like big trucks and that's why I want to use Iron Hill.

Comm. Johnson: Where do you store your equipment?

Dalbeck: Usually in the woods.

Comm. Johnson: Would this be used for summer storage?

Dahlbeck: It's just my stuff. I am not doing it for hire. If my machines break down I bring them in and fix them.

Comm. Johnson: Did City of Ironwood staff discuss moving to the industrial park instead of zoning to R-3? You indicated you don't have horses now.

Dahlbeck: No. I have a horse, that's why we want to put the building on the property. We have enough acreage so that you wouldn't even know there is a horse out there.

Comm. Johnson: Is there any covenants or deed restrictions?

Dahlbeck: No.

Comm. Johnson: This was mining property at one time. There are a lot of mine shafts. I had concerns when it was zoned R-1. I am concerned that there are restrictions on deeds. I would be interested to see how your deed is worded.

Dahlbeck: Keweena land owned the two parcels at one time. There was more mature maple versus scrub. You can see out in my back area where it's been mined. The front part is heavily wooded, no mining shafts.

Comm. Johnson: I am a mining buff and have information that it was heavily mined up there. It's a safety concern for the buildings. You can walk through the property and tell where it was mined. Keweena always puts a covenant on the property when they sell it.

Dahlbeck: It doesn't show.

iv. Public Comment: In Favor of Rezoning

Don Muzzy
205 Bonnie Road, Ironwood MI 49938

I am neighbors with George and Alicia Dalbeck. Boys want bigger barns for bigger toys. A horse shouldn't be a problem.

v. Public Comment: In Opposition to Rezoning

John Liljestrom
24 Newport Heights, Ironwood MI 49938

(With the approval of the Commission Mr. Liljestrom reads his letter of objection, see attached). I strongly object to Mr. Dalbeck's request. It will have a negative effect on property values. There are odors from animals. How many horses will he have? This is not a rural area. There will be a noise issue. I am living right next to Mr. Dalbeck's property. There will be blight with parts and equipment and iron ore dust will come up from the roads.

The Industrial Park has room for his logging business. Trucks can be repaired there.

This is a highly concentrated residential area. There are many families and families with children. I ask this committee, would you want this type of business in your area? I have never heard of a rural area in the City of Ironwood limits.

Dave Liljestrom
23 Newport Heights, Ironwood MI 49938

This operation would be directly in front of my house on the north. I am opposed to the noise. If this is allowed, it sets the precedent that this may not stay the way it is. This could turn into a repair shop. There is an industrial area in Ironwood, but also in Bessemer and Wakefield. Why do we have to have a business in our residential area? I have lived here 27 years. At one time there were house foundations out here that sunk because of the mine shafts.

John J. Kostac
111 Bonnie Road, Ironwood MI 49938

I have three concerns. The ATV trail system is there. Is this going to affect the trail system? This would be not too far back from my property and there are holes there that could turn into sinkholes with added traffic. Is this going to be a repair shop or will he be processing wood there?

Question: Heather Muzzy

Heather Muzzy
205 Bonnie , Ironwood MI 49938

If this is private, it should be his own business and if he closes down the ATV trail that is not a legal trail. If you put a no trespassing sign, it is private property; the trail runs closer to their house than the shop ever will. I don't understand.

Joan Liljestrom
23 Newport Heights, Ironwood MI 49938

The comment about Ironwood Concrete there; they do not use Bonnie road, they use the access road. I work during the day, but this was a complaint when I moved here. The access road was supposed to be used for that.

Michelle Trier
1 Newport Heights, Ironwood MI 49938

I have more of a question for the board, when it gets zoned R-3; Dalbeck states that they are going to have one horse and a repair shop. Who governs when this is rezoned to this property?

Bergman: Once something is rezoned to the new district, generally anything that is a permitted use is allowed there. There is also conditional and special uses that could potentially be used beyond those permitted uses.

Trier: Farm animals would be allowed under R-3?

Director Brown: Farming is allowed, so horses would be allowed. That is why he requested R-3 zoning. We are considering this a barn or a garage. If he calls it a repair shop, it wouldn't be allowed. He could work on his own vehicle.

Trier: For building purposes, this is the only building he could build? If it is rezoned from R-1 to R-3 he could house more than one horse and he could build other buildings in addition to the barn without coming to the commission?

Director Brown: If it were permitted. If it were something not permitted, he'd have to come back for a variance or conditional use permit. If it is a building, he'd have to get a building permit.

Trier: Another question off of Heather's. About the ATV trail. So, can he build any recreational facilities for his children, such as a go cart track, race track? Can he build this on his land? What can be built on his property by changing the zoning? Would he have to come back to you?

Director Brown: Yes, if he called this a place of work then this would be a non-residential use. If he is doing logging business, then he would have to move to a commercial lot.

Trier: I moved to this property for the location. We landscaped the property and spend a lot of time outside. I signed the letter, and we agree with everything in it. We paid a lot of money for our home to use the property.

Andy McRae
406 Hubin, Ironwood MI 49938

I was going to try and clarify on horse issue. The City code says if you have horses you need to clean up after them every day. On the use of Bonnie road, I see nothing wrong with Iron King. Bonnie Road is not in that good of condition.

Gerald Cady
15 Newport Heights, Ironwood MI 49938

Mr. Dahlbeck is going to be using his barn for his equipment, and that's for his private use. But, his equipment is used for his logging business, so isn't this commercial?

Bergman: Good Question. He is using his logging trucks for business, so if he wants to repair them there, that's maintenance and is commercial.

