

REGULAR CITY COUNCIL MEETING
June 27, 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 Riddle, McCauslin, Charboneau, Muschell, Boardman and Tebo

Councilwoman Riddle led the Pledge of Allegiance to the Flag.

Consideration of Candidates for Appointment to City Council – Term to Expire November 13, 2006

Mayor Muschell stated that applications were received from William Chlopan and Scott Ingersoll for consideration of appointment to the City Council with a term to expire November 13, 2006. Mayor Muschell noted that Mr. Ingersoll is absent and Mr. Chlopan is present and therefore an interview would be conducted with Mr. Chlopan. Mr. Chlopan introduced himself and related his background as former Mayor and City Manager and his interest in serving on the City Council. Councilwoman Riddle questioned Mr. Chlopan's intentions concerning leaving the community during the winter months. Mr. Chlopan replied that if he served a full year term, he would request to be excused during the month of February as he has in the past; however, this term will expire November 13, 2006 and would not be affected, unless he chose to run for the Council seat in the next election. Mayor Muschell asked if Mr. Chlopan intends to run for City Council in the next election if he is appointed to this temporary position. Mr. Chlopan replied that he is considering running for City Council after this term expires and then running for Mayor after Mayor Muschell's term expires in 2008.

Councilman Charboneau moved to appoint Mr. William E. Chlopan to the City Council with a term to expire November 13, 2006. Seconded by Councilwoman Riddle. Motion carried unanimously.

The Oath of Office was taken by Councilman Chlopan.

Approval of Agenda and Receive and File all Communications

Mayor Muschell noted one addition to the agenda under 12 D. General Business – Request from Cheboygan Area Arts Council for Annual Appropriations.

Councilman McCauslin moved to approve the agenda as amended and receive and file all communications. Seconded by Councilman Chlopan. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

• **Regular City Council Meeting – June 13, 2006**

Councilman McCauslin noted a correction in the minutes under Messages and Communications from Mayor and Council Members – Mackinaw Maritime Museum. He explained that his statement was that he had spoken to Congressman Bart Stupak and Jason in Congressman Stupak's Petoskey office, rather than Senator Jason Allen as noted in the minutes.

Councilman Tebo moved to approve the minutes of the June 13, 2006 Regular City Council Meeting as amended. Seconded by Councilman Boardman. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

- **City Loss of Mackinaw Maritime Museum**

Mrs. Trudy Lofgren introduced herself, commenting on her displeasure with the decommissioned Mackinaw being moored in Mackinaw City. She referred to Councilman McCauslin's letter to the editor regarding the Mackinaw Maritime Museum Committee being before Council only three times. Mrs. Lofgren commented that the Committee is so important to the City of Cheboygan and was left without a Council Member or a City Member and as a result, the Ship was lost to Mackinaw City which is very devastating. She questioned why the Committee was not made up of one of the City Council Members to keep better contact and to report back to Council and perhaps see that the Committee was not progressing. Mayor Muschell indicated he did not have the answer to that question other than explaining that a Committee was established as a result of a meeting at the Opera House and 501(3)(C) status was sought as an independent group. Mrs. Lofgren referred to the Human Relations Board which includes a City Councilman on that Board. Councilman McCauslin stated that the Human Relations Board is a government board. Mrs. Lofgren commented that the Human Relations Board is an important enough issue to have a City Council Member or City Member sit on it and the issue with Cheboygan retaining the Mackinaw was not. Councilman Tebo explained that the Mackinaw Maritime Museum Committee is a private Committee and did not have anything to do with a government entity and he feels that Council could not insist that a Member of Council sit on that Committee. He added that it is his understanding that a Member of the Mackinaw Maritime Museum Committee would need to request that a City Council Member serve on the Committee in a separate capacity from the City Council. Mrs. Lofgren commented that this group representing the best for the people of Cheboygan should have made a point to sit on the Committee.

