

Crystal Falls, Michigan

March 9, 2009

A regular meeting of the Council for the City of Crystal Falls was held in the Council Chambers of the City Hall on Monday, March 9, 2009 at 5:00 P.M. Central Time.

Roll Call: Mayor Hendrickson, Councilors Hagglund, Burke, Bicigo, and Smokevitch.

Absent: None

Also Present: City Manager Nordeman, City Attorney Lawrence, and City Clerk/Treasurer Olson.

Visitors: Larry Bicigo, Tom Stachowicz, Jeff Sjoquist, David Graff, Lynn Perry, Kelly Bender, and Adam Steinbrecher.

Mayor Hendrickson led the reciting of the Pledge of Allegiance.

Mayor Hendrickson seconded by Councilor Burke moved that the items on the Consent Agenda be approved as noted below:

1. The minutes of the regular meeting of February 9, 2009 as written.
2. The following reports for the month of February 2009:
  - A. Joint Fire Authority report, as submitted by Fire Chief Ahola, indicating answering six (6) fire calls; spending approximately 112.5 man-hours fighting fires; and holding no practice and training sessions.
  - B. Police report, as submitted by Police Chief Robert Sherwin, indicating 146 complaints, of which none were closed by arrest, and logging of 1,985 miles on patrol duty.
  - C. Electric Department activity report as submitted by David Graff, Chief Electrician.
  - D. Public Works Department activity report as submitted by Foreman Kelly Stankewicz.
  - E. Treasurer's Revenue Report as submitted by Clerk/Treasurer Dorothea Olson.
3. Payrolls & Disbursements in the amount of \$502,924.11, be approved, and instruct the City Clerk to draw checks on the City Treasury in payment of same.

Motion carried.

Mayor Hendrickson noted an amendment to the agenda by adding Façade Program - City costs to "Unfinished Business".

Jeff Sjoquist of Coleman Engineering reported that the City had a positive coliform test return in the past week that has resulted in a directive from the DEQ to treat the water until further notice.

Kelly Bender, a resident of Johanson Road appealed to the Council to take a ride over the road to see for themselves just how deteriorated it is.

Mayor Hendrickson reported that the DDA meeting scheduled for

earlier in the day was postponed due to the lack of a quorum. Councilor Burke seconded by Mayor Hendrickson moved to approve the 2008-2009 DDA Budget, pending an amendment to the projected expense of the Christmas decorations (to be the same as the quote for said decorations).

Motion carried.

Mayor Hendrickson seconded by Councilor Burke moved to accept the quote from Liberty Flag & Specialty Co. in the amount of \$4,493.30 for Christmas decorations which will be paid out of the DDA funds.

Motion carried.

Manager Nordeman updated the Council on the status of the Crystal Manor re-development project indicating that the general contractor has brought the costs in line and the developers have submitted them to MSHDA and are currently awaiting approval.

Mayor Hendrickson temporarily closed the regular meeting to conduct the Public Hearing on the ORV Ordinance amendment.

Meeting temporarily adjourned at 5:37 p.m.

PUBLIC HEARING:

Attorney Geoffrey Lawrence explained the amendments to the ORV ordinance, Ordinance No. 2.21.

Public comments: Larry Bicigo asked if the ordinance was basically what it was before to which Attorney Lawrence replied that the amendments simply make it more consistent with the County Ordinance in addition to allowing for the repair of streets that may be damaged by ORV traffic.

Council comments: There were no comments from the City Council.

Public Hearing Closed at 5:40 p.m

Councilor Hagglund seconded by Councilor Smokevitch moved to adopt the amended Ordinance No. 2.21, as follows:

ORDINANCE NO. 2.21  
As Amended

AN ORDINANCE TO REGULATE THE USE AND OPERATION OF OFF-ROAD VEHICLES (ORV'S) WITHIN THE CITY OF CRYSTAL FALLS, IRON COUNTY, STATE OF MICHIGAN

THE CITY OF CRYSTAL FALLS ORDAINS:

SECTION 1 INCORPORATION OF STATUTORY PROVISIONS

This ordinance hereby includes and incorporates by reference the entirety of Part 811 of Act 451 of the Public Acts of Michigan of 1994, as amended, to provide for the regulation and registration of Off-Road Vehicles. It is the intention of this Ordinance to permit those actions that are permissible under State law and prohibit those actions that are not permissible under State law as pertains to ORV'S.

SECTION 2 GENERAL REGULATIONS ON USE AND OPERATION

- A. ORV'S shall not be operated upon any City owned property including, but not limited to, streets, alleys, sidewalks, parks, cemeteries, golf courses or pedestrian trails unless hereinafter provided.

