

**CITY OF IRON RIVER
REGULAR MEETING
Wednesday, July 15, 2009
2 PM
Minutes**

Mayor Roger Zanon 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: Edward Marcell, Ray Coates, Thomas Beber, Michael Brozak and Zanon.

Absent: None.

Also present: Manager John Archocosky, Attorney Mark Tousignant and Clerk Kathy Anderson.

Added to agenda: 7. Consent Agenda h) June 2009 DDA/TIF Report; **9. Financials** b) June 30, 2009 Budget Amendments; c) June 09 Financials; and **10. Unfinished Business** b) West Iron County Public Schools Letter.

Beber moved to approve the agenda as amended. Brozak seconded.

Roll Call: Ayes – 5: Coates, Marcell, Brozak, Beber, Zanon. Nays – 0. Motion carried.

Public in attendance: Due to recent negotiations concerning the West Iron County Public Schools (WICPS) use of Nelson Field, many citizens from the community were in attendance. Reporters Wendy Shimun (WIKB) and Ben Smith (Iron County Doings) were present.

Coates moved; Marcell seconded; to accept the following Iron River City Council Minutes:

- 06-17-2009 Public Hearing
- 06-17-2009 Regular Meeting
- 07-02-2009 Public Hearing

Roll Call: Ayes – 5: Beber, Brozak, Marcell, Coates, Zanon. Nays – 0. Motion carried.

PUBLIC COMMENT

Due to negotiations between the City of Iron River and the WICPS for the schools continued use of Nelson Field, a large number of citizens attended the meeting to voice their concerns regarding the City's request for an annual rental fee of \$12,000. The former City of Stambaugh charged the WICPS \$9,500 per year for use of the field. Since consolidation in 2000, the City of Iron River has granted requests from the School to forgive the annual rental fee so the School could complete improvements to the grandstand and other school related equipment. A lengthy discussion followed regarding maintenance of the grounds, the cost for the City to maintain the field, the School's exclusive use of the field, and the state of the School's budget.

County Commissioner Rosalie King reported that the County Board discussed but has not made a decision on the GIS mapping proposal that was received from WUPPDR. She feels the units of government should make the decision on who they wish to engage in a contract with, and if the cost should go over what the County has committed, that local participants pick up the difference. It now appears the County Board wants to accept the only proposal that was offered from WUPPDR. The Board will take the issue up again at its first meeting in August. She encouraged all local units who wish to participate attend the meeting.

EDC Director Julie Melchiori suggested the School may want to consider a recreation millage in the future for maintenance at Nelson Field, as well as the Middle School building which has been closed due to decrease in enrollment and state funding.

CONSENT AGENDA

Beber moved; Coates seconded; to accept the Consent Agenda which included the following:

- a) 6-8-09 Iron County Planning Commission Minutes
- b) 2009-2010 WICSA Budget
- c) 6-22-09 WICSA Agenda
- d) June 09 IRPD Report
- e) 7-15-09 Pending Issue List
- f) 7-15-09 Monthly Activity Report
- g) 7-15-09 Finance Audit Committee Packet
- h) June 09 DDA/TIF Report

Roll Call: Ayes - 5: Brozak, Marcell, Coates, Beber, Zanon. Nays - 0. Motion carried.

REPORTS

Attorney: The Attorney Report was reviewed. A Civil Rights complaint has been filed against the Iron River Police Department. This is the second complaint filed against the City by the same individual. Tousignant has reviewed, and finds the conduct of the Police Department to be appropriate.

A meeting with Stambaugh Township representatives concerning annexation was productive. He will draft a 425 Agreement for review.

Beber moved to accept the Attorney Report. Marcell seconded. All in favor. Motion carried.

FINANCIALS

June 09 Check Register: Beber moved to accept. Coates seconded.

Roll Call: Ayes – 5: Brozak, Marcell, Coates, Beber, Zanon. Nays – 0. Motion carried.

June 30, 2009 Budget Amendments: Budget Amendments to close-out the 2008-2009 fiscal year provided by Treasurer Johnson were reviewed.

Beber moved to accept June 30, 2009 Budget Amendments as presented. Coates seconded.

Roll Call: Ayes -5: Brozak, Marcell, Coates, Beber, Zanon. Nays – 0. Motion carried.

June 09 Financials: Brozak moved to accept. Marcell seconded.

Roll Call: Ayes – 5: Beber, Coates, Marcell, Brozak, Zanon. Nays – 0. Motion carried.

UNFINISHED BUSINESS

GIS Contract Proposal: The County Board has not come to a consensus on a GIS Contract. The City has already appropriated money for GIS mapping. Archocosky recommends a committee be formed to review proposals that have been received (WUPPDR and AECOM). Beber and Zanon volunteered to sit on the GIS committee along with Archocosky and Tousignant.

Coates moved to appoint Beber, Zanon, Archocosky and Tousignant to a GIS Mapping Committee, and select a provider. Beber seconded.

Roll Call: Ayes – 5: Brozak, Marcell, Beber, Coates, Zanon. Nays – 0. Motion carried.

West Iron County Public Schools Letter: WICPS Interim Superintendent Chris Thomson provided a letter to Archocosky prior to the meeting. Contents of the letter refer to the negotiations for WICPS continued use of Nelson Field. He requested that the already agreed upon 45 day extension that was decided on, be extended to June 30, 2010. School Board member Rob Possanza spoke on behalf of the Board. It is his understanding that the time table was to be extended to January 2010, with negotiating to begin right away.

