

City of Ironwood  
213 S. Marquette St.  
Ironwood, MI 49938



# IRONWOOD

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Fax: (906) 932-5745  
www.cityofironwood.org

**AGENDA**  
**REGULAR IRONWOOD CITY COMMISSION MEETING**  
**MONDAY, MAY 14, 2018**  
**Zoning Board of Appeals – 5:25 P.M.**  
**Regular Meeting - 5:30 P.M.**  
**LOCATION: COMMISSION CHAMBER MEMORIAL BUILDING**

**5:25 P.M.**

1. Call Zoning Board of Appeals to Order.
2. Recording of the Roll.
3. Open public hearing.
4. Public Hearing: The purpose of the hearing is to hear comment on a variance to Section 34-53(2)(a) for a new garage at 101 W. Birch Street Ironwood, MI, 49938.
5. Close Public Hearing.
6. Consider Action on the Variance Request.

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**5:30 P.M.**

- A. Regular Meeting Called to Order.  
Pledge of Allegiance.
- B. Recording of the Roll.
- C. Approval of the Consent Agenda.\*

*All items with an asterisk (\*) are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of those items unless a Commission member or citizen so requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*

\*1) Approval of Minutes – Regular City Commission Meeting of April 23<sup>rd</sup>.

\*2) Review and Place on File:

- a. Parks & Recreational Committee Meeting Minutes of April 4<sup>th</sup>.
- b. Ironwood Housing Meeting Minutes of May 8<sup>th</sup>.



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D. Approval of the Agenda

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

F. Citizens wishing to address the Commission on Items not on the Agenda (Three Minute Limit)

OLD BUSINESS

G. Discuss and Consider awarding the lowest demolition bid for the “Hardest Hit” Blight Grant to Snow Country Contracting for 937 Washington Street in the amount of \$15,316.00.

H. Discuss and Consider awarding the lowest demolition bid for the “Hardest Hit” Blight Grant to Snow Country Contracting for 122 W. Tamarack Street in the amount of \$13,559.00.

I. Discuss and Consider awarding the lowest demolition bid for the “Hardest Hit” Blight Grant to Snow Country Contracting for 447 E. Pine Street in the amount of \$18,811.00.

NEW BUSINESS

J. Discuss and consider approval of payment to Ruotsala Construction LLC in the amount of \$6,047.85 for repairs to the existing 16” watermain.

K. Discuss and consider approving Resolution #018-006 a resolution authorizing and approving the Pilot Drinking Water Community Water Supply Grant Agreement.

L. Discuss and consider Engineering Service Agreement with Coleman Engineering for MDEQ Pilot Drinking Water Community Water Supply Grant project.

M. Discuss and Consider adopting Resolution #018-007 scheduling a Public Hearing of Monday, May 29, 2018 at 5:25 P.M. to hear comment on a blight violation at 301 Kennedy Street (52-24-314-010).

N. Discuss and Consider authorizing advertisement to bid for rehabilitation and repair to Well #101.

O. Discuss and Consider quote from Energenics to upgrade water pump station computerized SCADA system in the amount of \$8,868.00.

P. Discuss and consider approving up to \$34,000 for County-wide ambulance services, contingent upon 1) Financial review, and 2) Participation of Gogebic County and all applicable local governments within Gogebic County.

Q. Manager’s Report.

R. Other Matters.

S. Consider Closed Session to consult with city attorney regarding information and records subject to attorney-client privilege pursuant to MCL 15.268(h) and MCL 15.243(1)(g).

T. Return to Open Session

U. Discuss and Consider action on Freedom of Information Act (FOIA) Appeal.

V. Adjournment.

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**To:** Zoning Board of Appeals

**From:** Tom Bergman, Community Development Director

**Date:** May 4, 2018

Meeting Date: May 14, 2018

**Re:** 2018-001 Variance request for 101 W. Birch Street

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### Request

Before the Board is a request to erect a 26' x 34' or 884 sq ft garage at 101 W. Birch St. The property is Zoned R-1 Single Family Residential District. There is one variance that would be required in order to grant this request; all other regulations have been met. It is explained below.

**Variance:** Section 34-53(2)(a) of the Zoning Ordinance states: For lots of ten thousand (10,000) square feet in area or less, the accessory building shall not exceed twenty-six (26) feet by twenty-six (26) feet or six hundred seventy-six (676) square feet. The building size request is for an 884 sq ft garage. Therefore, a variance of 208 additional sq ft would be required to build the garage. This new garage will replace the existing 16' x 24' garage.

**Per Section 34-285(6)(b)** A non-use variance, which applies to the variance request listed, may be allowed by the ZBA only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

i. *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
2. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure.
3. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.
4. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.



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ii. *Practical difficulty/substantial justice.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

iii. *Impact on surrounding neighborhood.* The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

iv. *Public safety and welfare.* The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city.

v. *Not self created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

**Per Section 34-287** The ZBA may impose, in writing, specific conditions with an affirmative decision pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.)

**Per Section 34-286(1)** A majority of the entire membership of the ZBA (3 members) is required in order to decide in favor of the applicant.

### **Recommendation**

The lot in question is very small and narrow as many of the lots in the surrounding neighborhood are. This makes it difficult to have adequate storage for many of the necessities of our modern lives. The ordinance creates the restrictions on dimensional requirements in order to maintain the integrity of the neighborhood and to treat all property owners the same. Staff does not believe that the current scenario is an extraordinary circumstance as all the property owners in the area are under the same restriction.

The requested size for the new garage is slightly bigger than many of the garages in the neighborhood. Granting of the variance would be close to the building pattern of the area, but still larger than most of the garages surrounding it. Therefore, the application does not meet the substantial justice parameter. The Board may consider granting the variance because the size is so close to other buildings.

It is unlikely that the proposed project will have any negative impact on the surrounding neighborhood. It may have a positive impact, as the applicant would be able to store more things indoors rather than in the side yard.

The question of self created hardship is somewhat subjective. The Board should consider needs vs wants and if there are other viable alternatives to increasing garage size.

The recommendation of staff would be to deny the variance request as it does not meet the parameters of granting a variance. The Board may consider granting the variance because it is so close to the required size.

A recommendation by city staff is only a recommendation. The decision solely rests on the Zoning Board of Appeals. There may be additional information or testimony during the hearing that will influence the decision.

**Motion:** To **Grant/Deny** variance a to Section 34-53(2)(a) of the Zoning Ordinance to allow an 884 sq. ft. garage at 101 W. Birch Street.

**City of Ironwood**  
**Municipal Zoning Application**

Case No.  
Date Filed: 4-9-18

**Type of Request:**

***Zoning Board of Appeals***

☐ Appeal  
☒ Residential Variance (\$250.00 Fee) ☐ Non-Residential Variance (\$300.00 Fee)

***City Commission***

☐ Vacate Right-of-Way (\$250.00 Fee) ☐ Vacate Plat/Subdivision (\$250.00 Fee)

***Planning Commission***

☐ Conditional Use Permit (\$350.00 Fee) ☐ Planned Unit Development (\$500.00 Fee)  
☐ Re-Zoning (\$300.00 Fee) ☐ Site Plan (\$400.00 Fee)  
☐ Temporary Structure for Storage/Sales (\$75.00 Fee) ☐ Zoning Text Amendment (\$250.00 Fee)

***Administrative Staff Review***

☐ Administrative Approval (Towers) (\$75.00 Fee)

***Public Notice and Hearing Requirements Apply to all requests except for Temporary Structure for Storage/Sales and Administrative Approvals***

Address of property: 101 West Birch st.

Parcel Number(s) and Legal Description: 27-52-27-208-090

Area of Parcel(s) (Acres): 40' x 135'

Current Zoning: Residential Proposed Zoning: \_\_\_\_\_

Is the request consistent with the Comprehensive Plan? \_\_\_\_\_

Description of Request Build a 26' x 34' garage  
in place of current 16' x 24' garage.

## Plan Submittal Requirements

1. One (1) hard copy of site plan, survey and any and all other documents that may be required to complete an appropriate review of the request. Minimum size shall be 24" x 36" unless otherwise noted by staff.
2. One (1) PDF of site plan, survey and any and all other documents that may be required to complete an appropriate review of the request. Minimum size shall be 24" x 36" unless otherwise noted by staff.


