

### Proceedings of the Ironwood City Commission

A Regular Meeting of the Ironwood City Commission was held on September 10, 2007 at 5:30 P.M., along with a Public Hearing at 5:10 P.M. took place in the City Commission Chambers, Second Floor of the Municipal Memorial Building in the City of Ironwood, Michigan.

1. Mayor Noren opened the Public Hearing at 5:10 P.M.
2. Public Hearing: To hear comment relative to the abatement of public nuisances (blight) at the following locations:

516 Birch Street  
380 Aspen Street  
213 Bonnie Street  
VanBuskirk Road (Parcel #52-26-226-100)

City Manager Erickson addressed the City Commission stating the Blight Enforcement Officer Travis Smee inspected the properties today to see if they complied with the new City of Ironwood Ordinance. Mr. Erickson informed the City Commission according to Travis, none of these properties are in compliance.

Commissioner Key questioned if the property on VanBuskirk Road had any buildings on it. City Assessor/Building Inspector Dennis Hewitt confirmed.

Blight Enforcement Officer Travis Smee addressed the City Commission and handed out pictures of the blighted properties for the City Commission's review.

Sylvester Rush, of 532 E. Birch Street and Leland Sarment whose girlfriend lives at 418 Bonnie Street addressed the City Commission expressing their dismay with the properties in their area.

John Harteloo, of 213 Bonnie Street owner of one of the properties in question addressed the City Commission requesting an extension of time until October 1<sup>st</sup> to clean up his property. After a lengthy discussion and comments from Blight Enforcement Officer Travis Smee and the City Attorney A. Dennis Cossi, the City Commission felt Mr. Harteloo had been given ample time to clean up. City Attorney Cossi recommended the City Commission take action.

John Cain, of 407 S. Suffolk Street urged the City Commission to support the decision of the Blight Committee and the enforcement of the ordinance. Jim Peterson of 357 Midland also urged the City Commission to take a stand and put a stop to this problem right now. Further discussion of this matter took place.

3. Mayor Noren closed the Public Hearing at 5:35 P.M.
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A. Mayor Noren called the Regular Meeting to Order at 5:35 P.M.

B. Recording of the Roll.

PRESENT: Commissioner Adams, Kasieta, Key, Toth, and Mayor Noren.

ABSENT: None.

C. Approval of the Consent Agenda.\*

\*1) Approval of Minutes – August 27<sup>th</sup> Regular City Commission Meeting.

\*2) Review and Place on File:

- a) Ironwood Carnegie Library Meeting Minutes of June 26<sup>th</sup> & July 17<sup>th</sup>.
- b) Downtown Ironwood Development Authority Meeting Minutes of August 23.
- c) Ironwood Planning Commission Meeting Minutes of August 1<sup>st</sup>.

- \*3) Scheduling a Public Hearing for Monday, September 24<sup>th</sup>, at 5:15 P.M. for the purpose of discussing a \$12,000 USDA Rural Development Patrol Car Grant.
- \*4) Scheduling a Public Hearing for Monday, September 24<sup>th</sup>, at 5:20 P.M. for a Use Variance request submitted by Steve Anderson, (DBA Liberty Drywall)
- \*5) Approval of use of City Manager's vehicle for Code Enforcement Officer.
- \*6) Authorize request for proposals (RFP) for survey, design, and project management services for proposed water and sewer improvements Phase I- Jessievile Area Project.

*Motion was made by Adams, seconded by Kasieta to approve the Consent Agenda as amended removing items \*5) Approval of the use of City Manager's vehicle for Code Enforcement Officer and \*6) Authorize request for proposals (RFP) for survey, design, and project management services for proposed water and sewer improvements Phase I- Jessievile Area Project placing them on the regular agenda under J1 and J2 respectively. Unanimously passed by roll call vote.*

D. Approval of the Agenda.

*Motion was made by Kasieta, seconded by Key and carried to approve the agenda as presented.*

E. PRESENTATION: SEH Project Manager, Susan Wojtkiewicz, PE.  
(RE: Report on feasibility study for Water System Improvements).

