

**IRON RIVER CITY COUNCIL
REGULAR MEETING
WEDNESDAY, MARCH 20, 2002
6:00 P.M.**

The meeting was called to order at 6:00 p.m. in the Legion Room of the Iron River City Hall, with Mayor Charlotte Soderbloom presiding.

The Pledge of Allegiance was recited.

Members present included Councilmen Virgil Thompson, Tom Beber, Ray Coates, Klint Safford, Mayor Charlotte Soderbloom, Attorney Mark Tousignant, City Manager Rick Commenator and City Clerk Peggy Shamion.

Bob Hagelin and Tom Karvala also attended the meeting.

Beber moved with Coates supporting to amend the agenda to include under Reports (b) DDA meeting; Old Business (c) advertise for Sewer Authority representative. All were in favor. Motion carried.

**APPROVAL
OF AGENDA**

The minutes of the regular meeting of March 6, 2002 and the special meeting of March 8, 2002, were approved on a motion offered by Thompson and support shown by Coates. All were in favor. Motion carried.

**APPROVAL
OF MINUTES**

There was no public comment.

Safford moved with Beber supporting to accept and file the Iron River Housing Commission minutes for February 2002. All were in favor. Motion carried.

**I.R.
HOUSING
COM
MINUTES**

REPORTS

The City Manager's report was reviewed. He explained that there is \$40,000 in this year's budget yet for parks and another \$20,000 in wages.

Safford informed Commenator that the \$60,000 was budget for the exclusive use in Bachman, Nanaimo and Ice Lake Parks. The tennis courts in Bachman were supposed to be fixed this year. Bacco Motors comes in and tears up the blacktop and installs new blacktop surface and Bacco Motors contracts out with a tennis company that will come in and put down the tennis court surface. Commenator said he will proceed with bidding the project for the tennis courts.

Soderbloom reported on the DDA meeting. She said it was brought up about the loitering problems in the city parking lot and the DDA feels the city is not doing enough to eliminate the loitering problem.

**DDA
MEETING**

**LOITERING
ORDINANCE
AND
ENFORCE-
MENT**

Coates commented that the kids have to do something illegal; it is a public parking lot and the kids have rights. He stated that he knows for a fact that the police are enforcing the ordinances. They are patrolling the area, kids have been arrested when there has been a problem, and tickets have been issued. The police department cannot operate above the law.

Attorney Tousignant reiterated that in regard to the Loitering Ordinance, which was adopted along with the Curfew & Parental Responsibility Ordinances, they were all adopted as a result of what was taking place in the parking lots. The police dept needed some tools to be able to arrest problems as they occur in the parking lots. The law states that in the United States there is a constitutional guaranteed right, to freedom of assembly. He noted that there was a court case in the State of Michigan that says you cannot arrest someone for simply loitering, there must be something else. If the kids are breaking the law (smoking, cursing, drinking) they can be issued a citation, which has already happened.

Safford commented, “that the proper way to handle the situation is to let the judge decide. The Police Chief and the City Attorney are not the judge and jury. We enforce our ordinances and if it comes back that we lose the cases, then we will have to rewrite the ordinance. The former Police Chief used to enforce it and we didn’t have the loitering problems, but the current police administration does not enforce the ordinances. The Police Chief’s job is to enforce the ordinance. If we direct Rick to tell Mike to enforce the ordinances and let the chips fall where they may, things will happen. Mike was previously told by this board, not to enforce the ordinances”.

Tousignant pointed out that the civil infractions that are being discussed, there are no jury trials, the judge would make a decision.

Coates noted that if you have 15 kids standing around and some one litter’s, it must be witnessed by the officer or someone else must sign a complaint.

Safford then moved to direct Manager Commenator to tell Mike Goriesky to enforce our ordinances that are on the books on Loitering, Curfew and the Parental Consent. Thompson supported the motion.

Roll Call: Ayes: 2 – Safford & Thompson Nays: 3 Motion denied.

Soderbloom clarified that her reason for voting no, is because the ordinances are already enforced. Beber felt that if the Manager sees there is a problem, he should take care of it.

Beber moved with Coates supporting to accept the reports. All were in favor. Motion carried.

OLD BUSINESS

Safford moved with Beber supporting to adopt the Cloverland Hotel resolution and send it to the State of Michigan and our representatives. All were in favor. Motion carried.

**CLOVER-
LAND
HOTEL**

Beber moved with Coates supporting to adopt the resolution to establish the Hospital Finance Authority.

**HOSPITAL
FINANCE
AUTHORITY
RESOLTN**

Roll Call: Ayes: 5 Nays: 0 Motion carried.

Beber moved with Soderbloom supporting to advertise for a replacement of our representative on the Sewer Authority. All were in favor. Motion carried.

NEW BUSINESS

Tom Karvala of the West Iron County Public Schools was present soliciting for funds to install an underground watering system on the football field at Nelson Field. The Athletic Booster Club has made a commitment contingent upon the other organizations.

**UNDER-
GROUND
WATERING
SYSTEM AT
NELSON
FIELD**

Thompson suggested to Karvala to approach the other municipalities and see if they will donate, as everyone uses Nelson Field. The city owns the field, but the school takes care of it.

Beber suggested that the year to year contract be reviewed and work up a binding agreement for several years.

Commenator noted that the water supply would have to be metered, under the ordinance.

Beber moved that the city contribute \$2,000 towards the underground water system at Nelson Field contingent upon the other three organizations participating. Safford supported the motion.

Roll Call: Ayes: 5 Nays: 0 Motion carried.

Beber then moved to allow the school permission to install the underground watering system at Nelson Field, if the money is all collected. Thompson supported the motion.

Roll Call: Ayes: 5 Nays: 0 Motion passed.

COMMISSIONER COMMENTS

Safford asked if at the next meeting, the City Attorney's would present an opinion as to whether or not the Commission has an Oath of Office, that says they will uphold the ordinances and does the Charter also direct the Commission to do that.

**VIOLATION
OF OATH OF
OFFICE BY
BOARD**

Coates moved with Thompson supporting to adjourn the meeting at 7:18 p.m. All were in favor. Motion carried.

Peggy Shamion, CMC
City Clerk