

CITY OF CRYSTAL FALLS

November 10, 2014

A meeting of the Council for the City of Crystal Falls was held in the Council Chambers of the City Hall on Monday, November 10, 2014 at 5:30 P.M. Central Time.

Roll Call: Councilors Sherby, Sommers, Schiavo, and Hagglund.

Absent: None

Also Present: City Manager Olson, City Clerk/Treasurer Peltoma and City Attorney Lawrence.

Clerk Peltoma led the reciting of the Pledge of Allegiance.

Clerk Peltoma administered Oaths of Office to newly elected Councilors Sherby and Hagglund.

Councilor Sherby supported by Councilor Hagglund moved to accept the resignation of Councilor Sommers.

Ayes: Councilors Sherby, Schiavo, and Hagglund.

Nays: None Abstain: Councilor Sommers

Motion carried.

Clerk Peltoma administered Oath of Office to newly elected Mayor Sommers.

Mayor Sommers took control of meeting.

Councilor Hagglund seconded by Councilor Schiavo moved to accept the Iron County Board of Canvassers Certificate of Determination of the General Election held on November 4, 2014 which showed that Patrick W. Sommers was elected to the Office of Mayor for a four (4) year term, Jeffery Hagglund was elected to the Office of Councilor for a four (4) year term and David Sherby was elected to the Office of Councilor for a four (4) year term.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund.

Nays: None

Motion carried.

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The appointment of the vacant Councilor position will be postponed until next meeting to accept applications of interest.

Councilor Schiavo supported by Councilor Hagglund moved to select Councilor Sherby as Mayor Pro-tem.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund.

Nays: None

Motion carried.

Mayor Sommers signed a "Conflict of Interest Declaration" declaring his conflicts as: "Own 2 businesses in City of Crystal Falls: Sommers Deli & Sommers Sausage Shop"

Councilor Sherby signed a "Conflict of Interest Declaration" declaring conflicts as: "Sign work contracted to Sherwood sign by the city - This will result in me abstaining from voting on such projects as I am owner of Sherwood Sign"

Councilor Schiavo signed a "Conflict of Interest Declaration" declaring conflicts as: "Sheriff Department contracts"

Councilor Hagglund signed a "Conflict of Interest Declaration" declaring conflicts as: "Michigan Department of Transportation topics"

Councilor Sherby seconded by Councilor Schiavo moved to set the date and time of the regular meetings of the City Council to be the 2nd Monday of each month at 5:30 p.m.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Councilor Schiavo seconded by Councilor Sherby moved to retain the current depositors for City funds (First National Bank of Crystal Falls, Macomb Community Bank, Fifth Third Bank Northern Michigan,

CoVantage Credit Union and American Transmission Company).

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Councilor Sherby supported by Councilor Hagglund moved to approve the City Council rules as:

CITY OF CRYSTAL FALLS  
RULES OF PROCEDURE  
FOR COUNCIL MEETINGS

These rules have been compiled and approved by the Council for the City of Crystal Falls to govern the City Council proceedings unless amended or suspended by a vote of three (3) Council members. These rules are established pursuant to Section 2.10 (b) of the Charter of the City of Crystal Falls effective May 5, 1998. (Amended June 9, 2003, December 13, 2004, November 7, 2005, August 14, 2006, November 10, 2008, December 10, 2012, and November 10, 2014)

SECTION 1: Regular and special meetings.

All meetings of the city council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

1. Regular Meetings.

Regular meetings of the city council will be held on the second (2<sup>nd</sup>) Monday of each month beginning at 5:30 p.m. at the City Hall in the Council Room. It is suggested that regular meetings of the city council conclude no later than 7:00 p.m., however, meetings may continue until all items on the agenda are considered regardless of the time.