## Property Owner Information

Name: Tom Mott

Address: 101 W. Birch St.

Email: tmott33@hotmail.com

Phone: (906) 285 - 2549 Fax: ( ) -

Signature:  Date:           

**Applicant Information (If different than Property Owner)**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ **Fax:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***A Pre-Application meeting is required. Please contact staff at 906-932-5050 x 126 or [bergmant@cityofironwood.org](mailto:bergmant@cityofironwood.org) to set up a time to meet and discuss your application and project. All fees shall be paid and all documents required by ordinance shall be submitted with this application in order to be reviewed and considered for approval.***

Tom & Carissa Mott  
101 West Birch Street  
Ironwood, MI 49938

To Whom it May Concern,

We are writing to request a variance in order to build a 26' X 34' (3-car) garage on our property on 101 West Birch Street. We currently have a 16' X 24' (1.5-car) garage on our property. We would like to build this new outbuilding to help better protect our assets and for cosmetic purposes.

We own two vehicles for daily use, as well as a fishing boat, utility trailer, and a Polaris Ranger UTV. Having a garage to store these items during our long winter months will add to their longevity. Our boat cover was ruined this winter due to the weight of the snow pushing a pillar through the cover, creating a gaping hole.

We currently have a patch of crushed asphalt adjacent to our garage for a place to put these items without ruining our lawn. The garage we would like to build will cover that area, eliminating the eyesore that currently exists. The new garage will create a clean look to our property by eliminating having to store our recreational vehicles in plain sight of anyone that drives by.

Thank you for your time and consideration,



Tom J. Mott

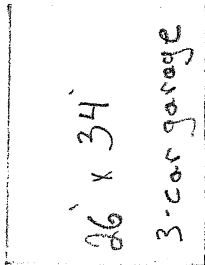
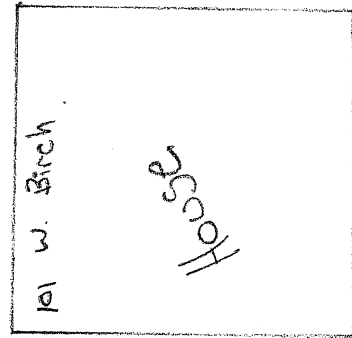


Carissa Cayer Mott

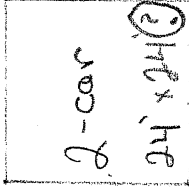
Ironwood St.

West Ash st.

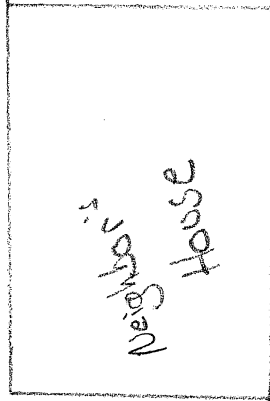
West Birch st



New structure

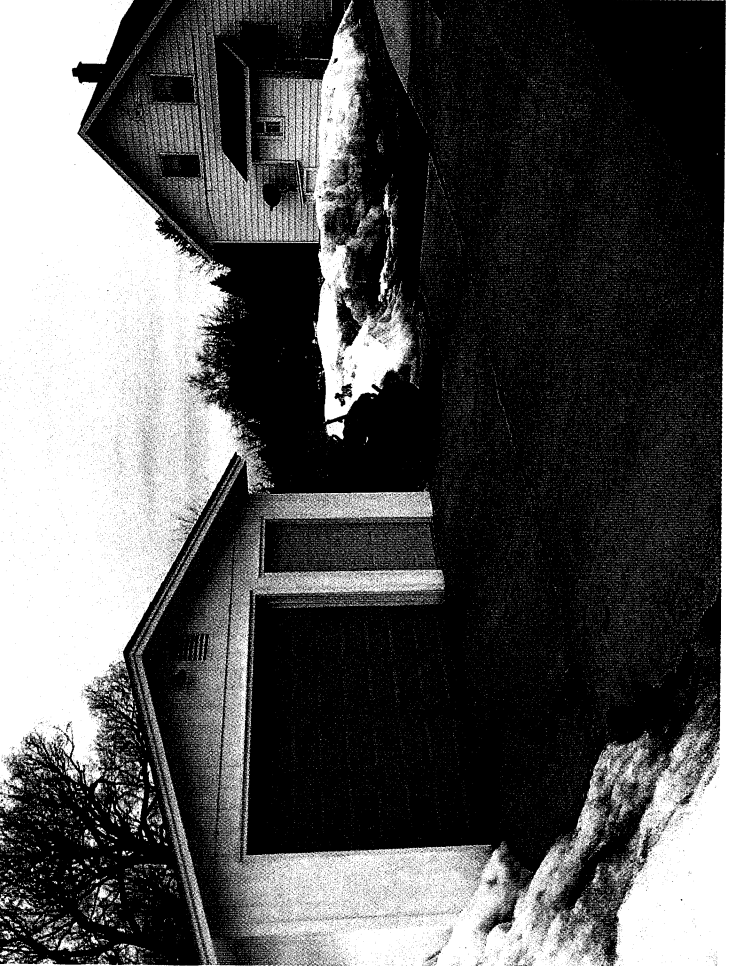


Neighbor's Garage



property line

\*Not To Scale Perfectly



101 W. Birch st current set up.

City of Ironwood  
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April 26, 2018

Current Property Owner and/or Current Property Occupant

Re: Variance Request for 101 W. Birch Street, Ironwood, MI 49938

To whom it may concern:

Notice is hereby given that a Public Hearing will be held by the Ironwood Zoning Board of Appeals on Monday, May 14, 2018 beginning at 5:25 P.M., 213 S. Marquette Street, Ironwood, Michigan 49938, City Commission Chambers, 2<sup>nd</sup> Floor.

The purpose of the hearing is to hear comment on a variance to Section 34-53(2)(a) for a new garage at 101 W. Birch Street Ironwood, MI, 49938.

Interested persons will have the opportunity to be heard at the time and place in this notice. No hearsay or individual surveys will be accepted as testimony; only written or oral presentation will be acknowledged. Written comments can be submitted to the Ironwood Zoning Board of Appeals, 213 S. Marquette Street, Ironwood, Michigan 49938, prior to the scheduled Public Hearing. A copy of the application and other pertinent information is on file and available for public inspection in the Community Development Office, Memorial Building, Ironwood, MI during normal business hours.

Sincerely,

Thomas Bergman  
Community Development Director  
[bergmant@cityofironwood.org](mailto:bergmant@cityofironwood.org)  
906-932-5050 x 126



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AFFP

101 W. Birch-Zoning

## **Affidavit of Publication**

STATE OF MI }  
COUNTY OF GOGEBIC } SS


Marissa Casari, being duly sworn, says:

That she is a legal representative of the The Daily Globe,  
a daily newspaper of general circulation, printed and  
published in Ironwood, Gogebic County, MI; that the  
publication, a copy of which is attached hereto, was  
published in the said newspaper on the following dates:

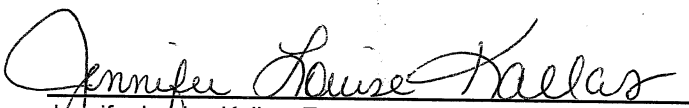
April 27, 2018

That said newspaper was regularly issued and circulated  
on those dates.

SIGNED:

  
a legal representative

Subscribed to and sworn to me this 27th day of April 2018.

  
Jennifer Louise Kallas, Executive Assistant, Gogebic  
County, MI

My commission expires: September 19, 2020

02100117 00017696



Mara Maher  
City of Ironwood  
213 S Marquette St  
Ironwood, MI 49938

**JENNIFER LOUISE KALLAS**  
Notary Public, State of Michigan  
County of Gogebic  
My commission expires  
September 19, 2020  
Acting in the County of Gogebic



101 W. Birch Street

Legend

-  101 W. Birch Street
-  Untitled Path

Birch St

E Birch St

Ironwood St

E Ash St

Google Earth

© 2018 Google

200 ft





### Proceedings of the Ironwood City Commission

A regular meeting of the Ironwood City Commission was held on April 23, 2018 at 5:30 P.M. along with a public hearing at 5:25 P.M in the City Commission Chambers, Second Floor of the Municipal Memorial Building in the City of Ironwood.