Beber moved to respond to WICPS at our earliest convenience and the Nelson Field Committee may make a decision to approve an extension as they see fit. Zanon seconded.

Roll Call: Ayes – 5: Brozak, Marcell, Coates, Beber, Zanon. Nays – 0. Motion carried.

NEW BUSINESS

Middle School Project: In March 2009, the WIC Board of Education closed the Middle School due to budget issues. WIC Board Member Gary Pisoni provided the Council with a memo that was sent to Community Members from the West Iron County Building and Site Committee on June 19, 2009, regarding the future of the Middle School building.

The Committee is hoping to create a non-profit organization as soon as possible and later, an authority to utilize the building. The Committee has approached other area communities and asked for a financial commitment to keep the building going. Two smaller communities have committed \$5,000 each and the City was asked to commit \$10,000, as we have a larger population.

Coates asked how the City could donate money to an organization that does not exist. Pisoni stated they are only looking for a commitment at this time. EDC Director Melchiori indicated that the School would be willing to enter into an agreement with the EDC and they would commit one or more members to represent the Organization/Authority, and that they have been working closely with the School to move the project along. Beber hopes the Organization/Authority is balanced; Tousignant suggested monetary involvement be based on State Equalized Value, rather than population. Archocosky suggests we commit, as we have a stake in the future of the building, and that we share any financial commitment with the Downtown Development Authority.

Zanon moved that the City be committed to participating in the formation of an Authority for the salvation of the Middle School building, with a dollar amount to be decided at a later date. Beber seconded.

Roll Call: Ayes – 5: Brozak, Coates, Marcell, Beber, Zanon. Nays – 0. Motion carried.

RESOLUTION MIDDLE SCHOOL: In an effort to prevent the City of Iron River from being burdened with the WIC Middle School building should the district abandon the building, Tousignant provided a Resolution, whereas it requests the WICPS District take responsibility for the Middle School building. Zanon read aloud the Resolution.

Coates moved to adopt the West Iron County Middle School Resolution. Marcell seconded.

Roll Call: Abstain – 1: Brozak. Ayes – 4: Beber, Marcell, Coates, Zanon. Nays – 0.

Motion carried.

RESOLUTION SRF SEWER SYSTEM IMPROVEMENTS PROJECT – AECOM: Bids were sought and received for the SRF Sewer System Improvements Project. Seven bids were received and opened on July 10, 2009. The lowest bid was submitted by Hebert Construction Co. of Iron River, Michigan. Craig Richardson of AECOM recommends awarding the bid to Hebert Construction in the amount of \$874,433.64. The base bid is lower than what was budgeted, so Richardson recommends addition of Alternate 'A' in the amount of \$62,049.13, which brings the total to \$936,482.77.

Coates moved to adopt a Resolution to tentatively award the SRF Sewer System Improvement Project contract to Hebert Construction in the amount of \$936,482.77. Zanon seconded.

Roll Call: Ayes – 5: Beber, Brozak, Marcell, Coates, Zanon. Nays – 0. Motion carried.

SRF BOND ORDINANCE: Ordinance Number 29 which provides for the issuance and sale of revenue bonds to pay the cost of the SRF Sewer System Improvement Project was discussed. Tousignant advised the third paragraph of the letter received from Miller Canfield that explains Public Act 94, be included in the introduction of the Ordinance.

Brozak moved to introduced and adopt Ordinance Number 29; seconded by Coates; and per Tousignant add the following: Please note that Act 94, Public Acts of Michigan, 1933, as amended

("Act 94"), the statute under which this ordinance is adopted, provides that the ordinance may be adopted at the same meeting at which it is introduced even though the City may generally follow a different procedure for approving ordinances. This decision is up to the City. However, for references, Section 6 of Act 94 states: "An ordinance adopted under this act shall become effective upon its adoption unless otherwise specified in the ordinance." Section 25 of the ordinance provides for immediate effect upon adoption and publication. Section 6 of Act 94 also states: "Except as otherwise provided in this act, this section shall constitute the sole requirements in respect to the adoption and publication of an ordinance and shall not be limited by a [sic] charter or statutory provisions."

Roll Call: Ayes – 5: Beber, Marcell, Coates, Brozak, Zanon. Nays – 0. Motion carried.

NOMINATING PETITIONS: Nominating petitions are now available at the Clerks Office for expiring terms of 1 council member in Precinct No. 1 and Precinct No. 3. Petitions must be returned no later than 4 p.m., August 4, 2009.

LIQUOR LICENSE TRANSFER: Coates moved to adopt a Resolution which transfers ownership of liquor license for 101 Genesee Street, from the Miner's State Bank to Double D Freedom, Inc. Brozak seconded.

Roll Call: Ayes – 5: Beber, Marcell, Brozak, Coates, Zanon. Nays – 0. Motion carried.

COUNCIL MEMBER COMMENTS

Beber noted that some residents in the Wakefield area are not in favor of the four-lane conversion on US-2; speed has picked up.

A thank you note was received from the UP Championship Rodeo Committee for putting up the Rodeo banner.

ADJOURNMENT

Marcell moved; Brozak seconded; to adjourn at 4:02 p.m. All in favor. Motion carried.

Kathy L. Anderson, City Clerk