

**CITY OF IRON RIVER  
REGULAR MEETING  
*Amended*  
Wednesday, June 17, 2015  
2 PM  
Minutes**

Mayor Terry Tarsi called the meeting to order at 2 p.m., in the Council Chambers at the Iron River City Hall. The Pledge of Allegiance was recited.

Roll Call: Daniel Baumgartner, Rick Commenator, Jere Fritsche, Edward Marcell and Tarsi.

Absent: None.

Also present: Attorney Mark Tousignant, Manager Perry Franzoi and Clerk Rachel Andreski.

Public in attendance: Chris Piette, Keith Hamel, Barbara Bartel, Stanley Zukowski, Mike Manfrom, Marilyn Peterson, Ben Smith (Iron County Doings) and Nikki Mitchell (Iron County Reporter).

**APPROVE AGENDA**

Commenator moved with support from Fritsche to approve the agenda with the following addition: 10. Unfinished Business f) Global Response/EDC. All in favor; motion carried.

**APPROVE MINUTES**

Fritsche moved, Commenator seconded to accept the May 20, 2015 Public Hearing and Regular Meeting Minutes and May 27, 2015 Public Hearing Minutes as written. All in favor; motion carried.

**PUBLIC COMMENT**

Marilyn Peterson requested clarification of the use of the word frivolous preceding lawsuit that was reflected in the April meeting minutes regarding Bill Vajk. Tousignant responded he would review the minutes but that the word was used and was his opinion that his actions have been frivolous to date.

**CONSENT AGENDA**

Commenator moved; Baumgartner seconded; all were in favor; to accept as written the Consent Agenda which included the following:

- a) May 26, 2015 WICSA Agenda Packet
- b) May 2015 DDA/TIF Financials
- c) May 7, 2015 Joint Public Building Restoration Admin Board Minutes
- d) May 7, 2015 Windsor Recreation Minutes
- e) April 7, 2015 Iron River Housing Commission Public Hearing Meeting Minutes
- f) April 7, 2015 Iron River Housing Commission Regular Meeting Minutes

## **REPORTS**

**Manager's Report:** Franzoi updated the Council that a structural engineer was on-site to inspect the former Wardo's building, however, the property owner was not present and couldn't perform the inspection without access. He stated he will start the citation process tomorrow.

Franzoi is seeking direction from the Council in regards to arbitration pertaining to the 2/3rds insurance payment for retired employees. The hearing was cancelled and re-scheduled, however, if the Council chooses, Franzoi could seek a settlement. Tousignant offered that it is reflected in the union contract and employee handbook but feels the City has a good case even though he has not been a part of this process. Commenator noted that the labor attorney also stated the City has a good case and should proceed with the arbitration. The Council agreed.

Franzoi requested the Council consider establishing a cemetery policy as the City's records are incomplete and there was confusion with previous burials. Commenator agreed that a policy should be drawn up and introduced to the Council for approval.

Michigan Works is seeking office space to relocate from its current location for a one year lease. Franzoi feels it's a good way to generate some additional income. Franzoi was directed to pursue with negotiations.

Marcell moved to accept the Manager's Report. Baumgartner seconded. All were in favor; motion carried.

**DPW Director's Report:** Marcell moved to accept the DPW Director's Report. Baumgartner seconded. All were in favor; motion carried.

**IRPD Chief's Report:** Marcell moved, Baumgartner seconded to accept the IRPD Chief's Report. All in favor; motion carried.

**Attorney:** Tousignant gave a verbal account of his report. Commenator moved to accept the Attorney Report. Baumgartner seconded. All in favor; motion carried.

Commenator stated in the IRPD Chief's Report, a request for equipment was made and questioned as to whether a motion was needed. Franzoi responded that seeing as it was an action item in her report, and the report was approved, a separate motion was not necessary.

