

CITY OF HANCOCK COUNCIL  
SPECIAL MEETING MINUTES  
WEDNESDAY, JUNE 7, 2023 6:00 PM  
HANCOCK CITY HALL, 399 QUINCY STREET  
Public viewing available via ZOOM.com Meeting ID: 821 4402 1682

**Public Hearing: Solar & Wind Ordinance opened at 6:00 P.M.**

No comments

**Public Hearing: FY 2023/2024 Budget opened at 6:01 P.M.**

No comments

**Regular Meeting at 6:03 P.M.**

Call to order and pledge of allegiance led by Mayor Paul LaBine

Roll Call and verification of quorum

Present: Councilors Blau, McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

Absent: None

**Also Present in person:** Michael Markham, Alan Salmi, Susan Burack, Mary Babcock, Linda Kalinec, Dollar Bay Students, Garrett Neese, Thomas Fournier, other members of the community and media.

**Review and approval of agenda** – Motion by Councilor Rickard and supported by Councilor Freeman to approve the agendas presented.

Yes: All

No: None

Motion Carried

**Public Comment** – None.

**Communication**

State of Michigan – Public Service Commission Notice of Hearing

UPPCO – Karcz Utility Services, inspection work

Motion by Councilor Blau and supported by Councilor McKenzie to accept and place on file the communications as presented.

Yes: All

No: None

Motion Carried

**Review and acceptance of meeting minutes**

Planning Commission April 24, 2023

Recreation Commission March 14, 2023

Motion by Councilor McKenzie and supported by Councilor Blau to received and put on file the meeting minutes as presented.

Yes: All

No: None

Motion Carried

**Review and approval of City Council meeting minutes**

Regular Meeting

May 17, 2023

Motion by Councilor Rickard and supported by Councilor McKenzie to approve and accept the City Council Regular meeting minutes of May 17, 2023 as presented.

Yes: All

No: None

Motion Carried

**Administrative Report**

City Manager Babcock commented on the following:

- Deputy Clerk – Tara Dulong has been hired as the new Deputy Clerk, she will start on June 26<sup>th</sup>.
- Chronicle Article about Finlandia University gives some background detailing the debt history of the University.
- Kids on the Green for Bridgefest will have various activities for kids, the engineering camp will be from 11-2 with the other activities to follow.
- Bridgefest parade will be Friday evening, we are looking for City Council members and others to be a part of the parade. The theme this year is “Keweenaw Treasurers”, we plan to have the 1907 Jewel car in the parade.
- The Copper Country Community Arts Center Walkable Art, additional artwork displays have been placed and a new brochure available.
- Hancock Community Walk will start next Wednesday, June 14<sup>th</sup> meeting at the Scott Hotel at 9 am and walking to Krist Oil and back. Angela Luskin from Portage Health is getting this going, it will be a weekly event, all are welcome.
- The DWAM grant project is starting, compiling an inventory of the water assets and looking for lead piping.
- Water and Sewer ordinance changes suggested by the Ordinance Review committee have been sent to the Attorney for review, hope to have it back for the June 21<sup>st</sup> meeting.
- Planning to have the museum open for Key Ingredients with the 1907 Jewel car on display and a few additional small exhibits.
- The summer newsletter will be going out tomorrow, it will include a list of the Canal Rock bands and Bridgefest activities and events.
- Commend the Police Department for their handling of the missing person situation, Tami brought a lot of experience that helped bring closure to the family and community.
- Canal Rock starts this Friday and The Forge food truck will be there.

**New Business**

1. Motion by Councilor Blau and supported by Councilor Warstler to appoint Alan Salmi to the Hancock Transit Local Advisory Council.

Yes: All

No: None

Motion Carried

2. Motion by Councilor McKenzie and supported by Councilor Rickard to approve a letter of support for the Hancock Housing Foundation grant application for the MEDC Revitalization and Placemaking Grant for 50-unit housing development.

Yes: All

No: None

Motion Carried

3. Motion by Councilor Warstler and supported by Councilor McKenzie to authorize the use of Positive Pay for the operating accounts at Superior National Bank.

Yes: All  
No: None  
Motion Carried

4. Motion by Councilor Warstler and supported by Councilor Rickard to authorize the use of E-Remote Deposit Capture for the operating accounts at Superior National Bank.

Yes: All  
No: None  
Motion Carried

5. Motion by Councilor McKenzie and supported by Councilor Warstler to approve the change of account type from Public Funds NOW to Municipal Money Market for accounts 101200979, 101701677, 100394965, and 101200746 at Superior National Bank.

