

**IRON RIVER CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JUNE 4, 2003
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, City Manager Rick Commenator, City Attorney Mark Tousignant and City Clerk Peggy Shamion.

Barbara Howell, Dan Fish, Tom Mayo, Bernie St. Germain, Pete Korach, Kim Timbrook and Ben and Diane Smith also attended the meeting.

Additions to the agenda included under Consent Agenda 7 (f) May check register; Reports (d) Legal report; Financial 9 (d) Attorney invoice and Old Business 10 (d) Acquisition of State owned property. Safford moved with Coates supporting to approve the amended agenda. All were in favor. Motion passed.

**APPROVAL
OF AGENDA**

Minutes of the regular city meeting of May 21, 2003 and the budget hearing of May 28, 2003 were approved on a motion from Thompson and Beber supporting. All were in favor. Motion carried.

**APPROVAL
OF MINUTES**

PUBLIC COMMENTS

Pete Korach reminded the board that the fences around the mine property are in rough shape. He also questioned when work was going to be done with the roads in the former Mineral Hills area.

**PETE
KORACH –
FENCES IN
MH**

Manager Commenator will speak to Dick Anderson about repairs to the roads. He also asked Korach if he would meet with him and bring him around to show him all the mining areas.

Kim Timbrook spoke next about a tree issue on her property on W. Boyington St. Previously, Fran Wills, Iron River Housing Director (across alley from Timbrook) hired someone cut her trees down when she was away. She felt she lost her privacy and wants the trees replaced. She submitted estimates to replace the trees, which totaled approximately \$5,000.

**KIM
TIMBROOK –
TREE ISSUE
WITH I.R.
HOUSING
DIRECTOR**

Mayor Soderbloom informed Timbrook that the city has no control over the Housing Commission or their actions.

Mayor Soderbloom moved to have Manager Commenator write a letter, to the director and Board of the Iron River Housing Commission notifying them that we have received a complaint about the issue and ask them to resolve it. Beber supported.

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

The Consent Agenda which consisted of Iron River Housing Commission minutes of April 8, 2003, Election Commission minutes of May 19, 2003, WICSA Board minutes of April 28, 2003, Watershed Council minutes of May 5, 2003, the DDA Minutes of April 15, 2003 and the May check register, was approved on a motion from Coates with Thompson supporting. All were in favor. Motion carried.

**CONSENT
AGENDA**

Department reports were accepted on a motion by Coates with Thompson supporting. All were in favor. Motion passed.

**DEPRMT
REPORTS**

Attorney Tousignant gave an update on legal issues. He informed the Board that Stambaugh Cable Company would like to be included in the Iron River Cable Franchise. The Public Hearing for the Ordinance will be held on June 18, 2003 in conjunction with the regular meeting.

**STAMBO
CABLE -
JOIN CITY
FRANCHISE**

In regard to the Erosion Control Project, Attorney Tousignant has written letters to the parties that the city feels are responsible for the problem. The city is pursuing grants and easements to correct the problem. In conjunction with that, Tousignant was asked to draft 3 easements to allow the construction and placement of the erosion control structure and to date, he has only received one easement back. One of the people we need the easement from is one of the people responsible for causing the problem. (owner of the Dollar Store)

**EROSION
CONTROL
PROJECT
AND CAUSE
OF IT**

Quiet Title action is proceeding for the property in Mineral Hills. The publication has been appearing in the paper to locate the other owner of the property and after that we can have a default hearing.

**QUIET TITLE
ACTION ON
POWELL
PROPERTY
IN MINERAL
HILLS**

The billboard that has been erected near McDonald's is in violation of the variance that had been previously granted, as it is oversized. The owner of the property has indicated that he wants to do more as far as signs. This is not what the Zoning Board of Appeals had previously granted and the owner has been notified that this is not permissible.

**BILLBOARD
NEAR
MCDONALD
S**

Tousignant pointed out that when the Zoning Board of Appeals considered the owner of the billboards request, they considered it as one large lot, not as parcels of four different lots. That was the consideration for granting the variance. After some research that Tousignant did, he verified that two of the lots (8&9) are not owned totally by the person who erected the signs, they are owned by the State of Michigan.

Before filling out an application for the Zoning Board of Appeals, you must have total ownership of the property, and in this case the city was deceived.

**BILLBOARD
NEAR
MCDONALD
S**

During the winter months the DPW compiled a map of all areas that had freezing water/sewer problems. Tousignant presented this map to the board to show the problem areas. STS Consultants and the DPW measured the dept of the pipe in a few problem areas. East Hemlock, Riverside and E. Ross areas were a problem. Both areas have been repaired at the contractor's expense.

**WATER
FREEZE UPS
ON NEW
LINES**

Three other areas that have not yet been dealt with are Minckler & 7th Ave., Minckler & 8th Ave. and 8th Ave & Maple St. (valve had been turned off may have caused a problem during winter)

Tom Mayo told the board that documentation has been received that the contractor will repair at his expense.