1. Mayor Pro Tem Mildren called the public hearing to order at 5:25 P.M.

2. Recording of the Roll.

PRESENT: Commissioner Cayer, Corcoran, and Mayor Pro Tem Mildren.

ABSENT: Commissioner Semo (excused) and Mayor Burchell (excused).

3. Public Hearing: To hear comment on Ordinance No. 516, Book 5, an ordinance to amend Chapter 9-Cemeteries, Section 32 Marker for One-Space Lots – Maximum Size by replacing diagram with the corrected diagram for Marker for One-Space Lots – Maximum Size and scheduling it for a public hearing on Monday, April 23, 2018 at 5:25 P.M.

City Clerk Karen Gullan informed the City Commission the Ordinance before them was a correction to the diagram to represent the current rules and regulations of the Riverside Cemetery. No other comments were received.

4. Mayor Pro Tem Mildren closed the public hearing at 5:27 P.M.

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A. Mayor Pro Tem Mildren called the regular meeting to order at 5:30 P.M.

B. Recording of the Roll.

PRESENT: Commissioner Cayer, Corcoran, and Mayor Pro Tem Mildren.

ABSENT: Commissioner Semo (excused) and Mayor Burchell (excused).

C. Approval of the Consent Agenda.\*

\*1) Approval of Minutes – Regular City Commission Meeting of April 9<sup>th</sup>.

\*2) Review and Place on File:

a. Ironwood Housing Commission Meeting Minutes of April 10<sup>th</sup>.

**Motion** was made by Corcoran, seconded by Cayer to approve the consent agenda as presented. Unanimously passed by roll call vote.

D. Approval of the Agenda

**Motion** was made by Corcoran, seconded by Cayer and carried to approve the amended agenda adding H1. Consider adopting Ordinance No. 516, Book 5, an ordinance to amend Chapter 9-Cemeteries, Section 32 Marker for One-Space Lots-Maximum Size by replacing diagram with the corrected diagram for Marker for One-Space Lots-Maximum Size, along with addressing items \*R-U before item I.

E. Review and Place on File:

1. Revenue & Expenditure Report.
2. Cash Summary Report.

**Motion** was made by Corcoran, seconded by Cayer and carried to receive and place on file the Revenue & Expenditures Report for the month ending March 31, 2018 and the Cash Summary Report dated March 31, 2018.

F. Approval of Monthly Check Register Report.

**Motion** was made by Corcoran, seconded by Cayer to approve the Monthly Check Register Report for the month of March 31, 2018. Unanimously passed by roll call vote.

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

Bill Martel, of 420 W. Francis Street expressed his concerns with item T.

H. Citizens wishing to address the Commission on Items not on the Agenda (Three Minute Limit)

Steve Frank, of 212 E. Oak Street, expressed his dismay with the rotting garbage behind the Karate Institute. Mr. Frank took pictures of it over the weekend and presented the pictures to the City Commission.

City Manager Erickson explained he will have City Staff follow up on this matter.

Paul Grbavcich, of 1221 Leonard Street also expressed his dismay with the downtown area and felt the City of Ironwood was more worried about trails. Further comments were received.

H1. Consider adopting Ordinance No. 516, Book 5, an ordinance to amend Chapter 9-Cemeteries, Section 32 Marker for One-Space Lots – Maximum Size by replacing diagram with the corrected diagram for Marker for One-Space Lots-Maximum Size.

**Motion** was made by Corcoran, seconded by Cayer to adopt Ordinance No. 516, Book 5, an ordinance to amend Chapter 9-Cemeteries, Section 32 Marker for One-Space Lots-Maximum Size by replacing diagram with the corrected diagram for marker for One-Space Lots-Maximum Size. Unanimously passed by roll call vote.

I. Consider approval of Rural Development Pay Package in the amount of \$46,542.34 for the City of Ironwood – Phase 4 Utility Project Water Portion and authorize Mayor Pro Tem to sign all applicable documents.

**Motion** was made by Corcoran, seconded by Cayer to approve the Rural Development Pay Package in the amount of \$46,542.34 for the City of Ironwood – Phase 4 Utility Project Water

*Portion and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.*

- J. Consider approval of Rural Development Pay Package in the amount of \$2,586.00 for the City of Ironwood – Phase 4 Utility Project Sewer Portion and authorize Mayor Pro Tem to sign all applicable documents.

***Motion*** was made by Corcoran, seconded by Cayer to approve the Rural Development Pay Package in the amount of \$2,586.00 for the City of Ironwood – Phase 4 Utility Project Sewer Portion and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.

- K. Discuss and consider approving letter of agreement between the City of Ironwood and City of Ironwood Employees' Local 1538, Michigan Council 25 AFSCME, AFL-CIO

***Motion*** was made by Corcoran, seconded by Cayer to approve the letter of agreement between the City of Ironwood and City of Ironwood Employees' Local 1538, Michigan Council 25 AFSCME, AFL-CIO and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.

- L. Discuss and consider approving MERS Health Care Savings Program Participation Agreement, creating a new division for AFSCME Union employees hired after March 1, 2004.

***Motion*** was made by Corcoran, seconded by Cayer to approve MERS Health Care Savings Program Participation Agreement, creating a new division for AFSCME Union employees hired after March 1, 2004 and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.

- M. Discuss and consider approving MERS Health Care Savings Program Participation Agreement, amending the current division for non-union employees hired after October 31, 2009.

***Motion*** was made by Corcoran, seconded by Cayer to approve the MERS Health Care Savings Program Participation Agreement, amending the current division for non-union employees hired after October 31, 2009 and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.

- N. Discuss and consider approving MERS Health Care Savings Program Participation Agreement, amending the current division for the City Manager.

***Motion*** was made by Corcoran, seconded by Cayer to approve the MERS Health Care Savings Program Participation Agreement, amending the current division for the City Manager and authorize Mayor Pro Tem to sign all applicable documents. Unanimously passed by roll call vote.

- O. Discuss and consider approving Resolution #018-002 Participation in Michigan Class Investment Pool.

**Motion** was made by Corcoran, seconded by Cayer to approve Resolution #018-002 Participation in Michigan Class Investment Pool. Unanimously passed by roll call vote.

- P. Discuss and consider requesting bid for the exterior metal wall repairs for the Department of Public Works (DPW) Building.

**Motion** was made by Corcoran, seconded by Cayer and carried to request bids for the exterior metal wall repairs for the Department of Public Works (DPW) Building.

- Q. Discuss and consider declaring the cemetery hearse vehicle as surplus property for a minimum bid of \$1,000.

**Motion** was made by Corcoran, seconded by Cayer and carried to declare the cemetery hearse vehicle as surplus property for a minimum bid of \$1,000.

- \*R. Discuss and consider request from GogebicRange.net to install antennas for wireless service on the top of Mt. Zion.

**Motion** was made by Corcoran, seconded by Cayer to approve the agreement with GogebicRange.net to install antennas for wireless service on the top of Mt. Zion. Unanimously passed by roll call vote.

- \*S. Discuss and consider authorizing a contract in the amount of \$29,704.00 with CIB Planning and SmithGroupJJR for planning services for the City Zoning Ordinance update and authorize Mayor Pro Tem and City Clerk to execute the contract.

**Motion** was made by Corcoran, seconded by Cayer to authorizing a contract in the amount of \$29,704.00 with CIB Planning and SmithGroupJJR for planning services for the City Zoning Ordinance update and authorize Mayor Pro Tem and City Clerk to execute the contract. Unanimously passed by roll call vote. Unanimously passed by roll call vote.

- \*T. Discuss and Consider awarding the lowest bid for the 2018/2019 Local Street Paving Project to Northwoods Paving in the amount of \$422,190.50.

**Motion** was made by Corcoran, seconded by Cayer to award the lowest bid for the 2018/2019 Local Street Paving Project to Northwoods Paving in the amount of \$422,190.50. Unanimously passed by roll call vote.

- \*U. Discuss and Consider awarding the lowest bid for the 2018 Street Crack Sealing Project to JCS, Inc. in the amount of \$93,290.00.

**Motion** was made by Corcoran, seconded by Cayer to award the lowest bid for the 2018 Street Crack Sealing Project to JCS, Inc. in the amount of \$93,290.00. Unanimously passed by roll call vote.