2. Special Meetings.

A special meeting shall be called by the clerk upon the request of the Mayor or any two members of the Council. A written notice to each member of the Council shall be served personally or left at the council member's usual place of residence as soon as possible in advance of the meeting. When special meetings are called less than 24 hours in advance of said meeting, the Clerk will attempt to contact all Councilors by phone to inform them of the meeting in lieu of a written notice. Special meeting notices shall state the purpose of the meeting. Official action shall not be transacted at any special meeting of the council unless the item has been stated in the notice of the meeting or added to the meeting agenda by an affirmative vote of all the members of the council. (If any member is absent – nothing can be added to the agenda of a special meeting.)

3. Posting requirements for regular and special meetings.

Within 10 days after the first meeting of the Council following an election, a public notice stating the dates, times and places of the regular monthly council meeting(s) will be posted at the City Hall. Rescheduled and/or special meetings of the Council shall be posted in accordance with the requirements of the Open Meetings Act, 1976 PA 267 as amended.

4. Minutes of regular and special meetings.

The Clerk/Treasurer shall attend the Council meetings and record all the proceedings and resolutions of the council in accordance with the Open Meetings Act. In the absence of the Clerk/Treasurer, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

A copy of the council meeting minutes of each regular or special council meeting shall be available for public inspection at the city offices during regular business hours.

SECTION 2: Conduct of meetings.

1. Meetings to be public.

All regular and special meetings of the council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

2. Agenda preparation.

An agenda for each regular council meeting shall be prepared by the City Manager with the following order of business:

- a. Call to Order & roll call of Council
  - b. Pledge of Allegiance
  - d. Amendments to agenda
  - e. Visitors in attendance may address the Council
  - f. Downtown Development Authority
  - g. Unfinished Business
  - h. New Business
  - i. Approval of consent agenda (minutes, department reports, disbursements)
  - j. Announcements
  - k. Adjournment.
3. Agenda distribution.  
The agenda will be prepared and delivered along with all supporting documents to the Councilors on the Friday prior to the regular Council meeting. The Clerk/Treasurer must receive items by the 1<sup>st</sup> day of each month for inclusion on the agenda.

Items for consideration by the Council should be accompanied by supporting documentation for review by the Councilors prior to the meeting.

4. Audit Committee.  
An audit committee of two (2) councilors shall meet with the Clerk/Treasurer and/or City Manager to audit the payrolls and disbursements prior to all meetings of the City Council. This committee will rotate among the Council members quarterly.
5. Quorum.  
As provided for in the Charter of the City of Crystal Falls, Section 2.10(c), three (3) members of the Council shall constitute a quorum for the transaction of business.
6. Attendance at Council Meetings.  
Pursuant to the Charter of the City of Crystal Falls, Section 2.06(b)(4), failure of Council members to attend three (3) consecutive regular meetings without being excused by the Council shall be grounds for forfeiture of office.

The City Manager shall attend all council meetings. He/she shall prepare the agenda and obtain reports for business matters and other items to be presented to the Council.

The City Clerk/Treasurer shall attend all council meetings and shall keep the minutes and perform such other duties as may be requested by the Council.

The City Attorney shall attend all meetings of the Council, and upon request shall give opinions, either written or oral, on questions of law, and shall act as Council parliamentarian and intervene as needed to keep the Council meeting on track. Councilors with legal questions regarding an issue on the agenda should contact the Attorney prior to the meeting, if possible, to allow for research prior to the Council meeting.

7. Presiding Officer.  
The Mayor shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Council shall appoint one of its members to serve as Mayor Pro Tempore, who shall preside in the absence of the Mayor. In the absence of the Mayor and Mayor Pro Tempore, the member present who has the longest consecutive service on the council shall preside.
8. Disorderly Conduct.  
The presiding officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant of arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of peace committed at the meeting. (For purposes of council meetings the city police officer on duty at the time of the meeting shall serve as the sergeant of arms and be called to the meeting by the Clerk/Treasurer if his/her services are needed.)

### SECTION 3. Closed Meetings.

1. Purpose.  
Closed meetings may be held only for the reasons authorized in the Open Meetings Act.
2. Calling closed meetings.  
At a regular or special meeting, the council, by a two-thirds roll call vote may call a closed session under the conditions outlined in the Open Meetings Act. The roll call vote and the purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

3. Minutes of closed meetings.

The Clerk/Treasurer shall take a separate set of minutes at the closed session. These minutes will be retained by the Clerk/Treasurer, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes will be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

SECTION 4. Discussion and voting.

