

REGULAR CITY COUNCIL MEETING
April 25, 2006

The Regular City Council Meeting was called to order by Mayor Muschell in the Council Chambers in the City Hall at 7:00 p.m. The proceedings were as follows:

Present: Council Members Charboneau, Muschell, Boardman, Tebo, Riddle and McCauslin

Absent: Council Member Temple

Council Member Charboneau led the Pledge of Allegiance to the Flag.

Council Member Riddle moved to excuse Council Member Temple from the meeting due to illness. Seconded by Council Member McCauslin. Motion carried unanimously.

Approval of Agenda and Receive and File all Communications

Mayor Muschell noted two changes to the agenda, under 7.C. Communications and Petitions, a Request from Raymond Lofgren – Council Review of His Concerns of Inner-Governmental Spending for Mr. Hoffman, has been withdrawn and an addition to the agenda under 7. E. Request to Use Washington Park on May 20, 2006 as a Fundraiser for Kyle Kilpatrick of Levering for Medical Expenses.

Council Member McCauslin moved to approve the agenda as amended and receive and file all communications. Seconded by Council Member Tebo. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – April 11, 2006**

Council Member Boardman moved to approve the minutes of the April 11, 2006 Regular City Council Meeting as presented. Seconded by Council Member Charboneau. Motion carried unanimously.

Public Comments

Mayor Muschell read a policy that was adopted by the City Council in 2001 under the advice of Michigan Legislature regarding public speaking which states that the City Council should limit the opportunity of anyone speaking during Public Comments to a 10 minute period. During this opportunity for a person to address the Council, the person does not have the right to question a member of Council or a City Official or create any dialogue between the Council or City Official. Council or City Official does not have to respond although in many instances there may be deviation from this policy. Mayor Muschell commented that if a presentation is made and more than 10 minutes is required, he would grant that extended period as a waiver. He noted that anyone wishing to address Council that is not on the agenda may do so at this time within the stipulations of the policy he outlined.

Public comment portion of the meeting opened by Mayor Muschell.

- **Property Ownership – Mr. Alan Horton**

Mr. Alan Horton introduced himself, explaining that he attended the City Board of Review regarding property he owns and discovered that the railroad owns a portion of his property. He requested that

Council or any City Official assist him with information he may need to further pursue ownership. Mr. Horton explained that the City records he has reviewed do not show that the railroad owns any of his property but yet there is a deed that indicates otherwise. He noted that he and previous owners have been paying taxes on that property for the railroad. Mr. Horton added that another issue that surfaced is the 10-12 other property owners in the same situation who have also been paying taxes on property owned by the railroad. He commented that he is unable to obtain information on the other property owners; however, it would be in the best interest of the City to determine what interest the railroad has with the property. Mayor Muschell questioned if the County Building has the appropriate records. Mr. Horton replied that he has warranty deed title insurance and that the title company advised him that he is the property owner after going back 100 years without finding anything. However, apparently a deed dated 1888 exists that indicates the railroad owns a quarter portion of his property. Mr. Horton commented that the property in question is 511 North Bailey Street. Council Member Tebo explained that a colleague of his that resides near Mr. Horton experienced the same problem and that he would obtain information on the title company that may be able to assist Mr. Horton. Additionally, he would provide the information to City Manager McNeil for Mr. Horton to follow-up on. City Manager McNeil requested that the information be provided to the City Assessor as he will be away from the office.

