

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 held on Monday, November 21, 2011 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 "Executive Session Re: Collective Bargaining" be added as item number ten. Stanchina stated that he would like to add "Approval of Election Certification Re: November 8, 2011" as item number six under New Business. Alessandrini communicated that he would like to add "Discussion of False Fire Alarms" as item number seven under New Business and "Discussion of Anti-Spice Ordinance" as number one under Old Business.

It was moved by Alessandrini and supported by Jacobetti to approve the agenda as amended.

Motion Prevailed Unanimously

Approval of Minutes

Regular Meeting of November 7, 2011

It was moved by Villa and supported by Moraska to approve the Minutes of May 16, 2011, as submitted.

Motion Prevailed Unanimously

Public Comment

None

Public Hearing

Closeout Public Hearing Re: MEDC ICE Grant

Stanchina described the project that the Michigan Economic Development Corporation (MEDC) Infrastructure Capacity Enhancement (ICE) Grant funded.

Rosen opened the public hearing.

There were no comments

Rosen closed the public hearing.

Old Business

Discussion of Anti-Spice Ordinance

Mike Carrey - 1203 Pine Court

He invited the audience and city officials to a public presentation by the Upper Peninsula Substance Enforcement Team.

Mike Nicometto - 427 S. Stephenson Ave.

He expressed the idea that synthetic Marijuana is equally as dangerous as authentic Marijuana. Nicometto urged the City Council to pass an emergency ordinance that would remedy the unintended usage of substances in our community.

Kurt Rosenthal - W8843 West Lake View Dr.

He supported the idea that an ordinance controlling the sale of Spice be drafted.

CITY OF IRON MOUNTAIN*COMMON COUNCIL*NOVEMBER 21, 2011

Barb Kramer - 135 Bradley St.

She stated that Senator Casperson is currently taking legislative measures to ban Spice. Kramer suggested that businesses under the jurisdiction of the Bureau of Alcohol, Tobacco, Firearms and Explosives be required to get a conditional use permit.

Rosen stressed the importance of not creating an unlawful ordinance that would create additional liability for the City. Moraska supported Rosen's position on following the law. He offered the idea that the Health Department could stop the sale of Spice due to Eminent Danger, if the necessary medical data is available. Alessandrini suggested that the City ban Spice through a local ordinance despite the lack of legal support. Pirkola detailed the legal process that could ensue from an illegal ban on Spice. He anticipated that a lawsuit would occur if such an ordinance was passed. Alessandrini relayed that it would be unlikely that the offended parties would have the necessary funds to sue the City. Pirkola questioned how the ordinance would be enforced.

Alessandrini expressed the opinion that banning smoke shops could correct the Spice situation. He offered the idea of banning any business that derives 50% or more of their sales from tobacco. He suggested that a specific distance from certain institutions and smoke shops be required. Pirkola conveyed that the appropriateness of zoning is determined on a basis of reasonability. Stanchina noted that the usage must be allowed somewhere within the zoning district.

Corombos offered the idea that banning Spice would force it underground. He conveyed the opinion that the legislature will deal with this issue promptly.

Stanchina detailed his analysis of the existing Spice ordinances.

The City Council reiterated their intention to address the current Spice situation in an expedient manor.

It was moved by Alessandrini and supported by Farragh to direct the City Manger and City Attorney to develop an umbrella type ordinance to combat the sale of synthetic cannabis.

Motion Prevailed Unanimously

Moraska relayed that one of the local smoke shops will have to relocate soon and he speculated that they may have some difficulty finding a new location to lease. He congratulated the picketers for accomplishing a successful protest.

Debbie McKinzie - 323 S. Stephenson Ave.

She voiced her support for the remediation of the current Spice situation.

Rosen appointed the following people to an Ad Hock Committee:

Council Member Villa

Council Member Farragh

Council Member Jacobetti

Alternate: Dale Alessandrini

Sue Tyson

Pat Nicometto

Mike Nicometto

Cheryl Wender

Karen Mooney

Geno Basanese

Orice Walters

Kurt Rosenthal

Dave Irwin

CITY OF IRON MOUNTAIN*COMMON COUNCIL*NOVEMBER 21, 2011

Karen Mooney - 815 Blaine St.

She expressed the opinion that State government can tend to get bogged down. Mooney presented the idea of basing an anti-Spice ordinance off the current pornography ordinance.

2011 Economic Development Contribution Re: Dickinson County Partnership

Corombos requested a couple more weeks to consider the proposed contribution to the Dickinson County Partnership. The City Council agreed to defer this subject until the next meeting.