1. Rules of parliamentary procedure.

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the council in all cases to which they are applicable, provided that they are not in conflict with these rules, city ordinances or applicable state statutes.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other council members. The presiding officer shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the council members present.

Any member may appeal to the council a ruling of the presiding officer. If the appeal is seconded, the member making the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the presiding officer be sustained?" If 50% or more of the members present vote "aye", the ruling of the presiding officer is sustained; otherwise it is overruled.

2. Conduct of discussion.

During the council discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. All speakers, Council members and/or visitors, should address their remarks to the presiding officer, limit themselves to five (5) minutes on the subject, maintain a courteous tone and avoid interjecting a personal note into the debate.

No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

The presiding officer, at his or her discretion and subject to the appeal process mentioned in Section 4.1, may permit any person to address the council during its deliberations.

3. Ordinances and resolutions.

No ordinance shall relate to more than one subject, and that subject shall be clearly stated in its title. All ordinances are subject to the procedures of the Charter of the City of Crystal Falls, Section 2.12.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes.

4. Duty to vote.

Election to a deliberative body carries with it the obligation to vote. Council members present at a council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A council member who is present and abstains or does not respond to a roll call vote shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the city attorney shall be binding on the council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the city attorney.

The right to vote is limited to the members of the council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

5. Results of voting.

In all cases where a vote is taken, the presiding officer shall declare the result.

It shall be in order for any council member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the council. When a motion to reconsider fails, it cannot be renewed.

SECTION 5. Citizen participation.

1. General.

Each regular council meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the council, the presiding officer shall have the discretion to allow a member of the audience to speak at times other

than reserved time for audience participation.

2. Length of presentation.  
Any person who addresses the council during a council meeting or public hearing shall be limited to five (5) minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up. The length of time for presentation may be waived or extended by the council on a case by case basis.
3. Addressing the council.  
When a person addresses the council, he or she shall stand, at a podium if provided, state his or her name and home address. Remarks should be confined to the question at hand and addressed to the presiding officer in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other person wishing to be heard on that subject have had the opportunity to speak and then only upon recognition of the presiding officer.

SECTION 6. Miscellaneous.

1. Adoption and amendment of rules of procedure.  
These rules of procedure of the council will be placed on the agenda of the first meeting of the council following the seating of newly elected council members for review and adoption. A copy of the rules adopted shall be distributed to each council member.  
  
The council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.
2. Suspension of rules.  
The rules of the council may be suspended for a specified portion of the meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to state statutes, the City Charter, and to the Michigan and the United States Constitutions.
3. Bid awards.  
Bids will be awarded by the council during regular or special meetings. A bid award may be made at a special meeting of the council if that action is announced in the notice of the special meeting.
4. Committees.  
Working committees on the City Council may be appointed from time to time when necessary for purposes of study and recommendation concerning particular subjects. Members of such committees are to be appointed by the Mayor with approval of the City Council. The necessity for and the structure of such committees shall be determined by the City Council.
5. Authorization for contacting the city attorney.  
The following officials are authorized to contact the city attorney regarding municipal matters:
  - Mayor
  - Councilors
  - City Manager
  - City Clerk/Treasurer
6. Conflict of Interest Declarations  
Each year in November the members of the City Council shall complete and sign a "Conflict of Interest Declaration".

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

The council assignments will be postponed until the December 2014 regular meeting.

Mayor Sommers temporarily adjourned the meeting at 5:46 pm to conduct a public hearing on the proposal to sell parcels of the "Malkin Property".

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City Manager Olson explained that the "Malkin Property" was purchased on State Tax Foreclosure sale by City and the City is ready to sell for business development in the downtown area. The City Ordinance No 1.10 requires that a public hearing be heard prior to sale of City owned lands. Interest in the lots 9-16 and also the 1.3 acres to the East of those lots have been shown, however a sanitary and storm sewer mains run thru that section along with a public snowmobile trail so maybe it should not be sold. The City Assessor assessed the property at \$30,955 for the combined parcels that have frontage on Superior Ave.

