

Regular Meeting of the Common Council, City of Iron Mountain, County of Dickinson, Michigan held on Monday, December 3, 2007 at 6:30 p.m. in the Council Room:

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

The agenda was approved as submitted with changes as follows:

Agenda

Remove V. Public Hearings, 2. Zoning Amendment Accessory Structure
Remove VII. New Business, 2. Zoning Amendment Accessory Structure
Add VII. New Business, 5. Reintroduction Zoning Amendment Accessory Structure

The minutes of the previous meeting of November 19, 2007 stand approved as submitted **Minutes** with the following correction:

IV. Public Comment

Dave Farragh - The roof on the tank needs to be fixed, ~~burning~~ berm the dirt around the tank, water system mapping updating, comprehensive leak detection and upgrading some of the smaller mains.

Public Comment

None

Public Hearing

Mayor Tousignant opened the Public Hearing for the purpose of resident input on the Amended Rental Housing Ordinance

Amended Rental Housing Ordinance

Don Christy – 1310 East Grant St. - on behalf of the Dickinson County Landlord’s Association presented the Association’s concerns. They agree that a housing ordinance is necessary to this community but not just limited to landlords. He stated the refusal of the City to negotiate resulted in a costly lawsuit. He said if the Council chooses to enforce an Ordinance discriminatory towards landlords the Association will have no choice but to continue the lawsuit to a higher court. He said the International Property Maintenance Code addresses the issues of unsafe housing on the outside and inside of the house. He doesn’t feel there should be an Ordinance because of a small percentage of landlords that do not maintain their properties. The Landlord Association would like to meet again to discuss the issues of concern with the Rental Housing Ordinance. The Association feels the key issues are inflated fees and fairness to all landlords. If the Council is willing to meet, the present lawsuit will be placed on hold immediately. The Association feels the new Council Members should be involved in the decision process. He stated the Council has the power to save taxpayers thousands of dollars in legal fees by taking advantage of the proposal.

Bruce Rosen – 1307 South Hemlock St. – would like this issue resolved in a cost effective manner. He feels the two sides are very close on an agreement without having further litigation. He would like the issue set back a month or two, to eliminate additional attorney’s fees.

Public Hearing (cont.)

Barbara Kramer – 135 Bradley St. – said her kids lived in a substandard rental unit. She felt that she heard threats and extortion from comments stating that a lawsuit would be stopped if the ordinance was removed or delayed. She would like the ordinance voted on tonight.

Virginia Feleppa – 1136 Crystal Lake Blvd. – stated she was an advocate for the Rental Housing Ordinance and feels the inspection aspect is necessary.

Tina Peterson – 616 East B St. – believes it wasn't extortion but that Mr. Christy was trying to find a middle ground. She thinks the International Property Maintenance Code already addresses safety issues and a rider could be added for inspections. She asked if the City is still using the BOCA Code for fire safety. Ms. Peterson feels things can be worked out.

Mayor Tousignant closed the Public Hearing.

Old Business

City Manager Marquart said that this is a revised version due to conversations with the Township. The lowest amount Township residents would pay is 25% greater than any Iron Mountain resident. Council Member VanLaanen asked why the City would continue billing for White Birch Village. Member Rigoni thought this was because it is an overflow situation and may not be able to hook into a future pipe from the Township. Member Rigoni thought that it could be amended to say the Township will take over billing when they have the ability to meter the usage. Member Rigoni would like a rate structure and the buy into the system fee in the final copy. City Attorney Pirkola stated that from a legal standpoint, the agreement needs to be cleaned up before a final copy. Member Caudell feels this is step in the right direction and it is vital for the City to work with Breitung Township. Member VanLaanen reiterated that he is opposed to this agreement due to the size of the service area. He feels that water and sewer are the City's asset and they should protect it. He would not be opposed to a service area a tenth of the size and is what was suggested when the 425 agreements were discussed. Member Rigoni asked about some of the specific language in the document. City Attorney Pirkola stated that if a dispute arises it will be construed more harshly against the author of the document. Member Burke would like the City Manager to discuss the size of the service area with the Township. Member Tchokreff shares Member VanLaanen's concern on the service area size but thought we could downsize the gallons per day agreement. Mayor Tousignant said the agreement allows for 100,000 gallons per day. Member Rigoni stated that it is a lot of residential area and the US 2 Corridor through Quinnesec is encumbered by a railroad track on the south side. Member Tchokreff stated it is a 50 year agreement and Mayor Tousignant said no matter the time frame the Township is still limited to 100,000 gallons per day. Mayor Tousignant said this will go back to Executive Committee for discussion.

No action taken.