- **Marine Construction – Mr. John Lechner**

Mr. John Lechner introduced himself, referring Council to the project manual for the second phase of the Mackinaw City Marina provided by United Design Associates which is owned by Mayor Muschell. He also referred to a supplement of the project manual which indicates that a marine work construction company must demonstrate a minimum of five years proven experience as a company with dredging construction projects and floating plant construction. Mr. Lechner commented that there was no floating plant construction that was pertinent to this job. He stated that this is the third time this situation has occurred, referring to the St. Ignace Phase 1 Marina Project in 2001 and the Naubinway project where United Design required a contractor to own a floating plant in order to qualify to bid on the project. Mr. Lechner explained that the law requires only that the contractor provide the necessary production construction and technical equipment and facilities or have the ability to obtain them. Mr. Lechner read a letter from Mr. Tom Cain that indicates for future projects the construction design professional will be directed to develop language that is inclusive and does not inappropriately limit bidders. Additionally, wording will be changed from such phrases as five years proven experience as a company or proof of company owned equipment or plants. Mr. Lechner stated that he wants the public to know how corrupt these people are in private business and that he has given several examples over the last year where they are just as corrupt in company business. Mayor Muschell thanked Mr. Lechner for his comments, noting however that the information Mr. Lechner is referring to is a dead issue and that those same documents were approved by the State of Michigan before going out for bids. Council Member Charboneau cautioned Mr. Lechner not to start a fight here tonight. Mr. Lechner replied that he was not starting a fight, adding that the issue where he took Mayor Muschell to court in 2001 for four years is dead but the Naubinway and Mackinaw City issues are not. Council Member Charboneau stated that this is not a court room forum. Mr. Lechner commented that if a person is corrupt in private business he is corrupt in public business. Mayor Muschell advised Mr. Lechner that his comments are being recorded. Mr. Lechner replied that he wants his comments recorded and continued to relate conversations with legislative officials. Mayor Muschell indicated that Mr. Lechner is out of order and advised him to either be quiet or leave. Mr. Lechner noted that he wants the allotted 10 minutes and continued with further comments.

Mayor Muschell asked if there was anyone else wanting to speak. There being no further comments, the Public Comment portion of the meeting was closed by Mayor Muschell.

Communications and Petitions

- **Request from Cheboygan Lions Club to hold Annual White Cane Sale on May 26 & 27, 2006**

Council Member Charboneau moved to approve the request from the Cheboygan Lions Club to hold its Annual White Cane Sale on May 26 & 27, 2006. Seconded by Council Member Tebo. Motion carried unanimously.

- **Report from Mr. Reginald Hamilton, Wade Trim Operations Services, Inc. – re: Water Quality Audit**

Mr. Reginald Hamilton of Wade Trim introduced himself commenting that Ms. Amy Wolcot, P.E. is also here to present the Water Quality Audit results. Mr. Hamilton stated this is a follow-up to the Water Quality Report provided to the City regarding the water system. He noted that he and Ms. Wolcot will review conclusions and recommendations and will close with a period for questions and answers. Mr. Hamilton explained that Wade Trim reviewed extensive data, conducted site inspections, discussed water quality complaints, and reviewed problems with iron content and odor of the water. He added that the information was also reviewed by Water and Wastewater Superintendent Good and a number of conclusions resulted. Mr. Hamilton explained that the iron and odor issues are not uncommon problems throughout the State and Cheboygan does have good water quality but there are a number of procedures that could be done differently and improvements made to would help tremendously. Additionally, there are issues outside the City's control that customers could do with their internal plumbing to improve water quality. Ms. Amy Wolcot reviewed the conclusions and recommendations, commenting that one of the main objectives is upgrading the distribution system as funds become available. She explained that one of the primary factors in the iron content, taste and odor problems with the water is the aged cast iron water mains. Additionally, the most significant areas of concern when reviewing customer complaints include Duncan Avenue and the alphabet streets although there were a few isolated cases in other areas that are also on the aged cast iron water mains. Ms. Wolcot commented that recommendations include installing new water mains at the same time that street repairs are done in these areas; using different piping configurations in the well houses for the polyphosphate and chlorine injection process; additionally a different blend, ratio or application rate of polyphosphates could also help further sequester the iron in the water. Council Member Riddle requested clarification on polyphosphate blend. Mr. Hamilton briefly explained polyphosphates as well as a limited treatment system which is adding chemicals to improve water quality. Ms. Wolcot indicated that another recommendation is more focus flushing of water mains on a regular basis in some of the areas known to have problems with dead ends or low velocity of mains. She explained that automatic flushing hydrants would be beneficial as well which can be programmed to activate at certain times and would waste a lot less City water and still accomplish the hydrant flushing process. Ms. Wolcot also explained that some of the plumbing in older homes is galvanized iron that is not coated on the inside, and therefore the same problem would exist for those homeowners even if the City water mains were replaced. Also residential hot water heaters are a cause for odors and taste complaints, explaining that the magnesium rod inside the tank reacts poorly with this type of water and produces taste and odor problems. Ms. Wolcot explained that replacing the rod with a different material would greatly reduce the taste and odor problem, as well as a tank replacement with a non-metallic material. Additionally Wade Trim can work on an implementation plan to help the City focus on which areas to start with