Yes: All  
No: None  
Motion Carried

6. Motion by Councilor Warstler and supported by Councilor Freeman to approve Resolution 23-09 to request MDOT Category B funding of \$284,773.00 for resurfacing of North and Prospect Streets between Birch Street and Ingot Street.

Roll Call  
Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau  
No: None  
Motion Carried

7. Motion by Councilor Warstler and supported by Councilor Freeman to approve Resolution 23-10 to request MDOT Category B funding of \$474,854.0 for the reconstruction of Minnesota Street between Ethel and Michigan Streets.

Roll Call  
Yes: McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler  
No: Blau  
Motion Carried

8. Motion by Councilor Warstler and supported by Councilor McKenzie to approve Resolution 23-11 to approve the execution of the MDOT Contract J204839CON amendment in the amount of \$43,012.28.

Roll Call  
Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau  
No: None  
Motion Carried

9. Motion by Councilor Blau and supported by Councilor Freeman to approve MJO Contracting payment application #1 for the EGLE Coastal Zone Management shoreline project in the amount of \$39,785.24.

Roll Call

Yes: Blau, McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

No: None

Motion Carried

10. Motion by Councilor Rickard and supported by Councilor Warstler to approve Resolution 23-12 for adoption of the 2023-2024 budget and approve the millage rates of 13.2663 General Fund, .8000 Fire Department, .8000 Police Millage, .8000 Recreation Millage.

Roll Call

Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau

No: None

Motion Carried

11. Motion by Councilor McKenzie and supported by Councilor Rickard to approve Maintenance Service Agreements # 22-31-02-01 & #22-31-02-02 with Dixon Engineering & Inspection Services for the inspection of the 200,000 Gallon Water Tank and the 1,000,000 Gallon Concrete Reservoir.

Roll Call

Yes: Blau, McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

No: None

Motion Carried

12. Motion by Councilor Warstler and supported by Councilor Rickard to approve the adoption of Ordinance 311, entitled Solar and Wind Energy Zoning.

Roll Call

Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau

No: None

Motion Carried

### **Public Comment**

Alan Salmi – 131 Water Street – Thank you for the appointment to the Transit Local Advisory Council.

### **Council Member Comments**

Time was provided for council members to promote, discuss and/or comment on items not on the agenda.

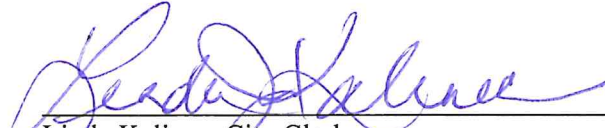
Motion by Councilor Warstler and supported by Councilor Freeman to adjourn the meeting at 7:03 p.m.

Yes: All

No: None

Motion Carried

  
\_\_\_\_\_  
Paul LaBine, Mayor

  
\_\_\_\_\_  
Linda Kalinec, City Clerk

CITY OF HANCOCK

RESOLUTION #23-09

**A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RESURFACING OF NORTH AND PROSPECT STREET BETWEEN BIRCH STREET AND INGOT STREET FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM.**

Minutes of a regular meeting of the City Council of the City of Hancock, Houghton County Michigan, held in the Council Chambers, 399 Quincy Street, Hancock, MI, in said City, on June 7, 2023 at 6:00 p.m.

Present: Councilors: Blau, McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

Absent: Councilors: None

The following preamble and resolution were offered by Councilor Warstler and supported by Councilor Freeman

WHEREAS, the City of Hancock is applying for \$142,386.50 in funding through MDOT from the Transportation Economic Development Category B Program to resurface North and Prospect Street.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Mary Babcock, City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$142,386.50 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

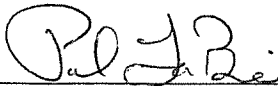
BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

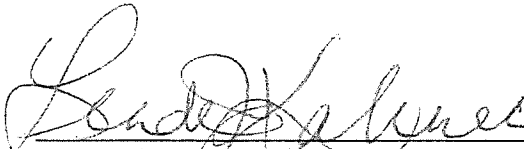
Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau

No: \_\_\_\_\_

Absent: None

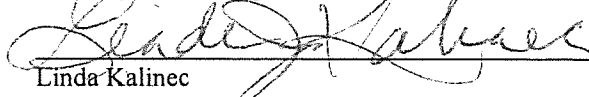
Resolution declared adopted.

  
\_\_\_\_\_  
Paul LaBine, Mayor

  
\_\_\_\_\_  
Linda Kalinec, City Clerk

CERTIFICATION

I, Linda Kalinec, Clerk of the City of Hancock, do hereby certify that the above Resolution #23-09 is a true and correct copy of the Resolution adopted and passed at a regular meeting held on June 7, 2023.