- **Lincoln Bridge Plaza Flower Bed Debris**

Mrs. Lofgren stated that a group from the Beautification Committee prepared the flower beds in front of the Lincoln Bridge Plaza the week before Memorial Day, and swept small piles of debris which are still there. She asked if the sweeper is going around it as she knows the sweeper has been out, and why can't somebody see this. City Manager McNeil replied that he would check into the matter.

- **Condition of Riverfront Rip-Rap**

Mrs. Lofgren commented that the large rip-rap rocks that are on the River from Great Lakes Tissue to the Big Boy Restaurant used to be beautiful and now they are so full of trees and greenery that you cannot see the rip-rap. She asked whose job it is to clean that up and keep it clean. City Manager McNeil explained that the Recreation Department treats the area with herbicide and does some cutting. Mrs. Lofgren asked if that is on the agenda soon. City Manager McNeil noted that is usually done once a year as he recalls.

- **Publication of City Council Meeting Public Comments**

Mrs. Lofgren asked if there is a regulation or any kind of guideline in the City Charter that outlines how the press reports the minutes from the City Council meetings. City Manager McNeil asked for clarification on whether Mrs. Lofgren means how the press reports the information or how the information is published by the City. Mrs. Lofgren asked who puts the minutes in the Tribune. City Manager McNeil stated in so far as what the City has to publish, there are rules which the City Clerk can address. Clerk/Treasurer Kwiatkowski explained that minutes are published according to Charter and the rule of thumb is that only the motions and votes are published. Mrs. Lofgren commented that

you don't go by the agenda then, because the agenda has Public Comments in it every week but none of that ever gets into the Tribune. Clerk/Treasurer Kwiatkowski stated that the cost would be prohibitive and the City could not afford to publish everything that is said at these meetings in the newspaper.

- **City Liability Re: JoEllen Tryban Injury**

Mrs. Lofgren asked what the City's liability was in regards to the fall involving JoEllen Tryban, the Events Coordinator from the Chamber of Commerce last week when she was crossing the street and has a substantial apparatus on her foot up to her knee. City Manager McNeil stated he has seen no claim. Mrs. Lofgren asked if anyone could tell her how it happened, what hole or what she fell over or what she fell on. City Manager McNeil stated that from what he understands, Ms. Tryban fell in the seam that was created by meeting the pavement to the new curb. Mrs. Lofgren asked where approximately that was. City Manager McNeil stated he does not recall and that the Department of Public Works followed-up on that issue.

- **Mackinaw Maritime Museum**

Mr. Ray Lofgren introduced himself, commenting that he would also like to talk about the Mackinaw. He explained that he was Vice President of the Organization to save the Mackinaw and that it is no secret that Cheboygan has been losing the Mackinaw since 1999. Mr. Lofgren commented that it seems to him that a working Mayor, Council and Manager should take some special efforts. He added that Cheboygan has been for decades unfortunately losing out. Mr. Lofgren stated that is his little bit of scolding in that he thinks that City government laid down on that and he believes even before the Committee was formed to save the Mackinaw that the effort of this Council, the leadership, should take the responsibility for that Ship. He commented on Councilman McCauslin's article in the newspaper regarding the Mackinaw. Mr. Lofgren also commented that as Mayor and Council, leaders of the community, he would be on someone's footsteps in person, not in writing, and asking what went wrong. Furthermore, on May 26 the Mackinaw was on the agenda of the Waterways Commission meeting which he attended in St. Ignace. Mr. Lofgren noted that Mayors and City Managers from Sault Ste Marie, Rogers City and several other communities attended. He commented that when the agenda item came up, Mr. Todd Wyatt, Chairman of the Waterways Commission commented that it appears Cheboygan does not need the assistance of the Waterways Commission regarding the Mackinaw. He added that he does not understand that and asked Council for clarification. Councilman McCauslin stated that he has been making requests of the Mackinaw Maritime Museum Committee to appear before the Council and provide information since September 2005, making repeated requests and no one has appeared since that time. Additionally, he finally called Congressman Bart Stupak's office and obtained a little information and was then directed to speak with Jason in Congressman Stupak's Petoskey office, which he did so. Two days after discussing the issue with Jason, he received a telephone call from a member of the Mackinaw Maritime Museum Committee, which was the Monday before the first City Council meeting in May. Councilman McCauslin noted that at that point in time, after a lengthy discussion on the telephone, he advised them that someone from the Committee needs to be in front of the Council to let everyone know what is going on. Councilman McCauslin stated that no one from the Committee attended the Tuesday City Council meeting, therefore he relayed the information provided by Congressman Bart Stupak and Jason in Congressman Stupak's Petoskey office and what was passed to him by a member of the Historic Committee. He commented that the news was all wonderful, nice and comforting as it was given to him. However, in the space of two weeks between then and the next City Council meeting, all of the information about the decommissioned Mackinaw going to Mackinaw City,

