

**CITY OF HANCOCK
COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 21, 2019**

6:00 P.M.

Regular Meeting

Call to order and pledge of allegiance was led by Mayor LaBine
Roll Call and verification of quorum

Present: Councilors Blau, Lytle, Warstler, Seguin, Slivon, LaBine, Tubman

Also present: Rick Allen, John Zurcher, Glenn Anderson, Mitch Lake, Deb Mann, John Diebel, Susan Burack, Michael Markham, Bill Marlor, Ashley Freeman, Andy Lahti, Janet Robertson, Jared Hykras, Ashley Freeman, Mary Babcock.

Motion by Councilor Slivon and supported by Councilor Lytle to approve the agenda as presented.

Yes: All

No: None

Motion Carried

Communications

Julia Clayton – Beautification work completed
Semco Energy – Public Improvement Projects
EGLE - Notice of Public Hearing
Public Service Commission – Notice of Hearing
EGLE – Approval of the Asset Management Program
Deric Garnell – Beautification work
Jane Wightman – Safety Issue on M203

Motion by Councilor Blau and supported by Councilor Warstler to review and place on file communications as presented.

Yes: All

No: None

Motion Carried

Public Comment-

Deb Mann, Recreation Commission, playground build on Friday, August 23, 2019.

Review and approval of previous minutes

Regular Council Meeting August 21, 2019

Motion by Councilor Seguin and supported by Councilor Slivon to approve and file the meeting minutes as presented.

Yes: All
No: None
Motion Carried

Reports

6/11/2019 PLWSA
7/9/2019 PLWSA

Motion by Councilor Tubman and supported by Councilor Seguin to receive and file the reports as presented

Yes: All
No: None
Motion Carried

Administrative Report

- Rural Development equipment grants have been submitted for the Sno-go and Excavator
 - Sno-Go approximate costs 146k and the grant would cover 55k
 - Mini Excavator w/trailer costs 100k and the grant would cover 55k
- 68th Annual Houghton County Fair August 22nd to August 25th
 - Hancock Police will be having an officer on site during Fair hours
- Driving Park playground installation work has started with prep work this week and will be finished up this weekend. Volunteers are needed to help with the installation. If anyone is interested please let us know.
- Million Gallon tank roof replacement bids are due on August 28th for the work to completed this fall. The insurance company has sent a payment for 75% of the estimated cost and will send the final payment when the work is completed.
- Project Updates
 - FHWA projects should be completed this week.
 - FEMA projects 4 will be completed this fall and the rest will be done next spring.
 - Three projects are still pending final obligation.
- Terrace Park Tennis Courts were paved last week. DPW is working on getting the fence, painting and nets to complete this project.
- Michigan Secretary of State Jocelyn Benson will be speaking a the Hancock High School auditorium on 8-26-2019 at 6:00 P.M. She will be speaking about Proposal 3 from the November 2018 election cycle.
 - a. No reason absentee ballot
 - b. Register on day of election in person
 - c. Mail in registration deadline reduce to 15 days
 - d. Straight Ticket Voting option

Old Business

None

New Business

Motion by Councilor Blau and supported by Councilor Tubman to approve the current accounts payable in the amount of \$804,461.38.

Roll Call

Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman

No: None

Motion Carried

Motion by Councilor Lytle and supported by Councilor Warstler to approve the committee changes Ordinance Review – Tubman, LaBine and Lytle/Add Slivon to Transit Committee/Add Blau to WUPPDR and Lytle as alternate to WUPPDR/Add Michael Lancour to the Recreation Commission.

Yes: All

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Seguin to create a Grant Writing Committee of Tubman, Warstler and Lytle.

Yes: All

No: None

Motion Carried

Motion by Councilor Lytle and supported by Councilor Seguin to approve the contract with Blue Line Site for the Citywide Park Erosion in the amount of \$58,649.40.

Roll Call

Yes: Tubman, Warstler, Seguin, LaBine, Slivon, Lytle, Blau

No: None

Motion Carried

Motion by Councilor Seguin and supported by Councilor Warstler to approve the contract with MJO Contracting for the Portage Lake Outlet Dredging in the amount of \$199,985.16.

Roll Call

Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Seguin to approve the contract with Portage Lake Construction in the amount of \$18,204.00

Roll Call

Yes: Tubman, Warstler, Seguin, LaBine, Slivon, Lytle, Blau

No: None

Motion Carried

Motion by Councilor Warstler and supported by Councilor Tubman to approve contract with Portage Lake Construction for the Navy Street Trail & Poplar Street in the amount of \$137,121.68

Roll Call

Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman

No: None

Motion Carried

Motion by Councilor Blau and supported by councilor Warstler approve Resolution 19-18 to designate Mary Babcock as Assistant City Manager for 6 months with an additional \$500 per pay period. effective August 22nd.

Roll Call

Yes: Tubman, Warstler, Seguin, LaBine, Slivon, Lytle, Blau

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Seguin to approve the Transit Bus ordered with Mobility Transportation in the amount of \$76,135.99.

Roll Call

Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman

No: None

Motion Carried

Motion by Lytle and supported by Councilor Slivon to approve the Hancock Transit Procurement Plan.

Yes: All

No: None

Motion Carried

Motion by Councilor Tubman and supported by Councilor Warstler to approve the professional service proposal with OHM for water control replacement project.

Yes: All

No: None

Motion Carried

Motion by Councilor Tubman and supported by Councilor Slivon to approve the adoption and redesigned of the Veterans Memorial Park by the Houghton High School JROTC program.