first and then provide process recommendations for injection points and distribution system upgrades. Council Member Riddle asked the least invasive and best way for residents to check the plumbing system from the water main to the home to determine if there are issues with the pipes. Mr. Hamilton replied that the primary factor with odor complaints is typically the magnesium rod which is there to protect the tank from corrosion and reacts to specific chemicals in the water. He added that there is also another type of anode rod that can be used to lessen the odor problem. Council Member Tebo noted that a plumbing contractor could assist the homeowner with checking the pipes and installing any necessary equipment. Mayor Muschell asked if an electrically operated valve with a timer is used for the automatic flushing hydrants. Ms. Wolcot explained that an automatic flushing hydrant has a self-contained unit that is battery powered with a timer that can be programmed. Council Member McCauslin noted that the areas tested on Duncan Avenue showed significantly higher content of the particulate matter than the rest of the City, commenting on the poor water quality in that area. He asked what can be done to solve this problem that seems to be getting worse. Ms. Wolcot explained that Duncan Avenue has a 10-inch main with not enough flow to necessitate that large of a main and therefore there is a large quantity of water sitting idle with more time to contact the iron surface and creating corrosion. She commented that a 6-inch or 8-inch main could handle the flow that is required in that area and cause the water to move much faster. Additionally, Duncan Avenue has one of the oldest mains, so there are many factors working against the City with the low velocity being the worst. Ms. Wolcot commented that the only real way to solve the problem on Duncan Avenue is water main replacement and that the other operational aspects would probably help but would likely not solve all the problems. Council Member Tebo questioned the approximate length of 10-inch main that needs to be replaced. Ms. Wolcot estimated the worst section to be approximately 2,500 to 3,000 feet in length. Council Member Tebo asked if replacing the 3,000 feet of water main and installing the automatic flushing system would resolve the problem. Ms. Wolcot replied that installing an automatic flushing hydrant would be invaluable. Mayor Muschell asked if Wade Trim has suggestions on where to obtain funding to assist with the water main replacement project. Ms. Wolcot stated that the grant application was denied, adding that grant funding is hard to obtain for water systems but there are many low interest loan programs such as Rural Development and the Drinking Water Revolving Fund through the Department of Agriculture. City Manager McNeil expressed appreciation to Mr. Hamilton and Ms. Wolcot of Wade Trim, adding that there are some excellent recommendations and that he expects to be talking further with them. He commented that between Staff, Mr. Hamilton and Ms. Wolcot, the City does want to develop an action plan very soon which will prioritize these recommendations and lay out how the City should proceed and that information would then be provided to Council.

- **Request from Raymond Lofgren – Council Review of His Concerns of Inner-Governmental Spending for Mr. Hoffman**

Mayor Muschell noted that Mr. Lofgren has requested to be removed from the agenda.

Council Member McCauslin moved to grant the request of Mr. Raymond Lofgren to remove 7.C. Communications and Petitions – Request from Raymond Lofgren – Council Review of His Concerns of Inner-governmental Spending for Mr. Hoffman from the April 25, 2006 Regular City Council Meeting agenda and transferred to the May 9, 2006 Regular City Council Meeting agenda, and that the communication to the City Council from Mr. Lofgren requesting such removal be placed into record. Seconded by Council Member Charboneau. Motion carried unanimously.