  
\_\_\_\_\_  
Linda Kalinec

CITY OF HANCOCK

RESOLUTION #23-10

**A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCT PROJECT OF MINNESOTA STREET BETWEEN ETHEL STREET AND MICHIGAN STREET FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM.**

Minutes of a regular meeting of the City Council of the City of Hancock, Houghton County Michigan, held in the Council Chambers, 399 Quincy Street, Hancock, MI, in said City, on June 7, 2023 at 6:00 p.m.

Present: Councilors: Blau, McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

Absent: Councilors: None

The following preamble and resolution were offered by Councilor Warstler and supported by Councilor Freeman

WHEREAS, the City of Hancock is applying for \$237,427 in funding through MDOT from the Transportation Economic Development Category B Program to reconstruct of Minnesota Street.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Mary Babcock, City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$237,427 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

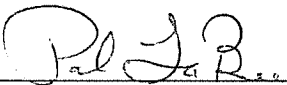
BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

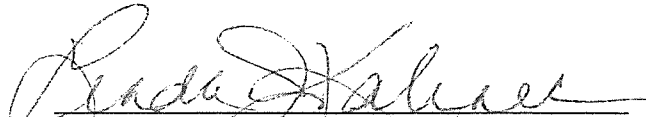
Yes: McKenzie, Freeman, LaBine, Rickard, Lounibos, Warstler

No: Blau

Absent: None

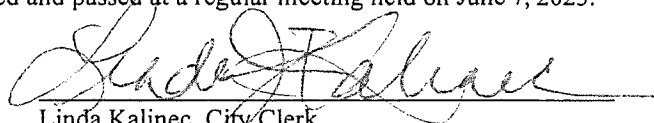
Resolution declared adopted.

  
\_\_\_\_\_  
Paul LaBine, Mayor

  
\_\_\_\_\_  
Linda Kalinec, City Clerk

CERTIFICATION

I, Linda Kalinec, Clerk of the City of Hancock, do hereby certify that the above Resolution #23-10 is a true and correct copy of the Resolution adopted and passed at a regular meeting held on June 7, 2023.

  
\_\_\_\_\_  
Linda Kalinec, City Clerk

CITY OF HANCOCK

RESOLUTION #23-11

MDOT EMERGENCY RELIEF CONTRACT AUTHORIZATION RESOLUTION

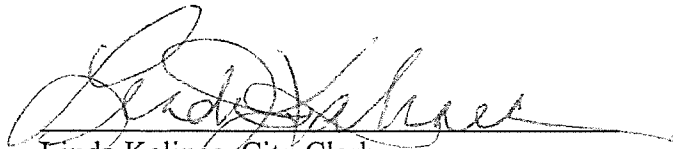
WHEREAS, this resolution shall approve execution of the MDOT Contract Job #204839CON, Control Section #ER31000, Contract # 23-5188 Amendment to Contract # 19-5062,

NOW, THEREFORE, be it resolved that Mary Babcock, City Manager and Linda Kalinec, City Clerk of the City of Hancock, are authorized to enter into and execute on behalf of the City of Hancock. MDOT Contract # 23-5188 Amendment to Contract #19-5062, Job # 204839CON Control Section #ER31000, with the Michigan Department of Transportation for emergency repairs on flood damaged federal aid Montezuma Street in the City of Hancock.

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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 June 7, 2023.

  
Linda Kalinec, City Clerk

SEAL

AMENDMENT TO CONTRACT 19-5062	COM	
	Control Section	ER 31000
	Job Number	204839CON
	Project	1900(036)
	CFDA No.	20.205 (Highway Research Planning & Construction)
	Contract No.	23-5188

THIS AMENDATORY CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF HANCOCK, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #19-5062.

WITNESSETH:

WHEREAS, the parties to the Amendment have heretofore, by a Contract dated April 24, 2019, hereinafter referred to as "CONTRACT 19-5062" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

Hot mix asphalt roadway reconstruction work for emergency repairs along Ingot Street from Summit Street to the east city limits of Hancock, and along White Street from Ryan Street to East Ravine Street; including concrete curb and gutter, storm sewer, and pavement marking work; and all together with necessary related work.