Yes: All

No: None

Motion Carried

Motion by Councilor Lytle and supported by Councilor Warstler to introduce the Flood Insurance Ordinance 304 and schedule a public hearing for the September 18th meeting.

Roll Call

Yes: Tubman, Warstler, Seguin, LaBine, Slivon, Lytle, Blau

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Seguin to approve Resolution 19-17 for the Michigan Community Intergovernmental agreement to manage flood plain development for the National Flood Insurance.

Yes: All

No: None

Motion Carried

Motion by Councilor LaBine and supported by Councilor Warstler to submit draft Marijuana ordinance to the Planning Commission.

Yes: All

No: None

Motion Carried

Motion by Councilor Lytle and supported by councilor Seguin to introduce Water Ordinance 305 and schedule a public hearing for September 18th meeting.

Roll Call

Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman

No: None

Motion Carried

Motion by Councilor Seguin and supported by Councilor Warstler to approve redevelopment proposals for 201 E. Franklin Street, formally Neil's Taxi.

Yes: All

No: None

Motion Carried

Motion by Councilor Warstler and supported by Councilor Tubman to approve selling the building at 201 E. Franklin St.

Yes: All

No: None

Motion Carried

Motion by Councilor Tubman and supported by Councilor Seguin to approve Mary Babcock as interim Michigan Tech Smart Zone Executive Board Member.

Yes: All
No: None
Motion Carried

Motion by Councilor Warstler and supported by Councilor Lytle to approve the EGLE Recycle Bin Grant Agreement.

Yes: All
No: None
Motion Carried

Motion by Councilor Seguin and supported by Councilor Warstler to approve exploring the EDA grant opportunities for the Hancock Business Park.

Yes: All
No: None
Motion Carried

Motion by Councilor Blau and supported by Councilor Seguin to approve to adopt addendum to the MERS plan to create a surplus division;

Roll Call
Yes: Blau, Lytle, Slivon, LaBine, Seguin, Warstler, Tubman
No: None
Motion Carried

Public Comment:

John Zurcher- Concerns about Driving Park and Superior Sand & Gravel erosion on the hillside.


Janet Robertson- Concerned with Pitbull that lives next door. Would like to have Councilor Seguin to her house to see the conditions.

Deb Mann- Lombardi Poplars on White Street needing to be cut.


Movies-mural

Motion by Councilor Warstler and supported by Councilor Blau to adjourn the meeting at 8:45 P.M.

Yes: All
No: None
Motion Carried



Paul LaBine, Mayor



Mary Babcock, Clerk

RESOLUTION 19-17
MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL
AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT

The City of Hancock, “Community” and Houghton County, “Enforcing Agency” agree as follows:

WHEREAS, the City of Hancock desires to participate in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) by complying with the program’s applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical agreement dated February 2017, County of Houghton affirms/agrees on behalf of the City of Hancock to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A's political boundaries, and

WHEREAS, the City of Hancock and County of Houghton enforce floodplain regulations of the construction code act, and the City of Hancock wishes to ensure that the administration of that code complies with requirements of the NFIP, and



NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The City of Hancock and the County of Houghton agree that the County of Houghton's officially designated enforcing agency for the construction code act, Houghton County Building Department, be directed to administer, apply, and enforce on the City of Hancock's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, County of Houghton shall implement the following applicable codes according to their terms:
 - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.

2. The City of Hancock and the County of Houghton assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure the City of Hancock's compliant participation in the program.
3. The City of Hancock further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or the City of Hancock makes other provision to enforce the construction code act:

1. The County of Houghton must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For the City of Hancock to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community: City of Hancock Date Passed: 8-21-2019
Officer Name: Paul LaBine Title: Mayor
Signature:  Date: 8/21/19
Witness Name: Mary Babcock Title: Clerk/Treasurer
Signature:  Date: 8/21/19

Community/Entity B: The County of Houghton Date Passed:
Officer Name: Jennifer Kelly Title: Clerk
Signature: _____ Date: _____
Witness Name: _____ Title: _____
Signature: _____ Date: _____

**CITY OF HANCOCK
COUNTY OF HOUGHTON, STATE OF MICHIGAN
RESOLUTION #19-18**

RESOLUTION TO APPOINT AN ACTING ASSISTANT CITY MANAGER

WHEREAS, The City of Hancock's current City Manager, Barry Givens, is currently on disability leave and his return date is uncertain;

WHEREAS, Pursuant to City Charter Section 7.2(2) the City Council may appoint an acting City Manager during any period of vacancy in the office;

WHEREAS, the needs of the City and current City Manager require smooth operation of the City during such vacancy and upon the current City Manager's return;

NOW THEREFORE BE IT RESOLVED:

THAT the City appoints current City Clerk and Treasurer, Mary Babcock, as Acting Assistant City Manager;

THAT the Acting Assistant City Manager shall have any and all powers and duties of a regular City Manager, including but not limited to signing necessary documents and attending City meetings and functions;

THAT in recognition of the increased amount of duties and responsibilities, a salary supplement of Five Hundred Dollars (\$500.00) per pay period shall be paid to the Acting Assistant City Manager as long as such position is held;

THAT this appointment shall last six (6) months from the date of this resolution or until the appointment is terminated by resolution of the City Council, whichever occurs first.

Motion offered at a regular meeting of the Hancock City Council on Wednesday, August 21, 2019, by Councilor Blair and seconded by Councilor Warstler.

Yes:

No:

Motion Carried

Paul LaBine
Paul LaBine, Mayor

Mary Babcock
Mary Babcock, Clerk

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Hancock certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened regular meeting of the City of Hancock Council held on August 21, 2019.

Mary Babcock
Mary Babcock, City Clerk