McRae: We have a beautiful neighborhood here. We have spent a lot of money here; you come around the corner and it looks like a park. I am of the age that in a couple of years I might want to sell and I can't afford a big loss. This is my retirement. I understand that once it's rural, he can put up all kinds of buildings, animals, chickens. Where's he going to put that road? I would like to see some exact plans where he is going to put the road. He could put his road right behind my garage. I own 150' back off of Iron King. Can we look into the commercial aspect?

Johnson: There is limited commercial. It has to be associated with the agriculture nature of the R-3.

McRae: His business is forestry.

Johnson: He has a commercial business.

McRae: I don't understand how he can have a commercial business in a residential area.

**Joseph Briaspinick
33 Newport Heights (aka #1 Iron King Road), Ironwood MI 49938**

I grew up in this area. Dalbeck said he's going to leave those big maples up as a buffer zone. This will help with some of the buffering. My concern is that I can't use the road there now going up to Iron King. Who's going to maintain Iron King road? There are holes big enough to bury my pickup. Is this City of Ironwood going to maintain this road? It will be a cost to the City of Ironwood. If they do it for him, I hope they do it for me.

vi. Public Hearing closed:

Discuss and consider action: After considerable public input, **Motion** by Johnson to recommend to the City Commission denial of PC Case 2013-001 to Rezone Mr. Dalbeck's property, identified as Parcel's 52-24-101-010 and 52-24-176-040 from R-1 to R-3. **Second** by Cayer. **Motion carried 6 to 0.**

7b. Consideration of PC Case 2013-002 Xcel Energy Rezoning:

- i. Open Public Hearing. Chair Bergman explained the procedures for this public hearing.
- ii. Staff Report: Director Brown presented the facts on this property rezoning request. This is a site plan review request from Xcel Energy located at 900 E Ayer Street, which is owned by the City of Ironwood of Ironwood, which Xcel intends to purchase from the City of Ironwood, in order to expand its existing substation that is on site. In addition, Xcel is purchasing the western 45 feet of the property (Parcel #52-23-276-005) just east of 900 E Ayer Street to expand its substation footprint. 900 E Ayer Street is currently zoned Industrial; however, Parcel 52-23-276-005 is zoned residential and will be required to be rezoned to Industrial.
- iii. Applicant Testimony: by Dawn Schultz from Xcel. Cayer inquired if this is the only zoning request or would this matter come before the Commission again? Cayer also inquired if this had to do with Orvana's lines. Schultz indicated that this does not have to do with Orvana's lines. Johnson asked how close this is to residential properties. Schultz explained.

Johnson inquired as to how big the parcel is that is being purchased and Schultz indicated 282 feet total for now.

iv. Public Comment: None

- v. Close Public Hearing
- vi. Discuss and consider action: After consideration, and due to a transcription error by the newspaper, the proper public hearing notice didn't include the site plan portion. Therefore Staff recommended tabling the rezoning request until June 5, 2013 at which time the site plan public hearing can be held and then the Commission can take action on both the site plan and the rezoning request simultaneously. Xcel is in favor of this. **Motion** by Cayer to move this matter to next month. **Second** by Davey. **Motion carried 6-0.**

7c: Outdoor Storage Zoning Amendment: Director Brown presented the wording to the ordinance. Johnson likes how this reads now. Director Brown indicated that a public hearing will need to be held on this zoning amendment. Director Brown was directed to have City of Ironwood Attorney Pope draft this ordinance. The Commission would like this matter brought back to them next month. **No further action at this time by the Commission.**

8. Project Updates:

Depot Park bids came in higher than expected. Budget items are being gone through to see what can be cut out to balance it.

The City of Ironwood has received the grant on the Western Trail. We will be working through the documents to prepare this with the DNR. Not sure if we will get started this year. Davey indicated the Road Commission will apply for a DOT grant to finish the trail from Ironwood to Wakefield. Forestry is applying for the Trust Fund grant. Within two years, hopefully, the trail will be complete.

- 9. Other Business: None
- 10. Next Meeting: June 5, 2013, 5:30 p.m.
- 11. Adjournment:

Motion by Lemke to adjourn the meeting. **Second** by Davey. **Motion Carried 6 - 0.**

Adjournment at 6:05 p.m.

Respectfully submitted



Thomas Bergman, Chairman



Kim M. Coon, Community Development Assistant


6-5-2013

City Commissioners,

The Pat O'donnell Civic Center would like to be approved for the city to apply for 2 one day liquor licenses dated July 19, 2013 for cage fighting and October 4, 2013 for battle of the bands at the June 10th commission meeting.

Manager,

Brian Roehm



Form RD 1924-18
(Rev. 6-97)

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
FARM SERVICE AGENCY

PARTIAL PAYMENT ESTIMATE

CONTRACT NO.

PARTIAL PAYMENT ESTIMATE NO.

001

PAGE 1 of 2

OWNER:

City of Ironwood

CONTRACTOR:

Angelo Luppino, Inc.

PERIOD OF ESTIMATE

FROM 05-06-13 TO 06-04-13

CONTRACT CHANGE ORDER SUMMARY

ESTIMATE

No.	Agency Approval Date	Amount	
		Additions	Deductions
001	05-06-2013		\$68,062.23
TOTALS		\$0.00	\$68,062.23
NET CHANGE		\$0.00	\$68,062.23

1. Original Contract	\$331,613.53
2. Change Orders	\$-68,062.23
3. Revised Contract (1 + 2)	\$263,551.30
4. Work Completed*	\$123,410.37
5. Stored Materials*	\$0.00
6. Subtotal (4 + 5)	\$123,410.37
7. Retainage*	\$6,170.52
8. Previous Payments	\$0.00
9. Amount Due (6-7-8)	\$117,239.85

* Detailed breakdown attached

CONTRACT TIME

Original (days) 56
Revised -
Remaining 25

On Schedule

Yes

No

Starting Date 05-06-2013

Projected Completion 06-29-2013

CONTRACTOR'S CERTIFICATION:

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Contractor _____

By Paul Luppino _____

Date _____

APPROVED BY OWNER:

Owner _____

By Kim S. Corcoran, Mayor _____

Date _____

ARCHITECT OR ENGINEER'S CERTIFICATION:

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Architect or Engineer _____

By Michael J. Foley, Proj. Mgr. _____

Date _____

ACCEPTED BY AGENCY:

The review and acceptance of this estimate does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the contract documents.

