

## *City of Iron Mountain*

501 S. Stephenson Ave  
Iron Mountain, MI 49801  
Telephone: 906-774-8530  
Fax: 906-774-3774

Email: [clerktreasurer@cityofironmountain.com](mailto:clerktreasurer@cityofironmountain.com)

Website: [www.cityofironmountain.com](http://www.cityofironmountain.com)

Regular Meeting of the City Council, City of Iron Mountain, County of Dickinson, Michigan held on Monday, October 7, 2013 at 6:34 p.m. in the Council Room.

Presiding: Mayor Rosen

Present: Council Members Jacobetti, Moraska, Alessandrini, Corombos, Villa & Farragh

Absent: None

Also Present: City Manager Stanchina & City Attorney Pirkola

### **Approval of Agenda**

Rosen requested that "August Claims and Payroll" be removed from the agenda and that item two, Approval of Pay Request #1 from Bacco Construction Re: City Park", and three, Approval of Change Order #2 from Bacco Construction Re: City Park" under New Business be alternated.

It was moved by Jacobetti and supported by Villa to approve the agenda, as amended.

**Motion Prevailed Unanimously**

### **Approval of Minutes**

*Minutes of the Regular Meeting of September 16, 2013*

It was moved by Moraska and supported by Alessandrini to approve the Minutes of September 16, 2013, as submitted.

**Motion Prevailed Unanimously**

### **Public Comment**

*Virginia Feleppa – 1136 Crystal Lake Boulevard*

Feleppa requested a budget for the Tree Board so that items such as tree pruning can be addressed. She suggested that selling harvested trees could contribute to a Tree Board budget.

*Emily Ritsema – W7505 Sportsman Club Road*

Ritsema highlighted her objections to the City of Iron Mountain's Vicious Dog Ordinance, especially where it concerns a dog named Roxy. She presented a petition that was circulated in support of not euthanizing Roxy. Ritsema imparted that Roxy has an offer of adoption and sanctuary in Texas.

### **Old Business**

None

### **New Business**

#### **Discussion of Vicious Dog Ordinance**

Rosen voiced his support for the current vicious dog ordinance and the level of protection it offers residents. Alessandrini expressed the opinion that the current ordinance leaves little latitude in the event a dog bites without provocation. Pirkola conveyed the opinion that it would be unlikely that the current ordinance could be amended retroactively. He confirmed that the judge has minimal discretion when a dog bites without provocation. Moraska supported amending the ordinance to allow the presiding judge greater flexibility when a dog bites without provocation. Rosen offered the opinion that the current ordinance affords ample flexibility. Farragh echoed Moraska's sentiments. Alessandrini suggested that it would be preferable to either repeal the vicious dog ordinance, requiring Dickinson County to handle all dog bite issues, or give the judge the sole discretion on the outcome of each incident. Pirkola stated that the judge cannot comment on the development of an ordinance he will be enforcing. Corombos noted that no action by the City Council would be timely enough to save Roxy. Stanchina relayed that the pet owner is informed of the process when a police report is taken.

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*Emily Ritsema – W7505 Sportsman Club Road*

Ritsema imparted her belief that Roxy's owner was not afforded the appropriate assistance in court and that the appeals deadline was missed due to her mental limitations.

*Diane Luczak – N3850 Pine Mountain Road*

Luczak questioned whether or not the dog bite cases could be handled by Animal Control. Stanchina explained that the City's ordinance supersedes the authority of the animal control officer.

Alessandrini reiterated his support for repealing the City's Vicious Dog Ordinance and having the Dickinson County Animal Control officer handle dog bite cases.

*Vicki Tavonatti – 304 West Ludington Street*

Tavonatti detailed the events that occurred on the day of the dog bite.

*Virginia Feleppa – 1136 Crystal Lake Boulevard*

Feleppa conveyed the opinion that the current Vicious Dog Ordinance should not be completely rewritten. She imparted that public safety should be the highest priority.

*Terry Michaud*

Micheaud noted that Tavonatti was denied any assistance by the court during her hearing. He offered the opinion that being denied assistance violated the Patient's Bill of Rights.

### **Referred to Operations and Management Committee**

#### **Approval of Change Order #2 from Bacco Construction Re: City Park**

Kevin Trevillian, City Park Improvement Project Engineer, reviewed the balancing change order for the City Park Improvement Project. He relayed that the balancing change order is in the amount of \$13,234.72.

It was moved by Alessandrini and supported by Rosen to approve change order #2 from Bacco Construction in the amount of \$13,234.72.

**Motion Prevailed Unanimously**

#### **Approval of Pay Request #1 from Bacco Construction Re: City Park**

Stanchina presented the pay request from Bacco construction for the City Park project in the amount \$247,986.59. Trevillian reported on the City's current match for the DNR Trust Fund Grant. He addressed the progress of the frisbee golf course.

It was moved by Moraska and supported by Alessandrini to approve Pay Request #1 from Bacco Construction for the City Park Improvement Project in the amount of \$247,986.59.

**Motion Prevailed Unanimously**

#### **Approval of Payment for City Park Bathrooms Re: Lefebvre Holdings**

Stanchina outlined the request for payment by Lefebvre Holdings for the building of City Park bathrooms in the amount of \$34,700. He confirmed that the bathroom project is projected to be completed on budget.

It was moved by Moraska and supported by Farragh to approve a payment in the amount of \$34,700 to Lefebvre Holdings for the construction of a bathroom at City Park.