everything falling through, no communication etc. was publicized and still no one has said anything to Council. Councilman McCauslin explained that he has been working on this and in the last few months he has been making a lot of inquiries, and he is getting quite a bit of data. He commented that he is still trying to sort out the trail of red tape that goes along with all this. Councilman McCauslin stated that when that Committee voted on and chose to be a private organization, the City had no further authority to demand appointment to that Committee. Someone could have been approached and offered a seat on the Committee which could have been accepted as a citizen but Council cannot demand an official be appointed to something like that. Mr. Lofgren commented that he is unsure what kind of action the Board took at that time and he did not know that the Committee could be a part of the Maritime Museum without being under the government control of the City of Cheboygan.

Public comment portion of the meeting closed by Mayor Muschell.

Public Hearings

- **Consideration of an Ordinance to Amend Chapter 95 “Nuisances” of the Cheboygan City Code of Ordinances by Repealing the Entire Chapter 95 and Enacting a New Chapter 95**

City Manager McNeil stated that a detailed presentation was provided by Department of Public Safety Director, Chief Jones with regards to some of the changes and additions to this Ordinance, and as Council is aware this is being brought forward as a priority from the Strategic Plan in addressing concerns expressed from the citizens survey regarding junk and blight. He explained that the first step in the action plan as a result of that strategic objective is to strengthen the Ordinance to provide better tools with regards to enforcement and that the proposed Ordinance is at the public hearing stage where it can be put into law by the City Council. City Manager McNeil noted that Chief Jones is here to answer any further questions with regards to this issue.

Public Hearing portion of the meeting opened by Mayor Muschell.

Councilman Charboneau questioned if any additional officers would be needed to enforce this Ordinance. Chief Jones indicated that no additional staff would be needed.

Public Hearing portion of the meeting closed by Mayor Muschell.

Councilman Tebo moved to adopt an Ordinance to Amend Chapter 95 “Nuisances” of the Cheboygan City Code of Ordinances by Repealing the Entire Chapter 95 and Enacting a New Chapter 95. Seconded by Councilman McCauslin. Motion carried unanimously.

Communications and Petitions

- **Request from Evangelical Covenant Church to use Washington Park on Sunday, July 30, 2006 from 5:00 p.m. to 7:30 p.m. for a Free Community Concert**

Councilman Boardman moved to approve the request from the Evangelical Covenant Church to use Washington Park on Sunday, July 30, 2006 from 5:00 p.m. to 7:30 p.m. for a Free Community Concert. Seconded by Councilman Tebo. Motion carried unanimously.

- **Request from the Cheboygan Rotary Club to Use Main Street from Mackinaw Avenue North to W. First Street for Motorcycle Rally, September 9, 2006 from 4:00 p.m. to 11:00 p.m. and to have Motorcycle Parking Only on Main Street during this Event**

Councilman Tebo asked if the Cheboygan Rotary Club checked with Chief Jones on this event. Chief Jones indicated they did.

Councilman Tebo moved to approve the request from the Cheboygan Rotary Club to use Main Street from Mackinaw Avenue North to W. First Street for a Motorcycle Rally on September 9, 2006 from 4:00 p.m. to 11:00 p.m. and to have motorcycle parking only on Main Street during this event. Seconded by Councilman McCauslin.