By _____

Title _____

Date _____

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number for this information collection is 0575-0042. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information.

Depot Park Project - Phase II

City of Ironwood

			REVISED CONTRACT AMOUNT (Through C.O. #1)			Partial Pay Estimate #1		
						Completed for Payment		
Item No.	Description	Unit	Quantity	Unit Price	Extension	Quantity	Extension	Percent Complete
1	Pavt, Rem	SY	1750	\$ 1.12	\$ 1,960.00	1857.05	\$ 2,079.90	106%
2	Sidewalk, Rem	SF	2000	\$ 0.44	\$ 880.00	2406.25	\$ 1,058.75	120%
3	Curb and Gutter, Rem	LF	140	\$ 2.50	\$ 350.00	513	\$ 1,282.50	366%
4	Complete Pavilion	L Sum	1	\$ 141,849.00	\$ 141,849.00	0.4	\$ 56,739.60	40%
5	Water and Sewer Services	L Sum	0	\$ 6,637.00	\$ -	0	\$ -	100%
6	Pavilion Awnings	L Sum	0	\$ 20,558.00	\$ -	0	\$ -	100%
7	Pavilion Awning Concrete	SF	3450	\$ 3.70	\$ 12,765.00	3450	\$ 12,765.00	100%
8	Park Lighting	L Sum	1	\$ 25,179.00	\$ 25,179.00	0	\$ -	0%
9	Parking Lots	SF	8900	\$ 2.67	\$ 23,763.00	4450	\$ 11,881.50	50%
10	Trail Construction	LF	1530	\$ 19.13	\$ 29,268.90	765	\$ 14,634.45	50%
11	Trash Receptacles	Each	1	\$ 987.84	\$ 987.84	1	\$ 987.84	100%
12	Recycling Receptacles	Each	1	\$ 935.34	\$ 935.34	1	\$ 935.34	100%
13	Benches	Each	1	\$ 1,113.84	\$ 1,113.84	1	\$ 1,113.84	100%
14	Bike Racks	Each	1	\$ 252.84	\$ 252.84	1	\$ 252.84	100%
15	Picnic Tables	Each	6	\$ 945.99	\$ 5,675.94	6	\$ 5,675.94	100%
16	Picnic Table - Handicap Accessible	Each	1	\$ 851.49	\$ 851.49	1	\$ 851.49	100%
17	Park Signage	SF	37	\$ 45.15	\$ 1,670.55	0	\$ -	0%
18	Sidewalk, Conc, 4 Inch	SF	1670	\$ 3.50	\$ 5,845.00	1422.2	\$ 4,977.70	85%
19	Curb&Gutter, Conc, Detail "Match Ex"	LF	220	\$ 25.00	\$ 5,500.00	239	\$ 5,975.00	109%
20	Detectable Warning Surface	SF	92	\$ 28.93	\$ 2,661.56	76	\$ 2,198.68	83%
21	Kiosk	L Sum	1	\$ 2,042.00	\$ 2,042.00	0	\$ -	0%
22	Playground Equipment Allowance	Dol	-	\$ 1.00	\$ -	0	\$ -	0%
TOTAL					\$263,551.30	\$ 123,410.37		



MEMO

To: Mayor Corcoran and the City Commission

From: Michael J. D. Brown, Community Development Director

Date: May 29, 2013

Meeting Date: June 10, 2013

Re: Entrée & Companions Bid Request

As you know there are still items that did not receive minimum bids for the first Entrée & Companions bid advertisement. Therefore, staff recommends advertising for bid on the remaining items at an additional discounted rate of 25% of the original purchase price.



**MICHIGAN NATURAL RESOURCES TRUST FUND
DEVELOPMENT PROJECT AGREEMENT**

Project Number: TF12-123

Project Title: Michigan's Western Gateway Trail Improvements

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the **CITY OF IRONWOOD IN THE COUNTY OF GOGEBIC** ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the development of public outdoor recreation facilities under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the Michigan Natural Resources Trust Fund (MNRTF) Board of Trustees (BOARD) to receive a grant. In PA 9 of 2013, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments by **July 1, 2013**.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B); and Recreation Grant application bearing the number **TF12-123** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion is the date of execution by the DEPARTMENT **through March 27, 2015**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management.
 - a. All reports, documents, or actions required of the GRANTEE shall be submitted to the:

MICHIGAN NATURAL RESOURCES TRUST FUND
GRANTS MANAGEMENT
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30425
LANSING MI 48909-7925

b. The GRANTEE'S representative for this project is:

Name: Michael J.D. Brown Title: Community Development Director

Mailing Address: 213 S. Marquette St., Ironwood, MI 49938

Phone Number: (906)932-5050 x126 FAX: (906)932-0263

E-mail Address: brownm@cityofironwood.org

- c. All notices, reports, requests or other communications from the DEPARTMENT to the GRANTEE shall be sufficiently given when mailed and addressed as indicated above. The DEPARTMENT and the GRANTEE may by written notice designate a different address to which subsequent notices, reports, requests, or other communications shall be sent.
4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.