SEH Project Manager Susan Wojtkiewicz, P.E. gave a presentation to the City Commission regarding the City of Ironwood's feasibility study for Water System Improvements. One of the recommendations was to replace the three (3) high lift pumps of 1900 vintage. She noted City Staff find it difficult to maintain and repair the pumps due to the availability of parts. She also suggested adding some type of mixing device to the Mt. Zion reservoir. Ms. Wojtkiewicz, P.E. presented the feasibility report to the City Commission. Further comment was received.

Mayor Noren suggested the City Commission review the report and if they have any questions forward them on to SEH Project Manager Susan Wojtkiewicz.

F. PRESENTATION: City Attorney A. Dennis Cossi  
(RE: Open Meeting Act)

City Attorney Cossi addressed the City Commission with his opinion on the appointment of Mr. Key stating the City Commission had a duly noted meeting in which the issue of appointment came before the City Commission. He further noted the City Commission voted to appoint Mr. Key and that cures any potential defects or problems with the appointment.

City Attorney Cossi also gave his opinion on the violation of the Open Meetings Act. He informed the City Commission the Attorney General Opinion is only an opinion. Attorney Cossi further noted there was a lawsuit regarding St. Aubin vs. City of Ishpeming in which the Mayor stated under sworn testimony that before the meeting he had and held individual discussions with the council members whether or not the City Manager should be retained as the City Manager. The City Manager felt this was a violation of the Open Meetings Act because of the one on one canvassing resulted in a private consensus by the council and contravened the Open Meetings Act. Attorney Cossi noted the Court of Appeals disagreed with the plaintiff stating, "We find this conduct an informal canvass by one member of a public body to find out where the votes could be on a particular issue is not a violation of the Open Meetings Act." City Attorney Cossi further noted this is law and felt in his opinion the City Commission if they had

that discussion with Commissioner Adams did not violate the Open Meetings Act. Further comment from the City Attorney took place.

- G. Citizens wishing to address the Commission on Items on the Agenda. (Three Minute Limit).

Howard Aspinwall requested to reserve his right to speak under item K and about the Open Meetings Act. Keith Johnson requested to reserve his right to speak under item J2, along with Lou Bonagura and Jim Peterson under item J1.

#### OLD BUSINESS

- H. Consider adopting Resolution #07-010 a Resolution declaring blighted properties for abatement.

Nancy Kalla, of 223 Bonnie Street addressed the City Commission stating there is a building in her neighborhood that has been empty for 22 years. The City Commission referred this matter to the City Manager since it is not currently on the abatement list.

***Motion** was made by Toth, seconded by Adams to adopt Resolution #07-010 a Resolution declaring blighted properties for abatement. Unanimously passed by roll call vote.*

- I. Consider acceptance of \$12,000 – USDA Rural Development Patrol Car Grant, and authorize Mayor to sign the appropriate documents.

Commissioner Toth questioned if this item was in this year's budget. Community Development Director Pat Merrill noted the City would like to roll this into next year's budget if possible.

***Motion** was made by Key, seconded by Kasieta to accept the \$12,000 – USDA Rural Development Patrol Car Grant and authorize Mayor Noren to sign the appropriate documents. Unanimously passed by roll call vote.*

#### NEW BUSINESS

- J. Discuss and Consider action on the 2010 Census LUCA Program.

Community Development Director stated to the City Commission it is extremely important to count every person and obtain an accurate count.

***Motion** was made by Kasieta, seconded by Key and carried to authorize submission of the appropriate forms for the 2010 Census LUCA Program and obtain the appropriate signatures.*

- J1. Approval of the use of City Manager's vehicle for Code Enforcement Officer.

Mayor Noren stated originally the City Manager was given an allowance/stipend for his vehicle use.

Lou Bonagura, of 247 Pine Street addressed the City Commission supporting their decision to help Travis Smee in getting his job done with the gas prices. He further questioned where this vehicle has been, is it on a lease, and what does it cost the City of Ironwood per month.

Mayor Noren addressed Mr. Bonogura stating his understanding was initially the City Manager was given an allowance and approximately four (4) months ago there was a discussion of obtaining a police car no longer in use. He further noted that when the City Manager is provided a city vehicle he would not receive funds from the City for use of his vehicle unless it was for out of town trips requiring a more dependable vehicle.