## **FINANCIALS**

**May 2015 Financials:** Commenator moved, with support from Baumgartner, to accept the May 2015 Financials.

Roll Call: Ayes – 5: Fritsche, Marcell, Baumgartner, Commenator, and Tarsi. Nays – 0. Motion carried.

**May 2015 Check Register:** Commenator moved to accept the May 2015 Check Register. Baumgartner seconded. Tarsi questioned a check that was written for K-9 One Search and Rescue in the amount of \$500 and if the Council approved it. Franzoi explained it was from the Police Department and drug forfeiture monies were used for the donation. Tousignant responded that the Council needs to approve such expenditures.

Roll Call: Ayes – 5: Fritsche, Marcell, Baumgartner, Commenator, and Tarsi. Nays – 0. Motion carried.

**Pearson Asbestos Abatement, Inc. Invoice:** An invoice in the amount of \$2,379 from Pearson Asbestos Abatement, Inc. was approved by Commenator and supported by Marcell for inspection and asbestos, lead and cadmium sampling at 1006 W. Minckler, 706 Kofmehl Road and 123 2nd Avenue.

Roll Call: Ayes – 5: Baumgartner, Fritsche, Marcell, Commenator and Tarsi. Nays – 0. Motion carried.

**Mika Myers Beckett & Jones, PLC Invoice:** Commenator moved to approve an invoice in the amount of \$2,600 from Mika Meyers Beckett & Jones, PLC for labor attorney fees for preparation of arbitration. Fritsche seconded.

Roll Call: Ayes – 5: Baumgartner, Marcell, Fritsche, Commenator and Tarsi. Nays – 0. Motion carried.

**American Legal Invoice:** Baumgartner moved with support from Commenator to pay American Legal's invoice in the amount of \$1,136.42 for ordinance codification.

Roll Call: Ayes – 5: Fritsche, Marcell, Commenator, Baumgartner and Tarsi. Nays – 0. Motion carried.

**Tousignant's Invoice:** Commenator moved with support from Baumgartner to pay Tousignant's Invoice in the amount of \$3,432.97 for attorney's fees through May 31, 2015.

Roll Call: Ayes – 5: Fritsche, Marcell, Baumgartner, Commenator and Tarsi. Nays – 0. Motion carried.

## **UNFINISHED BUSINESS**

**FOIA Changes:** The State of Michigan has revised procedures for processing FOIA requests. Commenator moved to adopt the revised FOIA Policy under the recommendation of the City Attorney. Baumgartner seconded.

Roll Call: Ayes – 5: Fritsche, Marcell, Baumgartner, Commenator and Tarsi. Nays – 0. Motion carried.

**Proposed License Agreement – West Iron District Library:** Tousignant drafted a License Agreement for the West Iron District Library Courtyard Project. It is recommended the Library have the sanitary sewer line under the project location televised to determine the condition of the line and insurance carried for replacement costs with the City named as additional insured. Commenator moved, Marcell supported, to authorize the mayor to sign the license agreement between the City and the West Iron District Library.

Roll Call: Ayes – 5: Baumgartner, Fritsche, Marcell, Commenator and Tarsi. Nays – 0. Motion carried.

**Former Coast to Coast Building Demolition Pay Request No. 2 and Change Order No. 1:** Franzoi informed the Council that this is for work completed through May 30, 2015 in the amount of \$40,755. There is also a change order for basement wall insulation which was determined necessary to protect the basement wall from freezing. Baumgartner moved with support from Commenator to pay Associated Constructors, LLC for Pay Request No. 2 in the amount of \$40,755 and Change Order No. 1 in the amount of \$2,300.

Roll Call: Ayes – 5: Fritsche, Marcell, Commenator, Baumgartner and Tarsi. Nays – 0. Motion carried.

**Recreation Committee - Bid:** Tarsi, member of the Recreation Committee updated the Council that no bids were received for the Bachman and Nanaimo Park improvements project. A bid was received from FA Industrial, however, the Committee rejected it and would like to rebid the work with modification to the specifications to keep costs down. Commenator moved with support from Marcell to reject the bid from FA Industrial and re-bid the adjusted specifications. All in favor; motion carried.

