

City of Iron Mountain

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Regular Meeting of the Common Council, City of Iron Mountain, County of Dickinson, Michigan held on Monday, May 21, 2012 at 6:30 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, Chief Financial Officer Bartolameolli & City Attorney Pirkola

Approval of Agenda

Rosen requested that "Approval of Squad Car Payment" be added as item number ten under New Business. It was moved by Jacobetti and supported by Alessandrini to approve the agenda, as amended.

Motion Prevailed Unanimously

Approval of Minutes

Minutes of the Regular Meeting of May 7, 2012

It was moved by Villa and supported by Corombos to approve the Minutes of May 7, 2012, as presented.

Motion Prevailed Unanimously

Alessandrini stated that "Appointment to the Dickinson County Construction Code Commission Re: Mr. Dale Alessandrini" should be added at number eleven under New Business.

It was moved by Farragh and supported by Jacobetti to amend the agenda to include "Appointment to the Dickinson County Construction Code Commission Re: Mr. Dale Alessandrini" as number eleven under New Business.

Motion Prevailed Unanimously

Public Comment

None

Public Hearing

Adoption of the FYE June 30, 2013 Budget

Rosen opened the public hearing.

There were no comments

Rosen closed the public hearing.

Amend Article II. Noise, of the Code of Ordinances

Rosen opened the public hearing.

Jay Finch (Finch & Finch P.C.) - 115 West C Street

He noted that he is representing the White House Tavern and Grill at 912 Carpenter Avenue. Finch raised the concern that the proposed amendments to the noise ordinance are vague and not objectively enforceable.

Ed Mattson - 904 East Margaret Street

He expressed the opinion that 9:00 p.m. is too early for the noise ordinance to become more restrictive. Mattson questioned whether or not specific zoning should be considered in a revised noise ordinance. He voiced his hesitation on the proposed amendments effectiveness.

Danny Revord - 704 East B Street

She explained that the current ordinance measures noises on the A frequency (DBA) and that bass is measured on the C frequency (DBC). Revord suggested that the ordinance be measured to include a DBC decibel limit.

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Burt Juneau - 413 4th Street

He stressed the importance of correcting the noise concerns that the Stables Bar is creating.

Rosen closed the public hearing.

East Lake Antoine Boat Launch

Rosen opened the public hearing.

There were no comments

Rosen closed the public hearing.

Old Business

Consideration of Ordinance Amendment Re: Article II. Noise, of the Code of Ordinances

Alessandrini expressed his concern for the proposed amendments lack of zoning consideration, times of enforcement and the increased level of subjectivity. Pirkola explained the manner in which a reasonability standard is enforced. Moraska and Corombos supported the replacement of the current ordinance due to its ineffectiveness.

Bill Revord - 704 East B Street

He detailed the reasoning under which the previous ordinance was developed. He voiced his disapproval for the proposed amendment to the noise ordinance.

No Action Taken

Adoption of the FYE June 30, 2013 Budget

Stanchina noted that the proposed budget will result in a deficit of \$138,492 and would decrease the City Operating Millage by .0021 mills. He relayed his concern for the possible reduction/elimination of Personal Property Taxes. Alessandrini, Rosen and Stanchina stressed the fiscal importance of the funds that are derived from the Personal Property Tax. Stanchina projected that the water rates need to be increased, approximately \$34.97 bi-monthly for 900 cubic feet, to address increased operating expenses.

It was moved by Alessandrini and supported by Jacobetti to adopt the General Appropriation Act for the 2012-2013 Budget.

Motion Prevailed Unanimously

Consideration of Lease with Dickinson County Re: East Lake Antoine Boat Launch

Stanchina relayed that Dickinson County had already approved the lease for the East Lake Antoine Boat Launch, contingent on the City's approval.

It was moved by Corombos and supported by Farragh to adopt the East Lake Antoine Boat Launch lease, as presented.

Motion Prevailed Unanimously

New Business

Set Public Hearing to Establish an Industrial Development District Re: Northern Star Industries Inc.

Stanchina announced that the previously created Industrial Development District (IDD) was not correctly established and that it is necessary to properly approve a new IDD for the properties owned by Northern Star Industries in order to ensure that the State Tax Commission will approve their Industrial Facilities Tax Exemption.

It was moved by Alessandrini and supported by Villa to set a public hearing for the establishment of an Industrial Development District for the properties owned by Northern Star Industries for 6:30 p.m. on June 18, 2012.

Motion Prevailed Unanimously

Discussion of Gazebo Design: Lilja Fund and the Northwest Side of East Chapin Pit

Marsha Bonicatto, Lilja Fund Board Member, presented the proposed plan for a gazebo to be constructed on the Northwest Side of the East Chapin Pit. Rosen voiced his appreciation for the Lilja Fund's efforts. Bonicatto updated the City Council on the Lilja Fund's past, present and future projects. Bonicatto requested that the City provide written permission prior to the Lilja Fund having a final plan developed. It was concluded that the City would send a copy of the preliminary design to the City's insurance carrier for their consideration.

Approval of Parking Lot Closure Re: Farmer's Market

Stanchina presented the Iron Mountain Main Street's request to close the City parking lot in front of the Downtown Performance Stage every Saturday from June 9, 2012, until October 20, 2012, between 7:00 am and 12:00 p.m.