City Manager Erickson noted the Blight Enforcement Officer is putting on 40 to 60 miles per day and the vehicle would be dedicated to him on a daily basis and he would receive the next vehicle that becomes available thus eliminating the \$185/month stipend.

Mayor Noren questioned the liability and use of the City of Ironwood vehicle by a contracted employee.

Commissioner Adams and Key fully support the City Commission's decision to make Travis Smee's job easier and more effective, since blight is one of the most pressing issues for the City of Ironwood. Further comments were received.

***Motion** was made by Toth, seconded by Key and carried to designate the next vehicle to the Code Enforcement Officer Travis Smee, continue the stipend to the City Manager until the next vehicle becomes available thus eliminating the \$185/month stipend.*

- J2. Consider authorization to solicit request for proposals (RFP) for survey, design, and project management services for proposed water and sewer improvements Phase I-Jessieville Area Project

Keith Johnson, Business Development Grant Coordinator for Coleman Engineering addressed the City Commission expressing his concerns with requesting proposals (RFP) for survey, design, and project management services for the proposed water and sewer improvements Phase I-Jessieville Area Project. Mr. Johnson stated several of their employees are citizens, pay taxes, and felt because Coleman Engineering has been on this project since day 1 on the study, smoke testing, inventory, and the study submitted to Rural Development they should be given the bid on this project.

City Manager Scott Erickson stated Coleman Engineering has done a very good job for the City of Ironwood on several projects with their good staff and crews. Mr. Erickson explained to the City Commission over the past few years when there is a substantial engineering project the City of Ironwood would go out for RFP (Request for Proposals). He further noted by requesting RFP's the City of Ironwood is able to get the best price. Further comments were received.

***Motion** was made by Adams, seconded by Key to authorize the City of Ironwood to solicit request for proposals (RFP) for survey, design, and project management services for proposed water and sewer improvements Phase I-Jessieville Area Project.*

ROLL CALL:

Yes (3): Commissioner Adams, Key, and Mayor Noren.  
No (2): Commissioner Toth and Kasieta.

***Motion** carried on a 3 to 2 vote.*

- K. Discuss and Consider revising the Rules of the City Commission dated November 28, 2005 and adopting City Commission Citizen Participation Policy #07-003.

Howard Aspinwall, 824 Florence Street addressed the City Commission questioned if the City Commission would be following the open meetings act as they stated in the last paragraph of this policy. Mr. Aspinwall also expressed his dismay with the way the City Commission handled the last meeting in not allowing citizens to speak. He also questioned the Freedom of Information Act.

City Attorney Cossi informed Mr. Aspinwall the Open Meetings Act has nothing to do with the Freedom of Information Act. Attorney Cossi suggested changing the word "will" to "may" in the last paragraph of Policy #07-003. He further stated this is not a courtroom and citizens do not have a right to cross-examine, but there are times when the staff or City Commission would like to respond. Further comment was received.

Mayor Noren suggested the City Commission not act on this policy until the next City Commission is elected.

*Motion was made by Adams, seconded by Key to table this matter until the next new City Commission is seated.*

After a brief discussion Commissioner Adams rescinded his motion, no action was taken at this time.

- L. Updates of the following Departments:
  - \*Public Works
  - \*Water & Sewer
  - \*Blight Enforcement

Verbal reports were given to the City Commission by the DPW Working Foreman Joe Magdziak, Utilities Manager Robert Tervonen, and Blight Enforcement Officer Travis Smee.

Commissioner Kasieta questioned Mr. Smee if he is satisfied with the City of Ironwood's proposal to provide a vehicle to follow up on Blight Enforcement issues. Mr. Smee agreed and stated the follow-ups are what make the Blight Enforcement so successful. He further stated it would be nice to have a vehicle he doesn't have to pay for himself.

