

**CITY OF HANCOCK  
COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 19, 2021 6:00 P.M.  
CITY COUNCIL CHAMBERS/ZOOM**

6:02 P.M.

Call to order and pledge of allegiance  
Roll call and verification of quorum

Present: Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haeussler  
Absent: None

Also present: Michael Markham, Joshua Visser, John Zurcher and other community members.

Motion by Councilor Haeussler and supported by Councilor Rickard to approve the agenda with an addition to New Business: quote for a new truck from Northern Auto and one revision to Resolution #21-16, stating: HB-4722 and SB 446.

Yes: All  
No: None  
Motion Carried

Communications

Jason Parker-Stop sign request  
Charter Communications-Rate Change  
UPPCO  
Letter from Pat Peterson-836 Summit St.

Motion by Councilor Rickard and supported by Councilor Warstler to put-on-file the communications.

Yes: All  
No: None  
Motion Carried

Public Comment

Councilor Warstler  
It was brought to her attention that there is a huge pile of dirt and cut down trees in the back of OHM, right by the DNR trail.

Review and Acceptance of Meeting Minutes

Motion by Councilor Blau and supported by Councilor Freeman to review and approve the meeting minutes of May 5, 2021 with one correction: spelling of Robert Veese's name.

Yes: All  
No: None  
Motion Carried

Motion by Councilor Rickard and supported by Councilor Warstler to review and accept the meeting minutes of the PLWSA-April 13, 2021, Planning Commission March 22, 2021 and April 6, 2021 and DDA April 5<sup>th</sup>, 2021.

Yes: All  
No: None  
Motion Carried

Administrative Report

Assessor Report  
American Rescue Plan Initial Guidelines  
Sidewalk at the CTE  
Memorial Park  
Return North

New Business

Motion by Councilor Haeussler and supported by Councilor Rickard to approve accounts payable in the amount of \$280,294.99.

Roll Call:  
Yes: Haeussler, Warstler, Rickard, LaBine, Freeman, Lytle, Blau  
No: None  
Motion Carried

Motion by Councilor Rickard and supported by Councilor Freeman to approve Resolution #21-13 requesting funding through MDOT from Transportation Economic Development Category B Program to resurface Poplar Street.

Roll Call:  
Yes: Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haeussler  
No: None  
Motion Carried

Motion by Councilor Haeussler and supported by Councilor Lytle to approve Resolution #21-14 to approve the contract authorization for the MDOT State Trunkline Maintenance Contract #2019-0693.

Yes: All  
No: None  
Motion Carried

Motion by Councilor Blau and supported Councilor Rickard to approve Resolution #21-15 accepting the RFQ Proposal for the Firehall Generator Grant to OHM Advisors.

Roll Call:  
Yes: Haeussler, Warstler, Rickard, LaBine, Freeman, Lytle, Blau  
No: None  
Motion Carried

Motion by Councilor LaBine and supported by Councilor Lytle to approve Resolution #21-16 opposing HB 4722 and SB 446 that mandates all short-term rentals are a by-right residential use of property, permitted in all residential zones.

Roll Call:  
Yes: Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haeussler  
No: None  
Motion Carried

Motion by Councilor LaBine and supported by Councilor Rickard to accept the Economic Development Administration Award in the amount of \$2,664,112 with a total project cost of \$3,330,140 for Hancock Business and Technology Park.

Roll Call  
Yes: Haeussler, Warstler, Rickard, LaBine, Freeman, Lytle, Blau  
No: None  
Motion Carried

Motion by Councilor Blau and supported by Councilor Freeman to accept the Portage Health Foundation Grant in the amount of \$2,000.00 for two ADA picnic tables for Memorial Park.

Roll Call  
Yes: Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haeussler  
No: None  
Motion Carried

1<sup>st</sup> Motion by Councilor Rickard and supported by Councilor Freeman to approve the Uniform Video Service Local Franchise Agreement between Baraga Telephone and the City of Hancock.

2<sup>nd</sup> Motion by Councilor Rickard and supported by Councilor Warstler to close the discussion.