FINANCIALS

Thompson moved with Coates supporting to approve payment of STS invoice for \$1,754.25 for Nelson Field engineering.

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

Coates moved with Thompson supporting to approve payment to STS Consultants for invoice of \$2,443.67 for sewer application.

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

Tom Mayo gave an update on the water project. He suggested again of using the joint check system when payments are distributed. Mayo also recommended getting a list of outstanding subcontractors and vendors along with requesting lien waivers from Alliance Construction.

**WATER
PROJECT
UPDATE**

Beber moved with Thompson supporting to approve payment packet #17 for the water project with the stipulation that joint checks will be issued for the outstanding subcontractors and we request monthly lien wavers from Alliance Construction.

**APPROVE
PYMT
ESTIMATE
#17**

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

Attorney Tousignant's May bill was approved for payment by a motion from Safford and Coates supporting.

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

OLD BUSINESS

Manager Commenator informed the board that a subcommittee met with Stambaugh Township regarding the sewer issue. Commenator told the township that the city is not interested in accepting ownership or responsibility for the sewer line serving Sunrise Ave. They were

**SUNRISE
AVE
SEWERS**

then advised that they need to contact the Sewer Authority to bring their system up to standards. The city would consider an agreement similar to what they have with Iron River Township, to allow transmission of their waste through our system to the treatment plant. Commenator did tell them that after their system is upgraded, the city might consider expanding the agreement to include routine maintenance of the sewer line.

**SUNRISE
AVE.
SEWERS**

The Ben Smith road abandonment (Amber St.) was discussed next. Commenator and Dick Anderson walked the right-of-way strips through the outlot that was purchased by Mr. Smith. They found that the city has utilities running east/west along the extension of Amber St. There is also a water line in the 60' strip that is the extension of Wilson Ave and a 60' right-of-way marked off the east end of this outlot, which would be an extension of Harding Ave.

**BEN SMITH
STREET
ABANDON-
MENT ON
AMBER ST.**

Commenator felt that the city can not abandon the utilities because they serve existing parcels and or serve as loops to circulate water in our system. He felt that selling any of these strips of land would not serve any public purpose.

Thompson moved to go along with the Manager's recommendation and retain ownership as is, on outlot 5. Safford supported the motion.

Roll Call: 4 Nays: 1 – Beber Absent: 0 Motion carried.

At the last meeting, Dr. Han requested the city split the cost to replace the sidewalk in front of his office at 417 Washington St. Due to the wording of the City Sidewalk Ordinance, it was suggested that a policy be adopted to protect our annual budget.

**SIDEWALK
REPLACE-
MENT
POLICY IN
CITY**

Manager Commenator drafted a policy which would state: Upon receipt of a "sidewalk petition" for the repair/replacement of a sidewalk adjacent to a commercial business, outside the DDA District, the city will share 50% of the cost, up to \$3,000 per property. For sidewalks adjacent to residential property, the city will finance the repair/replacement, within available budgeted funds, and assess the cost to the property owner. Should more petitions be received than available funds, in any one year, they will be handled on a first come basis. Projects not funded in a budget year will be given priority from the next available budget.

Safford moved with Coates supporting to approve the revised draft sidewalk repair/replacement policy as outlined by Manager Commenator.

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

Safford then moved to approve a 50% match for replacement of Dr. Han's sidewalks at a cost of \$1,735.00. Coates supported the motion.

**APPROVE
50% PYMT
FOR DR.
HAN'S SIDE-
WALKS**

Roll Call: Ayes: 4 Nays: 1-Soderbloom Motion passed.

Manager Commenator informed the board that the city can purchase tax reverted land owned by the state by adopting a resolution and pay a minimal fee of \$300 for up to 5 parcels. He had listed 5 parcels that he would like to clear up title on.

Safford moved with Coates supporting to purchase the 5 parcels of tax reverted land owned by the state outlined by the manager (see attached list), at a cost of \$300.

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

NEW BUSINESS

Safford moved with Beber supporting to approve a contract with STS Consultants Ltd. to complete our wellhead protection Program in the amount of \$15,250.

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

COMMISSIONER COMMENTS

Coates asked what the status is on the atrocities around town such as Cloverland Bar and Central School. Manager Commenator said he is at a loss of what to do, as letters have already been sent to our legislature who have sent letters on behalf of us and nothing is getting done.

Attorney Tousignant said the city has civil infraction violations and should write the state up.

Commenator told the board that the DPW crew will begin tearing the tennis courts up to prepare it for resurfacing.

Beber moved with Thompson supporting to adjourn the meeting at 7:25 p.m. All were in favor. Motion carried.

Peggy Shamion, CMC
City Clerk