Approval of Ballot question and Tax Allocation Agreement Re: Dickinson County Road Commission

Stanchina stated that the proposed Tax Allocation Agreement would guarantee the City its share of the revenue, if the Dickinson County Road Commission successfully passes its proposed ballot question.

It was moved by Rosen and supported by Alessandrini to approve the Dickinson County Tax Allocation Agreement for the distribution of the Dickinson Country Road Commission millage with the agreement to be signed prior to the election.

Motion Prevailed Unanimously

New Business

Establish a Public Hearing for an Industrial Facilities Exemption Re: Systems Control

Stanchina conveyed that a hearing must be held to consider an Industrial Facilities Exemption for Systems Control. He noted that the number of years the exemption lasts can be determined after the hearing is set.

It was moved by Rosen and supported by Jacobetti to set a public hearing on December 5, 2011 at 6:30 pm.

Motion Prevailed Unanimously

Approval of Letters of Authorization Re: CCI Systems

Stanchina relayed that the proposed letters of authorization would allow CCI to utilize the City's current phone numbers with the new phone system.

It was moved by Alessandrini and supported by Farragh to approve the proposed letters of support.

Motion Prevailed Unanimously

Approval of Phone Service Agreement Re: CCI Systems

Stanchina recommended that the City utilize CCI's phone service on a month to month contract for a cost of 24.99 per month per phone line. He noted that the City would reduce its monthly phone bills from approximately \$1700 to \$250.

It was moved by Rosen and supported by Alessandrini to approve the proposed phone service agreement between the City of Iron Mountain and CCI Systems on a month to month basis.

Motion Prevailed Unanimously

Approval of SCSEP Agency Agreement Re: Experience Works

Stanchina explained the Experience Works Program. He communicated that the Experience Works Employee would come at no cost to the City.

It was moved by Alessandrini and supported by Farragh to enter into an agreement with the Experience Works Program.

Motion Prevailed Unanimously

Approval of 2011 Street Improvements Invoice Re: Bacco Construction

Stanchina noted that unforeseen work had to be performed on Forest Street after the existing pavement was crushed and shaped. He communicated that Union Street was not measured correctly in the beginning, causing additional asphalt to be needed. He stated that the unexpected overage did not cause the project to be over budget.

It was moved by Rosen and supported by Jacobetti to approve the proposed invoice for Bacco construction.

Motion Prevailed Unanimously

Approval of Election Certification Re: November 8, 2011

It was moved by Corombos and supported by Alessandrini to approve the Election Certification Resolution for November 8, 2011.

Motion Prevailed Unanimously

CITY OF IRON MOUNTAIN*COMMON COUNCIL*NOVEMBER 21, 2011

Discussion of False Fire Alarms

Alessandrini expressed the opinion that a fee should be attached after a certain amount of false alarms occur.

Referred to Finance Committee

Reports

Financial Reports

October Claims and Payroll

Corombos recommended that the Claims and Payroll be approved.

It was moved by Corombos and supported by Farragh to approve the claims in the amount of \$864,660.99 and the payroll in the amount of \$259,415.97.

Motion Prevailed Unanimously

Annual Investment Report

Corombos noted that the annual investment income have been declining due to expirations and calls.

No Action Taken

City Manager Reports

Stanchina announced that the new plow truck has been completed and is ready for the City's mechanic to inspect.

Stanchina stated that he will have information available at the next meeting concerning the City Property adjacent to the Citgo station.

City Attorney Reports

None

Committee Reports

Jacobetti reported that the Infrastructure Committee has met and that they have completed the revamping of the upcoming paving bid. He detailed the roads that will be included in the upcoming paving bid. Stanchina clarified that only Major streets are eligible to be paved, since Major Street funds are being utilized.

Public Comment

None

Council Member Privilege

Farragh stressed how much he cares for the youth of the community. Alessandrini expressed his elation that action is being taken on the Spice issue.

Executive Session Re: Collective Bargaining

It was moved by Farragh and supported by Alessandrini to move into executive session at 7:57 PM.

Rosen Aye

Alessandrini Aye

Corombos Aye

Villa Aye

Jacobetti Aye

Farragh Aye

Moraska Aye

Motion Prevailed (Aye-7, Nay-0, Abstain-0)

Executive Session Ended at 8:15 PM.

CITY OF IRON MOUNTAIN*COMMON COUNCIL*NOVEMBER 21, 2011

Adjournment

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

Motion Prevailed Unanimously

Meeting adjourned at 8:16 p.m.

A handwritten signature in black ink that reads "Isaac P. Micheau". The signature is written in a cursive style with a large initial "I".

Isaac Micheau
Clerk-Treasurer