Chief Jones suggested that the motion read that a section of Main Street rather than the entire Street be reserved for motorcycle parking because it is a State highway. Councilman Tebo amended the motion to approve the request from the Cheboygan Rotary Club to use Main Street from Mackinaw Avenue North to W. First Street for the Motorcycle Rally on September 9, 2006 from 4:00 p.m. to 11:00 p.m. and to have a section of Main Street reserved for motorcycle parking only during the event as recommended by Chief Jones.

Motion carried unanimously.

- **Request from Cheboygan Area Chamber of Commerce – 4th of July Parade Route Change**

Mayor Muschell noted that because of the weight restrictions on the Lincoln Avenue Bridge, the Cheboygan Area Chamber of Commerce is requesting that the route for the 4th of July Parade be changed to begin at the Cheboygan County Building and end at the parking lot of the P&K Law firm.

Councilman Chlopan moved to approve the request from the Cheboygan Area Chamber of Commerce to change the route of the 4th of July parade to begin at the Cheboygan County Building and ending at the parking lot of the Patrick & Kwiatkowski Law firm. Seconded by Councilman McCauslin. Motion carried unanimously.

Boards and Commission Reports

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

Council received and reviewed the Department of Public Safety Monthly Statistics for May 2006.

- **Regular Brownfield Redevelopment Authority Board Meeting – June 12, 2006**

City Manager McNeil stated that the Brownfield Redevelopment Authority held their annual meeting and that Mrs. Linda Konicki who has served two terms as Vice Chairperson was elected Chairperson. Additionally, Jim Granger who served as Chairperson has stepped away from that position yet still remains on the Board. City Manager McNeil reported that the Board discussed the EPA grants that were awarded by the County, which is a partnership between the City and the County. He explained that these grants will become available to identify and conduct some assessments of Brownfield sites within the City and County. City Manager McNeil added that there was some discussion with regards to what role the Brownfield Authority might play in that process and the Authority recently identified in a proposed work plan being submitted to the EPA, that the City Brownfield Redevelopment Authority would serve as a Board that will consider priorities or decide as to recommendations on which identified sites within the City would receive further investigation. City

Manager McNeil stated that the application did set forth the City of Cheboygan's Brownfield Authority in a position to play that type of role and based on the work plan if approved, the Authority act in that capacity. Councilwoman Riddle commented that the minutes mention the Board is one member short. City Manager McNeil confirmed that there is an open position on the Brownfield Redevelopment Authority Board, adding that he and the Mayor discussed that issue and that he will be contacting possible candidates and the Mayor would consider any others that may come forward.

- **Regular Planning Commission Meeting – June 19, 2006**

City Manager McNeil stated that the two primary issues before the Planning Commission are that the Commission continues to work toward developing a new Planned Unit Development Ordinance and has also started work on their deliberations toward a more detailed Riverfront Development Plan. He added that as Council may recall another objective of the City Strategic Plan is a Plan of Action which calls for the Planning Commission to develop recommendations in more detail than the Land Use Plan with regards to riverfront development. Mayor Muschell noted that the Planning Commission also discussed a floating boardwalk again and commented that Alpena is currently considering a similar project consisting of eight forty-foot sections constructed along the river. City Manager McNeil explained that the Planning Commission broke down the Riverfront into three different areas for purposes of study and identified the area from State Street north to the mouth of the River as sharing similar characteristics with the area between State Street and the Lincoln Avenue Bridge, and then south of the Lincoln Avenue Bridge sharing different and similar characteristics in that area. The Planning Commission will be studying current land uses and future development objectives based on separating the riverfront into those three different sections. City Manager McNeil commented that as mentioned before, he expects the Planning Commission to spend quite some time on this project. Mayor Muschell noted that Alpena received a sizable grant for the same type of project along the riverfront.

