

City of Iron Mountain

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

Email: clerktreasurer@cityofironmountain.com

Website: www.cityofironmountain.com

Regular Meeting of the Common Council, City of Iron Mountain, County of Dickinson, Michigan to be held on Monday, November 2, 2009 at 6:30 p.m. in the Council Room.

Presiding: Mayor VanLaanen

Present: Council Members Corombos, Farragh, Rosen, Burke, Peterson & Alessandrini

Absent: None

Also Present: City Manager Stanchina & City Attorney Gerald Pirkola

Approval of Agenda

Rosen requested that a discussion and possible action be taken, pertaining to Mr. Burke violating the collective bargaining unit; this item will be number nine under new business. VanLaanen requested a discussion of the final Millie Hill Subdivision plat; this item will be number ten under new business.

It was moved by Alessandrini and supported by Rosen to approve the agenda with the above corrections.

Motion Prevailed Unanimously

Approval of Minutes

Minutes of the Regular Meeting of October 19, 2009

Approved as prepared

Public Comment

None

Old Business

Discussion of Tree Board

VanLaanen noted that the City Code allows for a City Tree Board. He relayed that we have two written letters of interest. Rosen suggested tabling this item until five members are available. Corombos communicated that it would be preferable to wait a couple weeks and see if the spots are filled. VanLaanen gauged the council's interest in a Tree Board; the City Council was in favor. Corombos suggested that many people may find the work load for this board unappealing. He added that we might as well try. Peterson asked what is done if tree diseases encroach onto private property. Corombos suggested that it may be a big stretch for the council to go onto private property. VanLaanen relayed that an ordinance could be created to control what types of trees are not permitted in the city.

It was moved by Corombos and supported by Farragh to extend the application period for the City Tree Board by two weeks.

Motion Prevailed Unanimously

New Business

Chapin Pit Terracing Update

Marsha Bonicatto of 738 East A Street introduced herself as the chairperson of the Lilja Family Memorial Trust. She proceeded to detail the history of the Lilja Family Memorial Trust and its current board set up. Bonicatto noted that only the interest from the trust fund is able to be spent; the principal amount is \$500,000. She noted that several projects have been completed at the Chapin Pit Terracing Site: an irrigation system, a rock retaining wall and electrical has been run. Bonicatto communicated that the Lilja trust plans to develop a picnic area, trail, signage and steps to lower terrace levels. She relayed that that Lilja trust has donated over \$250,000 to the community. Burke thanked Bonicatto for their work at Crystal Lake Park.

Approval of additional depository RE: Citizen's Bank

Stanchina reported that Citizen's Bank is offering an over night rate of .6% instead of the current rate of .15% that is being earned at the First National Bank of Iron Mountain. He relayed that this money has to be liquid and cannot be placed in a Certificate of Deposit. Peterson asked if we will be able to move our money freely. She also asked if the

CITY OF IRON MOUNTAIN *COMMON COUNCIL *NOVEMBER 2, 2009

\$250,000 FDIC insurance has been extended. Stanchina stated that the coverage will be extended till December 31, 2013.

It was moved by Rosen and supported by Corombos to approve Citizen’s Bank as a depository for the City of Iron Mountain.

Motion Passed Unanimously

Approval to close City Hall RE: The Day after Thanksgiving

It was moved by Farragh and supported by Alessandrini to close City Hall the Day after Thanksgiving.

Motion Passed Unanimously

Approval of contribution RE: Office of Veteran Affairs “Share Your Christmas Program”

Stanchina noted that this program benefits low income families. Peterson asked how long the city has given \$300. Stanchina relayed that \$300 has been the donated amount as long as he can remember. Corombos asked if this is a budgeted item. Stanchina communicated that the city has a community promotions fund. Alessandrini relayed the sentiment that times are tough and that the program helps people. Rosen asked how long the donation has been \$300. Corombos reiterated that it has been at \$300 for a long time

It was moved by Alessandrini and supported by Peterson to donate \$500 to the “Share Your Christmas Program”.

Motion Passed Unanimously

Approval of Street Administrator RE: City Manager

Stanchina conveyed that this responsibility must be filled in order to complete the Act 51 reports. He added that the DPW Director was the previous Street Administrator. Farragh asked if MDOT is going to redo the city’s Act 51 map. It was moved by Corombos and supported by Rosen to approve City Manager Stanchina as the Street Administrator.

Motion Passed Unanimously

Set Public Hearing date RE: Vacation of public right of way

Stanchina relayed a request to vacate 10 feet of the platted right away bordering the 1200 and 1300 block of Fleshiem. He added that the platted right away is 10 feet wider than the standard road. Stanchina noted that the neighbors are in support of this vacation. VanLaanen asked where the utilities are located. Stanchina relayed that they are located on the opposite side from the area that is requested to be vacated. He communicated that the public hearing would be held on December 7, 2009 at 6:30 p.m.