Council comment: Councilor Schiavo suggested giving an easement for the 1/3 part of additional section.

Councilor Sherby suggested renting the land (1.3 acres) for a \$1 a year. The purchaser can still use it, but not build on it.

Mayor Sommers agreed.

Public comment: Kelly Stankewicz commented that easements do not mean much.

Mayor Sommers closed public hearing at 5:56 pm

Councilor Schiavo supported by Councilor Sherby moved to advertise for bids on the Malkin property (Lots 9-16 of the Schwartz addition only) for the sales price of \$15,000 plus closing costs and realtor fees and contingent on the business plan. A lease option will be available for the 1.3 acres to the east of said lots. A revertor clause for 5 years will also be included in the deed.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

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Mayor Sommers temporarily adjourned the meeting at 5:59 pm to conduct a public hearing on the proposal to sell the Contemporary Center building.

Manager Olson explained the building is already for sale with Remax Realty

Public comment: None

Council comment: Councilor Schiavo clarified the asking price of \$34,000

Mayor Sommers closed public hearing at 6:01 pm

Councilor Sherby supported by Councilor Schiavo moved to sell the Contemporary Center on bids.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Mayor Sommers reported to the Council discussions held at the DDA meeting earlier in the day.

There are no applicants for City represented Library Board Position.

The electric rate increase will be postponed until more information is available.

Councilor Sherby supported by Councilor Schiavo moved to purchase a 2015 Peterbilt plow truck for \$108,420 with the Olson body for \$51,119 and financing for 5 years (trade of 1992 IHC 4 x 4 included).

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, Hagglund and

Nays: None

Motion carried.

Other bids from Schultz Equipment in amount of \$102,200 on a 7500

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SFA 4 X 4 and Caspers Truck Equipment for \$57,778 were rejected.

Mayor Sommers supported by Councilor Schiavo moved to purchase a Horst 2014 Jacobson Greensking IV Plus, triplex riding Greensmower for the golf course in the amount of \$21,990. (brushes included)

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Councilor Sherby supported by Councilor Hagglund moved to recognize the Harbour House museum as a non - profit organization operating in the City of Crystal Falls and support their raffle application.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Participation in a safety audit for the Forest Ave/Ski Hill Road intersection will be postponed until next month.

Auditorium wall and ceiling repairs and painting will be postponed.

A Public hearing for the DNR grant applications will be set for December 8<sup>th</sup> at the regular council meeting.

Special meeting will be on Thursday, November 13, 2014 at 5 pm to discuss and/or act on a proposal for the 1998 Sewer Bond refinance.

Councilor Schiavo seconded by Councilor Hagglund moved that the items on the Consent Agenda be approved as noted below:

1. The following reports for the month of October 2014:
  - A. Police report, as submitted by Police Chief Tim Bean, indicating 88 complaints, of which 2 were closed by

arrest, no parking tickets, and logging of 1,749 miles on patrol duty.

- B. Public Works Department activity report as submitted by Foreman Kelly Stankewicz.
  - C. Electric Department activity report as submitted by Chief Electrician David Graff.
  - D. Treasurer's Revenue Report as submitted by Clerk/Treasurer Tara Peltoma.
  - E. Minutes of Regular Meeting October 13, 2014 and Special meeting of October 23, 2014.
2. Payrolls and disbursements in the amount of \$570,189.24 be approved, and instruct the City Clerk to draw checks on the City Treasury in payment of same.

Ayes: Mayor Sommers, Councilors Sherby, Schiavo, and Hagglund

Nays: None

Motion carried.

Councilor Sherby seconded by Mayor Sommers moved to adjourn this meeting.

Motion carried.

Meeting adjourned at 7:24 p.m.

PRESIDING OFFICER \_\_\_\_\_

PRESIDING CLERK \_\_\_\_\_