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Regular Meeting of the Common Council, City of Iron Mountain, County of Dickinson, Michigan held on Monday, October 1, 2007 at 6:30 p.m. in the Council Room:

Presiding: Mayor Tousignant
Present: Council Members Tchokreff, Caudell, Jacobs, VanLaanen and Rigoni
Excused: Council Member Burke
Also Present: City Attorney Pirkola

The agenda was approved as submitted.

Agenda

The minutes of the previous meeting of September 17, 2007 and Special Meeting of September 24, 2007 stand approved as submitted.

Minutes

Public Comment

Kevin Pirlot – 603 W. Fleshien on behalf of MPFFU Local 554 – expressed concern on behalf of the Fire Fighters for the safety of residents. He stated MIOSHA has been investigating reports of safety violations in relation to ongoing operations. The City was issued a citation for not having procedures outlining the duties of those involved in fire fighting operations and not enforcing procedures because no backup team was available. Also, Patrolmen have not attended necessary hands on training for entry level fire fighters even though they are Fire Fighter II certified. He stated the City paid the two \$1,500 fines for the citations but has failed to take corrective action. On August 2, 2007 MIOSHA issued two \$10,000 citations for failure to correct the problems noted above. Mr. Pirlot was shocked to only find out about the citations last week. He stated the City has failed to respond to numerous letters from the ISO stating that a new rating evaluation was required because the City no longer qualifies for its current rating of 4. A letter from the ISO was sent in June of 2007 to Mayor Tousignant because attempts to contact the City Manager went unanswered. A visit was necessary to avoid a serious reduction in the rating and Iron Mountain cannot maintain a rating of 4 because of changes in the fire department. He said the Council continues to pursue their concept of fire protection which includes the elimination of more fire fighters and replacing them with Public Safety Officers.

Bruce Rosen – 1307 S Hemlock St. – stated the expenditure for police and fire has risen each of the last four years. The MIOSHA citations are evidence that the City has not corrected the inferior fire protection since the staffing changes were made. He stated that the citation states a copy of the citation must be posted at or near the location of the violation for minimum of 3 days or once the issues in the citation have been corrected. He said the City does not comply with having four Fire Fighter II personnel on duty at all times. The police that are certified are at a level I which allows entry of the main floor. He strongly urged this be corrected and said the Council could be held personally liable if a tragedy were to occur. He believes the City could bolster the fire department by the hiring of part-time volunteers but this may take too long to alleviate the fines assessed. Mr. Rosen stated that due to ISO ratings the Council must weigh the cost versus basic fire protection the citizens' desire.

Public Comment (cont.)

Dale Alessandrini – 1120 Iron Mountain St. – asked if the Council actually received the citations or ISO ratings letters. He stated that the City was fined \$3,000 and paid the entire fine. It was never a \$6,000 fine reduced to \$3,000 as the City Manager had said previously. The citations were issued because the City could not guarantee four qualified fire fighters on all calls. The issue was not corrected from the first citation so an additional citation totaling \$20,000 was issued on August 7, 2007. Mr. Alessandrini questioned if the Council was aware of the larger fine and if so, why was nothing done to correct it. The next citation could be even larger and no one was made aware or discussed the citation at a public meeting. He stated the negligence is inexcusable and the public deserves answers.

Public Hearing

Mayor Tousignant opened the Public Hearing.
No one addressed the Council for the Vacation of the entire alley at 801 Hemlock St.
Mayor Tousignant closed the Public Hearing.

**Alley Vacations
801 Hemlock St.**

Mayor Tousignant opened the Public Hearing.
No one addressed the Council for the Vacation of the Plat of Meadowbrook alley.
Mayor Tousignant closed the Public Hearing.

Meadowbrook Plat

Mayor Tousignant opened the Public Hearing.
No one addressed the Council for the Vacation of the entire alley at 801 Wells St.
Mayor Tousignant closed the Public Hearing.

801 Wells St.

Old Business

It was moved by Rigoni and supported by Jacobs to approve a Resolution vacating the entire alley of 801 Hemlock St.
Motion prevailed unanimously.

**801 Hemlock St.
Alley Vacation**

It was moved VanLaanen and supported by Rigoni to approve a Resolution vacating the alley in the Plat of Meadowbrook.
Motion prevailed unanimously.

