

**CITY OF IRON RIVER  
SPECIAL MEETING  
IRON RIVER CITY COUNCIL  
Wednesday, July 22, 2015  
9 AM  
Minutes**

Mayor Terry Tarsi called the meeting to order at 9 a.m., in the Council Chambers at the Iron River City Hall.

Roll Call: Daniel Baumgartner, Rick Commenator, Jere Fritsche, Edward Marcell and Tarsi.  
Absent: None.

Also present: Attorney Mark Tousignant and Interim City Manager/Clerk Rachel Andreski.

Public in attendance: Perry Franzoi, Nancy Carlson, Wendy Otto-Shimmun, Chief Laura Frizzo, Gary Burke, Bob Black, Darren and Tricia Mercier, Tom and Marilyn Peterson, Dave Sankey, Paul VanMinsel, John Cimarelli, Bill LaRock, Jack LaRock, Mike Brozak, Dave Mangone, John Otto, Andra Bernhardt-Ladd, Mike Ladd, Jim Brennan, Dave Culver, Keith Hamel, Don and Karen Patton, Al Silfven, Dennis Powell, Ray Coates, Vivian Leonoff, Patti Dzanbazoff, Robyn Webber, Wayne Koski, Bob Weeks, Wayne Maki, Kristen Meske, Elizabeth Peryam, Don Gasperini, Diane Renaud-Smith, Ben Smith (Iron County Doings) and Nikki Mitchell (Iron County Reporter).

**PUBLIC COMMENT**

Nancy Carlson said Blossom Street is in worse shape now than before the construction took place. She questioned why the Council chose to hire someone outside of our area and that the Council should keep Andreski as the City Manager.

Marilynn Peterson asked what the status today is of Mr. Franzoi at this meeting and if he was still an employee or not. Tousignant responded that he is not. Peterson stated that as he is not an employee, doesn't that eliminate the scope of discussion that is being placed. Tousignant answered that there is an item on the agenda which is a motion to rescind the acceptance of Franzoi's letter of resignation as the City Manager and that Public Comment is just that, a time to allow the public to speak. Tarsi interjected that this meeting was originally called to discuss the procedure of hiring a City Manager, but one of the Councilmembers requested a motion to rescind the acceptance of Franzoi's letter of resignation. Peterson asked why are we here to discuss a non-employee? Tarsi stated we are not here to discuss a non-employee, but getting input from the public that has comments about the past employee because of the motion to rescind the acceptance of Franzoi's resignation.

Gary Burke stated that as a former City Councilmember of Stambaugh, he understands how government works and that Franzoi was the worst City Manager that he has ever seen and that he cannot believe the Council has renewed his contract.

Al Silfven, former City Manager of Stambaugh, stated from what he has read, there are issues with the assessor, public works department and police chief. If there are all of these issues with City employees, he is not doing his job and he is being paid to resolve these issues. If you can't resolve them, then remove the employee. He firmly believes in promoting from within that if there is an opportunity to do so, and has witnessed Andreski many times as he comes into City hall. He stated she is very personable, deals with people effectively, and has been an employee long enough to

understand the problems faced in the City and if he were on the Council, he would certainly give her an opportunity to prove her worth.

Darren Mercier asked if there was a directive of how the City Council is supposed to proceed when we do not have a manager, and if it is in that protocol, does it state that it is allowed to rescind a resignation. Tousignant explained that the Charter deals with the hiring and discharge of the Manger but does not deal with resignations. The City follows Roberts Rule of Order and there does it explain how to rescind a motion and also reconsideration of a motion, meaning they have a right to change their mind. Mercier doesn't understand why the Council would choose to renew Franzoi's contract and the people of this community are the ones that elected the Council and they are speaking loudly today.

Mike Ladd indicated based on Franzoi's resignation letter, and his request to rescind the motion of the acceptance of it, an executive session meeting should be held to clarify the issues presented by Franzoi. Tarsi answered that most of the things in Franzoi's resignation letter refers to him and his intrusions. He stated he may be guilty of that but he only had one thing in mind and that was doing good things for the City. If he saw something wrong, he came in and told someone about it and that's his job. The Charter specifies it's the Council's job to talk to the Manager if they see something wrong and try and get it done. The meeting in question was requested by Chief Frizzo as she was going to resign her position. She contacted Tarsi and asked if there was anything he could do as Mayor. He responded that he can't, but maybe he and some Councilmembers can. Tarsi contacted Commenator and Marcell and asked if they would sit with the Chief, Manager and himself to try and resolve the issues at hand without attorneys. Tarsi felt there were personality conflicts with the Chief and Manager. Tarsi contacted Andreski Saturday morning and asked her if she would please advise the Manager Monday morning that they would like to get together Monday. Andreski advised Tarsi the Agenda would have to be posted within the Michigan Open Meetings Act guidelines and that she would set it up. Andreski told Franzoi about the meeting request Monday morning, he went into his office, wrote his resignation letter, put his keys on the table and stated he resigned and walked out the door.