**Motion Prevailed Unanimously**

#### **Approval of 3<sup>rd</sup> Amendment to Contract Re: Construction and Operation of Joint Sewage Treatment Plant and Establishing Joint Board**

Stanchina asked the City Council to approve an amendment that would allow the Construction and Operation of Joint Sewage Treatment Plant and Establishment of a Joint Board contract to become a document that is automatically renewed annually, rather than an agreement that requires periodic approval.

It was moved by Corombos and supported by Jacobetti to approve the amendment to the Construction and Operation of Joint Sewage Treatment Plant and Establishing Joint Board contract, as presented.

**Motion Prevailed Unanimously**

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### **Approval of Rules and Regulations Policy Re: Cemetery Park**

Stanchina stated that the goal of the proposed rules and regulations are to aid in the efficient operation of the cemetery. Moraska expressed the opinion that the rules and regulations should be reviewed further at the committee level. He requested that language be added that would allow the Cemetery Sexton's decisions to be appealed. Rosen asserted that the document could be altered at a later time if needed.

It was moved by Farragh and supported by Alessandrini to approve the Rules and Regulations for Cemetery Park.

**Motion Prevailed Unanimously**

### **Approval of Business Associate Agreement Re: Northstar EAP**

Stanchina detailed the Business Associate Agreement with Northstar.

It was moved by Corombos and supported by Moraska to approve the proposed Business Associate Agreement with Northstar.

**Motion Prevailed Unanimously**

### **Approval of Pay Request for T&G United Re: Blaine St. Storm Sewer**

Stanchina recommended that T&G be paid \$33,337 for the completed Blaine Street Storm Sewer Project.

Alessandrini raised some concern for the quality of the manhole installation throughout the project. Jacobetti communicated the opinion that the City has no warranty on the utilities once they are accepted by the City.

Jacobetti and Alessandrini supported greater on-site inspection of road projects.

It was moved by Moraska and supported by Alessandrini to approve a payment in the amount of \$33,337 to T&G United for the Blaine Street Storm Sewer Project.

**Motion Prevailed Unanimously**

### **Approval to Purchase a Transfer Case Re: Truck #81**

Stanchina explained that a transfer case must be purchased for truck #81 and that the cost of the repair exceeded \$5,000.

It was moved by Rosen and supported by Jacobetti to approve the purchase of a transfer case from Inland Power Group at a cost of \$5,953.60

**Motion Prevailed Unanimously**

### **Approval of Appraisal Agreement with Swanson, Mercier & Associates, Inc. Re: Wells Fargo**

Stanchina outlined the agreement with Swanson, Mercier & Associates.

It was moved by Alessandrini and supported by Farragh to approve the appraisal agreement with Swanson, Mercier & Associates, as presented.

**Motion Prevailed Unanimously**

### **Approval of Partial Pay Request Re: Gabridge & Company, PLC**

Stanchina asserted that Gabridge & Company has performed half their audit services and that they are requesting a partial payment in the amount of \$6,550. He communicated that the current audit is the final audit of Gabridge & Company's contract.

It was moved by Corombos and supported by Rosen to approve a payment of \$6,550 to Gabridge and Company for audit services.

**Motion Prevailed Unanimously**

## **Reports**

### **Financial Reports**

None

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**City Manager Reports**

*City Park Trail Request*

Stanchina reported that the Parks and Recreation Committee met with John Nienstaedt, a representative of the Ski Club, to discuss the development of a winter walking/snowshoeing trail. He provided an overview of the proposed trail. Stanchina addressed an additional request by the Ski Club to utilize a small log building at City Park for storage. Moraska voiced his disapproval toward allowing the Ski Club to occupy or remodel one of the small log buildings.

It was moved by Alessandrini and supported by Villa to permit the Ski Club to develop a walking/snowshoeing trail in City Park.

**Motion Prevailed Unanimously**

*Krist Oil Land Sale Request*

Stanchina updated the City Council on a land purchase request from Krist Oil to purchase property adjacent to the Department of Public Works facility. He recommended that the next step would be to negotiate a price.

It was moved by Moraska and supported by Farragh to negotiate a sale price for the Kist Oil land sales request.

Rosen	Aye
Jacobetti	Aye
Moraska	Aye
Alessandrini	Aye
Corombos	Nay
Villa	Aye
Farragh	Aye

**Motion Prevailed** (Aye-6, Nay-1, Abstain-0)

*Storm Water Management*

Stanchina outlined the Stormwater, Asset Management, and Wastewater (SAW) grant program that the State of Michigan has developed.

Alessandrini asked if there are funds to replace the one ton dump trucks that are in poor condition. Stanchina informed the City Council that there are funds to purchase one new dump truck this year. He stated that several of the current dump trucks may be able to be rehabbed.

Farragh conveyed that the Infrastructure Committee should meet.

Stanchina announced that the Lake Antoine Road Project will take place next year.

**City Attorney Reports**

None

**Committee Reports**

None

**Public Comment**

*Emily Ritsema – W7505 Sportsman Club Road*

Ritsema invited the public to attend a free concert at the Kingsford High School on September 8, 2013.

**Council Member Privilege**

Villa noted that November is domestic violence awareness month. She invited the public to the Caring House's Celebrity Waiter fundraiser and to participate in the upcoming radiothon.

Farragh, Rosen, Moraska & Jacobetti stressed the need for security at City Park.

Moraska relayed that he would like firm numbers as to the current funding level of the City Park Improvement Project.

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**Adjournment**

It was moved by Rosen and supported by Alessandrini to adjourn.

**Motion Prevailed Unanimously**

Meeting adjourned at 8:31 p.m.

A handwritten signature in black ink that reads "Isaac F. Micheau". The signature is written in a cursive style with a large initial 'I'.

Isaac Micheau  
Clerk-Treasurer