Pathways

Bridge Decking

Permit Fees

MNRTF Sign

6. The DEPARTMENT agrees as follows:
- a. To grant to the GRANTEE a sum of money equal to **Seventy-Five (75%) percent of Three Hundred Thousand (\$300,000.00) dollars**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed **Two Hundred Twenty-Five Thousand (\$225,000.00) dollars**.
- b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred as follows:
- i. Payments will be made on a reimbursement basis at **Seventy-Five (75%) percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
- ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE on a form provided by the DEPARTMENT which includes an expenditure list supported by documentation as required by the

DEPARTMENT, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.

- iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT engineering staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
- iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected an MNRTF sign in compliance with Section 7(j) of this Agreement.

7. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to incur all necessary costs required to complete the project and to provide **Seventy-Five Thousand (\$75,000.00) dollars** in local match. This sum represents **Twenty-Five (25%) percent** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:
 - i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.
 - ii. Within 180 days following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
 - iii. Upon written DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$25,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.

- iv. Upon written DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$1,000 and \$25,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
 - vi. Complete construction to all applicable local, state and federal codes, as amended; including the federal Americans with Disabilities Act (ADA) of 1990, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997, as amended; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended.
 - vii. Bury all new telephone and electrical wiring within the project area.
 - viii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
 - e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Preferential membership or annual permit systems are prohibited on grant assisted sites, except to the extent that differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.
 - f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.
 - g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.

10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes is solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area. Changes approved by the DEPARTMENT pursuant to this Section may also require prior approval of the BOARD, as determined by the DEPARTMENT.
11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability.
13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
 - a. Received a written exemption from the DEPARTMENT before the execution of this Agreement, and
 - b. Received prior written approval from the DEPARTMENT of a lease and/or easement for any portion of the property not held in fee simple title as indicated in written correspondence from the DEPARTMENT dated _____, and
 - c. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - d. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 20 years from the date of execution of this Agreement.
14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.

15. None of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed in perpetuity, either in fee, easement or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.
16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:
 - a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other than public outdoor recreation use without prior written approval by the DEPARTMENT and the BOARD and implementation of mitigation approved by the DEPARTMENT and the BOARD, including but not limited to replacement with land of similar recreation usefulness and fair market value.
 - b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT and the BOARD.
 - c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public outdoor recreation area.
17. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with outdoor recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT and BOARD shall approve such replacement only upon such conditions as it deems necessary to assure the replacement by GRANTEE of other outdoor recreation properties and project facilities of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.
18. The GRANTEE acknowledges that:
 - a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
 - b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and

- c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.
19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.
20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the outdoor recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.
21. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
 - a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended;
 - or
 - b. If any portion of the project area is a facility, documentation that Department of Natural Resources-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.
22. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the MNRTF Board with no reimbursement made to the GRANTEE.
23. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with

- companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
24. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
 25. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
 26. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
 27. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement.
 28. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Require specific performance of the Agreement.
 29. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State

for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.

30. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
31. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees that any subcontract shall contain non-discrimination provisions which are not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
32. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
33. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
34. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
35. The Agreement may be executed separately by the parties. This Agreement is not effective until:
 - a. The GRANTEE has signed the Agreement and returned it together with the necessary attachments within 90 days of the date the Agreement is issued by the DEPARTMENT, and
 - b. The DEPARTMENT has signed the Agreement. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, on this date.

Approved by resolution (true copy attached) of the _____,
date

_____ meeting of the _____
(special or regular) (name of approving body)

GRANTEE

SIGNED:

WITNESSED BY:

By _____

1) _____

Print Name: _____

Title: _____

2) _____

Date: _____

Grantee's Federal ID#

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

WITNESSED BY:

By _____
Steven J. DeBrabander

1) _____

Title: Manager, Grants Management

2) _____

Date: _____

APPENDIX A
LEGAL DESCRIPTION OF THE PROJECT AREA

All that portion of the right of way and property of the former Soo Line Railroad (now Wisconsin Central Ltd.), of various widths, extending from a point 270 feet, more or less, easterly of the center line of First Avenue in Hurley, Wisconsin and continuing easterly through the City of Ironwood, Michigan and through Sections 21, 22, 14, and 13, Township 47N, Range 47 W, to the limits of the City of Ironwood at approximately Railroad Milepost 439, and described as follows:

An easement for the railroad Timber Pile Trestle Bridge located over the Montreal River, and the embankment and property underlying said Timber Pile Trestle Bridge, for use and occupation of said Timber Pile Bridge; and described as follows:

Said easement and property located in Section 24, Township 46 North, Range 2 East, in Hurley, Iron County, Wisconsin and being a portion of the right of way and property of the Wisconsin Central Ltd.'s (formerly Soo Line Railroad) rail corridor that was subject to abandonment pursuant to Surface Transportation Board's Docket No. AB 404-0-X. Said easement begins at a point at the end of the Timber Pile Trestle Bridge's pile approach located at Railroad chaining station 23047+00.3, said point being located 270 feet, more or less, easterly of the center line of First Avenue in Hurley, Wisconsin, as measured along said Wisconsin Central Ltd. Main Track centerline, as originally located and constructed, and then extending easterly 96 feet, more or less, to the Wisconsin/Michigan State line, also being the center line of the Montreal River.

AND,

The Timber Pile Trestle Bridge in T47N, R47W, Section 21 (Adjacent to Canal Company's Addition in the City of Ironwood) and in the State of Wisconsin: Timber Pile Trestle Bridge all of which is footed in the Montreal River and extends from the west end of the Timber Pile Trestle Bridge's pile approach, (6 Bts Pile) located at Railroad chaining station 23047+00.3 in Hurley, Iron County, Wisconsin, extending easterly to the Wisconsin/Michigan State Line, being the center line of the Montreal River, Railroad chaining station 23047+99 and then extends easterly from the Wisconsin/Michigan State Line to the east end of the Timber Pile Trestle Bridge's pile approach, (3 Bts Pile) located at Railroad chaining station 23048+81.2 in Ironwood, Gogebic County, Michigan 47 N, 47W, Sec 22.

