

**IRON RIVER CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JULY 16, 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.

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

Craig Tarsi, Roy Polich, Mark Gasperini, Richard & Gale Hill, Bernie St. Germain, Arthur Scheck and George Treado, all attended the meeting.

Thompson moved with Coates supporting to approve the agenda as presented. All were in favor. Motion carried.

**APPROVE
AGENDA**

Minutes of the regular meeting held on July 2, 2003 were approved on a motion from Thompson with Coates supporting. All were in favor. Motion carried.

**APPROVE
MINUTES**

There were no public comments at this time.

Coates moved with Thompson supporting to approve the Consent Agenda which consisted of: WICSA minutes of 5-27-03, Election Commission minutes of 7-2-03, Watershed Council minutes of 6-2-03, Planning/Zoning Board minutes 04-24-03, Stambaugh Housing Commission minutes of 6-10-03 and Iron River Housing Commission minutes of 6-10-03. All were in favor. Motion carried.

**CONSENT
AGENDA**

The Manager's report was discussed. Commenator informed the board, that the Recreation Board determined that the parks in the Spies Location could be abandoned. He has been approached by an individual inquiring about purchasing the property for a home building site.

**MANAGER'S
REPORT**

Thompson thought that according to the zoning, he thought the property could only be used for a recreation site.

South of Grant Street is a vacant piece of ground that the city owns part of and he wondered about selling it. Thompson thought the same circumstances applied to this property. Manager Commenator asked if there aren't any restrictions on the property, could he proceed and find out what the individual is considering building on the property.

Previously, a complaint was received from a resident on Franklin Street regarding two structures assembled on the neighbors property, without building permits. After an investigation, Manager Commenator determined that a garage was built in approximately 2000, but has not been verified. The City Assessor did add the structure to the tax roll.

**FRANKLIN
ST.
NEIGHBOR
COMPLAINT
REGARDING
GARAGE
AND
CARPORT
BUILT**

The second structure, a carport was built in 2000, without a land use permit. Both structures appear to be close to the side lot line.

Commenator added that the complaining party also contends that the first structure encroaches on the undeveloped alley at the rear of the property. If this is the case, then the garage on the adjoining property to the east is also encroaching, based on the position of the existing fence line. If the board wishes to pursue this complaint further, they need to authorize a survey of the alley and the side lot line between the two parties.

After some discussion, Coates moved with Soderbloom supporting to get an estimate of the cost of surveying the property in question.
Roll Call: Ayes: 5 Nays: 0 Motion carried.

Craig Tarsi missed the Public Comment in the meeting and asked if he could bring up some questions, regarding the new water ordinance that was adopted. First of all he questioned why approximately 40 users used no water. After reviewing the sheet of paper he was referring to, he was told by the Clerk that those are people with 2nd meters (garden meters) and they are only billed during the summer.

**WATER
RATE
DISCUSSION**

Tarsi felt that there should have been more meetings by the Committee that was formed. He thought that 18 businesses were in question and a few he mentioned were Jim Quayle's business (3), Hoop's Coop (2), Flowers Plumbing (2), Saigh's Apt. (?) and Oberlin's (2).

Tarsi also pointed out what he felt were inconsistencies in the new ordinance.

Roy Polich expressed his views and stated, "that the ordinance is unconstitutional and unenforceable and it would not be imposed in any property I own". He stated that most of the tenants in his building don't have running water and now the city wants to charge them a flat rate as a user.

Richard & Gale Hill spoke up and said that he has been overcharged on his building at 230 Washington Ave. for 6 years and were wondering if they could get some sort of reimbursement.

Beber moved with Coates supporting to approve payment to STS Consultants of \$1,307.75 for Nelson Field engineering.

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

Safford moved with Beber supporting to approve payment for invoice to STS Consultants for \$956.30 for Sewer Application costs

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

**APPROVE
PYMT TO
STS FOR
SEWER
APPL**

Coates moved with Beber supporting to approve payment for invoice to STS Consultants for \$541.75 for the Erosion Project.

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

**APPROVE
PYMT TO
STS FOR
EROSION
PROJ**

Beber moved with Coates supporting to approve payment to U.P. Engineers for \$880.00 (which is reimbursable) for the Apple Blossom Trail Project.

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

**APPROVE
PYMT TO UP
ENGINEERS
FOR APPLE
BLOSSOM
TRAIL**

OLD BUSINESS

Two bids were received for trash collection. Waste Management bid \$4.35/site plus \$65.40/ton for weekly collection. GAD's bid for the same was \$6.20/site plus \$40.85/ton. Based on 1440 sites & 96 ton average, Waste Management's cost would be \$12,742.40 and GAD is \$12,849.60.

**TRASH
COLLECT-
ION BIDS**

GAD also offered a flat rate option of \$8.90/site with no tonnage charges that would equal \$12,816.00/month for 1440 sites.

Waste Management would not charge us for recycling but GAD would charge \$400/month.

General pickup would be 3hrs/2 trucks and Waste Management would charge \$65.40/ton, while GAD would charge \$40.85/ton plus \$450 for 2 trucks.

Both proposals would be for a 3 year contract with the increase of the cost of living index.

Manager Commenator recommended contracting with Waste Management.

With that, Safford moved with Beber supporting to have Waste Management present the city with a formal contract.

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

Roy Polich spoke on behalf of Mark Gasperini. Their concerns were in relation to the news story reported from the meeting of June 4, 2003. They were concerned about derogatory statements about Mr. Gasperini and also the motion that was passed in relation to purchasing state owned interest in property in the Hanna Plat. They are under the impression that the property the city is attempting to acquire, is property in which Mr. Gasperini owns a majority interest in.