Resolutions

- **Consideration of Bid Resolution – 2006 Michigan Transportation Fund Bonds and Resolution Appointing Paying Agent – Bond Registrar**

City Manager McNeil stated that the bond sale was held this afternoon and he is pleased to report that Citizens National bank came in low with an interest rate of 4.5191% and as such Citizens National Bank can also be named as the Paying Agent-Bond Registrar for the Resolution appointing the same. City Manager McNeil recommended that the list of bids with regards to the interest rate be included in the Resolution and that Council approves the same and that Council also approve a separate Resolution naming Citizens National Bank as Paying Agent-Bond Registrar.

Councilman Chlopan moved to adopt the Bid Resolution for the 2006 Michigan Transportation Fund Bonds in the amount of \$340,000 awarded to the low bid of Citizens National Bank. Seconded by Councilman Charboneau. Motion carried unanimously.

Councilman McCauslin moved to adopt the Resolution Appointing Citizens National Bank as Paying Agent-Bond Registrar for the 2006 Michigan Transportation Fund Bonds in the amount of \$340,000. Seconded by Councilman Charboneau. Motion carried unanimously.

Councilman Chlopan commented that in the past the City has received the low bid from Citizens National Bank on a number of bond resolutions and he would like to thank them for their special

consideration. Mayor Muschell agreed that Citizens National Bank has been very supportive of the community.

- **Consideration of Resolution of Appreciation – Former Councilman Vaughn M. Temple**
Mayor Muschell read the Resolution of Appreciation regarding former Councilman Vaughn M. Temple.

Councilman Tebo moved to approve the Resolution of Appreciation for former Councilman Vaughn M. Temple. Seconded by Councilwoman Riddle. Motion carried unanimously.

General Business

- **Consideration of Engineering Services from Wade Trim for Water System Capital Improvement Plan**

City Manager McNeil stated that as set forth in the Action Plan pursuant to the Water Quality Audit the City is now presented with a proposal for services from Wade Trim to conduct further study with regards to capital improvement planning. With that is more detailed engineering costs, as well as an analysis and application with regards to funding and financing. City Manager McNeil reiterated that this is consistent with the plan that was adopted. He noted that Water & Wastewater Superintendent Good is here in support of this recommendation as well and is available to answer any questions. City Manager McNeil stated it is their recommendation the City go forward with this phase of the Action Plan. Councilman Tebo stated it is important to put a lot of effort into improving the water quality for the citizens of Cheboygan and that he fully supports anything the Council can do to further that effort. Mayor Muschell agreed, commenting also that the proposal made by Wade Trim is reasonable. Councilman Tebo added that for some citizens the water and sewer and Public Works are the only services they receive from the City unless they need the Fire or Police Department and that it is important that they get the best service that the City can offer. Councilman McCauslin agreed, noting that the City must go forward with this with all speed as the complaints with water quality have been going on for many years. Councilman McCauslin questioned if Wade Trim would be able to provide a timeline and idea of what Phases 2 and 3 will encompass including costs, once Phase 1 is complete. City Manager McNeil commented that this process comes in sequences in that once Phase 1 is done, then there will be an idea of what must be done for the next step and there would be proposals that would come forward accordingly. Mayor Muschell commented that with the type of proposal Wade Trim has, there is a lot of room for negotiation, which is customary. City Manager McNeil agreed, adding that there would also have to be decisions by Council that will basically determine different directions. For instance, if debt is recommended as part of an immediate capital improvement need, then Council may have to consider service to that debt, such as possibly adjusting water rates or making other budget adjustments. City Manager McNeil noted that those decisions need to be made before next steps can be taken and the process evolves as issues are identified and further refined.

Councilman McCauslin moved to approve the Agreement from Wade Trim for engineering services for the Water System Capital Improvement Plan and to authorize the Mayor and City Clerk to execute the same. Seconded by Councilman Tebo. Motion carried unanimously.

