

Regular Meeting of the Common Council, City of Iron Mountain, County of Dickinson, Michigan held on Monday, March 3, 2008 at 6:30 p.m. in the Council Room:

Presiding: Mayor VanLaanen
Present: Council Members Burke, Peterson, Caudell, Tchokreff, Rosen and Farragh
Also Present: City Attorney Pirkola

It was moved Caudell and supported by Burke to approve the agenda with the addition of the following: **Agenda**

- VI. New Business
 - 6. Open Dialogue

Ayes: 6(Burke, Farragh, Peterson, VanLaanen, Tchokreff and Caudell) **Nays: 1** (Rosen)
Motion Carried.

The minutes of the Regular Meeting of February 18, 2008 accepted as submitted with the changes as follows: **Minutes**

VII. Reports

4. City Manager Reports

Change October 13, 2007 to October 31, 2007

Member Peterson can't look at things that were lied about [two weeks ago] as the past.

The minutes of the Special Meeting of February 29-28, 2008 were accepted as submitted.

Public Comment

Joan Game – 709 7th St. – discussed not having open dialogue during the regular council meetings. She said discussion at the committee level has worked in her experience of dealing with the Park and Recreation Committee.

Jinx Brew – 904 East C St. – informed the Council of a community wide effort to form a group called Friends of the Braumart. The group would like to purchase and restore the Braumart to be used as a Community Arts Center.

Dale Alessandrini – 1120 Iron Mountain St. – stated there was open dialogue prior to 4 years ago and it worked well. He feels citizens have a right to get an answer when a question is asked.

Ted Corombos – 1115 Wells St. – open dialogue has never been a problem for 30 years, until four years ago. He doesn't understand why open dialogue has become an issue. He feels that open dialogue should be reconsidered.

Old Business

None

New Business

It was moved by Burke and supported by Rosen to approve a new contract for the Employee Assistance Program in the amount of \$1,530.

Motion prevailed unanimously.

Employee Assistance

New Business(cont.)

Member Farragh stated the Streets, Utilities and Equipment Committee met and recommended solicitation of sealed bids for line painter, lawnmowers for the cemetery, Water Department van and a Police Department patrol vehicle.

**Bids for
Equipment
Purchases**

Motion prevailed unanimously.

Member Peterson said she was aware that the budget of the Fire Department was not where it needed to be to purchase the equipment. City Manager Marquart said there is a \$5,000 line item for ladders in the budget.

**Bids for FD
Ladders**

It was moved by Tchokreff and supported by Rosen to approve the solicitation of sealed bids for Fire Department ladders.

Motion prevailed unanimously.

Member Caudell stated that Mr. Jeff Jayne of the Lake Antoine Association made a presentation on the Association's effort to treat the milfoil in Lake Antoine. Member Caudell said the Park and Recreation Committee recommend a contribution of \$2,250 to the Lake Antoine Association. City Manager Marquart stated the City has donated \$2,000 in the past and this year the Association was looking to use the additional contribution to become a 501(c)(3).

**Eurasian
Milfoil
Contribution**

It was moved by Rosen and supported by Burke to authorize the contribution of \$2,250 to the Lake Antoine Association for Eurasian milfoil treatment.

Motion prevailed unanimously.

City Manager Marquart stated the City is looking at filing multiple DNR grant applications. He said Vision 2020 is interested in extending the walking trail to the bat cave and then to an observation area on the west side of Millie Hill. A trail around Crystal Lake and rehabilitation of the smaller City Park pavilions are additional projects. The City Manager stated a public hearing is required under the grant program and would recommend a date of March 17, 2008. The Council discussed the date for the public hearing with Member Rosen suggesting March 10th to allow for additional time to adjust the applications due to possible public input. Member Peterson asked if public input could change the direction of the grant applications. Mayor VanLaanen stated there is a feedback period for application changes after the grant application is submitted. Member Rosen felt the sooner the public hearing, the better position the City will be in when finalizing the grant application. It was moved by Burke and supported by Rosen to established the date of Monday, March 17, 2008 at 6:30 p.m. for a public hearing.