- **Request from Wayne Duffiney – Questions for Council**

Mrs. Michelle Duffiney introduced herself, commenting that she is Wayne Duffiney's wife and that she convinced him not to attend this City Council meeting. She indicated that their three questions were required to be submitted in writing before they would be allowed to be answered and asked if that is normal procedure. City Manager McNeil explained that anyone wanting to be placed on the City Council Meeting agenda must provide a written request. Mrs. Duffiney questioned if there is some reason they cannot get an answer on why after 35 years of where the ferry was parked, it is no longer allowed there and usage went to the U.S. Geological Survey. She also noted their request for Mr. Hoffman to be present to defend himself but that he declined and that Mr. Hoffman advised Council not to give an answer, and she wondered why. Council Member Riddle commented that Mr. Hoffman represents the City in his position as City Attorney and does not need to be present to defend himself. She added that the City did not put Mr. Duffiney out of business, adding that he has the possibility of running his business elsewhere but not at the West Second Street right-of-way. Council Member Riddle further commented that the City allowed Mr. Duffiney continued use of that particular property even though he initiated litigation against the City and as a result of that continued use of the right-of-way the City was assisting Mr. Duffiney in that regard. Mrs. Duffiney agreed with those comments and stated that she is not going to ask any more questions and hopes that other business owners do not feel as pressured as they have been. She commented that she appreciates the response of the people attending this meeting regardless of the reason, and that more people need to take an interest in Cheboygan.

- **Request to Use Washington Park on May 20, 2006 re: Fundraiser for Kyle Kilpatrick of Levering for medical expenses**

Mayor Muschell explained that Kyle Kilpatrick is a six year old boy that was struck by a car in April 2006 and that the injuries he sustained in the accident were severe. Ms. Christie Vanier indicated that fund raising efforts are underway to assist with medical expenses for Kyle Kilpatrick and the family is requesting the use of Washington Park for a fund-raising concert. Clerk/Treasurer Kwiatkowski stated he advised Mrs. Vanier to confirm with the Chamber of Commerce that the date is open, which Mrs. Vanier has done. Mrs. Vanier confirmed that the Chamber of Commerce indicated the date is open.

Council Member Tebo moved to grant the request for the use of Washington Park on May 20, 2006 from noon to 8:00 p.m. for a benefit bake sale and 6-8 pm for a benefit concert on behalf of Kyle Kilpatrick of Levering, Michigan. Seconded by Council Member McCauslin. Motion carried unanimously.

Boards and Commission Reports

- **Department of Public Safety Monthly Statistics – March 2006**

The Department of Public Safety Monthly Statistics for March 2006 were received and reviewed.

- **Regular Planning Commission Meeting – April 17, 2006**

City Manager McNeil stated that the Planning Commission is in the process of beginning two different projects; the first involves developing a new Planned Unit Development Ordinance to provide some flexibility within the current Zoning Ordinance for mixed use developments. A Subcommittee made up of Planning Commissioners Bronson and Granger along with himself was assigned to look into that further and will be meeting to provide recommendations to the full Planning Commission relative to development of that Ordinance. Also, the Planning Commission is

reviewing a Riverfront Development Plan with regards to proposed future land uses along the Cheboygan Riverfront and possibly more detailed recommendations regarding the same within the current Land Use Plan.