M. Manager's Report.

City Manager Erickson gave a verbal report on the following:

- \*Five water main breaks have been worked on.
- \*City is working on crack sealing bids to be opened on September 21st.
- \*Fire hydrant replacement specs are being done.
- \*Wisconsin DOT, Iron County, City of Hurley and City of Ironwood are moving forward with the design of the Norrie St./Poplar Street Bridge
- \*Tunnel Vision informed the City of Ironwood the mains are very full of sediment and debris.
- \*Town Hall Meeting is scheduled for Thursday, September 27, 2007 at 5:30 P.M.

N. Commissioner Comment. (Five Minute Limit).

Commissioner Kasieta had several questions for staff regarding the gate at Mt. Zion, the Mayor's attendance at the Carnegie Library Board Meetings, and the 40 mph safe breaking distance in the summer and winter at the Luxmore/Ayer intersection.

City Manager Erickson addressed Commissioner Kasieta's concerns regarding the Luxmore/Ayer intersection. He stated the engineers designed this project according to the DOT standards and the stop bar was moved up to where it needed to be. Further discussion of this matter took place.

Commissioner Kasieta requested center and side lines be painted in the Industrial Park so cars would stay away from the people who are walking the dogs for Hope Animal Shelter. City Manager Erickson informed Commissioner Kasieta the pavement striping is done every other year.

Commissioner Key voiced his concern regarding the speed of vehicles on Ayer Street. Public Safety Director Erspamer stated speed is the main concern and the Public Safety has been concentrating their efforts on Lowell Street but would spread out and get back to Ayer Street.

Commission Toth and Mayor Noren thanked everyone for getting out to support the ribbon cutting on Lowell Street.

Mayor Noren recognized Detective Rod Passuello for completing a course on narcotics investigation by the U.S. Drug Enforcement Administration. He also reminded everyone the filing deadline for City Commissioner is coming up on Friday, September 14<sup>th</sup>. Mayor Noren mentioned there is a time to meet your candidates at the Town Hall Meeting on September 27<sup>th</sup> at 5:30 P.M.

- O. Citizens wishing to address the Commission on Items not on the Agenda (Five Minute Limit).

Lou Bonagura, of 247 Pine Street questioned if the City Attorney Opinions are in writing.

Robert Coleman, of 400 S. Suffolk Street addressed the City Commission about the continuance of barking dogs and a problem with the police department on writing out tickets for this offense. He also addressed the City Commission regarding crosswalks and a blighted building in his area.

Mayor Noren stated the City of Ironwood Ordinance addresses barking dogs.

City Attorney Cossi informed the City Commission Mr. Coleman has had other issues and barking dogs is not the only one.

City Assessor Building Inspector Dennis Hewitt informed the City Commission the owner of the blighted building near Suffolk Street would like to renovate the building. In Mr. Hewitt's opinion there is no visual fire damage to the building but the homeowner is working with the insurance company.

Mayor Noren requested City Staff update them regarding the blighted building that had a fire near Suffolk Street.

Robert Coleman informed the City Commission he would not tolerate the treatment he has received from City employees.

James Peterson, of 357 W. Midland Ave. commented on what a good job the Ironwood Public Safety is doing.

John Harteloo, of 213 Bonnie Street requested the City of Ironwood cut the trees blocking the Hiawatha Indians view along with the lighting. Mayor Noren informed Mr. Harteloo his comments would be forwarded on to the Ironwood Chamber of Commerce.

- P. Consider Closed Session to discuss labor negotiations with Ironwood Professional Police Association (IPPA).

*Motion was made by Toth, seconded by Adams to enter into closed session at 7:34 P.M. to discuss labor negotiations with the Ironwood Professional Police Association (IPPA). Unanimously passed by roll call vote.*

- Q. Return to Open Session

*Motion was made by Adams, seconded by Key and carried to return to open session at 8:00 P.M.*

- R. Consider action on closed session negotiations with Ironwood Professional Police Association (IPPA).

*Motion was made by Toth, seconded by Adams to approve the letter of understanding with the Ironwood Professional Police Association (IPPA) and authorize Mayor Noren to sign same.*

S. Adjournment.

***Motion*** was made by *Toth*, seconded by *Adams* and carried to adjourn the meeting at 8:01 P.M.

Bruce A. Noren, Mayor

Karen M. Gullan, City Clerk