

A meeting of the Council for the City of Crystal Falls was held in the Council Chambers of the City Hall on Monday, November 9, 2015 at 5:30 P.M. Central Time.

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

Absent: None

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

Mayor Sommers led the reciting of the Pledge of Allegiance.

Mayor Sommers temporarily adjourned the regular meeting at 5:36 pm to conduct a Public Hearing on the CATV System Sale.

City Manager Dorothea Olson explained why the city is considering selling the cable TV system.

Public Comment: A visitor (name unknown) asked if there would be details regarding the sale.

Council Comment: Councilor Schiavo commented that the City should offer it for sale, or shut it down.

Mayor Sommers commented that the City does not have to bring it to the vote of the people.

Attorney Geoff Lawrence expanded on Mayor Sommers comment about bringing it to a vote of the people, the purpose of the law was to give the citizens the right to vote on the sale of a utility. The TV system is not considered a utility of the City of Crystal Falls like the power plant is. If the City was to sell the power plant, that would need to go to a vote. Lawrence said that this decision was not made lightly. Every month there are customers that are dropping the city cable.

City Manager Olson said that the City cannot afford to buy the necessary equipment required to upgrade the system.

Mayor Sommers closed the public hearing at 5:39 pm.

Manager Olson presented one CATV System Proposal from Packerland Broadband. Cory Heigl representing Packerland Broadband spoke on their products that would be available to customers in Crystal Falls and the time period it would take to get it up and running.

There were additional comments from Attorney Geoffrey Lawrence and

visitors in the audience.

Councilor Sherby supported by Councilor Hagglund moved to transfer ownership of the CATV system to Packerland Broadband with details to be worked out with the CATV committee.

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

Nay: None Absent: None

Motion carried.

There was no DDA meeting this month.

The Crystal View parking lot retaining wall issue will be postponed until the December meeting.

Golf Course furnace/air conditioner proposals were opened.

Mayor Sommers supported by Councilor Hagglund moved to accept the proposal from Great Lakes Mechanical in the amount of \$9,100 to install a new furnace and air conditioner at the Golf Course. The men and woman's annual rental fee will be used to pay back the general fund each year until paid. (\$2,000 for years 2015, 2016, 2017, 2018 and \$1,100 for year 2019)

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

Nays: None Absent: None

Motion carried.

Councilor Schiavo supported by Councilor McCarthy moved to give the City employees a Christmas Bonus in the amount of \$55 for full time employee and \$30 for active part-time employees.

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

Nays: None Absent: None

Motion carried.

Councilor Sherby supported by Councilor McCarthy moved to approve the following resolution:

RESOLUTION AND CONSENT AFFIDAVIT

City of Crystal Falls, a Michigan municipal corporation

Be it known that, under the pains and penalties of perjury, the undersigned Members, Partners, Directors, Shareholders, Officers or Trustees, as applicable (collectively, the "Affiants") of the above referenced entity (the "Landlord"), hereby declare and resolve the following:

1. Landlord (or its predecessor-in-interest) has leased or subleased a portion of land to Alltel Communications Wireless of Louisiana, Inc. **d/b/a Verizon Wireless** (the "**Tenant**") pursuant to that certain Communications Site Lease Agreement originally dated February 22, 2007 (as the same may have been amended, renewed, extended, restated or otherwise modified, collectively, the "**Lease**").
2. Landlord and Tenant desire to enter into an amendment of the Lease (the "**Amendment**") in order to extend the term thereof and to further amend the Lease as more particularly set forth in the Amendment, a copy of which is attached hereto as **Exhibit A** and by this reference made a part hereof.
3. Landlord is duly organized, validly existing, and in good standing in the jurisdiction of its formation, organization, and/or incorporation, as applicable, and is otherwise authorized to transact business and in good standing in any other jurisdictions where such qualifications are required. Landlord has full power and authority to enter into and perform Landlord's obligations under the Amendment and the other Transaction Documents (as hereinafter defined), and the Amendment and the other Transaction Documents have been duly executed and delivered by Landlord. The Affiants listed below are the only legal and equitable owners of Landlord and are the only members, partners, directors, shareholders, officers and/or trustees, as applicable, of Landlord.
4. The Affiants hereby approve of the Transaction Documents and all of the terms and provisions contained therein and declare, resolve and/or affirm, as applicable, that Landlord is hereby authorized to enter into the Transaction Documents with Tenant and effect the transactions contemplated therein. The Affiants hereby declare and affirm that any other corporate and shareholder, member, partner, and/or trustee actions required to effectuate the transactions contemplated in the Amendment and other Transaction Documents have been completed.
5. The Affiants also declare that they have full legal authority to bind Landlord under the laws of the State or Commonwealth in which the Leased Premises (as defined in the Amendment) is located, and Affiants have the full authority to execute any and all of the Transaction Documents on behalf of Landlord and to nominate individuals to act on Landlord's behalf.
6. The Affiants hereby nominate the below listed individual (the "**Nominee**") as attorney-in-fact to execute and deliver the Amendment, together with any other documents and agreements, including, without limitation, the Memorandum (as defined in the Amendment), required to be executed and delivered pursuant to the terms and provisions of the Amendment (the Amendment and all of such other aforementioned agreements and documents, collectively, the "Transaction Documents"), on behalf of Affiants and Landlord. The Nominee shall have full power and authority to act on behalf of Affiants and on behalf of Landlord for purposes of executing and delivering the Transaction Documents and ensuring that Landlord fulfills its obligations thereunder. Additionally, the Nominee shall have full authority to direct the manner in which all payments made by Tenant pursuant to the Amendment are to be made to Landlord, including, without limitation, identifying which bank account(s) to transfer funds to in the event a wire payment is made by Tenant.

NOMINEE: (Print Name)	<u>Patrick Sommers, Mayor</u>
(Address)	<u>401 Superior Avenue</u>
	<u>Crystal Falls, MI 49920</u>

7. This Resolution and Consent Affidavit shall become effective as of the date of the last notarized signature of the Affiants listed below.
8. Affiants hereby acknowledge and agree that Tenant, its lenders, and its title insurance company are relying upon, and are entitled to rely upon, this Resolution and Consent Affidavit and the contents hereof as a material inducement to entering into the Amendment and other Transaction Documents. Tenant, its lenders, and its title insurance company may rely upon a faxed, scanned or otherwise electronically reproduced fully-executed copy of this document as if it were an original.
9. This document can only be amended or modified by addendum or an amendment that is fully executed and notarized by all Affiants listed hereunder.

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

Nays: None Absent: None

Resolution adopted.

Councilor Schiavo supported by Mayor Sommers moved to appoint Todd Loehr to the planning commission. Term to expire on April 30, 2018.

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

Nays: None Absent: None

Motion carried.

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

1. The following reports for the month of October 2015:
 - A. Regular meeting minutes from October 12, and

Special meeting minutes from October 19, 2015.

- B. Police report, as submitted by Police Chief Tim Bean, indicating 100 complaints, of which 1 was closed by arrest, 0 parking tickets, and logging of 1,416 miles on patrol duty.
- C. Public Works Department activity report as submitted by Foreman Kelly Stankewicz.
- D. Electric Department activity report as submitted by Chief Electrician David Graff.
- E. Treasurer's Revenue Report as submitted by Clerk/Treasurer Tara Peltoma.

2. Payrolls and disbursements in the amount of \$671,423.77 be approved, and instruct the City Clerk to draw checks on the City Treasury in payment of same.

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

Nays: None Absent: None

Motion carried.

Mayor Sommers adjourned the meeting at 6:56 pm.

PRESIDING OFFICER _____

PRESIDING CLERK _____