- **Regular Recreation Commission Meeting – April 19, 2006**

City Manager McNeil stated that the Recreation Commission continues to work through their Project Plan Outline with regards to development of a new Recreation Plan. He reported that at the most recent meeting, the Recreation Commission toured the active recreational facilities in order to become more familiar with each of the parks and facilities. Recreation Director Hancock was also present and provided the Commission with an overview of his management and maintenance issues, and needs with regards to each park and recreational facility. Council Member McCauslin questioned if Recreation Director Hancock is aware that the adjacent property owner to Kiwanis Park is using the drive through as their turn around point and could that be fixed by installing a boundary fence. City Manager McNeil replied that access issues with regard to Kiwanis Park were discussed and what appeared to be infrequently used drive areas that pass through the Park were noted, although no specific discussion was held with regards to a circle drive issue. He stated that the Commission would look into the matter further. Council Member Riddle noted she attended the meeting and brought up an issue with regards to the children residing in the rental properties across the street from Kiwanis Park who cross Mackinaw Avenue to access the Park. She asked that in light of the increase in speed limit and concerns with safety if a cross walk area or signage could be provided to slow traffic near the Park. City Manager McNeil indicated that the Recreation Commission will be looking into that issue as well.

Resolutions

- **Consideration of a Resolution for City of Cheboygan's PrimeVest Investment Account**

Clerk/Treasurer Kwiatkowski stated that he recently took proposals from the local lending institutions in an effort to maximize the City's revenues with regard to interest income. He explained that after reviewing proposals, the PrimeVest Investment Account through Citizens National Bank which has a 4.3% interest rate is a sweep account that works directly with the checking account and will eliminate the need to make lump sum transfers into checking to cover disbursements. Clerk/Treasurer Kwiatkowski further explained that transfers are made automatically on a daily basis and funds which are not in the checking account are within PrimeVest earning interest in excess of 4.3%. He noted the PrimeVest account can be terminated at any time and the City is not obligated to maintain the account for any length of time. Additionally, Clerk/Treasurer Kwiatkowski noted that Cheboygan County has a PrimeVest account at Citizens National Bank in the amount of \$1.6 million and they are very pleased with the performance of that account. He explained that in order to proceed with the PrimeVest Account, he is requesting that Council adopt this Resolution which designates himself and City Manager McNeil as the only two authorities that can access those funds. Council Member McCauslin questioned if the termination on demand through PrimeVest would result in any penalties levied against the account. Clerk/Treasurer Kwiatkowski indicated that termination would not be subject to penalties or fees against the account.

Council Member Charboneau moved to adopt the Resolution for the City of Cheboygan's PrimeVest Investment Account and designate City Manager McNeal and Clerk/Treasurer Kwiatkowski as authorized signatures. Seconded by Council Member McCauslin. Motion carried unanimously.

- **Consideration of Resolution Establishing and Organizing the Northern Cheboygan County Intermunicipality Planning Committee**

City Manager McNeil commented that as reported previously, there have been recommendations within the City of Cheboygan Land Use Plan and Strategic Plan to enhance and create better communication with neighboring local governments. He stated that the Land Use Plan calls for the same relative to a more regional approach to land use planning and as such approximately one year ago, discussions were initiated with regards to multi-jurisdictional planning with the three surrounding Townships and County officials. As a result, Council has before them a Resolution which establishes and organizes the Northern Cheboygan County Intermunicipality Planning Committee. City Manager McNeil commented that this proposed Resolution has been prepared by County Attorney Graham and is done pursuant to Public Act 200 of 1957 which provides for the powers which a committee established under such an Act can undertake. Additionally, the proposed Resolution also provides for organization of the Committee, how meetings will be conducted and the requirement to be done pursuant to the Open Meetings Act and the Freedom of Information Act, and provides for the basis of the Committee and how those serving are appointed. City Manager McNeil conveyed his enthusiasm regarding this proposed Organization, commenting that hopefully the Committee will be able to plan for the Cheboygan area with a common and regional vision. He requested that Mayor Muschell and Council adopt the Resolution. Mayor Muschell mentioned he felt that the Committee would be beneficial for the relationship between the boundaries so there is equal status for the City, Townships and County.

Council Member Tebo moved to adopt the Resolution Establishing and Organizing the Northern Cheboygan County Intermunicipality Planning Committee. Seconded by Council Member Boardman. Motion carried unanimously.