It was moved by Corombos and supported by Alessandrini to set a hearing to vacate the northern 10 feet of right away bordering the 1200 and 1300 blocks of Fleshiem Street.

Rosen	Aye
Corombos	Aye
Burke	Aye
VanLaanen	Aye
Alessandrini	Aye
Farragh	Abstain
Peterson	Aye

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

Discussion of charter conflict RE: Section 3.7 and 4.12

Rosen communicated that he wished to clarify that the council is compelled to reorganize after a regular election. He requested a legal opinion pertaining to the City Charter. Pirkola confirmed that there is a contradiction. He noted that the council has not followed both clauses in the past. Pirkola relayed that section 3.7 should be followed. He stressed that a person can not serve early. Rosen communicated that he is satisfied with the attorney’s opinion. Peterson relayed that the City Charter is not specific purposely. She noted that the time of the reorganization does not matter as long as it is after the new council takes over. VanLaanen asked what the legal justification is for the council operating the way it has been. Pirkola relayed that the Charter language could be ambiguous, so you consider past practice. He communicated that it would make the most sense to reorganize in January. VanLaanen relayed the opinion that appointing a new mayor before new members are in place could inadvertently remove their rights. Corombos communicated that the charter was read and approved by the Attorney General’s office in 1986 and the flaw slipped by them. Rosen reiterated his original observation and concern that there is a flaw in the City Charter.

No Action Taken

Street Closure RE: “Downtown Christmas Walk”

VanLaanen noted that the walk will start at the corner of Stephenson and Hughitt and head east on Hughitt Street, toward Iron Mountain Street. He added that the walk will then head down Iron Mountain Street, connect with A

CITY OF IRON MOUNTAIN *COMMON COUNCIL *NOVEMBER 2, 2009

Street, and end on Stephenson Avenue. VanLaanen conveyed that there will also be dog sled rides offered. Jonathan Ringel, Main Street Manager, relayed that the dog sleds would operate on Merit Avenue between A Street and Hughitt Street. He requested that a Small portion of Hughitt, Merit and A Street be closed for the sled dog rides. Corombos asked how vehicles are going to get into the parking lot behind the down town plaza. Ringel communicated that the opening to the parking lot will not be blocked. Corombos confirmed that the sled dogs will use Merit Avenue. He expressed concern for the amount of mail traffic in the area. Ringel conveyed that the area Corombos is concern about will not extend to the Post Office. Corombos expressed concern for the dog sleds operating along side traffic. Ringel noted that cones will be put out. Peterson stated that a map would have been helpful in this situation.

It was moved by Alessandrini and supported by Peterson to approve the requested street closures as requested in Jonathan Ringel's memo dated October 29, 2009.

Motion Passed Unanimously

Discussion of Mr. Burke's alleged violation of the collective bargaining unit

Rosen alleged that Burke violated the collective bargaining unit with his letter that appeared in the news paper on Saturday October 31, 2009. He specifically sited "these same council people want to lay off a police officer". VanLaanen asked what part of Burk's article he felt was a violation. Rosen communicated that the possible laying off of a police officer was not public information. VanLaanen relayed the opinion that the council should be cautious as to what they say regarding this matter. Rosen noted that the idea has already been made public. Alessandrini conveyed that he had never suggested laying off a police officer. Burke communicated that the published statements were spoken when the council people were in the hallway and not in the meeting. He added that the possible elimination of a position is something that the public should be informed of. Burke alleged that Rosen stated executive session on material through the paper in the past. Rosen communicated that the council had never discussed anything about laying off a police officer in a public meeting. Pirkola asked what the goal was. VanLaanen reiterated the allegation against Burke. Rosen reiterated his original allegation that Burke abridged collective bargaining. Peterson urged for the council to go into executive session and discuss this topic. Pirkola noted that the council can not go into executive session for this reason alone. Peterson expressed the opinion that not being able to talk about the matter may allow people to get away with abusing the dissemination of information. Pirkola added that a conclusion can not be reached until all the facts are known. Peterson asked for clarification on how to get the facts. Pirkola suggested that finding the information in the minutes would be the best way to find out what was said in the executive session.

Stanchina stated that all the options have to be looked at due to budget constraints. Peterson asked what could be done if this statement affects the next bargaining session. Pirkola relayed that the City Council would have to look at the matter then. Rosen communicated that if something is said in person, it is not the same as saying it in the news paper. VanLaanen confirmed and reiterated the original allegation against Burke. Peterson asked how a council person could say something like this in the public and not view it as a problem. Burke lamented about the safety of the children and elderly in the community. Peterson conveyed the opinion that Burke's motivations were politically lead. VanLaanen confirmed that the council at large was concerned about the spreading of confidential information. Corombos asked Burke who the council people were that want to lay off a police officer. Burke communicated the opinion that someone would like to see him off the council. Rosen reiterated that Burke released sensitive information, relating to the city bargaining unit. VanLaanen clarified that Burke did not say something that was part of the current contract. Rosen relayed that the items Burke spoke of were discussed in collective bargaining. Peterson noted that Burk's statements should have not been put in the paper. Corombos communicated that a lot of ideas have been kicked around and should not be discussed. Rosen reiterated that the info in the paper October 29, 2009 was a violation of collective bargaining. Peterson asked what the procedure for placing people on a committee is. VanLaanen conveyed that the committees are split up as needed or volunteered for. Peterson expressed the opinion that the negotiating should be looking out for the city. VanLaanen relayed the opinion that doing what is best for the city can be ambiguous.