**DNR Grant
Applications**

Motion prevailed unanimously.

Member Rosen read the format for proposed open dialogue. A trial period of two months and limited to a five minute period. Questions may be asked or answered by any Council Member. Respect must be shown at all times. The forum will be an exchange of ideas and statements and not a debate. There will be no personal attacks and use of profanity and/or loud offensive language will not be tolerated. Member Rosen feels that open dialogue can result in better informed decisions by the Council. Member Peterson doesn't foresee a free for all with open dialogue and feels residents become frustrated when they do not receive answers to questions. Member Caudell said that she is available at all times to answer questions. She stated that a select few come to the podium and not a vast array of the 8,200 residents. Member Caudell is for open dialogue at committee meetings or additional meetings but regular meetings should be about the business at hand. She said questions can be answered during Council Member Privilege or the City Manager's Report. Member Burke feels these meetings are to

**Open
Dialogue**

New Business(cont.)

conduct business but would consider Town Hall Meetings for open discussion. Member Tchokreff said in his ten years the Council does not go back and forth with the audience.

It was moved by Tchokreff and supported by Burke to instill Robert's Rules of Order to our policy making general business and not to change anything with our business dialogue at regular meetings.

Member Farragh said the Council should answer the questions of the people that voted them into office. Member Tchokreff feels it is to the benefit of the Council to follow constructive business. Mayor VanLaanen said the podium is available twice a meeting to make comments or ask questions. He stated it has been past practice to answer questions during the meeting that were asked in the first public comment. Mayor VanLaanen said the primary purpose is a business meeting and his view from the presiding chair is that open dialogue wouldn't work very well. Member Rosen thinks parliamentary order is quite restrictive and would make the current Council Meetings difficult to adhere to Robert's Rules of Order. Member Peterson said it is their Council Meeting not my Council Meeting as has been stated before. She said the reason there is so many people in the audience is due to levels of frustration with not getting answers. Member Peterson does not understand Member Tchokreff's motion when Robert's Rules stresses open government. Mayor VanLaanen said past practice has been to default to Robert's Rules. Member Peterson asked if Robert's Rules hinders interaction with the public at the podium. City Attorney Pirkola said common sense must be utilized when someone comments or asks a question at the podium. Member Caudell reiterated that she doesn't believe this Council is saying that they do not want to hear from the public. She said it is a few people at the podium and does not understand why these people cannot attempt to contact the Council Members directly to have their questioned answered.

Mayor VanLaanen addressed Council Member Rosen's request to move Council Member Privilege and Public Comment to follow the Executive Session. Mayor VanLaanen believes Executive Session at the end was done for the convenience of the audience so they would not have to wait for the Public Comment period. Member Rosen would like Council Member Privilege and Public Comment after the Executive Session.

Roll call vote:

Rosen	N
Caudell	Y
Tchokreff	Y
Peterson	N
Burke	Y
VanLaanen	Y
Farragh	N

Motion Carried [Yes (4) - No (3)]

It was moved by Rosen and supported Peterson to adopt Open Dialogue as proposed by Member Rosen.

Roll call vote:

Peterson	Y
Burke	N
Caudell	N
VanLaanen	N
Tchokreff	N
Farragh	Y
Rosen	Y

Motion Failed [Yes (3) - No (4)]

Financial Reports

None

City Manager Report

Member Peterson asked about the Fire Department budget and believes a budget amendment may be necessary. City Manager Marquart stated there are overtime issues that are being looked at and may require a budget amendment. Member Peterson stated it may be substantial amount of money to avoid future MIOSHA fines and to meet ISO requirements. She asked if we are looking at why the OT for the Police and Fire Departments are so high. City Manager Marquart said this is being looked at. Member Peterson stated that Chief Johnson submitted an ISO report to the City Manager prior to February 1, 2008 and she is wondering the status of the report. City Manager Marquart said there was multiple drafts and discussions pertaining to the report and he anticipates it going out in Thursday's packet.