Unfinished Business

- **Request from the Cheboygan Rotary Club to Host a Cheboygan Bike Night on Saturday, September 9, 2006 from 4:00 p.m. to 11:00 p.m. with Food & Beverage Tents and Entertainment**

Council Member Charboneau moved to approve the request from the Cheboygan Rotary Club to host a Cheboygan Bike Night on Saturday, September 9, 2006 from 4:00 p.m. to 11:00 p.m. with food & beverage tents and entertainment. Seconded by Council Member McCauslin. Motion carried unanimously.

Council Member Riddle questioned whether the original request to use specific streets for the Bike Night event has been withdrawn. Mayor Muschell indicated the request was withdrawn.

General Business

- **Consideration to Take Bids – Painting of Mansard Metal Roof at City Hall**

City Manager McNeil stated there is an appropriation in the current budget for painting the mansard metal roof of the City Hall/Opera House. He noted that the easterly and south sides of the roof are in poor condition and clearly in need of painting, and as such he is requesting that the City go out for bids.

Council Member Boardman moved to take bids for the painting of the mansard metal roof at the City Hall. Seconded by Council Member Charboneau. Motion carried unanimously.

- **Consideration of New Plan for Ottawa Park**

Ms. Joanne Leal provided an update of current activities at the Ottawa Park and an overview of a proposed new plan for the Park. She reported that this summer, work will focus on the east side of the Park and that the original intent for that location was an activities/discoveries area; however, a slight variation in the plan is being proposed for that portion of the Park. Ms. Leal explained that the gazebo portion that was originally presented last year was to be a pergola with an open roof in a circular area approximately 20 feet in diameter. She referred Council to the proposed new design, which illustrates a 21.5 by 20 foot pavilion approximately the same size with six concrete pillars that would hold a roof overhead. Ms. Leal commented that a local contractor has offered to donate labor for the concrete pad and pillars and has obtained free cement for the pavilion from an area cement company. She added that grant funding was obtained for the planning portion of the project but not the implementation portion and the Committee is moving forward with other fund-raising projects, which she outlined.

Council Member Charboneau moved to approve the new plan for Ottawa Park as presented. Seconded by Council Member Tebo. Motion carried unanimously.

- **Consideration of Reappointment of Mr. John Knaffla to Brownfield Redevelopment Authority – Term to Expire April 13, 2009**

Council Member McCauslin moved to reappoint Mr. John Knaffla to the Brownfield Redevelopment Authority with a term to expire April 13, 2009. Seconded by Council Member Tebo. Motion carried unanimously.

City Manager McNeil advised Council and those in the audience who may be so inclined that there is a vacancy on the Brownfield Redevelopment Authority Board. He explained that a brief application is available for anyone interested in participating on any Board or Commission and then some follow up is done on the individual and the Mayor provides the appointment for Council's consideration. City Manager McNeil added that anyone interested in participating on any of the Boards or Commissions should contact him.

- **Consideration to Take Bids – Emergency Repair of Two (2) Primary Settling Tanks at Wastewater Treatment Plant**

City Manager McNeil commented that Water and Wastewater Superintendent Gary Good is present to address any questions of Council regarding consideration to take bids for the emergency repair of two primary settling tanks at the Wastewater Treatment Plant. Superintendent Good explained that this pertains to all four of the primary settling tanks of the mechanical sludge removing equipment, noting that two primary settling tanks are presently out of commission. He stated that the department is presently reviewing the maintenance procedures and making sure the equipment is properly maintained but in the meantime, the equipment must be repaired on an emergency basis. Superintendent Good stated that one request is for the taking of bids to immediately repair the two primary settling tanks that are currently out of commission and he would also like to obtain bids to repair all four tanks at one time as it is his belief that if the budget will allow, a considerable amount of money could be saved if all four primary settling tanks were scheduled at one time. He noted that approximately \$45,000 is available in the Capital Improvement Plan. Council Member Tebo questioned if adequate funds are available to do all four tanks at once. Superintendent Good replied that he believes funds are available for all four primary settling tanks.