AND,

Block 4, Lots 1 through 9, vacated by Decree of Court December 16, 1900, AKA the right of way and property of the former Soo Line Railroad (now Wisconsin Central Ltd.) That part of Block 10, Lots 7, 8, 9 and 10 that lies South of a line drawn parallel with and 75 feet Northerly of the centerline of the main track of the Gogebic and Montreal River Railroad Company;

AND Block 11, Lots 1 to 10 inclusive;

AND Block 12, Lots 1 to 10 inclusive;

AND Block 13, Lots 1, 2, 3, 5, 6, 7, 8, 9 and 10 EXCEPT All that part of Block 13 of the Original Plat of the City of Ironwood described as commencing at the quarter corner

common to Sections 21 and 22; thence S 89°57'50" E along the East-West ¼ line of said Section 22, 1123.86 feet; thence due South 531.37 feet to a point on the Southerly right-of-way of Frederick Street and the point of beginning; thence N 49°03'27" E along said right-of-way of Frederick Street 308.81 feet to a point intersecting the Westerly right-of-way of Lowell Street; thence S 41°02'53" E along said right-of-way of Lowell Street 25.60 feet to a point intersecting the Northerly right-of-way of the Wisconsin and Central Railroad; thence S 48°57'24" W along said railroad right-of-way 308.81 feet; thence N 41°02'29" W 26.15 feet to the POB. AND EXCEPT All that part of Block 13 of the Original Plat of the City of Ironwood described as commencing at the quarter corner common to Sections 21 and 22; thence S 89°57'50" E along the East-West ¼ line of said Section 22, 1406.36 feet; thence due South 385.40 feet to a point intersecting the Westerly right-of-way of Lowell Street and the point of beginning; thence S 41°02'43" E along said street right-of-way 50.00 feet; thence S 48°57'24" W 250.00 feet; thence N 41°02'53" W 50.00 feet to a point intersecting the Southerly right-of-way of the Wisconsin Central Railroad; thence N 48°57'24" E along said railroad right-of-way 250.00 feet to the POB.;

AND Block 15, The North 1/2 of Lot 1 EXCEPT that part included within two lines, one of said lines being the Southeasterly boundary line of Blocks 16 and 15 and the other of said lines being Northwesterly of, parallel with and 18 feet distant from said Southeasterly boundary line when measured at right angles therewith; AND that part of Lot 1 described as commencing [beginning] 90.7 feet South of the Northwest corner of Lot 1; thence North along the West line of said Lot 1, 30.7 feet; thence East parallel to the North line of Lot 1, 35.9 feet; thence Southwesterly on a straight line to the POB.;

AND Lot 2 AND Lot 3 AND Lot 4 AND that part of Lot 5 lying Southerly of a line drawn parallel with and 110 feet distant Northerly of the centerline of the main track of the Gogebic and Montreal River Railroad Company, which line is the Southerly line of Frederick Street, produced Easterly across said Lot 5 Block 15 to Case Street.;

AND Block 16, That part of Lots 4, 5, 13 and 14 in Block 16 EXCEPT that part which lie North and West of a straight line between points "A" and "B" where point "A" being the on North line of the SW 1/4 of the NW 1/4 of Section 22, T47N, R47W, 619 feet East of the Northwest corner and point "B" being arrived at by beginning at the Northwest corner of the SW 1/4 of the NW 1/4; thence South along the West line thereof (being also the West line of Block 15) 307.4 feet; thence at an angle to the left of 62°10'

Southeasterly 116.67 feet to said point "B" on the East line of Block 15; said points "A" and "B" being respectively 11.24 feet and 72 feet distant Northwesterly, at right angles, from the centerline of the main track of the Gogebic and Montreal River Railroad Company; AND entire Lots 6, 7, 11 and 12; AND that part of Lots 8, 9 and 10 EXCEPT that part which are included within two lines, one of said lines being the Southeasterly boundary line of Blocks 16 and 15 and the other of said lines being Northwesterly of, parallel with and 18 feet distant from said Southeasterly boundary line when measured at right angles therewith.

AND Block 17, That part of Lots 1, 2 and 8 EXCEPT that part which lie North and West of a straight line between points "A" and "B" where point "A" being the on North line of the SW 1/4 of the NW 1/4 of Section 22, T47N, R47W, 619 feet East of the Northwest corner and point "B" being arrived at by beginning at the Northwest corner of the SW 1/4 of the NW 1/4; thence South along the West line thereof (being also the West line of

Block 15) 307.4 feet; thence at an angle to the left of 62°10' Southeasterly 116.67 feet to said point "B" on the East line of Block 15; said points "A" and "B" being respectively 11.24 feet and 72 feet distant Northwesterly, at right angles, from the centerline of the main track of the Gogebic and Montreal River Railroad Company; AND Lots 3, 4, 6 and 7; AND Lot 5 EXCEPT that part which are included within two lines, one of said lines being the Southeasterly boundary line of Blocks 16 and 15 and the other of said lines being Northwesterly of, parallel with and 18 feet distant from said Southeasterly boundary line when measured at right angles therewith.;

AND Block 25, that part of Lots 4 and 5 lying Northwesterly of a line described as commencing at the one-quarter common to Sections 21 and 22; thence S 00°10'53" W along the section line common to Sections 21 and 22 1979.45 feet to a point on the Northerly right-of-way line of Ayer Street; thence N 48°56'26" E along said right-of-way line of Ayer Street 1009.93 feet to the point of beginning of said line; thence S 89°55'24" W along the plat line common to the Original Plat of the Village of Ironwood and King and Gentile's Addition 140.00 feet; thence along a chord of an abandoned railroad spur line N 28°57'57" E 156.23 feet to a point on the Southerly right-of-way line of the Chicago and Northwestern Railroad and the point of ending.