**Meadowbrook Plat
Alley Vacation**

Council Member Rigoni was concerned that two of the residents were not able to be contacted about the vacating of the alley. He is in support of vacating this alley but asked if this could be tabled to allow time to contact the two residents. City Attorney Pirkola stated it could not be tabled but would have to be republished. Mayor Tousignant felt the City had completed its due diligence by sending letters to all home owners, publishing the notice in the paper and Mr. Michaud the applicant, contacting all but two homeowners. Council Member VanLaanen asked if it could be vacated and then reversed if someone objected. City Attorney Pirkola responded that a reversal would not be easy. Council Member VanLaanen shares Council Member Rigoni’s concern that everyone is notified. Council Member Tchokreff agrees that the City did its due diligence. It was moved by Tchokreff and supported by Caudell to approve a Resolution vacating the entire alley of 801 Wells St. including easements for public utilities.

**801 Wells St.
Alley Vacation**

Roll call vote taken:

Ayes: (3) Tchokreff, Caudell and Tousignant
Nays: (3) Jacobs, Rigoni and VanLaanen

Motion denied.

Old Business (cont.)

It was move by Rigoni and supported by VanLaanen to hold another Public Hearing for the Vacation of the entire alley at 801 Wells St. on Monday, November 5, 2007 at 6:30 p.m., at no cost to Mr. Michaud.

Ayes: (5) Jacobs, Rigoni, VanLaanen, Caudell and Tousignant

Nays: (1) Tchokreff

Motion carried.

New Business

None

Financial Reports

Invoice paid through automated clearing \$30,060.49, MERS 09/17/2007

City Manager Report

City Manager Marquart reported that the Iron Mountain student led meeting is scheduled for October 15, 2007. Also, there is a need for election workers if anyone is interested.

Council Member Rigoni asked the City Manager about the role of the Police and Fire Chief in the training issues raised tonight. City Manager Marquart stated he had a conversation this week with the Chief to discuss their duties as to training the officers and is confident the training will happen. Member Rigoni is not confident in the procedures as this has been going on for two years. He feels there is in fighting between the departments and the Chiefs need to make this work. Member Rigoni asked why the Council was not informed about the larger citations dealing with the training and coverage issues. City Manager Marquart responded that he learned of the citations only recently and is in contact with MIOSHA. He stated that a report was due to MIOSHA and once received the fines could be abated. Member Rigoni stated the Council must be informed on these issues no matter the situation. Council Member Jacobs asked if the Mayor received a letter from MIOSHA. Mayor Tousignant said he never received a letter but was called by a MIOSHA representative two weeks ago and that they would be willing to send someone to administer the proper training. City Manager Marquart stated the City would accept the training from MIOSHA. The City Manager said in regards to the ISO, he is waiting for evaluation forms and that the ISO is looking to conduct a review by the end of the calendar year. Mayor Tousignant asked if the City's ISO rating was still a four and City Manager Marquart stated it was. Also, surrounding communities have a rating of six. Member VanLaanen said the City Manager was asked to create a proposal for paid part-time fire fighters. The City Manager stated that proposal was sent. Member VanLaanen would like to be in on all sessions and any correspondence dealing with this. Member VanLaanen asked about a home on F St. and Carpenter St. with a fence that obstructs driver vision. The City Manager said the owner will remove the fence by the end of the week. Mayor Tousignant asked about MIOSHA dealing with written procedures and whose responsibility it would be to develop the procedures. The City Manager said it is the job of the Chiefs and it will be done in two weeks. The Mayor asked about completing the necessary training and the City Manager said the Police Chief is responsible for scheduling that allows the officers to train and the Fire Department is responsible for the training. Mayor Tousignant asked about a time frame for the training and the City Manager responded he will have a training schedule within two weeks. Mayor Tousignant asked if abatement was possible when the issues were corrected and City Manager Marquart said the representative from MIOSHA stated abatement was possible. Additionally, the Mayor asked about contacting ISO and City Manager Marquart stated he is waiting for the survey

City Manager Report (cont.)

forms from ISO. Member Rigoni is frustrated that the departments cannot handle this themselves. He thinks the departments need to work together or the City Manager must force this to happen. Member Caudell feels open communication can help this situation and she hopes the fines can be abated. Mayor Tousignant feels it is imperative that these issues are resolved in the next couple of weeks.

City Attorney Report

None

Committee Reports

Council Member VanLaanen reported on Executive Committee negotiations with Breitung Townships. As part of the 425 agreements there would be an agreement for water and sewer outside of City limits on the south side of the City. He feels Breitung Township would have to contribute a large buy in amount for the City water and sewer. He is concerned that any agreement would not create an incentive for development outside of the City. Member Rigoni said the Committee discussed different ways to offer water and sewer to the areas outside of the City including both south and north of the City.