Council Member Tebo moved to authorize the taking of bids to repair all four primary settling tanks at the Wastewater Treatment Plant provided funds are available based on the bids. Seconded by Council Member Boardman.

City Manager McNeil commented that he would prefer that Council consider the alternate of repairing two in the event something unexpected occurs. He added that he feels funding is available and there is adequate reserves for unforeseen capital needs within the Sanitary Sewer Fund but none the less, if there is something discovered by the contractors that the City is unaware of that may cause a substantial expense, consideration should be given to repairing two tanks this year and two next year just from a cash flow standpoint. City Manager McNeil commented he would prefer to have that contingency available.

Council Member Tebo amended the motion to authorize the taking of bids to repair all four primary settling tanks at the Wastewater Treatment Plant provided funds are available based on the bids and that there are no unforeseen expenses.

Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Retiree Harry Taylor**

Clerk/Treasurer Kwiatkowski advised Council that retiree Harry Taylor who was a long time City employee passed away recently. Mayor Muschell questioned if a policy exists on sending flowers on behalf of the City. City Manager McNeil noted he is unsure what the policy is on past employees. Clerk/Treasurer Kwiatkowski commented he does not believe the policy includes retirees however he would look into the matter.

City Manager's Report

- **Top of Michigan Trails Council \$5,100 Pledge Due – re: Surface the Mackinaw City to Gaylord Trail**

City Manager McNeil stated that the pledge that Council approved a couple years ago in the amount of \$5,100 toward resurfacing the trail between Cheboygan and Gaylord has now been requested by the Top of Michigan Trails Council. He noted that the Trails Council has been successful in obtaining State funding to replace a hard limestone surface throughout that entire stretch. Additionally, Mr. Jim Conboy was very instrumental in spearheading that effort and the Trails Council is looking forward to that new recreational improvement that will connect the communities between Cheboygan and Gaylord. Council Member Riddle asked where the trail is located in the Topinabee area. City Manager McNeil explained that the trail will pass through Topinabee where the railroad tracks were formerly. Council Member McCauslin asked if the West Mullett Lake trail will be improved and opened. City Manager McNeil stated the West Mullett Lake trail will not be opened to snowmobiles. Council Member McCauslin stated that in light of the fact that there is \$2.5 million earmarked for that trail to be built as a snowmobile trail or an alternate route and that program will sundown this fall, he would like to see some kind of pressure put on the DNR to solve that problem quickly. City Manager McNeil stated he is unsure of the status of the funding Council Member McCauslin is referring to, but the decision on this matter is under the Natural Resources Commission which consists of appointees of the Governor as well as some jurisdiction to the Michigan Natural Resources Trust Fund which first appropriated the funds to purchase the right-of-way. He added that Senator Allen and Representative Elsenheimer along with others have been working to put that

pressure on and have recently petitioned the Governor to request intervention. Additionally, the Chamber of Commerce has also been working on that issue and he has testified in front of the House Subcommittee in this regard, and the efforts to put that pressure on should continue.

- **Bois Blanc Township Approval of Intergovernmental Transfer of Responsibilities Agreement**

City Manager McNeil stated that Bois Blanc Township officials approved and signed the Intergovernmental Transfer of Responsibilities with regards to the East Third Street right-of-way from the City to the Township. He added that the Agreement provides a five year period for the Township to proceed with development of the right-of-way.

- **Michigan Zoning Enabling Act Training – St. Ignace, May 25, 2006**

City Manager McNeil stated that a new Michigan Zoning Enabling Act has been approved by legislature which takes the different zoning acts as the statutes had them separating county, township, city, village and other municipal jurisdictions, and combining them into one document. He advised Council of the opportunity to obtain training in that regard to better understand the Zoning Enabling Act, commenting that he and members of the Zoning Board of Appeals and Planning Commission plan to attend the training session in St. Ignace on May 25, 2006. City Manager McNeil added that any Council members interested in attending should notify him.