AND,

All that part of the Original Plat of Ironwood and part of the Southeast ¼ of the Northwest ¼ more particularly described as commencing at the West quarter corner of Section 22; thence S 89°57'50" E 2010.97 feet along the East-West quarter line of Section 22 to the Point of Beginning; thence N 49°06'35" E 66.84 feet to an iron rod; thence continuing N 49°06'35" E 269.49 feet to an iron rod; thence S 41°03'54" E 83.40 feet to an iron rod; thence S 49°06'35" W 269.56 feet to an iron rod; thence S 82°19'19" W 115.75 feet to an iron rod; thence S 49°06'35" W 158.40 feet to an iron rod on the Northeasterly right-of-way of Suffolk Street; thence along said right-of-way line N 41°00'54" W 20.00 feet to an iron rod; thence N 49°06'35" E 158.40 feet to an iron rod; thence continuing N 49°06'35" E 29.86 feet to the point of beginning. Per survey by John R. Garske, P.S. No. 28410, Coleman Engineering Company, dated 07/18/2012, Project #SI-00304.

AND,

That portion of the right of way and property of the former Soo Line Railroad (now Wisconsin Central Ltd.), 160 foot wide, through the Southeast 1/4 of the Northwest 1/4 AND a triangular piece of land, part of the right of way and property of the former Soo Line (now Wisconsin Central Ltd), in the NE 1/4 of the SW 1/4 lying South of the North line of the NE 1/4 of the SW 1/4, Northeasterly of the Easterly line of Suffolk Street as now located and Northwesterly of the South line of the Depot Grounds (AKA part of Lot 1, Block 14, Original Plat of the Village of Ironwood);

EXCEPT commencing at the quarter corner common to Section 15 and 22; thence S 00°27'45" E along the North-South ½ line 1741.76 feet; thence S 48°58'06" W 825.81 feet to a point on the Southerly right-of-way of Frederick Street and the point of beginning; thence continuing along said street right-of-way S 48°58'06" W 193.52 feet;

thence S 40°49'42" E 90.00 feet, being 21.98 feet from the centerline of Wisconsin Central Railroad; thence N 48°58'06" E 195.22 feet to a point being 22.36 feet from the centerline of the Wisconsin Central Railroad; thence N 42°05'33" W 90.02 feet to the POB (part of the SE ¼ of the NW ¼) .

AND EXCEPT commencing at the quarter corner common to Section 15 and 22; thence S 00°27'45" E along the North-South ½ line 1741.76 feet; thence S 48°58'06" W 612.95 feet to a point on the Southerly right-of-way of Frederick Street and the point of beginning; thence continuing along said street right-of-way S 48°58'06" W 212.86 feet; thence S 42°05'33" E 90.02 feet, being 22.36 feet from the centerline of Wisconsin Central Railroad; thence N 48°58'06" E 211.92 feet to a point being 22.77 feet from the centerline of the Wisconsin Central Railroad; thence N 41°29'43" W 90.00 feet to the POB (part of the SE ¼ of the NW ¼).

AND EXCEPT commencing at the quarter corner common to Section 15 and 22; thence S 00°27'45" E along the North-South ½ line 1741.76 feet; thence S 48°58'06" W 1019.33 feet to a point on the Southerly right-of-way of Frederick Street and the point of beginning; thence continuing along said street right-of-way S 48°58'06" W 171.00 feet, to a point intersecting the Easterly right-of-way of Suffolk Street; thence S 41°00'28" E along said right-of-way of Suffolk Street 90.00 feet, being 21.65 feet from the centerline of Wisconsin Central Railroad; thence N 48°58'06" E 171.00 feet to a point being 21.98 feet from the centerline of the Wisconsin Central Railroad; thence N 41°00'28" W 90.00 feet to the POB (part of the SE ¼ of the NW ¼ and NE ¼ of the SW ¼).

AND EXCEPT commencing at the point on the intersection of the South Line of Frederick Street and the East Line of Suffolk Street; thence Northeasterly along the South line of Frederick Street 750 feet to the point of beginning; thence continuing Northeasterly along said South line 215 feet; thence Southeasterly at right angles to the last described course 45.00 feet; thence Southwesterly parallel with said South line of Frederick Street a distance of 215 feet; thence Northwesterly a distance of 45.00 feet, more or less, to the POB (part of the SE ¼ of the NW ¼).

AND,

That portion of the right of way and property of the former Soo Line Railroad (now Wisconsin Central Ltd.), 100 foot wide, through the North 1/2 of the Northeast 1/4 EXCEPT a triangular piece of land located in the NW 1/4 of the NE 1/4 recorded in Liber Y deeds, page 387, bounded on the Southwesterly extremity by the South line of the NW 1/4 of the NE 1/4, on the Southeasterly side by the ROW of the main line of the Milwaukee Lake Shore and Western Railway Company KNA C & NW Railway and on the Northwesterly side by the of the Gogebic and Montreal River Railroad KNA Soo Line/Wisconsin Central.