- B. ORV'S for the purpose of obtaining access to recognized off-road trails, and for the operator to purchase retail goods and services in conjunction with the legal operation of an ORV, may, by the most direct route available, utilize the public alleys and streets located in the City of Crystal Falls and in so doing, travel in the most direct perpendicular manner available. (Ref. Section 324.81131, Act 451 of 1994)
- C. ORV'S shall be brought to a complete stop before crossing an alley or street, and shall yield the right of way to oncoming traffic.
- D. ORV'S shall utilize the outermost five-(5) feet of the alley or street, and shall travel in single file, with the flow of traffic.
- E. ORV'S shall utilize the alleys or recreation trails in areas of the City where alleys or recreation trails parallel adjacent streets. ORV'S utilizing streets that parallel adjacent alleys or recreation trails shall be deemed in violation of this ordinance.
- F. ORV'S shall operate at a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- G. ORV'S shall operate in a manner that does not interfere with traffic on a road or street.
- H. ORV'S shall not be operated when visibility is substantially reduced due to weather conditions unless the ORV is displaying a lighted headlight and lighted taillight
- I. ORV'S shall be operated displaying a lighted headlight and lighted taillight for the hours ½ hour after sunrise until ½ hour before sunset.
- J. Beginning January 1, 2010 ORV'S shall not be operated unless they are displaying a lighted headlight and lighted taillight at all hours.
- K. ORV'S shall not be operated unless the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- L. ORV'S shall not be operated unless they are equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- M. A child between the ages of twelve and sixteen shall not operate an ORV on any street or alley in the City unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a Province of Canada.
- N. A person not younger than sixteen nor older than seventeen shall not operated an ORV on a street or alley in the City unless the person is under the direct supervision of a parent or guardian and the person has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a Province of Canada.
- O. Unless a person possesses a valid driver's license a person shall not operate an ORV on any street or alley in the City except as otherwise provided in Section (M) and (N).

SECTION 3 NOISE EMISSION

- A. ORV'S shall have, in good working condition and in constant use, a muffler that is in compliance with all the provisions of MCL 324.81133 and the various subsections thereof, as amended, as well as all other statutes, rules, regulations and ordinances applicable to ORV operation.

SECTION 4 PENALTIES

- A. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- B. Any repeated offense shall be subject to increased fines, as follows:
  - 1. First repeated offense shall be no less than \$150.00 plus costs.
  - 2. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.
  - 3. The Court or Magistrate may order a person who causes damage to any street or alley or other property as a result of the operation of any ORV in an area permitted by the Ordinance to pay full restitution for the damage above and beyond the penalties paid for civil fines or misdemeanor violation.

SECTION 5 SEVERABILITY

The sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole.

Ordinance adopted.

Discussion and consideration of the FERC Order No. 719 was postponed pending the acceptance of a contract with WPPI.

Per the request of Manager Nordeman, Coleman Engineering submitted estimates of costs regarding the reconstruction of various streets in the City, including portions of Johanson Rd., Jackson St., Ski Hill Rd., Michigan Ave, River Street, and 3<sup>rd</sup> St. Manager Nordeman

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indicated that the report will be on file at the clerk's office for review.

Councilor Bicigo seconded by Councilor Smokevitch moved to accept the bid of \$1,200.00 from Ted Egge on the used John Deere lawn tractor.

Motion carried.

(2 bids on the lawn tractor were received: Ted Egge bid \$1200.00; and Superior Psychological Services P.C. bid \$1101.00)

Councilor Hagglund seconded by Councilor Bicigo moved to approve the Estimate of Funds Needed for the final draw on the Rural Development grant for the police patrol vehicle in the amount of \$379.00.

Motion carried.

Mayor Hendrickson asked Manager Nordeman about the \$16,000 of fees charged to the City by U. P. Engineers & Architects for work done on the façade grant. Manager Nordeman noted that the City contracted with the engineering firm and that the work charged for was performed so the City will have to absorb those fees.

NEW BUSINESS:

Adam Steinbrecher of AECOM, updated the Council on the City's S2 Sewer Project. He indicated that the State revolving fund has received some stimulus money and perhaps the City will be able to secure a 25% grant to get the project completed.

The Council postponed action on the golf rates pending the review of the audit.

Councilor Bicigo seconded by Mayor Hendrickson moved to approve the 2009 Cemetery contracts with Crystal Falls, Mastodon, and Mansfield Townships as presented.

Motion carried.

Dorothea Olson reported that the success of the smear tournament held over the weekend to raise funds for the Lincoln Park Playground added another \$1,087 into the equipment fund. To date the playground fund has now reached a total of \$10,000, which is 2/3rds of the amount needed to complete the proposed project.

Mayor Hendrickson set a special meeting date of Thursday, March 12, 2009 at 4:30 p.m. to review the 2007-2008 Fiscal Year Audit

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and also for the consideration of opening an "Early Out" retirement window.

On Monday, March 16<sup>th</sup> at 6 pm a special meeting of the City Council will be held to consider the long term energy contract with WPPI. Also on the agenda for that meeting the Council will consider action on the FERC Order No. 719.

Councilor Burke seconded by Councilor Bicigo moved to adjourn this meeting.

Motion carried.

Meeting adjourned at 7:56 p.m.

PRESIDING OFFICER \_\_\_\_\_

PRESIDING CLERK \_\_\_\_\_