Roll Call

Yes: Haeussler, Warstler, Rickard, LaBine, Freeman, Lytle, Blau

No: None

Motion Carried

Roll Call (for approval of Franchise Agreement)

Yes: Blau, Lytle, LaBine, Rickard, Warstler

No: Freeman and Haeussler

Motion Carried

Motion by Councilor Warstler and supported by Councilor Rickard to approve of Erhart Assessing Contract for the period of June 1, 2021 to May 31, 2022 in the amount of \$31,500.

Roll Call

Yes: Haeussler, Warstler, Rickard, LaBine, Freeman, Lytle, Blau

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Haeussler to approve the purchase of a new truck from Northern Auto in the amount of \$29,000.

Roll Call

Yes: Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haeussler

No: None

Motion Carried

Public Comment

None

Motion by Councilor Haeussler and supported by Councilor Warstler to adjourn at 7:52 p.m. and discuss work sessions items at a future date.

Yes: All

No: None

Motion Carried



Paul LaBine, Mayor



Beth Fredianelli, Deputy Clerk

CITY OF HANCOCK

RESOLUTION #21-13

**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 POPLAR STREET BETWEEN INGOT STREET AND FIR 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 May 19, 2021 at 6:00 p.m.

Present: *Blau, Lytle, Freeman, LaBine, Rickard, Warstler, Haessler*  
Absent: *None*

The following preamble and resolution were offered by Commissioner *Rickard* and supported by Commissioner *Freeman*.

WHEREAS, the City of Hancock is applying for \$131,635.50 in funding through MDOT from the Transportation Economic Development Category B Program to resurface Poplar 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.

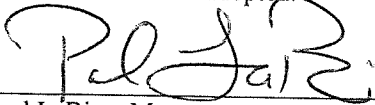
NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Mary Babcock, City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement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

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$131,635.50 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: *7*  
No: *0*  
Absent: *0*

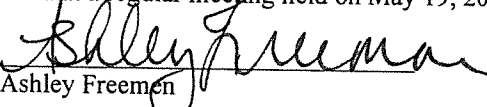
Resolution declared adopted.

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

  
\_\_\_\_\_  
Ashley Freeman, City Clerk

CERTIFICATION

I, Ashley Freeman, Clerk of the City of Hancock, do hereby certify that the above Resolution #21-13 is a true and correct copy of the Resolution adopted and passed at a regular meeting held on May 19, 2021.

  
\_\_\_\_\_  
Ashley Freeman

CITY OF HANCOCK

RESOLUTION #21-14

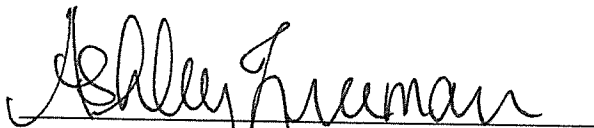
MDOT PROJECT AUTHORIZATION RESOLUTION

**WHEREAS**, this resolution shall approve execution of the MDOT State Trunkline Contract #2019-0693, effective on October 1, 2019 to September 30, 2024:

**NOW, THEREFORE**, be it resolved that Mary Babcock, City Manager and Ashley Freeman, City Clerk of the City of Hancock, are authorized to enter into and execute on behalf of the City of Hancock, MDOT State Trunkline Contract #2019-0693 with the Michigan Department of Transportation.

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Hancock certifies that the foregoing is a true and correct copy of the resolution adopted at a legally convened regular meeting of the City of Hancock Council held on May 19, 2021.