V. City Manager's Appointments.

City Manager appointed Tom Schneller, Tony Mukavitz, Paul Buchko, Charles Gotta, and Todd Ashby to the Construction Board of Appeals for a 4-year term (term expiring December 2022).

**Motion** was made by Corcoran, seconded by Cayer to approve the City Manger's appointment of Tom Schneller, Tony Mukavitz, Paul Buchko, Charles Gotta, and Todd Ashby to the Construction Board of Appeals for 4-year terms (terms expiring December 2022).

W. Manager's Report.

City Manager Scott B. Erickson verbally gave the manager's report noting the following items:

- \*Finally with the recent spring weather the crews and street sweeper will be out in full force.
- \*Spring clean-up day will be Saturday, May 5, 2018 from 8 am – 11 am.
- \*The clean-up of the two downtown buildings is continuing to move forward.
- \*The May "First Friday's" Downtown event (May the 4<sup>th</sup> Be with You) will feature a Star Wars Themed event.
- \*Construction of the Community Mental Health home along Ayer Street (across from the high school baseball field) has broken ground today.
- \*The City has received notice that it will be the recipient of a \$469,000.00 MI Dept. of Environmental Quality Drinking Water Revolving Fund Pilot Program grant.

X. Other Matters.

Mayor Pro Tem Mildren pointed out all the great volunteers and volunteer organizations the City of Ironwood has. He also commended the City employees and how they are led by a great City Manager. Mayor Pro Tem thanked everyone for a great job.

Mayor Pro Tem Mildren also noted citizens should be constructive in their comments and appreciated the 45 highly trained employees at Coleman Engineering.

Y. Adjournment.

**Motion** was made by Cayer, seconded by Corcoran and carried to adjourn the meeting at 6:19 p.m.

Jim Mildren, Mayor Pro Tem

Karen M. Gullan, City Clerk



**Proceedings of the Parks and Recreation Committee  
Monday, April 4, 2018, 5:00 p.m.**

---

A regular meeting of the Parks and Recreation Committee was held on Monday, April 4, 2018 at 4:55 P.M. in the Women's Club Room, Second Floor, Memorial Building, Ironwood, Michigan.

1. Call to Order:

Chair Anderson called the meeting to order at 5:00 p.m.

2. Recording of the Roll:

MEMBER	PRESENT		EXCUSED	NOT EXCUSED
	YES	NO		
Paul Anderson – Chair	X			
Sam Davey	X			
Tom Kangas – Vice Chair		X		
Kim Corcoran, ex-officio, non-voting		X		
Marion True	X			
Linda Jindrich	X			
Paul Kostelnik	X			
John Brottlund	X			
	<b>6</b>	<b>2</b>		

Also present, Community Development Assistant, Tim Erickson.

3. Approval of the March 5, 2018 Meeting Minutes:

**Motion** by Davey to approve the March 5, 2018 Meeting Minutes. **Second** by Kostelnik. **Motion carried 6 to 0.**

4. Approval of the Agenda:

**Motion** by Davey to approve the amended agenda. **Second** by Kostelnik. **Motion carried 6 to 0.**

5. Citizens wishing to address the Committee on Items on the agenda (Three-Minute Limit): None.



6. Citizens wishing to address the Committee on items not on the Agenda (Three-minute limit): None.

7. Items for discussion and consideration:

A. Comprehensive/Park and Recreation Plan Implementation Status of Priority Action Items:

I. Strategy 4.5 Define and Construct Priority Trail Improvements (Regional Trail to Miners and Beltline) – All Members.

- a. Update on grant application for Beltline
  - i. Bergman stated that the City is under the recommendation phase and will know in May.
- b. Update on Neighborhood Enhancement Grant (Trail Connections)
  - i. Director Bergman said that City Manager Scott Erickson spoke with MSHDA about the grant where they were optimistic about the project.
- c. Recommend applying for DNR Trust Fund Grant for Mountain Bike Trail Development in Miners Memorial Heritage Park:
  - i. Director Bergman stated that he turned in the application on Friday. The Committee talked about obtaining easements for the trails on the City property. Director Bergman discussed the City's liability insurance coverage.

II. Strategy 5.4(a) Strengthen and Implement the Master Plan for Miners Memorial Heritage Park and Dog Park (MMHP) – Kostelnik.

- a. Kostelnik stated that they are about \$300 under budget and that they are on track with a May soft opening and June Grand Opening. Kostelnik discussed the need for sod and the Committee discussed the best way to water new sod. Kostelnik stated that Art in the Park was approved by the board and that they are moving forward with the event into the summer.

III. Park Action Plan.

- a. Playground North of US Hwy 2 – Anderson, Davey, True.
  - i. Director Bergman stated that they reapplied to the DNR for the location. He stated that not much was changed on the application from the previous year. The Committee discussed a new location for a park North of US 2.

8. Other Business: Davey asked about the proposed tower on Mt. Zion. Director Bergman said that the proposal will come to the City Commission soon. They also said that a web cam should be placed on the tower. Anderson brought up the need for new cable on the observation deck on Mt. Zion.

9. Next Meeting: May 7, 2018 at 5:00 p.m.

10. Adjournment: **Motion** by Davey to adjourn the meeting. **Second** by True. **Motion Carried 6 to 0.**  
Adjournment at 5:31 p.m.

Respectfully Submitted



Paul Anderson, Chair



Tim Erickson, Community Development Assistant

IRONWOOD HOUSING COMMISSION  
REGULAR MEETING MINUTES  
MAY 8, 2018  
PIONEER PARK APARTMENTS – COMMUNITY ROOM  
515 E. VAUGHN STREET – IRONWOOD, MI. 49938

The regular meeting of the Ironwood Housing Commission was held on May 8, 2018 in the Community Room at pioneer Park Apartments at 515 E. Vaughn Street, Ironwood, MI. 49938. The meeting was open to the public.

Present: Annabelle O'Brien  
Joe Cayer, Sr.  
Joe Cayer, Jr.

Absent: Adrienne Chase  
Jim Rayner

1. Call to Order

The meeting was called to order at 4:00 p.m. by President O'Brien, followed by the Pledge of Allegiance.

2. Approval of Minutes

Motion by Cayer, Jr., Seconded by Cayer, Sr. to approve minutes of the April 10, 2018 meeting. All approved.

3. Old Business

4. Secured Communication

The Director presented information to the Board of Directors regarding the Ironwood Housing Commissions HUD Systems ID/Password Security Policy and the File Transmission Security with HDS.

5. New Business

5.1.1 Current A/R Balance Report: April 2018 (Info)

The Director provided information to the Board of Commissioners on the Ironwood Housing Commissions current A/R Balance report for April 2018.

5.1.2 Current Vacancy Report (Info)

The Director provided information to the Board of Commissioners on the Ironwood Housing Commission's current Vacancy Report for Public Housing.

5.1.3 Bank Account Reconciliation Report as of March 31, 2018 (Info)

The Director provided information to the Board of Commissioners for the Ironwood Housing Commissions Bank Account Reconciliation Report for the General Fund for the month ending March 31, 2018.

5.1.4 Supplementary Stmt. of Income & Expense as of March 31, 2018 (Info)

The Director provided information to the Board of Commissioners for the Ironwood Housing Commissions Supplementary Statements of income for the month ending March 31, 2018. This includes Revenue to Date, Expense to Date & Total Unrestricted Net Position as of March 31, 2018.

6. Disbursements and claims

7. Disbursements of Checks # 19473-19518

Motion by Cayer, Jr., Seconded by Cayer, Sr., Unanimously approved through roll call vote.

8. Commissioner Comments - None

9. Public Comments – None

10. Adjournment

Motion by Cayer, Jr., Seconded by Cayer, Sr., All Approved. Meeting Adjourned at 4:12 p.m.

  
President/Vice-President

  
Executive Director/Secretary

# Memo

**To:** Mayor Annette Burchell and the City Commission

**From:** Dennis Hewitt, Building Inspector

**Date:** May 10, 2018

**Re:** Demolition bids

---

The City of Ironwood received bids for the demolition of three (3) houses. We only had one bidder, Snow Country Contracting for each project. The Bid Tabulation Sheet is attached. We are recommending awarding all three (3) bids. The project costs for 937 Washington Street and 447 E. Pine Street will be primarily funded by the Hardest Hit Grant, with a small amount coming from the General Fund unassigned fund balance. The project cost for 122 W. Tamarack Street will be fully paid using General Fund unassigned fund balance.