Member Farragh asked if anyone has looked into easements around the old water tank. City Manager Marquart stated the City is having conversations to get easement for access to the tank because easements for legal access to the tanks were not found.

Member Tchokreff asked who oversees the Lake Antoine Association or is any kind of a report as to the activity of the Association. Member Tchokreff would like a report on the progress of the treatments. Mayor VanLaanen stated that the Association has the treatment progress documentation available. Member Caudell agreed that the Association has an amazing amount of information.

City Attorney Reports

City Attorney Pirkola stated he had an opportunity to review if Section 4.9 of the City Charter was violated as it relates to Member Caudell. City Attorney Pirkola said Section 4.9(e) makes it clear that a Council Member cannot vote on anything a family member has financial interest in. City Attorney Pirkola believes that in the future line items on the Claims Report that could be a conflict of interest should be voted on separately from the entire report. Member Caudell reiterated that she was under the assumption that a grant was paying her mother and not the City. Member Rosen feels that having a separate checking account with all of the municipalities listed as employer and Ms. Anne Henriksen listed as employee would have been the appropriate way to handle the grant expenditures.

Committee Reports

Member Tchokreff stated that the Technology Committee has begun a review of the tower leases.

Public Comment

Barbara Kramer – W8025 Millie Hill Estates. – would like the Park and Rec. Committee to have a discussion about placing street signs in the cemetery to help people find their way around.

Bob Moraska – 224 W D St. – said that he never threatened Mr. Burke and that he doesn't agree with the way Mr. Burke votes for his district.

Council Member Privilege

Member Tchokreff asked the City Manager to look into signage for the cemetery.

Mayor VanLaanen called for a 5 minute recess prior to entering Executive Session.

Executive Session

It was moved by Tchokreff and supported by Farragh to adjourn into Executive Session for the purpose of discussing litigation and a personnel evaluation.(8:10 p.m.)

Roll call vote:

Caudell Y

Rosen Y

VanLaanen Y

Peterson Y

Farragh Y

Tchokreff Y

Burke Y

Motion Carried (7-0)

Mayor VanLaanen resumed Regular Session. (9:20 p.m.)

Member Rosen said there are seven issues he cannot get by because they apply to law. He stated the seven issues as: MIOSHA, Police Certification, Police Early Retirement, STS, TIFA, East A St. Project and the Center for Regional Excellence Grant. He stated that he is bound by his Council chair to abide by the law.

It was moved by Rosen and supported by Farragh to dismiss the City Manager.

Roll call vote:

Rosen Y

Farragh Y

Burke N

VanLaanen N

Tchokreff N

Caudell N

Peterson Y

Motion Failed [Yes (3) - No (4)]

Member Peterson believes the issues put forth show a lack of managerial skills and believes the City Council should not approve a bonus.

Member Caudell stated mistakes have been made and these are important issues that need to be looked at but there has been a lot of good things that happened. She feels the City Manager works diligently towards the best for the City of Iron Mountain.

Mayor VanLaanen said the issues brought up by Member Rosen have been discussed and considered. He said Mr. Marquart is a good man to have on the job and he would be in favor of a small bonus.

Member Burke feels the good outweighs the bad and he would like to start moving forward.

Member Tchokreff stated that based on his Council experience he is in favor of John's managerial skills. He said he was not in favor of the 9% bonus last evaluation because he felt it was too high.

Member Rosen added that the Council may allow a bonus which gives the Council discretion to not give a bonus. Mayor VanLaanen felt a 4% bonus would be appropriate. Member Rosen can not get over issues that violate the law and he would suggest no bonus.

It was moved by Tchokreff and supported Caudell to approve a 4% bonus for the City Manager.

Roll call vote:

Caudell **Y**

Tchokreff **Y**

Peterson **N**

Burke **Y**

Rosen **N**

VanLaanen **Y**

Farragh **N**

Motion Carried [Yes (4) - No (3)]

Meeting adjourned at 9:36 p.m.



Jordan Stanchina
Clerk-Treasurer