**MARK
GASPERINI
BILL-
BOARDS**

Polich explained that previously a variance was requested in November and approved in December, to allow the sign that is erected, to be placed there, on specific parcels. The specific parcels where the sign went on, Mr. Gasperini owns entirely. The additional pieces of property in that area, he owns a majority interest in.

**GASPERINI
VARIANCE
ON
BILLBOARD
SIGNS**

Polich asked if it was still the city's current position that a zoning violation of the ordinance is in effect.

Manager Commenator responded that the property that Mr. Gasperini submitted to the Zoning Board of Appeals encompassed all of that parcel of property, including the parcels of property, which are partially owned by the state. That entire parcel was granted a variance at Mr. Gasperini's request.

Mr. Gasperini does not feel that there is an ordinance violation because the signs measure 320 square feet, but there is no mention what size the structure must be. The sign panels fit within the variance that was allowed. The area between the two signs is 6" and that gives the additional square footage being in question.

They are requesting that the council correct the falsehoods published in the paper and rescind the motion to purchase minority interest in the property that Mr. Gasperini is part owner in.

Soderbloom moved to table any decision and refer it to the City Attorney for clarification and report back at the next meeting. Coates supported the motion. (Safford asked for the discussion to go into executive session at the next meeting and Tousignant said he would let the board know by then)

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

Manager Commenator spoke to the State of Michigan and the city's petition for the deed for the property next to Mr. Gasperini's, has been approved and is being drafted. They had no recollection of anyone contacting them regarding this parcel of property.

Attorney Tousignant explained that Mr. Gasperini came to a Zoning variance meeting and advised the board that he owned all of the property that was set forth in the map, including lots 9 & 10. If you look at his application lots 9 & 10 are there and the Zoning Board of Appeals considered the entire parcel of that property, in granting the variance and they believed Mr. Gasperini when he said he owned these properties.

Beber moved with Coates supporting to postpone work on Nelson Field Concession Stand until spring. All were in favor. Carried

**NELSON
FIELD CON-
CESSION
STAND**

Per the consent agreement with the DEQ, the city is required to increase the minimum sewer rate and commodity charge by the construction cost of living index each July. This only applies to the

reserve portion of the rate, which was established under the consent agreement. This year the minimum charge has to increase by \$0.16 cents and the commodity charge by \$0.03 cents. South minimum would be \$22.00, Central will be \$24.00 and North will be \$24.00. The Commodity charge will be \$3.20 for each area.

**SEWER
RATE
INCREASE
PER DEQ
CONSENT
ORDER**

Beber moved with Safford supporting to establish a public hearing for the consideration of sewer rates in conjunction with the next regular council meeting. All were in favor. Motion carried.

NEW BUSINESS

Beber moved with Soderbloom to seek requests for proposals for codification, as per outlined by the City Charter.

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

**SEEK
PROPOSALS
FOR CODIFI-
CATION**

Coates moved with Beber supporting to appoint Charlotte Soderbloom to the Zoning/Planning Board for another 1 year term. All were in favor. Motion carried.

**RE-APPOINT
MENTS TO
ZONING/PLA
NNING
BOARD FOR
1 YEAR**

Coates moved with Beber supporting to appoint Jere Fritsche to the Zoning/Planning Board for another 1 year term. All were in favor. Motion passed.

Coates moved with Beber supporting to appoint Jody Tarsi to the Zoning/Planning Board for another 1 year term. All were in favor. Motion passed.

Coates moved with Beber supporting to appoint W.R. Commenator to the Zoning/Planning Board for another 1 year term. All were in favor. Motion carried.

George Health's position on the Zoning/Planning Board is vacant as he got transferred downstate.

Beber moved with Safford supporting to re-appoint Rich Bekkala to the Zoning Board of Appeals for a 3 year term. All were in favor. Motion carried.

**ZONING
BOARD OF
APPEALS
APPOINT-
MENTS**

No communication has been received from Krist Atanasoff for interest in re-appointment to the Zoning Board of Appeals.

Lloyd Fairbanks has expressed a willingness to serve on the Zoning Board of Appeals.

Beber moved with Safford supporting to appoint Lloyd Fairbanks to the Zoning Board of Appeals for a 3 year term. All were in favor. Motion carried.

**AMEND-
MENT TO
APPLE
BLOSSOM
TRAIL**

Beber moved with Safford supporting to sign amendment #1 for the Apple Blossom Trail for engineering.

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

COMMISSIONER COMMENTS

Manager Commenator brought up the fact that according to the new water ordinance Iron River North will be billed on usage beginning September 1, 2003.

**I.R. NORTH
BILLING ON
WATER**

Thompson reminded the board that the agreement before consolidation was that there would be no billing on usage until a water project was done.

Clerk Shamion informed everyone that both Iron River Central and Iron River South both were billed a year in advance before each of their projects began.

The Council agreed that they would hold off and not bill Iron River North on usage yet.

Safford has received complaints regarding dust in alley's in the Virgil Location, and asked if chloride could be put down.

Safford also questioned status on tennis courts. Commenator responded that he is getting no response to his calls to Bacco Construction regarding blacktopping. Members of the board suggested looking for another contractor.

**TENNIS
COURTS**

Also reported was no bids were received for the concrete work at the Skateboard Park. Commenator did get a lead on another contractor that he will contact.

**SKATE-
BOARD
PARK**

Thompson asked about the regrading the ditch on Homer Road and Commenator said he felt they were not done in that area yet.

Beber moved with Thompson supporting to adjourn the meeting. All were in favor. Motion carried. Meeting adjourned at 7:50 p.m.

**Peggy Shamion, CMC
City Clerk**