# BID TABULATION SHEET

Name of Bidder:

937 Washington <sup>Bid</sup> Bond 122 W Tamarack 447 E Pine Total

Snow Country Contr.	\$ 15,316.00	✓	\$ 13,559.00	\$ 18,811.00	\$ 47,686.00

Witnesses to Bid Opening:

James Award  
Paul Brown  
Mara Blakey

Bid Award Action Taken

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

City of Ironwood  
213 S. Marquette St.  
Ironwood, MI 49938



Phone: (906) 932-5050  
Fax: (906) 932-5745  
[www.cityofironwood.org](http://www.cityofironwood.org)

## MEMO

TO: Ironwood City Commission

FROM: Bob Richards, DPW Supervisor

RE: Ruotsala Construction Payment for Repairs to 16'' Watermain

---

The City of Ironwood is requesting authorization from the City Commission for the repairs of an existing 16'' watermain in the amount of \$6,047.85 to Ruotsala Construction, LLC. During the installation of the new 16'' Transmission Line of Phase 4, Ruotsala Construction discovered a leak on our existing 16'' watermain. Due to the location, depth and area of the leak, it was imperative to hire Ruotsala Construction. They were on site with the proper equipment to execute immediate repair. Funds for repair will come from the Water Fund.



This Institution is an Equal Opportunity Provider, Employer and Housing Employer/Lender





Ruotsala Construction LLC  
E5299 Hannu Road  
Ironwood MI 49938

# Invoice

Date	Invoice #
3/7/2018	535027

Bill To
CITY OF IRONWOOD 213 S. MARQUETTE ST. IRONWOOD, MI 49938

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	EXTRA WORK DESCRIPTION LEAK IN CITY EXISTING 16" WATERMAIN (COORDINATED REPAIR WITH CITY)		
16	GENERAL LABOR	50.00	800.00
12	OPERATOR	55.00	660.00
6	KOMATSU 360	175.00	1,050.00
6	LOADER	150.00	900.00
3	DUMP TRUCK	95.00	285.00
2	WATER PUMPS	150.00	300.00
18	PIPE MATERIAL LF	48.00	864.00
16	STONE CY	25.00	400.00
0.15	OVERHEAD	5,259.00	788.85
<div>675-553-001-801</div> <div>OK</div> <div>Richard</div> <div>P.O.# _____</div> <div>Date Received <u>3/9/18</u></div> <div>Approved _____</div>			
Thank you for your business.		<b>Total</b>	\$6,047.85

## Contractor's Summary

### Repair COI Extg.16" Leak



**Project Name:** Phase 4 Ironwood

**Name:** Ruotsala Construction LLC

**E5299 Hannu Road  
Ironwood, MI 49938  
O: 906.932.4314**

**Date:** 2.26.18

**Extra Work Description:**

Leak in City Existing 16" WM. Coordinated repair with City personal and fixed as directed.

[illegible]

**NOTES:**

Profit 15%	\$788.85
<b>Total Change Order</b>	<b>\$6,047.85</b>

Resolution #018-006

City of Ironwood  
County of Gogebic

Resolution Authorizing the Pilot Drinking Water Community Water Supply Grant Agreement  
At a regular meeting of the City Commission of the City of Ironwood, County of Gogebic, State of  
Michigan, (the "Municipality") held on May May 14, 2018.

PRESENT:

Commissioner: \_\_\_\_\_

ABSENT:

Commissioner: \_\_\_\_\_

Commissioner \_\_\_\_\_ offered and moved the adoption of the following resolution, seconded  
by Commissioner \_\_\_\_\_.

**WHEREAS**, a pilot drinking water community water supply grant program was established with the  
passing of the supplemental budget of the Department of Environmental Quality ("DEQ"); and

**WHEREAS**, the pilot drinking water community water supply grant program, administered by the DEQ,  
provides assistance to municipalities for updating distribution system material inventories and asset  
management plans to identify lead service lines and galvanized steel service lines, and replacing lead  
service lines and galvanized steel service lines; and

**WHEREAS**, the Municipality does hereby determine it necessary to (**select one or more**) ☒ update  
inventory of distribution system material inventory, ☒ update or improve an asset management plan to  
identify lead service lines and galvanized steel service lines, and ☒ replace lead service lines and  
galvanized steel service lines; and

**WHEREAS**, it is the determination of the Municipality that, at this time, a grant in the aggregate principal  
amount not to exceed one million dollars ("Grant") be requested from the DEQ to pay for the above-  
mentioned undertaking(s); and

**WHEREAS**, the Municipality shall obtain this Grant by entering into a grant agreement ("Grant  
Agreement") with the DEQ.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. City Manager, a position currently held by Scott Erickson, is designated as the Authorized  
Representative for purposes of the Grant Agreement.

2. The Authorized Representative is authorized to execute the Grant Agreement between the Municipality and the DEQ (upon review by the City Attorney) and is also authorized and directed to execute the Grant Agreement with such revisions as are agreed to by the Authorized Representative and City Attorney.

3. The Authorized Representative is hereby authorized to take any actions necessary to comply with the requirements of the DEQ in connection with the issuance of the Grant, including executing and delivering such other contracts, certificates, documents, instruments, applications and other papers as may be required by the DEQ or as may be otherwise necessary to affect the approval and delivery of the Grant.

4. The Municipality acknowledges that the Grant Agreement is a contract between the Municipality and the DEQ.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

YEAS: Commissioners:

NAYS: Commissioners:

**RESOLUTION DECLARED ADOPTED**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Ironwood, County of Gogebic, at its regular meeting on May 14, 2018 and said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Karen M. Gullan, City Clerk  
City of Ironwood, County of Gogebic



## COLEMAN ENGINEERING COMPANY

CIVIL ENGINEERING • ENVIRONMENTAL ENGINEERING • GEOTECHNICAL ENGINEERING • SURVEYING

---

200 EAST AYER STREET • IRONWOOD, MI 49938 • PHONE: 906-932-5048

April 26, 2018

Mr. Scott Erickson, City Manager  
City of Ironwood  
213 S. Marquette Street  
Ironwood, MI 49938

Re: MDEQ Drinking Water Infrastructure Grant  
Professional Services Proposal

Dear Mr. Erickson:

Coleman Engineering Company (CEC) appreciates the opportunity to submit this proposal for professional engineering services on the upcoming Drinking Water Community Water Supply Grant that Ironwood is receiving for water system asset management and lead service line replacement.

CEC had the pleasure of working with you and your staff in the preparation of this grant application to the MDEQ. With your guidance and oversight, CEC took the lead on writing the grant application, preparing cost estimates and putting together the cost proposal for MDEQ consideration. The MDEQ stated that the Ironwood application was, by far, the best application of all eighteen submittals throughout the state. CEC and the City should take pride in this compliment from the MDEQ.

### Project Scope

The spreadsheet in Attachment 1 breaks out all of the different scope items that need to be completed, as well as the fee associated with each task.

In summary,

- The City of Ironwood will be bidding out and managing the construction project for replacing lead service lines.
- The City of Ironwood will be hiring summer help to go throughout the City to locate and survey water service shutoff valve locations.

- CEC will be performing the remainder of the Asset Management information gathering, GIS system creation and Asset Management Plan report preparation. Again, all of these scope items are broken down on the attached spreadsheet summary.

### Project Timeline

This project has an extensive scope to perform in twelve months. CEC is staffed and ready to begin work immediately in order to meet this deadline of May 31, 2019. The MDEQ has informed us of the following schedule:

1. Letters of grant approval will be going out by April 30, 2018.
2. MDEQ provided the City with a draft resolution that will need to be executed by May 21, 2018.
3. Grant agreements will need to be executed by end of May 2018, with the MDEQ only providing a 4-day turnaround time on signing the grant agreements.
4. Grant eligible period is February 2018 through May 31, 2019. The City may start at any time; however, disbursement requests will not be able to be sent in until June 2018.