WHEREAS, the DEPARTMENT and the REQUESTING PARTY having appropriate authority desire to amend CONTRACT 19-5062 to provide for the adjustment to the construction engineering and the increase in the estimated PROJECT COST.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. Section 2 of CONTRACT 19-5062 is revised to read as follows:
  2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including costs incurred by the DEPARTMENT and the REQUESTING PARTY for construction engineering, construction materials testing, and inspection and any other costs incurred by the DEPARTMENT as a result of this contract.



Costs for construction engineering, construction materials testing, and inspection as may be incurred by the DEPARTMENT and the REQUESTING PARTY, including any other costs incurred by the DEPARTMENT as a result of this contract, will be at PROJECT COST. Costs for construction engineering, construction materials testing, and inspection incurred by the REQUESTING PARTY for the PROJECT shall be limited to the lesser of: (1) 100 percent of the actual costs for construction engineering, construction materials testing, and inspection, or (2) \$43,012.28.

The costs incurred by the REQUESTING PARTY for preliminary engineering and right-of-way are excluded from the PROJECT COST as defined by this contract.

The Michigan Department of Environment, Great Lakes, and Energy has informed the DEPARTMENT that it adopted new administrative rules (R 325.10101, et. seq.) which prohibit any governmental agency from connecting and/or reconnecting lead and/or galvanized service lines to existing and/or new water main. Questions regarding these administrative rules should be directed to the Michigan Department of Environment, Great Lakes, and Energy. The cost associated with replacement of any lead and/or galvanized service lines, including but not limited to contractor claims, will be the sole responsibility of the REQUESTING PARTY.

2. EXHIBIT I of CONTRACT 19-5062 is superseded by EXHIBIT I REVISED, dated April 12, 2023 attached hereto and made a part hereof. Any references to EXHIBIT I in CONTRACT 19-5062 shall be construed to mean EXHIBIT I REVISED.

3. Except as amended by the provisions herein, all of the provisions, covenants, and obligations of the parties contained in CONTRACT 19-5062 shall remain in full force and effect.

4. The REQUESTING PARTY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 19-5062.

5. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF HANCOCK

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

By *Diana Kalene*  
Title: *Clerk/Treasurer*

By \_\_\_\_\_  
Department Director MDOT

By *Mary Babcock*  
Title: *City Manager/Street Admin*

April 12, 2023

EXHIBIT I REVISED

CONTROL SECTION	ER 31000
JOB NUMBER	204839CON
PROJECT	1900(036)

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	\$350,699.59
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CONSTRUCTION ENGINEERING, CONSTRUCTION MATERIALS TESTING, & INSPECTION (REQUESTING PARTY)	\$ 43,012.28
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GRAND TOTAL	\$393,711.87
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$393,711.87
Less Federal Funds	<u>\$314,969.49</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 78,742.38

NO DEPOSIT

**BUDGET ADOPTION RESOLUTION #23-12**

City of Hancock Financial Plan

2023-2024

Adopted 06/07/2023

Pursuant to the laws of the State of Michigan governing Home Rule Cities, the State Budget Act, and the City Charter, the following Budget Resolution for Fiscal Year July 1, 2023 to June 30, 2024, is hereby submitted for adoption;

**WHEREAS**, it has been determined that the attached (revenues) Property Taxes, State Shared Revenues, Rates, Charges and Transfers shall be available and necessary for the 2023-2024 Budget Year, and

**FURTHERMORE**, it is ordered that the attached level of expenditures is approved for each of the below Activities and Funds;

It is further ordered that the City Council approve the required millage rate of 13.2663 for the General Fund and .8000 for the Fire Department and .8000 for Recreational improvements and .8000 for Police Department for the Fiscal Year July 1, 2023 to June 30, 2024 for a total levy of 15.6663.

It is further ordered that upon setting the City Tax Rate, the City Treasurer shall proceed to collect the sums ordered in accordance with the City Charter and the Laws of the State of Michigan.

Further, it is ordered that the City Manager shall be designated the Chief Financial Officer of the City of Hancock in accordance with the State Uniform Budget Act and shall implement this Financial Plan as adopted or amended in accordance with generally accepted accounting principles and the State Budget Act.

The above Resolution was offered by Councilor Rickard and supported by Councilor Warstler to adopt the Budget Resolution presented above for Fiscal Year July 1, 2023 to June 30, 2024.

Roll Call

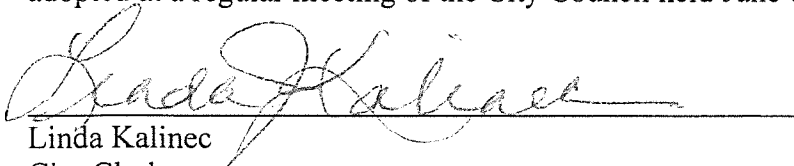
Yes: Warstler, Lounibos, Rickard, LaBine, Freeman, McKenzie, Blau

No: None

Absent: None

Motion Carried.