Corombos communicated that if a person were on the committee, they would know it was confidential. VanLaanen confirmed that the committee was having issues with a member. Corombos expressed the opinion that Burke was almost negotiating for the police. Peterson relayed that from what she sees in the news paper and is hearing from the committee members, the information was confidential. She expressed her disapproval of Burke's actions. VanLaanen noted that removing a person from a committee is a last resort. Corombos-relayed that the members of the bargaining committee are meant to get rational discussions and fight for the good of the city. Burke retorted by conveying that "these guys tried to have me recalled". Peterson communicated that working for the benefit of the city means saving the tax payers as much money as possible. VanLaanen expressed that working in the best interest of the city can mean many things; when looking at the ways public safety services change it is not surprising not everyone agrees. Peterson relayed that the problem was more about confidentiality not agreeing. Alessandrini confirmed the notion that the information was confidential.

CITY OF IRON MOUNTAIN *COMMON COUNCIL *NOVEMBER 2, 2009

It was moved by Rosen and supported by Peterson to take Mr. Burke off the collective bargaining committee for the city.

Farragh	Aye
Rosen	Aye
Burke	Nay
Alessandrini	Aye
VanLaanen	Nay
Peterson	Aye
Corombos	Aye

Motion Prevailed (Aye-5, Nay-2, Abstain-0)

Millie Hill Subdivision

Stanchina presented the updated final plat for the Millie Hill Subdivision. Stanchina conveyed that the plan would need to be re-approved. Alessandrini asked what the process is from this point. LaFave stated that the plan goes to the county and then to the state, if there is more comments from the state it could come back again. LaFave expressed the opinion that the plan is ready for approval. Rosen confirmed that the city has to approve out of formality. Stanchina noted that any approval at this point would include the original developer's agreement. Burke asked Pirkola if the updated plan is acceptable. Pirkola communicated that the plan is acceptable.

It was moved by Rosen and supported by Alessandrini to approve the Millie Hill Subdivision final plat including the previously approved developer's agreement.

Motion Passed Unanimously

Reports

Financial Reports

VanLaanen noted that an electronic payment of \$25,616.86 was made to MERS on October 20, 2009.

City Manager Reports

Stanchina reported that the Governor signed the new budget without vetoing the cuts to revenue sharing. He communicated that this will be a loss of about \$91,000 to the city. Stanchina noted that some cuts will have to be made without losing services.

Stanchina relayed that the Reassessment should be complete by February 1, 2010; there are about 1,855 parcels to complete.

Stanchina communicated that the city recently received funds to purchase a new squad car with all new equipment. He noted that the old equipment is normally transferred, so all new equipment is a big accomplishment.

Stanchina reported that the Consumer Price Index has dropped, meaning a potential loss of \$66,000. He communicated that some new construction may offset the losses in tax base.

City Attorney Reports

None

Committee Reports

None

Public Comment

None

Council Member Privilege

Alessandrini asked Pirkola if he had made progress on the legality of a drug offender's web site; he had request information on this topic at the October 19, 2009 meeting. Pirkola noted that he is working on the matter. He asked why the annexed properties are paying for the school liaison officer and they do not attend the Iron Mountain Schools. Alessandrini expressed the opinion that he has not voted to raise taxes, approve low income housing or to kill the Izzo-Marriucci project.

Peterson communicated that the Daily News may benefit from asking for an articles author to provide backup. She also conveyed the opinion that the Izzo-Marriucci project was not supported by many people. Peterson expressed her gratitude to the Lilja Fund. She urged the residents to vote in tomorrow's election.

CITY OF IRON MOUNTAIN *COMMON COUNCIL *NOVEMBER 2, 2009

Corombos asked for a vote of council people who would like to raise taxes. He conveyed the opinion that Burke's statement was not made appropriately.

VanLaanen relayed a citizen's gratitude that a life was saved by the Iron Mountain Police Department using an Automatic Electric Defibrillator at the VFW. He expressed the opinion that using a council meeting for campaign purposes was in bad form.

Rosen noted that the city is about six weeks away from knowing if City Park will receive grant funds.

Adjournment

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

Motion Prevailed Unanimously

Meeting adjourned at 8:15 p.m.



Isaac Micheau
Clerk-Treasurer