### Fees

CEC proposes to provide the stated professional engineering services for an estimated fee, **not-to-exceed \$211,897.00**. CEC is aware that award of this project is contingent upon the City of Ironwood signing a grant agreement with the MDEQ. Upon execution of this contract, CEC understands that we may begin performing services at our own risk and will not officially be released to perform services until the City of Ironwood signs the Grant Agreement in late May of 2018. At that time, the City will provide CEC an official Notice to Proceed. As per the MDEQ, activities performed back to February of 2018 are grant eligible and may be put on the first disbursement request. Therefore, CEC will be able to bill for services performed after this contract is signed once the grant agreement is signed by the City in late May of 2018.

If you accept this proposal, please endorse both copies of the attached Work Order and return one copy to our office. You may retain one copy for your records. Once again, we would like to thank the City of Ironwood for this opportunity.

Sincerely,

COLEMAN ENGINEERING COMPANY



Paul C. Anderson, P.E.  
Project Manager

PCA/map

# Project: Ironwood Water Asset Management

## Attachment 1

	City Fee	CEC Fee
<b>1) Update Distribution System Material Inventory</b>		
<b>1.1) Water Main Inventory</b>		
Compile Existing Information from all projects: Coleman Engineering has as built information from numerous projects over the past 10 years which have replaced approximately 40% of the City of Ironwood water system.		\$ 2,880
Verification Survey: Coleman has many of the hydrants and valves throughout town surveyed in, but needs to go through the entire town to verify what structures have been missed.		\$ 16,416
Inventory Survey of hydrant condition, age, picture. Go through every hydrant in town to photograph and assess age and condition.		\$ 11,004
<b>1.2) City Services for Inventory</b>		
Legal Fees	\$ 3,000	
Pothole services with Backhoe to determine service material to verify assumptions.	\$ 6,000	
Locate water service shutoff valves with locator and old records, then shoot with submeter GPS. 1,400 homes already exist in asbuilts in CEC records. City to locate 2,100 homes @ 30 min each.	\$ 10,500	
GPS submeter unit connect to phone : used for surveying in water service shutoffs once they located.	\$ 6,000	
Coordinate with homeowners for access and perform access in home to verify service material type for the homes that will have construction performed on the service lines: 200 homes @ 2hours each	\$ 8,000	
Coordinate construction easement with homeowners. 120 @ 2 hours each.	\$ 9,600	
<b>1.3) Water Services Inventory</b>		
Post process GPS information from 2100 homes worth of surveyed service locations from the City		\$ 6,492
<b>1) Subtotal</b>	<b>\$ 43,100</b>	<b>\$ 36,792</b>

<b>2) Update / Improve Asset Management Program</b>		
<b>2.1) Water Main Mapping and GIS System</b>		
Import Surveyed Data in GIS		\$ 2,680
Draw in Pipe Network		\$ 7,210
Name all Structures		\$ 2,654
Name all Pipes		\$ 2,680
Attach Attributes to Structures (attach hydrant and valve info to structures in GIS: 3000 structures @ 4 mins each = 200 hours)		\$ 15,032
Attach Attributes to Pipes		\$ 4,428
Preliminary Maps for Field Use		\$ 536
Trouble-Shoot Problem Areas		\$ 3,015
Export Final Asset Spreadsheet		\$ 670
Upload to mPower		\$ 1,608
Assign Information to mains, hydrants and valves: age, material type, as built		\$ 9,456
<b>2.2) Water Services Mapping and GIS System</b>		
Import Water Shut Off Data		\$ 4,312
Draw in Service Lines (3,500 homes @3 mins each)		\$ 13,357
Bring in existing service tie cards from City and CEC system into GIS		\$ 15,632
Name Shut Offs		\$ 3,860
Name Service Lines		\$ 4,982
Attach Attributes to Water Shutoff Valve: bring in parcels from City of Ironwood GIS system, attached service lines to address		\$ 8,040
Attach Attributes to Service Lines (3,500 homes @3 mins each)		\$ 13,357
Trouble-Shoot Problem Areas		\$ 4,312
Assign Information to mains, hydrants and valves: age, material type, as built		\$ 10,272
<b>2.3) Asset Management Plan Report</b>		
Introduction and background information		\$ 780
Inventory: Assets		\$ 636
Inventory: Location		\$ 636
Inventory: Condition		\$ 1,644
Inventory: Remaining Useful Life		\$ 636
Inventory: Replacement Cost		\$ 2,508
Water Model to assess Criticality		\$ 3,084
Level of Service		\$ 2,508
Business Risk		\$ 2,508
Water Loss Discussion (no field work)		\$ 780
Capital Improvement Projects and Plan		\$ 6,360



O&M Discussion		\$ 1,068
Revenue & Rate Discussion		\$ 2,136
Conclusion		\$ 840
Executive Summary		\$ 696
Creation of Maps		\$ 5,560
Compilation of Final Report		\$ 9,632
<b>2) Subtotal</b>	<b>\$ -</b>	<b>\$ 170,105</b>

### 3) Lead Service Line Construction

<b>3.1) Consultant Services</b>		
Construction Coordination and Testing of fill, base and asphalt		\$ 5,000
<b>3.2) City's Contractor Construction Costs</b>		
Replace Water Service Line (see attached detailed estimate)	\$ 200,000	
Permit(s) from State Plumbing Inspector	\$ 5,000	
<b>3) Subtotal</b>	<b>\$ 205,000</b>	<b>\$ 5,000</b>

	<b>City Fee</b>	<b>CEC Fee</b>
<b>Total</b>	<b>\$ 248,100</b>	<b>\$ 211,897</b>

AGREEMENT NO. 07044  
PROJECT NO. \_\_\_\_\_  
WORK ORDER NO. 01

**EXHIBIT "A"**  
**WORK ORDER**

COLEMAN ENGINEERING COMPANY and its directors, officers, shareholders, employees, agents, affiliates, independent professional associates, consultants and subcontractors, as the case may be, (collectively, "COLEMAN") agree to perform for CLIENT, on this specific Project, the Services described below. The services shall be performed subject to and upon the terms and conditions set forth in the Professional Services Agreement (the "Agreement") dated February 16, 2007, by and between COLEMAN and CLIENT, which Agreement is hereby amended to incorporate this Work Order.

It is agreed that this Agreement, and such other documents required by it during the term of this Agreement, may be approved by a signed copy transmitted by fax or .pdf copy containing all signatures in lieu of the original signed copy, and that a copy transmitted by fax or .pdf shall be legally binding upon the parties to said Agreement(s)."

PROJECT: City of Ironwood  
MDEQ Drinking Water Infrastructure Grant  
Professional Services

SERVICES: As described in our proposal letter dated April 26, 2018, a copy of which is attached and made part of this contract.

FEES: Services will be invoiced on a time and materials not to exceed basis using the current standard fee schedule(s) for the scope of work and in accordance with the assumptions and conditions set forth in our proposal letter dated April 26, 2018, a copy of which is attached and made part of this contract.

Please understand that because this is a time and materials-based project we will be invoicing all expenses associated with this project.

**SPECIAL TERMS AND CONDITIONS:**

During completion of this work, Coleman Engineering Company will not accept responsibility for the safety of individuals other than Coleman Engineering Company employees.

**AUTHORIZATION**

This Work Order and the scope of services (the "Services") defined herein are approved and COLEMAN is hereby directed and authorized to proceed with the Services for the designated Project in accordance with the terms and conditions of the above-referenced Agreement.

Requested By:

Accepted By:

CITY OF IRONWOOD

COLEMAN ENGINEERING COMPANY

By: Scott Erickson

By: Paul C. Anderson, P.E.

Title: City Manager

Title: Project Manager

Date: \_\_\_\_\_

Date: April 26, 2018

**RESOLUTION #018-007**  
**A RESOLUTION DETERMINING THAT A**  
**HAZARD AND NUISANCE EXISTS**

At a Regular Meeting of the City Commission of the City of Ironwood, duly held on May 14<sup>th</sup> 2018, in the Commission Chambers of the Municipal Memorial Building, Ironwood, Michigan, the following Resolution was offered by Commissioner \_\_\_\_\_, supported by Commissioner \_\_\_\_\_.