Ladd again stated that an executive session meeting should be held with Franzoi based on the allegations stated in the resignation letter and a statement in the newspaper by Frizzo about an open investigation which is confidential. The Council should resolve all of these issues confidentially prior to the discussions of the consideration of rescinding the motion.

Mercier stated there was an incident with the Chief of Police and an executive session was called to discuss this, but the Council has not dealt with that issue, but has moved into other areas instead. Tousignant replied that the meeting was called to try and resolve the issue between the Chief of Police and the City Manager, however, the City Manager resigned, so the issues have dissolved as one of the players is gone. Fritsche added that because of the series of events that had happened with the Manager resigning, the issue is moot.

Peterson feels that the City is putting itself in a situation if it proceeds on the wrong basis regarding the status of this would be employee. She wonders if this is the proper setting for a lynching of the Manager because we could be opened up on a defamation case. That makes her uncomfortable. She asked if the meeting called was a quorum and would it require notice. She further objects to the meeting on the basis as it's deviating from the agenda as printed. It is also not appropriate to enter into a high risk situation that begs litigation down the road which is very costly.

Tousignant responded that during Public Comment, the group in attendance is given the opportunity for the public to voice their concerns. The only risk is what the Council may say.

Raymond Coates stated he had read in the newspaper where Chief Frizzo commented that there is an open investigation. Coates stated that should have been an absolute non-issue and should have never come out because the Police Officers will not divulge any information on any investigation or that if there is even one pending. The consequences can sometimes be very detrimental and should not be divulged.

Dave Sankey went on record to say that he felt he wasn't treated fairly when it came to the enforcement of ordinances. He felt that there was unequal enforcement of the ordinances and that could potentially have put the City at risk for a large lawsuit, however, he did not pursue it. He felt that Franzoi had a God complex with his power.

Paul VanMinsel added that he came to numerous meetings for almost a year asking for some bushes to be removed at an intersection as they were in violation of the City's ordinance. He also said he had submitted a Freedom of Information Act (FOIA) request some months ago and has yet to receive his answer.

Silfven observed from the majority of the sediment does not favor the rehiring of Mr. Franzoi. His suggestion is to proceed to advertise for the position, preferably someone who is local, with local ties and someone who will remain in the community for many years.

Tarsi asked Commenator to explain why he agreed to put the motion to rescind the acceptance of Franzoi's letter of resignation as the City Manager. Commenator stated that Mr. Franzoi had called him after he resigned indicating he was going to submit a letter requesting that the motion to rescind the acceptance of his letter of resignation. Under the rules of procedure in Roberts Rules of Order, the motion to rescind has to be made at the next council meeting as he understood it. He felt the Council at least owed Mr. Franzoi the discussion of re-instatement.

Wendy Otto-Shimun addressed Commenator of why does he feels he owes Mr. Franzoi this yet Mr. Franzoi obviously did not feel that he owed any of you or any of us anything when he threw his keys down and walked out the door with no notice at all.

Chief Frizzo stated she was not going to speak, however, seeing as the public has his letter of why he hastily resigned and why he would like his job back, she wanted to set the record straight. Frizzo added that in this letter he accuses her of being untruthful and that she prides herself on honesty and the only way to be a good leader is to have an honest leader. She promises that she is.

## **OLD BUSINESS**

**AFSCME Vision Insurance/Modify Insurance Policy:** Andreski shared with the Council that some research was done to find a solution to the addition of a vision insurance policy. The plan that was decided on during mediation had to have 100% participation in the City's health insurance plan. At the last meeting, it was requested the AFSCME group look into one of the other plans. Andreski sat down with members of the DPW and after consideration, rejected the other plans offered for reasons of our local optometrist did not participate in the other two offered. Andreski also contacted the City's benefit coordinator, 44 North, and was informed that the vision policy (CMI/VSP) is considered an attachment of the health insurance. There would be two members in

the police department and three administration members who would also receive the plan. Andreski recommended going with the original plan (CMI/VSP) as originally agreed upon as it will be more cost effective in the long run to avoid being in default of the initial mediation and having to face mediation again and/or arbitration.

Commenator moved with support from Baumgartner to provide the CMI/VSP optical insurance plan to settle the contract.

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

## **NEW BUSINESS**

### **Motion to Rescind acceptance of Perry Franzoi's Letter of Resignation as City Manager:**

Commenator motioned to rescind the acceptance of Perry Franzoi's letter of resignation as City Manager. Fritsche seconded. Commenator stated he had the understanding when the meeting between Chief Frizzo and Manager Franzoi was going to be held, it was going to be with the whole Council, not just Marcell, Tarsi and himself. He also stated that as the Charter is written, the Mayor did get involved in an area he should not have been involved in. He had information that was one sided and then Mr. Franzoi contacted him with different information. He felt it was the gentlemanly thing to do by granting Mr. Franzoi's request. Tarsi wanted clarification on Commenator's statement of getting involved in an area he shouldn't be. Commenator said that as the Mayor, according to the Charter, is not supposed to get involved in personnel matters. Tarsi corrected Commenator by turning to Page 5, Section 205 (b) that the City Council at any time has the right to go up to the Manager and talk to him and give suggestions and otherwise. Page 6, Section 208 Procedure Involving an Investigation: that the City Council may get involved in it.