AND,

A strip of land one hundred feet (100 ft) in width lying within the North 1/2 of the Northwest 1/4, known as the former Soo Line and Wisconsin Central Company Railroad Grade, as evidence by Claim of Reversion dated October 20, 2005 and recorded in Liber 449, Page 859 (see image under Files tab); EXCEPT that part of the following 4 parcels

of land located in the NE 1/4 of the NW 1/4 of Section 23: 1) all that part of the former Soo Line Railroad 100-foot right-of-way, lying South of Rosella Street and bounded on the West by the East line of Leo Street, extended Southerly and bounded on the East by the West line of Zinn Street (formerly Neil Street) extended Southerly, as shown on Assessor's Plat No. 6 to the City of Ironwood, according to the recorded plat thereof AND all that part of the former Soo Line Railroad 100-foot right-of-way lying South of and adjacent to Lot 2, Assessor's Plat No. 6, to the City of Ironwood, according to the recorded plat thereof, bounded on the East by the West line of Luxmore Street, extended Southerly and bounded on the West by the West line of Lot 2 extended Southerly, of said Assessor's Plat No. 6, to the City of Ironwood, according to the recorded plat thereof (Warranty Deed dated 12/14/2005 and recorded 01/06/2006 in Liber 453, Page 548-550 from KLA to Red's Auto of Ironwood); 2) all that part of the former Soo Line Railroad 100 foot right-of-way, lying South and adjacent to Lots 3 and 4 of Block 1, O'Callaghan's Addition to the City of Ironwood, according to the record plat thereof bounded on the East by the East line of Lot 3, extended Southerly, and bounded on the West by the West line Lot 4 extended Southerly (Warranty Deed dated 01/25/2006 and recorded on 01/30/2006 in Liber 454, Pages 429 and Affidavit of Scrivener's Error dated March 27, 2006 and recorded in Liber 456, Page 707 between KLA and C&M Oil of Bessemer, Inc.); 3) all that part of the former Soo Line 100 foot right-of-way, lying South and adjacent to Lots 1 and 2 of Block 1, O'Callaghan's Addition, and lying South and adjacent to Lot 1, of Assessor's Plat No. 6, bounded on the East by the East line of Lot 1, Assessor's Plat No. 6, extended Southerly, and bounded on the West by the West line of Lot 2, Block 1, O'Callaghan's Addition extended Southerly (Warranty Deed dated 07/05/2006 and recorded on 07/12/2006 in Liber 461, Pages 896-898 between KLA and Red's Real Estate LLC); 4) all that part of the former Soo Line 100 foot right-of-way, lying South and adjacent to Lots 5 and 6 of Block 1, O'Callaghan's Addition to the City of Ironwood, according to the record plat thereof bounded on the East by the East line of Lot 5, extended Southerly, and bounded on the West by the East line of Zinn Street (formerly Neil Street) extended Southerly (Warranty deed dated 01/25/2006 and recorded on 01/30/2006 in Liber 454, Page 426-428 between KLA and Bert and Sandra Kokkonen).

AND,

That portion of the right of way and property of the former Soo Line Railroad (now Wisconsin Central Ltd.), 100 foot wide, through the Southeast 1/4 of the Southeast 1/4, Section 14, T47N, R47W.

AND,

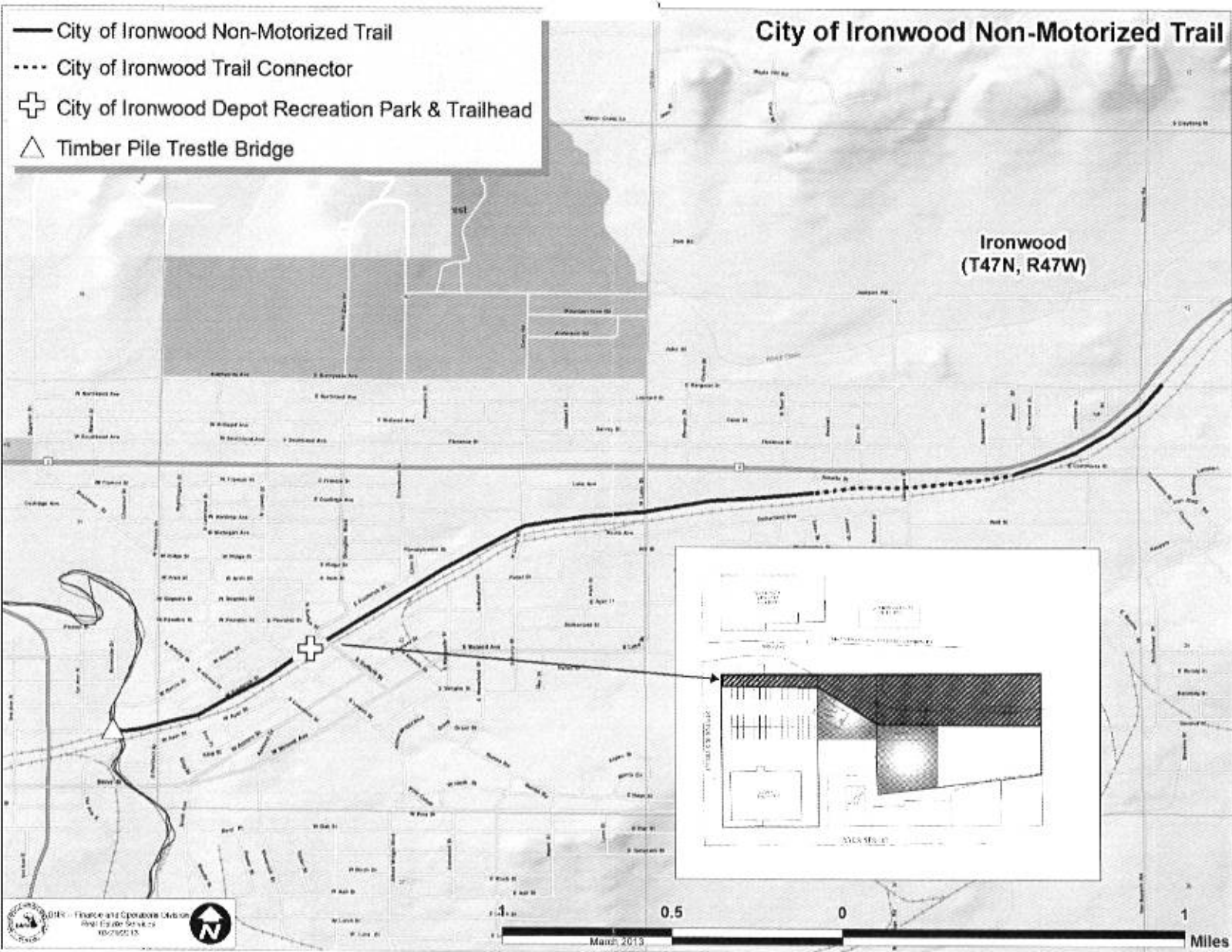
That portion of the right of way one hundred feet (100 ft) in width lying within the South 1/2 of the North 1/2 AND the West 1/2 of the Southwest 1/4, known as the former Soo Line and Wisconsin Central Company Railroad Grade, and terminating at the corporate limits of the City of Ironwood, Section 13, T47N, R47W, at approximately Railroad Milepost 439, more or less.