**Solid Waste Relief from Service/Billing (Reconsideration) – B. Vajk:** Commenator moved to reject Mr. Vajk's request of reconsideration for solid waste relief from service/billing. Tarsi seconded.

Roll Call: Ayes – 5: Baumgartner, Fritsche, Marcell, Commenator and Tarsi. Nays – 0. Motion passed.

**Global Response/EDC:** Tousignant updated the Council that previously, the City agreed to convey several City lots adjacent to the Global Response business on Washington Avenue to the ~~Iron~~ *County Housing Economic* Development Corporation so they could combine City property with their own. The City instilled a reverter clause, that if the proposed additions didn't take place within one year, the lots would go back to the City. Global Response is requesting the one year clause be changed to a two year to allow them to complete the expansion. Baumgartner moved to change the reverter clause from one year to two years. Marcell supported. All in favor; motion carried.

## **NEW BUSINESS**

**Alley Abandonment – Family Dollar :** Franzoi informed the Council that SMR Acquisitions Company, LLC. is purchasing property on Adams and Cayuga Streets for a new proposed Family Dollar Store. SMR is seeking alley abandonment along with sanitary sewer line that is also located in that alley. A variance request will go before the Zoning Board of Appeals. Commenator moved with support from Fritsche to establish a public hearing on the abandonment for 1:45 p.m., July 15, 2015, and all costs associated with the abandonment are the responsibility of SMR.

Roll Call: Ayes – 5: Baumgartner, Marcell, Fritsche, Commenator and Tarsi. Nays – 0. Motion carried.

**MML Insurance Claim – K. Busakowski:** Baumgartner requested the item be tabled based on the request from Tousignant. Commenator supported. All in favor; motion carried.

**Tentative Collective Bargaining Agreement - AFSCME:** Commenator moved that a .5% wage increase starting July 1, 2015, no flex payment starting January 1, 2016 and that the City will contribute \$33.38 per employee per month for dental insurance and \$10.50 per employee per month for vision insurance starting July 1, 2015. Tarsi supported.

Roll Call: Ayes – 5: Baumgartner, Fritsche, Marcell, Commenator and Tarsi. Nays – 0. Motion carried.

**Upper Peninsula Rodeo – Sponsorship Request:** Commenator moved with support from Fritsche to sponsor the Upper Peninsula Rodeo in the amount of \$2,500.

Roll Call: Ayes – 5: Baumgartner, Marcell, Fritsche, Commenator and Tarsi. Nays – 0. Motion carried.

**West Side Veterans Council – Sponsorship Request:** Fritsche moved with support from Commenator to sponsor the West Side Veterans Council in the amount of \$350.

Roll Call: Ayes -5: Baumgartner, Marcell, Commenator, Fritsche and Tarsi. Nays – 0. Motion carried.

**Crystal Falls Lions Club – Sponsorship Request:** Commenator commented that this a very good cause, however, it is not a promotion of our community and moved that the request be rejected. Marcell seconded.

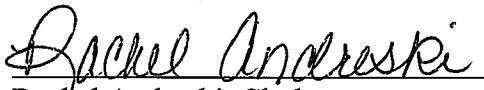
Roll Call: Ayes – 5: Baumgartner, Fritsche, Marcell, Commenator and Tarsi. Nays – 0. Motion carried.

**Nominating Petitions Available:** Tarsi announced that nominating petitions are available for Mayor, Precinct No. 1 and Precinct No. 2. Clerk Andreski noted they are due in the Clerk's Office by August 4, 2015 by 4 p.m.

**Council Member Comments:**

Tarsi asked the status of the Cloverland Parking Lot. Franzoi responded the assessor will have the information on Monday.

**Adjournment:** Baumgartner moved to adjourn at 3:36 p.m. Commenator seconded. All in favor; motion carried.

  
Rachel Andreski, Clerk