Tarsi further stated he was very upset that this motion was even brought to the floor. He stated that the Council gave no confidence in him at all and that he has never once stepped out of bounds. Yes, he stated he was guilty of going into his office several times, sometimes closing the door to have discussions, but that's the Mayor's right, especially if the City's not being run to his liking. Tarsi asked the assessor, chief, and dpw superintendent if he had interfered in their jobs in any way and they all answered no. Tarsi also stated that not one time did the Council tell the Mayor he was going too far and interfering, but rather he was doing a good job and have confidence in him. Tarsi further stated if the Council would like him to leave the chair he's sitting in, he will be glad to follow their wishes.

Fritsche stated that the Mayor should have contacted Franzoi himself to request the meeting and then proceed. Tarsi said that he contacted Andreski to set up the meeting and that's the proper procedure, in his opinion. He further discussed how Frizzo contacted him at home that she received a text message from Franzoi at 8 p.m. and that she wants to go back to the union as a police officer. She requested that he would do something to help her as she did not want to quit her job as Chief. That's when he made the calls to set up the meeting and on Monday morning, Franzoi resigned. Commenator asked if Tarsi had contacted Franzoi to get his side of the story. Tarsi stated he did not, that Monday morning he would find out about the meeting and be able to have his say at that meeting.

Franzoi requested he be able to speak. Tarsi stated he should be able to have the floor. Franzoi tried to clarify about a check he was investigating when he was interrupted by the Mayor and Frizzo that this is considered confidential. Tousignant interjected that as long as he stays within the

confines of his letter, that is already public, and that's acceptable. Franzoi continued that he had a discussion with Chief Frizzo about a check that would be coming as she was contacted by a company looking for copies of documents. The check was dated June 10, 2015 and Franzoi received it July 8, 2015. Franzoi did research and verified that the police department had contacted this company and had provided the information to Clerk Andreski and was going to continue his investigation as there was a series of falsehoods about the situation. When he arrived on Monday morning, he found out the Chief had already contacted the Mayor and complained about him doing him doing his job. He felt that was his right and responsibility and that for the Chief to go over his head and go to the Mayor is a violation of the Charter, which he has a big problem with. Frizzo has a chain of command to follow just like all other employees, but she refused to follow. Franzoi was upset that the Mayor accepted her call, called a meeting, and did not afford him the consideration of a phone call or make him aware and that he is responsible for the organization. Franzoi further stated that by calling this meeting, the Mayor was providing an avenue to the department heads to circumvent the City Manager's authority to do an investigation and that is not what he will put up with. Once Franzoi found this out, he provided his letter of resignation. Franzoi wants to come back and correct this, but without the interference of the elected officials within the form of the Charter.

Tarsi said that maybe he should have called Franzoi over the weekend, where Franzoi stated that would have made life a lot easier and that he could have explained to Tarsi what was really going on and getting his side of the story and, in his opinion, would not have called for this meeting on Tuesday. Tarsi further added that he still felt that not even by calling Franzoi, he did not circumvent his authority as he had an employee come to him as the Mayor and he thinks the Mayor does have a say about how the City is run. Frizzo has come to him on occasion wanting to resign and the main reason was always the same. She couldn't get along with the City Manager. Tarsi still maintained that it's his responsibility as the Mayor to help keep things together. He asked Mr. Franzoi how many times has he, in an open meeting or in his office, state that he cannot keep going on not talking to the Chief of Police and the issue has to be resolved. He asked Franzoi if he would have called him, would Franzoi have met with her on Tuesday morning? Franzoi responded no. Tarsi felt that there has been enough public comment and that there is a motion on the floor.

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

**Discussion of Procedure of Hiring a City Manager:** Tarsi's opinion was to not go with the MML and liked Mr. Silfven's idea. He felt that if necessary, have an evening meeting where everyone can come and give their input on what they think a City Manager should be like. Commenator stated at this meeting they could form an advertisement based on the public's input. Tarsi added the ad could be run in the Iron County Reporter and some larger cities throughout the Upper Peninsula but would like to get moving as soon as possible. He added there be no disrespect to Andreski that in his opinion, is doing a fantastic job and has the touch.

Darren Mercier asked if the Council has considered the idea of a Council/Mayor government that smaller towns are run this way without a City Manager. With Andreski, in his opinion, doing quite well, it would be a good time to visit the possibility. Tarsi responded that the Charter would have to be revised as it's written just after consolidation with a City Manager strong form of government.

It was decided to have a "Town Hall" Special Meeting at 6 p.m. on July 28, 2015.

**Need/Authorization for Cold Patch:** Baumgartner moved to order approximately 32 tons of cold patch from Pitlik & Wick for approximately \$2,560 with support from Commenator.  
Roll Call: Ayes – 5: Fritsche, Marcell, Commenator, Baumgartner and Tarsi . Nays – 0. Motion passed.

**Council Member Comments:** None.

**Adjournment:** Commenator moved to adjourn at 11:49 a.m., with support from Marcell. All in favor; motion carried.

  
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Rachel Andreski, Interim City Manager/Clerk