**WHEREAS**, the City Commission has investigated the conditions of the property located at 301 Kennedy Street (52-24-314-010) and an unlicensed vehicle on the property

**WHEREAS**, the proper notice and deadlines have been given to owner(s)/occupant(s) of property regarding the correction of the City Code violation(s) via letters send on August 23rd 2017 and September 21st 2017; and, May 4<sup>th</sup> 2018,

**WHEREAS**, the City Commission is duly authorized to determine that a code violation exists and order such properties to become compliant under direction of the City Manager and that any and all expenses of abatement may be assessed against the prospective property;

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Ironwood, that:

1. That a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the City of Ironwood or those residing or habitually going near such lot, building, or structure does exist at 301 Kennedy Street (52-24-314-010) and,
2. That said public hazard or nuisance is in violation of City Ordinance, Chapter 17, Article IV, Sec 17-67(1); and,
3. A Pubic Hearing will be held on May 29<sup>th</sup> 2018 at 5:25 P.M. at which time the owner may raise any objection t the proposed abatement.

Roll call vote was taken: Ayes: \_\_\_\_\_ Nays \_\_\_\_\_.

**STATE OF MICHIGAN )**  
**) ss.**  
**COUNTY OF GOGEBIC)**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by; the Ironwood City Commission, County of Gogebic, State of Michigan, at a regular meeting held on May 14th 2018 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Act of Michigan, 1967, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

---

Karen M. Gullan, City Clerk

City of Ironwood  
213 S. Marquette St.  
Ironwood, MI 49938



**IRONWOOD**  
**MICHIGAN** | *Find Your North*

Phone: (906) 932-5050  
Fax: (906) 932-5745  
[www.cityofironwood.org](http://www.cityofironwood.org)

May 8, 2018

To: Ironwood City Commission  
Scott Erickson, City Manager

From: Bob Tervonen, City Utilities Manager 

Re: Request to Bid Well #101 Rehabilitation/Repair

Well number #101 at the Spring Creek wellfield recently declined in production and is in need of repair. I am requesting the Ironwood City Commission to approve bidding the rehabilitation and repair of this well. The work will be schedule to be completed in the coming fiscal year and is in the proposed budget.

Thank you for your time and consideration. Please contact me if you have any questions.



This Institution is an Equal Opportunity Provider, Employer and Housing Employer/Lender



City of Ironwood  
213 S. Marquette St.  
Ironwood, MI 49938



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[www.cityofironwood.org](http://www.cityofironwood.org)

May 2, 2018

To: Ironwood City Commission  
Scott Erickson, City Manager

From: Bob Tervonen, City Utilities Manager

Re: Consider Approval to Upgrade Pump Station SCADA System

I am requesting the Ironwood City Commission to consider to approve the purchase of a new computer at the City of Ironwood pump station with an upgraded SCADA computer system to from Energenics at a price not to exceed \$8868.00. This price includes a new Dell computer that can support the SCADA software and required labor to install the program with training. City of Ironwood staff believe some of the installation can be completed "in-house", which will reduce the labor cost. Funding for this upgrade is in the current water department budget. The current computer is outdated and can no longer support the automated system that monitors the water production process.

Thank you for your time and consideration. Please take the time to contact me or Tim Pertile at the pump station if you have any questions.



This Institution is an Equal Opportunity Provider, Employer and Housing Employer/Lender



## Robert Tervonen

---

**From:** Tim Pertile <pumphouse@isp.com>  
**Sent:** Friday, April 20, 2018 10:37 AM  
**To:** tervonenb@cityofironwood.org  
**Subject:** FW: SCADA PC

**From:** Dave Simon [mailto:dave.simon@energenecs.com]  
**Sent:** Friday, April 20, 2018 10:13 AM  
**To:** Tim Pertile  
**Subject:** SCADA PC

Hi Tim,

Per our discussion this morning I want to review the need for the Wonderware software upgrade. We want to ship the latest Windows operating system. Windows 10. Problem is if we jump back to say Windows 7 then we take a chance that it will out date itself sooner. For example Windows no longer supports XP. That stopped a few years back already.

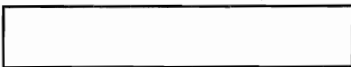
Because your existing Wonderware software is meant to be loaded on an XP machine yet it may or may not even run on Wondows10. And even if it did if we did have an issue, Wonderware would tell us they will not support their software with that version of Windows. They would say you have to update. As I mentioned too the XP machine is 32bit, the new one is 64bit operating. Another reason the software won't work.

Just to be sure. I reviewed once again your license file. It is licensed for up to Wonderware version 10.0. I looked online at a capability matrix. I found an old tech note Version 10.0 will not work or is supported on Window 7 much less Windows 10.

I looked over the Labor we have allocated. Basically it takes me 4.5 hours one way to your door. We have a good strong remote Internet connection to you. I am all but sure we could setup your PC prior completely and ship to you. Help support you from remote with setup. But just in case we would suggest we make the labor variable with the current original pricing. That would be the max price. If we do not have to travel the city would get that labor savings.

Thanks

**Dave Simon**  
**Control and SCADA Technician**



Mobile 920-960-3988  
700 East Milan Drive  
Saukville, WI 53080  
[www.energenecs.com](http://www.energenecs.com)

---

**From:** Dave Simon [dave.simon@energenecs.com]  
**Sent:** November 17, 2017 14:04  
**To:** Tim Perile

Hi Tim,

Here is a SCADA PC upgrade broken apart. The SCADA PCs we supply are very current high end machines. Meaning latest in Hardware/software and operating systems that the software will support. Since the Utilities run them longer then average we like to supply powerful PCs. We get the 3 year Hardware only onsite service from Dell. It includes no software reload but if hardware fails they will be there. The Wonderware software is the screens that display on your PC of your water system. That has to be upgraded since your copy will not run on the new PC. Cost for the computer and Wonderware software is

**SCADA hardware and software:**

- New Dell SCADA computer and 22" monitor
- Microsoft WIN 10
- Microsoft Office
- Wonderware SCADA software license upgraded to version InTouch 2017 (existing serial # 1049963 has 1000 tags)

**Price on the above:\$4530.00**

For the labor portion it takes at least a day just to load all the software and upgrade your application and screens to the new software. Price includes full onsite setup and file transfer from your old system to the new one. We need to transfer the log files for the historical trends that you can look back on the trends. Cost for Labor as follows:

**Required Labor:**

- Order all hardware, Software, cables and peripherals as required
- Required programming of existing Wonderware SCADA software
- Required programming of existing Allen Bradley PLC control logic
- Field trip to startup deploy & test the upgrade
- Operator training – as required
- Dell hardware warranty passed on to City of Ironwood

**Price on the above:\$4338**

If you have any more questions let me know.

Thanks,

**Dave Simon**  
**Control and SCADA Technician**



Mobile 920-960-3988  
700 East Milan Drive  
Saukville, WI 53080  
[www.energenecs.com](http://www.energenecs.com)

City Of Ironwood

Mayer Burchell

City of Ironwood governing body



Re: Appeal of denied FOIA request

I have attached the denied response from the FOIA director and I am appealing those denied requests to the governing body of the City Of Ironwood as per statute 15.240 sec 10 (a).

I also respectfully request this appeal at the next City meeting, I am requesting any denied FOIA requests be granted due to the possible public interest, public harm that could entail by not releasing this under statute 15.243 sec 13 (s). Also the city response was (Law enforcement files ARE exempt) and the law reads MAY be exempt.

Please let me know when the above mentioned appeal is on the City of Ironwood Commission agenda.

Jeff Ramme 906-364-5442

*Jeff Ramme* 4-26-18



City of Ironwood  
213 S. Marquette St.  
Ironwood, MI 49938



Phone: (906) 932-5050  
Fax: (906) 932-5745  
[www.cityofironwood.org](http://www.cityofironwood.org)

April 11, 2018

Jeff Ramme  
N10259 Curry Rd.  
Ironwood, MI 49938

RE: 4/11/18 FOIA Request

Dear Mr. Ramme

This is in response to your FOIA request considered received by the City of Ironwood on 4/11/18 regarding the following records:

1. Has there been any internal or external complaints against Director Gregory Klecker since he became IPSD director to the present April 11, 2018.