  
Ashley Freeman

City Clerk

SEAL



CITY OF  
**HANCOCK**

CITY OF HANCOCK

TO ACCEPT THE RFQ PROPOSAL AND AWARD THE ENGINEERING SERVICES FOR  
THE FIRE HALL ELECTRICAL GENERATOR DESIGN AND CONTRACT  
ADMINISTRATION TO OHM ADVISORS

RESOLUTION #21-15

**WHEREAS**, A Request for Qualifications for the Engineering Services for the Fire Hall Generator Grant was issued on April 14, 2021 and legal advertising on April 17 & 24, 2021;

**WHEREAS**, the Request for Qualifications closed on May 5, 2021 with three (3) consultants responding, two (2) submitting proposals by the deadline; and

**WEHREAS**, the proposals were evaluated by the City of Hancock Director of Public Works and evaluated based on Understanding of Work, Qualification of Team, Past Performance, Schedule and Cost;

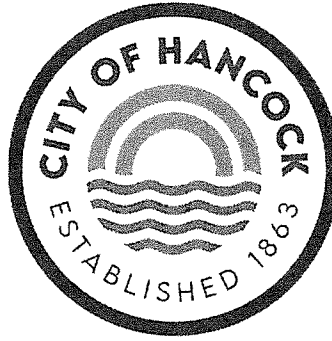
**WEHREAS**, based on the above criteria OHM Advisors was selected.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Hancock authorizes Mary Babcock, City Manager, to enter into an agreement with OHM Advisors to provide professional services for the Fire Hall Generator Grant.

I hereby certify that the foregoing is a true and exact copy of the resolution enacted by the City of Hancock at an official meeting held May 19, 2021.

Paul LaBine, Mayor

Ashley Freeman, City Clerk



## CITY OF HANCOCK RESOLUTION #21-16

WHEREAS, Michigan House Bill No. 4722 (HB 4722) was introduced on April 27, 2021; and

WHEREAS, Michigan Senate Bill No. 446 (SB 446) was introduced on May 13, 2021; and

WHEREAS, the City of Hancock recently undertook the development and adoption of a Residential Rental Property Ordinance (Ordinance No. 306, as amended); and

WHEREAS, the City of Hancock repeatedly received public input with regard to the regulation of rental property within residential districts throughout the development of the Residential Rental Property Ordinance and incorporated the public input into the ordinance; and

WHEREAS, local municipal leaders are best suited to know and appreciate the unique needs of their community and to maintain the proper balance between residential and commercial uses with respect to the interests of both residents and visitors; and

WHEREAS, HB 4722 and SB 446 completely usurp local control and render meaningless the wishes of the public with regard to the regulation of rental property within residential districts; and

WHEREAS, the State of Michigan Court of Appeals (*Reaume v. Spring Lake*, 2019) has concluded that the regulation of short-term rentals within R-1 residential districts is “consistent with caselaw establishing that commercial or business uses of property—that is, uses intended to generate a profit—are generally inconsistent with residential uses of property” and the Michigan Supreme Court (*Reaume v. Spring Lake*, 2020) has affirmed the judgment of the Court of Appeals; and

WHEREAS, the Hancock City Council believes that the regulation of rental property within residential districts, including both short-term and long-term rentals, is critical in advancing the health, safety, and welfare of both residents and visitors; and

WHEREAS, HB 4722 and SB 446 demonstrate the exact opposite of common sense and sound reasoning in proposing to legislate that “the rental of a dwelling ... is not a commercial use of property”; and

WHEREAS, if enacted, HB 4722 and SB 446 will do untold damage to the character of residential neighborhoods throughout the State of Michigan;



NOW, THEREFORE, BE IT RESOLVED, that the Hancock City Council vehemently opposes HB 4722 and SB 446 and that copies of this resolution be delivered to Governor Gretchen Whitmer (State of Michigan), Senator Ed McBroom (38th District), Representative Greg Markkanen (110th District), Senator Wayne Schmidt (37th District), Representative Sara Cambensy (109th District), Representative Beau LaFave (108th District), Representative John Damoose (107th District), Senator Aric Nesbitt (26th District and Chair of the Senate Committee on Regulatory Reform), and Representative Steve Marino (24th District and Chair of the House Committee on Commerce and Tourism).

Motion offered at a regular meeting of the Hancock City Council on Wednesday, May 19, 2021, by Councilor LaBine and seconded by Councilor Lytle.

Ayes: 7  
Nays: 0

Adopted this 19th day of May, 2021.



Paul LaBine, Mayor



Ashley Freeman, City Clerk