New Business

Mayor Tousignant stated the Judge found the Ordinance was not discriminatory. Also the Judge found the fees charged not to be excessive. He stated if the fees raise more revenue than needed to enforce the Ordinance, the fees would need to be reduced. City Attorney Pirkola concurred that the revenue generate must equal or be less than the expense to enforce the Ordinance. Mayor Tousignant stated that compromises were made from meeting to meeting and draft to draft of the Rental Ordinance. He stated that the International Property Maintenance Code is infinitely tougher than the Amended Rental Housing Ordinance. Member Tchokreff stated that fire escape language has not

New Business (cont.)

changed even though the Judge said it was vague. City Attorney Pirkola stated the portion that says “and shall be structurally sound”, would be stricken from the Ordinance. City Attorney Pirkola stated that the lawsuit brought several constitutional challenges and the only ones found to be valid were vagueness provisions found in the Judge’s decision. He said the Judge will rule on December 17, 2007 if enforcement of the Ordinance will be stayed pending an appeal from the Landlord Association. Member Caudell reiterated that only vagueness was found unconstitutional. She feels this is a good Ordinance and it must be enforced. Member Caudell stated the Council has listened and compromised on this Ordinance. She said amendments can be made in the future if something needs to be changed. Mayor Tousignant said there was concerns about the checklist and that is a policy issue for the Council. Council Member Jacobs feels this is a great Ordinance and it should be passed. Council Member Burke said there are nice rentals but there are bad rentals and we need to make those rentals safer. Member Rigoni thinks the Council should pass the Ordinance tonight. Member Rigoni would be open to having a future meeting with the Landlord Association to discuss any remaining issues. Member Rigoni feels that the recent election showed residents are in favor of the Rental Housing Ordinance. Member Caudell agrees that the two sides should sit down and discuss the remaining differences on the Rental Housing Ordinance. It was moved by Tousignant and supported by Tchokreff to approve the Amended Rental Housing Ordinance.

Motion prevailed unanimously.

City Manger Marquart stated this allows an early retirement window for Police and Fire Employees. He stated the window would open December 4th and close on December 10th. Member Rigoni noted this early retirement window was part of the collective bargaining negotiations.

It was moved by Burke and supported by Tchokreff to open an Early Retirement Window for Police and Fire employees.

Motion prevailed unanimously.

**Police and Fire
Early Retirement**

It was moved by VanLaanen and supported by Caudell to approve a Budget Amendment in the amount of \$33,600 to the Other Functions portion of the budget.

Motion prevailed unanimously.

**Budget
Amendment**

It was moved by Rigoni and supported by Tousignant to establish a Public Hearing for Monday, December 17, 2007 at 6:30 p.m. for the purpose of an amendment to the Zoning Ordinance regarding accessory structures.

Motion prevailed unanimously.

**Zoning Amendment
Accessory Structure**

Financial Reports

None

City Manager Report

The City Manager commended the Department of Public Works on the job done with the recent snow storm. He stated the City will start the 3 areas for ice rinks this week or the next. The City Manager said there will be a newly elected officials training session next week in Norway. Caroline Kennedy from the Michigan Municipal League will offer the training. City Manager Marquart stated the City received a letter from the Department of Treasury with a rating scheme to show if a municipality is financially distressed. The rankings through the letter showed the City was not considered financially distressed.

City Manager Report (cont.)

Member Rigoni would like the City Manager to contact Mr. Christy and find if they are interested in a meeting to discuss the Rental Housing Ordinance. Member Rigoni thought the Council should look at a charter amendment to have new Councils take seat the first meeting in December.

Member VanLaanen asked if there was a formal request to purchase property by the developer considering subsidized housing on the east side. The City Manager said the developer is still considering their options.

Member Burke asked about the possibility of a Professor from Michigan Tech coming to study Crystal Lake. The City Manager stated that the Professor is putting together a proposal for his services and it would be a senior class project beginning in January. A report with recommendations will be delivered at the end of the project.

City Attorney Reports

None

Committee Reports

None

Public Comment

Don Christy – 1310 East Grant St. – said that there has not been an open dialogue and the Planning Board was told the key issues would be handled by the City Manager not the discussions. He thanked Mr. Rigoni for his willingness to sit down with the Landlord Association. He stated he has rentals that have run down residential properties next to them and what is being done to address that. He recognized that Member Caudell was also opened to open dialogue.

Bruce Rosen – 1307 Hemlock – appreciates Member Rigoni and Caudell’s comments on willingness to sit down and discuss the Ordinance. He agrees the Rental Housing Ordinance needs to be enforced but fees and other small issues need to be resolved.

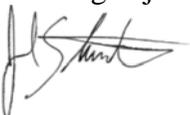
Virginia Feleppa – 1136 Crystal Lake Blvd. – appreciates the Council perseverance on studying and formulating a plan to correct the issues in Crystal Lake.

Council Member Privilege

Mayor Tousignant stated the City has opened 399 cases related to residential Code Enforcement and only 2 citations have been issued. The Mayor again reiterated that the City has consistently compromised on this Rental Housing Ordinance.

Council Member VanLaanen urged the newly elected officials to attend the training session to be offered by the Michigan Municipal League.

Meeting adjourned at 8:05 p.m.



Jordan Stanchina
Clerk-Treasurer