- **Report for Rowe, Inc. at Next City Council Meeting – re: Lincoln Avenue Bridge Construction Schedule**

City Manager McNeil stated that the permits and approvals required from the various regulatory agencies relative to construction of the Lincoln Avenue Bridge may not arrive in time to facilitate construction during 2006, and that a report is anticipated from representatives of Rowe Engineering at the next City Council meeting in that regard.

- **Postponement of Bond Sale for Lincoln Avenue Bridge**

City Manager McNeil reported that a bond sale was originally scheduled in order to gain the remaining funding the City needs for construction of the Lincoln Avenue Bridge. He explained that the bond sale was scheduled for today however, has been postponed in light of concerns regarding the delay in obtaining the necessary permits. City Manager McNeil noted that if construction is delayed until next year, there may be cost changes as well as other changes to consider before selling bonds. Council Member Riddle questioned the current weight limitation on the Lincoln Avenue Bridge. Mayor Muschell explained that 14 tons is the weight restriction but that may drop another two tons this year. Council Member Riddle questioned the approximate weight of a school bus. Mayor Muschell replied the weight of a school bus is 14 tons. He added that if another report on the Bridge needs to be filed, the weight restriction may be reduced to 12 tons. Council Member McCauslin asked if there has been any attempt from Rowe Engineering to contact Commander District 9 and ask what the delay involves especially in light of the economic necessity for this community. City Manager McNeil stated that he is unsure of the extent of contact that Rowe Engineering has had but that will be part of their report to Council at the next meeting. Mayor Muschell stated the same documentation must be filed independently with the Army Corps of Engineers, the Department of Environmental Quality and the U.S. Coast Guard and that documentation was also sent to the Historical Preservation Group in Lansing for approval. Council Member Riddle questioned who determines when the testing is done in terms of the weight restriction. Mayor Muschell explained that an annual report must be filed and that a report was filed for the 14 ton restriction but another

report would be needed next spring. He added that even though the Bridge has been authorized for replacement, a report is still needed to be filed and that is based on the rate of deterioration that may have occurred since the last report and prior to being closed and demolished. Council Member McCauslin noted there are two more rods hanging from under the Bridge. Mayor Muschell indicated he is aware of that and when the analysis is done, it is very likely the weight restriction would be dropped another 2 tons because that is the same rate of deterioration that has been occurring.

- **Small Town Development Conference – April 26 and 27, 2006**

City Manager McNeil stated he will be attending a Small Town Development Conference at Crystal Mountain Resort on Wednesday and Thursday, April 26 and 27. He noted that one of the objectives he hopes to accomplish at this conference is discussions with representatives from the U.S. Department of Agriculture regarding federal grants and loans pertaining to future water system capital replacement.

Messages and Communications from Mayor and Council Members

- **Duncan Avenue Water Main Replacement**

Council Member Tebo commented that the water main replacement for Duncan Avenue should be considered high priority. City Manager McNeil stated that Ms. Wolcot identified the two primary loan candidates, which includes the U.S. Department of Agriculture and the State Revolving Loan Program. He explained that there is extensive paper work involved with both federal and state loan applications, and the assistance of Wade Trim would likely be required to complete those applications. Clerk/Treasurer Kwiatkowski noted that the USDA office in Traverse City will assist with loans regarding projects of this nature.

Adjournment

Council Member Charboneau moved to adjourn the meeting at 8:23 p.m. Seconded by Council Member McCauslin. Motion carried unanimously.

Mayor James Muschell

City Clerk Kenneth J. Kwiatkowski

Councilman Scott McCauslin

Councilman Gerald R. Boardman

Councilman Vaughn M. Temple

Councilwoman Winifred L. Riddle

Councilman Leslie A. Tebo

Councilman Charles Charboneau