**RESPONSE: Your request is denied. Personnel files of a law enforcement agency are exempt from disclosure. MCL 15.243(1)(s)(ix).**

2. If any complaints internal or external I am requesting a copy of complaint or complaints.

**RESPONSE: See response to request #1.**

3. If any complaints I am requesting any records of what was the outcome of any complaints, for example was the director written up or anything put in his file. If so I'd like a copy of that.

**RESPONSE: See response to request #1.**



This Institution is an Equal Opportunity Provider, Employer and Housing Employer/Lender



4. I am requesting a copy of the director of IPSD contract that he is currently under. Please enclose the whole contract including how many vacations days are allowed.

**RESPONSE: Your request is granted. The contract is enclosed.**

In the event you are not satisfied with this response, I want to advise you of your rights. You have the right to submit a written appeal of the denial to the office of the city manager who is Scott Erickson that specifically states the word "appeal" and identifies the reason or reasons for reversal of this denial by me.

In addition, you may seek judicial review of this denial pursuant to MCL 15.240 in the Gogebic County circuit court. If you seek judicial review and the court determines the information or records are not exempt from disclosure, you have the right to receive attorney fees and damages in an amount not to exceed \$1,000.

The City's FOIA procedures and guidelines are available online at [www.cityofironwood.org](http://www.cityofironwood.org).

Very truly yours,

A handwritten signature in cursive script that reads "Karen M. Gullan". The signature is written in dark ink and is positioned above the printed name and title.

Karen M. Gullan  
FOIA Coordinator

cc: Tim Dean, City Attorney

## City of Ironwood

### **Freedom of Information Act (FOIA) Procedures and Guidelines**

#### **Preamble: Statement of Principles**

It is the policy of the City of Ironwood that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, MCL 15.231, *et seq.*, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The City's policy with respect to FOIA requests is to comply with the law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The City acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals. The City will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City's policy is to disclose public records consistent with and in compliance with the law.

The City Commission has established the following written procedures and guidelines to implement the FOIA and has created a Written Public Summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the City and explaining how to understand the City's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary has been written in a manner so as to be easily understood by the general public.

#### **Section 1: General Policies**

The City Commission, acting pursuant to the authority at MCL 15.236, designates the City Clerk as the FOIA Coordinator. He or she is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

**The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City's information technology staff to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be imbedded in an electronic FOIA request.**

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with the law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The City of Ironwood is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

The City will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the City cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

**A copy of this Procedures and Guidelines document and the City's Written Public Summary must be publicly available by providing free copies both in the City's response to a written request (or in the alternative, by providing the City's website link) and upon request by visitors at the City's office.**

This Procedures and Guidelines document and the City's Written Public Summary will be maintained on the City's website at: [www.cityofironwood.org](http://www.cityofironwood.org), so a link to those documents will be provided in lieu of providing paper copies of those documents.

## **Section 2: Requesting a Public Record**

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public. A request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City may be submitted on the City's FOIA Request Form, or in any other form of writing (letter, fax, email, etc.). Verbal requests for records must be reduced to writing by the requestor.

If a person makes a verbal request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, the requestor shall be informed of the pertinent website address.

Written requests for public records may be submitted in person or by mail to any City Office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or otherwise electronically provided to him or her in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the City on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

## **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, the City will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day. (See section 1 for rule on spam/junk-mail.)

The City will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

***When a request is granted:***

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records; provided however that because these Procedures and guidelines, and the Written Public Summary are maintained on the City's website at: [www.cityofironwood.org](http://www.cityofironwood.org), the website link can be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requestor will be notified of the amount due and where the documents can be obtained. If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the City will require a good-faith deposit pursuant to Section 4 of this policy before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by MCL 15.231.

***When a request is denied or denied in part:***

If the request is denied or denied in part, the FOIA Coordinator will issue a notice of denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the City Manager or seek judicial review in the Gogebic County Circuit Court; and

- An explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000, should he/she prevail in circuit court.
- The notice of denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a notice of denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this policy.

#### ***Requests to inspect public records:***

The City of Ironwood shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

#### ***Requests for certified copies:***

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

### **Section 4: Fee Deposits**

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit of one-half (50%) of the total estimated fee.

If a request for public records is from a person who has not paid the City in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the City's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the City; and
- The City has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The City of Ironwood will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the City;
- The City is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

### **Section 5: Calculation of Fees**

A fee may be charged for the labor cost of copying/duplication. A fee will *not* be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt

information *unless* failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City of Ironwood specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from nonexempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the City’s usual FOIA requests, not compared to the City’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the City:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from nonexempt information in the record requested.
- Whether the public records are from more than one City department or whether various City offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The FOIA permits the City to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the City.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the City.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the City’s website if you ask the City to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper physical media. This may include the cost for copies of records already on the City’s website if you ask the City to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, **but in no case may it exceed the actual cost of fringe benefits.**

- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of 6 times the Michigan minimum hourly wage (currently \$48.90).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The City will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the City's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8½ x 11-inch) or legal (8½ x 14-inch) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The City will provide records using double-sided printing, if it is cost saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the City of Ironwood does not respond to a written request in a timely manner, the City must:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
  - The City's late response was willful and intentional,
  - The written request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email or email attachment, or
  - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

## **Section 6: Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The City Commission may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

In determining whether the general public is primarily benefited, the FOIA Coordinator shall consider the following factors, none of which shall be determinative:



- Whether the public record being disclosed serves the public policy purposes set forth at Section 1 of the FOIA;
- Whether the release primarily serves a private or commercial purpose;
- Whether the release implicates the rights of third persons;
- Whether waiver of the fee is in the best interest of the City; and
- The manner in which similar requests have been treated.

## **Section 7: Discounted Fees**

### ***Indigence***

The City will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the City twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is a sworn statement made under the penalty of perjury. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

### ***Nonprofit organization advocating for developmentally disabled or mentally ill individuals***

The City will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated Michigan to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
  - Is made directly on behalf of the organization or its clients.
  - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
  - Is accompanied by documentation of its designation by Michigan.

## **Section 8: Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the City Commission by filing an appeal of the denial with the office of the City Manager. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The City Commission is not considered to have received a written appeal until the first regularly scheduled City Commission meeting following submission of the written appeal.

Within 10 business days of receiving the appeal, the City Commission will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial;
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Commission shall respond to the written appeal. The Commission shall not issue more than 1 notice of extension for a particular written appeal.

If the City Commission fails to respond to a written appeal, or if the City Commission upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court. Whether or not a requestor submitted an appeal of a denial to the City Commission, he or she may file a civil action in Gogebic County Circuit Court within 180 days after the City's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the City to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or City prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the City has arbitrarily and capriciously violated FOIA by refusal or delay in disclosing or providing copies of a public record, the court shall order the City to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the Michigan Treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

## **Section 9: Appeal of an Excessive FOIA Processing Fee**

"Fee" means the total fee or any component of the total fee calculated under MCL 15.234, including any deposit. If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by the law or under this policy, he or she must first appeal to the City Commission by submitting a written appeal for a fee reduction to the office of the City Manager. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The City Commission is not considered to have received a written appeal until the first regularly scheduled City Commission meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the City Commission will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or

- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Commission will respond to the written appeal. The City Commission shall not issue more than 1 notice of extension for a particular written appeal.

Where the City Commission reduces or upholds the fee, the determination must include a certification from the Commission that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the Commission's determination of an appeal, the requesting person may commence a civil action in Gogebic County Circuit Court for a fee reduction. If a civil action is commenced against the City for an excess fee, the City is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

- The City does not provide for appeals of fees;
- The City Commission failed to respond to a written appeal as required; or
- The City Commission issued a determination to a written appeal.

If a court determines that the City required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the City has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the City to pay a civil fine of \$500.00, which shall be deposited in the general fund of the Michigan Treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

## **Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date**

To the extent that these Procedures and Guidelines conflict with prior FOIA policies promulgated by City Commission or the City staff, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this policy is found to be in conflict with any previous policy promulgated by the Commission or the City administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any Michigan statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Commission or the City administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to FOIA; provided that such modifications and rules are consistent with the law. The FOIA Coordinator shall inform the City Commission of any change to these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

**Section 11: Appendix of the City of Ironwood FOIA Forms**

- Request for Public Records Form
- Detailed Cost Itemization Form