Public Comment

Gerry Swartout – 920 Margaret St. – couldn't believe that the citations were issued in Feb. 07 but not paid until June of 2007. Also, it is the Council and the Manager's job to ensure the Police and Fire Chiefs are accomplishing the duties of their jobs.

David Gordon – 424 Broadway St. – stated that during a Bolt Decision discussion the City Manager stated we don't charge double the rate outside the City and tonight the Council stated that this happens.

Bob Moraska – 224 W D St. – disagreed with Member Rigoni's ad about the Rental Housing Ordinance. The fires that resulted in fatalities started with a pot left on the stove and the other was started by smoking or electrical. He can't believe how uniformed the Council is on the MIOSHA and ISO issues. He feels it is the City Managers responsibility and should not blame the Police and Fire Chiefs.

Dale Alessandrini – 1120 Iron Mountain St. – stated the Council has believed Mr. Marquart for the past four years and he can't believe the City Manager just received the citations. Mr. Alessandrini said the original citation was for \$3,000 and then double to \$6,000 for non payment, not originally \$6,000 abated to \$3,000 as stated by the City Manager. He said that there has been no written communication between the City and ISO since July 2006. Mr. Alessandrini asked for a fire protection plan 3 years ago but has not received one as of this date. The City Manager reported one structural fire to the ISO but the ISO said that there were 23 potential fires and only 2.913 fire fighters on the scene.

Tina Peterson – 616 East B St. - asked when the Council will trust the people that come and ask questions. She attended a Breitung Township meeting that she felt was well run, organized and answered all questions that were asked. She said that when Mayor Tousignant started discussing the training issue early, he acted like it was 2004 and this just started. Ms. Peterson stated that this is not a regular budget issue but it is about our safety. She felt the Council needs to think as a family that has structure that could catch fire and not get caught up in politics. She stated that MIOSHA regulations are there for a reason and if the City Manager does not respond to the ISO, the Council is responsible to make sure he does. She said the City Manager discussed other communities ISO

Public Comment (cont.)

rating but Iron Mountain is not those other communities. She said the Council is responsible for the safety of the residents. She stated anything she has ever said is well documented.

John DeBidart – 830 East Main St. – addressed Mr. Rigoni saying that the Firemen are not going to take there money and run at age 50. He said he will retire at age 61. The pension system is governed by Public Act 345 and it is both a Police and Fire Pension system.

Bruce Rosen – 1307 Hemlock St. - believes the Council doesn't understand what needs to be done. It is not about training Police Officers who may be unavailable for a fire call due to police duties. The problem is insuring that there is two in two out at all fire calls. The \$20,000 citation gave a maximum of 45 days to be abated, the City has already gone past the 45 day limit.

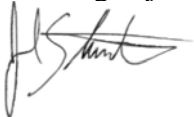
Kevin Pirlot – 603 W. Fleshiem on behalf of MPFFU Local 554 – took offense to Mr. Rigoni's comment that it is bickering between the departments. He said both departments have respect for each other. The Fire and Police Chiefs cannot abate this issue, it is the responsibility of the Council. The Fire Department will do the best with what they have. No ISO rate change has occurred because Mr. Marquart has not allow them to come. He urged in 2004 not to take this direction because no plan was in place prior to the layoffs. He does not think public safety positions are as effective. ISO needs three years for changes and thinks a significant rate change will come because of the staffing changes. He said there have been no savings in the budgets since 2004. Mr. Pirlot asked that violations are not blamed on the police or fire departments. He said it is not an issue of training the police officers but of there availability for fire calls.

Josh Eberstch – N6319 M-95 – offended by Mr. Rigoni letter. He stated that it is the responsibility of the occupant of a home to ensure that the smoke alarms work and that no one else is responsible for that. He said the fire fighters would risk their own lives to save someone.

Council Member Privilege

Member Rigoni responded to Mr. Moraska and Mr. Ebertsch saying that he stands by his letter and the need for the rental housing ordinance after receiving a call from an emotional mother who had lost a son in one of the recent fires. He said 80 to 90% of the rental properties are kept up but there is a small minority that make it bad for everyone. Member Rigoni stated that he has never spoke of public safety and he never has spoke of anything less than 9 firefighters. He said there are mutual aid agreements to help with staffing if the police officers are on another call and the surrounding communities need to work together to properly fight fires.

Meeting adjourned at 7:59 p.m.



Jordan Stanchina
Clerk-Treasurer