I, Linda Kalinec, City Clerk do hereby certify that the above Budget Resolution was duly presented and adopted at a regular meeting of the City Council held June 07, 2023.

  
Linda Kalinec  
City Clerk

## CITY OF HANCOCK

### SUMMARY OF ORDINANCE #311

Notice of Ordinance Adoption and Summary of the City of Hancock, County of Houghton, State of Michigan, Ordinance 311, entitled *Solar and Wind Energy Zoning*, introduced at the regular meeting of the City Council for the City of Hancock on June 7, 2023 (the “Ordinance”).

A zoning ordinance regulating the development and use of solar and wind energy has been adopted by the legislative body of the City of Hancock. The purpose of this ordinance is to establish guidelines for the promotion, appropriate placement, and use of solar energy systems, including solar energy panels, and wind energy systems, including turbines in the City of Hancock. The chapter differentiates accessory use and industrial use for both types of systems. The ordinance applies to solar energy collectors with surface areas greater than five (5) square feet (solar) AND to solar or wind systems mounted greater than eight (8) feet above the ground. The ordinance does NOT apply to a stand-alone solar or wind energy system used to power a single device or specific piece of equipment such as lawn ornament, yard or stair lights, decorative lighting, weather station, battery trickle charger, thermometer, clock, pond pump, or other similar devices.

An ACCESSORY SOLAR OR WIND ENERGY SYSTEM is a small unit that is incidental and subordinate to the primary use of the land parcel, used to supply power for on-site consumption (net metering is allowed if the energy company participates). Solar or wind accessory-use systems are permitted in all districts, subject to setback and height restrictions for accessory structures in their respective districts, and siting limitations as set out below. Accessory-use systems of either type shall not be erected, constructed, installed, or modified unless a City of Hancock Solar and Wind Zoning Permit has been issued to the owner(s) or operator(s).

An INDUSTRIAL SOLAR OR WIND ENERGY SYSTEM is one or many large units whose purpose is the generation of power for power generation itself (*i.e.*, a “solar farm” or “wind farm”), solely or principally intended to produce electricity for sale to a utility and/or other customers for off-site consumption. Industrial-use systems shall not be erected, constructed, installed, or modified unless a City of Hancock solar and wind zoning permit has been issued to the owner(s) or operator(s). Industrial-use **solar** systems shall be a permitted *only* in I-1 Industrial districts and with a Special Use Permit and full site review. Industrial-use **wind** systems (*i.e.*, utility grid wind energy system) are not permitted in any zoning district.

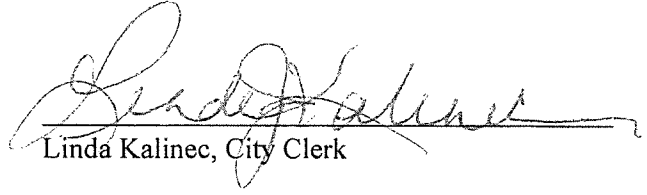
The Ordinance further provides specific requirements with respect to solar and wind energy systems, including, but not limited to, setbacks, height requirements, lot coverage, shade, noise, lighting, flicker, advertisement, placement, electromagnetic impairment. The Ordinance also regulates permit application, complaints, abandonment, decommissioning, and penalties.

A true copy of the entire Ordinance 311 may be inspected or obtained at the City of Hancock City Hall, 399 Quincy St, Hancock, MI 49930, by requesting a copy from the City Clerk.

The Ordinance shall be effective on July 7, 2023.



Paul LaBine, Mayor

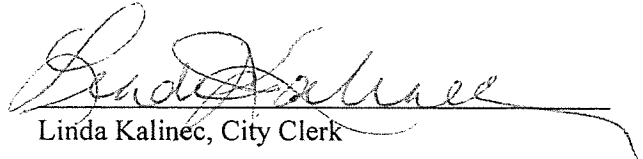


Linda Kalinec, City Clerk

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CLERK'S CERTIFICATION

I, Linda Kalinec, Clerk of the City of Hancock, hereby certify that the above summary of ordinance as published in the Daily Mining Gazette, a newspaper having general circulation in the City of Hancock on the 24<sup>th</sup> day of May, 2023 and that a notice of public hearing was published in the same manner on the 24<sup>th</sup> day of May, 2023 and was held on the 7<sup>th</sup> day of June, 2023.



Linda Kalinec, City Clerk