Legal for City of Ironwood Railroad Grade for Michigan's Western Gateway Trail

ABANDONED ROW OF THE CNW RR RNG NE'LY FROM THE W LN OF NE $\frac{1}{4}$ NW $\frac{1}{4}$ TO THE E LN OF NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 23 47-47 ACREAGE

ABANDONED ROW OF THE CNW RR RNG NE'LY FROM W LN OF NW $\frac{1}{4}$ NE $\frac{1}{4}$, TH CONTN THRU THE NE COR OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ TO THE N LN OF SEC 23 47-47 ACREAGE

APPENDIX B
BOUNDARY MAP OF THE PROJECT AREA



APPENDIX C

RECREATION GRANT APPLICATION TF12-123

(incorporated herein by reference)

RESOLUTION #013-015

Michigan’s Western Gateway Trail Improvements

Upon Motion made by _____, seconded by _____, the following Resolution was adopted:

“RESOLVED, that the City of Ironwood, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Ironwood does hereby specifically agree, but not by way of limitation, asfollows:

- 1. To appropriate all funds necessary to complete the project during the project period and to provide seventy five thousand dollars (\$75,000) to match the grant authorized by the DEPARTMENT.
- 2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
- 3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
- 4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
- 5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
) ss
COUNTY OF GOGEBIC)

I, Karen M. Gullan, City of the City of Ironwood, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the Ironwood City Commission at a meeting held on June 10, 2013.

Signature

Title

Date



MEMO

To: Mayor Corcoran and the City Commission

From: Michael J. D. Brown, Community Development Director

Date: May 28, 2013

Meeting Date: June 10, 2013

Re: Garage Sale Ordinance

It has been brought to staff's attention by the City Code Enforcement Officer that there have been issues in the past with properties having season long garage sales. There are a couple of issues with this. One is residential properties are not permitted to engage in retail sales; if there is always items for sale on a regular basis this would be considered retail sales and other laws apply such as sales tax requirements. Another issue is that staff believes this is a form of blight when items for sale are left out for multiple days, weeks and even months in a row in front yards and driveways. Staff is proposing to amend the Blight Ordinance to limit the number and length of garage sales in the City to eliminate these concerns. Staff has researched other communities and has found various forms of ordinance language. Some communities have multiple page ordinances on the matter, while others have less than half a page. Staff is currently proposing to limit garage sales to two (2) events per calendar year with each event a maximum of four (4) consecutive days in length; this would exclude any City of Ironwood sponsored events. The Planning Commission reviewed this proposal and they recommended increasing the number of events per year to four (4). Attached is the proposed revision. If the Commission is satisfied with the proposal a public hearing can be set for a future meeting.

Proposed Language:

"In any area, except where specifically permitted through the issuance of a City of Ironwood Business License, the storage or accumulation of personal property for the purpose of selling said personal property is prohibited upon any real property except that the sale of personal property shall be permitted no more than two (2) events per calendar year, excluding any City of Ironwood sponsored events. A calendar year shall be defined as January 1st through December 31st. An event shall be defined as no more than a four (4) day consecutive period. These events shall also be commonly known as, but not limited to, garage sales, rummage sales, yard sales or moving sales. For example, the property owner of 123 Main would be in compliance if a garage sale is held from June 1 through June 4 and August 1 through August 4. If for example an additional sale is held at 123 Main from September 1 through September 3 the property owner would be in violation of this section."

CITY OF IRONWOOD

"Live Where You Play"


213 S. Marquette Street
Ironwood, Michigan 49938



Telephone: (906) 932-5050
Fax: (906) 932-5745
www.cityofironwood.org

June 4, 2013

To: Ironwood City Commission
Scott Erickson, City Manager

From: Bob Tervonen, Utilities Manager 

Re: Hydrant Purchase Approval

The City of Ironwood recently opened bids for the purchase of 20 fire hydrants. I would like to have the Ironwood City Commission award the purchase of 20 Mueller fire hydrants to HD Supply Waterworks for a total sum of \$43,800. This money has been budgeted for the 2013-2014 fiscal year and will be purchased during this coming fiscal year.

Thank you for your consideration. Please take the time to contact me if you have any questions.

May 24, 2013 - 20 Mueller Fire Hydrants

BID TABULATION SHEET

Name of Bidder:

(20) per hydrant

Total

Name of Bidder:	(20) per hydrant	Total
Waterworks HD Supply	\$ 2,190. ⁰⁰	\$ 43,800. ⁰⁰
Upper Peninsula Concrete Pipe Co.	\$ 2,350. ⁰⁰	\$ 47,000. ⁰⁰

Witnesses to Bid Opening:

Bid Award Action Taken

Harold M. Sullivan
James Howard
Cheney