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It was moved by Alessandrini and supported by Jacobetti to approve the closure of the parking lot in front of the Downtown Performance Stage every Saturday between the hours of 7:00 am and 12:00 pm from June 9, 2012, to October 20, 2012.

Motion Prevailed Unanimously

Approval of Parking Lot Closure, Waiver of Noise Ordinance, Special Liquor License Re: Italian Fest

Stanchina relayed the Main Street Program's request to close the City parking lot adjacent to East A and Iron Mountain Street from 7:00 a.m. on August 17, 2012, until 10:00 am on August 19, 2012. He stated that they also wish to have the approval to apply for a special liquor license and have the City noise ordinance waived until midnight.

It was moved by Rosen and supported by Alessandrini to approve the requested parking lot closure, liquor license approval and noise ordinance waiver.

Motion Prevailed Unanimously

Moratorium Renewal Re: Smoke Shops

Stanchina conveyed that the resolution establishing a moratorium regarding the establishment of businesses engaged in the dispensation or distribution of certain intoxicating chemical substances must be renewed, as it is set to expire by the next council meeting.

Ed McBroom - State Representative

He updated the City Council on the status of legislation that would regulate synthetic cannabinoids. McBroom estimated that action will take place on this issue in the next several weeks. He communicated the opinion that the personal property tax would not be removed without an income replacement. McBroom confirmed that state funding will most likely be stable in the year to come.

It was moved by Alessandrini and supported by Farragh to renew the Resolution Establishing a Moratorium Regarding the Establishment of Businesses Engaged in the Dispensation or Distribution of Certain Intoxicating Chemical Substances for an additional six months, given pending State legislation.

Motion Prevailed Unanimously

Authorization to Receive Bids Re: Sale of Former Zephyr Station Canopy

Stanchina recommended that the canopy located at the former Zephyr Station be bid out, with the stipulation that the successful bidder will complete the removal. It was concluded that the party who wins the bid would be required to have liability insurance during the dismantling of the canopy.

It was moved by Rosen and supported by Jacobetti to receive bids for the former Zephyr gas station's canopy, with the successful bidder to purchase liability insurance during the dismantling of the canopy.

Motion Prevailed Unanimously

Discuss Vacating a Portion of Woodward Ave. from Milwaukee Ave. east to the Railroad Tracks Re: Eagle Tool

Stanchina relayed that Eagle Tool is requesting the vacation of Woodward Avenue east from Milwaukee Avenue to the railroad tracks. Dan Wender, Eagle Tool Representative, detailed the proposed expansion Eagle Tool is undertaking and the need for the requested portion of Woodward Avenue to be vacated.

No Action Taken

Appointment to the Planning Commission Re: Mr. Jonathan Ringel

Stanchina stated that Mr. Jonathan Ringel filled the remainder of Mr. John Neinstaedt's term on the Planning Commission and must now be reappointed.

It was moved by Farragh and supported by Villa to appoint Mr. Jonathan Ringel to the Planning Commission for a three year term, to end on May 19, 2015.

Motion Prevailed Unanimously

Introduce and Establish a Public Hearing Re: Consumer Fireworks

Stanchina reviewed the proposed ordinance. He requested that a public hearing be set for 6:30 p.m. on June 4, 2012. The City Council concluded that the language "specifically allowable" will be replaced with "in which such regulation is prohibited" and that the first offence shall be amended to \$50.00 and the second offence to \$150.00.

It was moved by Alessandrini and supported by Rosen to set a public hearing for the proposed fireworks ordinance, with the discussed amendments, at 6:30 p.m. on June 4, 2012.

Motion Prevailed Unanimously

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Approval of Squad Car Payment

Stanchina noted that the 2012 Dodge Charger squad car was found to be satisfactory and he recommended that payment in the amount of \$21,363 be approved.

It was moved by Farragh and supported by Jacobetti to approve the payment of \$21,363 for the 2012 Dodge Charger squad car.

Motion Prevailed Unanimously

Appointment to the Dickinson County Construction Code Commission Re: Mr. Dale Alessandrini

It was moved by Rosen and supported by Villa to appoint Mr. Dale Alessandrini to the Dickinson County Construction Code Commission for a two year term to end on July 26, 2014.

Motion Prevailed Unanimously

Reports

Financial Reports

April Claims and Payroll

Corombos conveyed that he found the Claims and Payroll to be satisfactory.

It was moved by Corombos and supported by Farragh to approve the Claims in the amount of \$753,672.73 and Payroll in the amount of \$275,357.63.

Motion Prevailed Unanimously

City Manager Reports

Stanchina announced that leak detection has been scheduled and that hydrant flushing will begin in the near future.

Alessandrini asked that the frequency of repeated false fire alarms be reviewed.

City Attorney Reports

None

Committee Reports

Rosen reported that the Police and Fire Pension Board adopted the same level of millage rate as last year.

Public Comment

None

Council Member Privilege

None

Adjournment

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

Motion Prevailed Unanimously

Meeting adjourned at 8:26 p.m.


Isaac Micheau
Clerk-Treasurer