- **Consideration of Non-Union Wage & Salary Adjustment for Fiscal Year 2006/2007**
City Manager McNeil referred Council to the Non-Union Wage & Salary Adjustment, commenting that he wanted to bring Council's attention to another memo being presented with regards to

adjustments in call wages for the Fire Department. He noted that all increases are at 2.7% which is equal to the current union agreement and is included in the budget for the upcoming fiscal year that Council adopted at the last meeting. City Manager McNeil stated these rates would go into effect July 1, 2006.

Councilman Boardman moved to approve the non-union wage & salary adjustment for the fiscal year 2006/2007 as presented. Seconded by Councilman McCauslin.

Yes votes: Council Members Boardman, Chlopan, McCauslin, Muschell and Riddle

No votes: Council Member Charboneau

Abstained: Council Member Tebo

Motion carried.

Councilman Charboneau explained that his no vote is because the first three positions listed are only receiving a \$500 per year raise while the other positions are receiving \$1200 to \$1300 per year raises.

- **Consideration of Recommendation Letter to Michigan Department of Natural Resources, re: Acquisition of Former Center Tool Site by State of Michigan for Development of a Trail Head**

City Manager McNeil stated that Ms. Emily Meyerson who acts as Trail System Coordinator in conjunction with the Michigan Department of Natural Resources and the Top of Michigan Trails Council in the past has presented the Mackinaw to Hawks Trail Master Plan to Council and members of the Recreation Commission. He noted that within the Mackinaw to Hawks Trail Master Plan was a number one capital improvement priority to create a trailhead in the City of Cheboygan. City Manager McNeil explained that as options were pursued with regards to recommendations of that Plan, originally the site at Lincoln Avenue was considered however, an opportunity has come up to obtain the former Center Tool site which could be developed much easier into a nice trailhead. He added that location is consistent with the City's Trail System Master Plan in that the City is looking for a trailhead in that area, and that also keeps this type of activity near the major streets as opposed to getting more within the single family neighborhood so he feels it is an ideal location. Ms. Meyerson requested that the City send a letter to the DNR supporting that idea so he drafted a letter for Council's consideration. Mayor Muschell asked what a trailhead consists of and its function. City Manager McNeil explained that a trailhead is an area for parking and general access to the trail system as well as serve as an information center relative to the trail, and a rest stop as well. Councilman Tebo asked if the City could provide a list of businesses that are available to the snowmobilers and a map on how to get there. City Manager McNeil replied that information would be provided and that the information center at the Trailhead would become a very important component. Councilman Chlopan questioned if a building would be placed there. City Manager McNeil explained that the plans are not complete and that the types of improvements are uncertain and that one of the reasons this site is desired is because it has the size to accommodate an improvement such as a building. City Manager McNeil commented that he also wanted Council to be aware that there is mention in the letter of the City's partnership with regards to future maintenance and the DNR is looking for that. Councilman McCauslin noted that the Center Tool site is relatively close to the fast food facilities and fuel availability. City Manager McNeil agreed the site is well positioned at the crossroads of the different snowmobile trails and with the surface improvement of the West Mullett Lake trail now, there will be a lot of use through there. He noted

that hopefully if the DNR does acquire this property they can then appropriate the funds to make it a quality site with positive improvements.

Councilman Chlopan moved to send a written recommendation to the Michigan Department of Natural Resources regarding the acquisition of the former Center Tool site by the State of Michigan for development of a Trail Head. Seconded by Councilman Charboneau. Motion carried unanimously.

Councilwoman Riddle asked if this will assist with the Recreation Committee's plans for the rest of the trail going down to Gordon Turner Park. City Manager McNeil replied that he feels it would not and that the biggest inhibitor to that is simply getting the owner's attention to talk about whether they want to sell or not and if so, for how much. Councilman McCauslin stated that it should be mentioned as well that continued pressure needs to be placed on the DNR on that west Mullett Lake Trail because it is not a done deal as far as snowmobile access and pressure is needed instead of people backing off. City Manager McNeil agreed, adding that it is his understanding that there will be a hearing here in Cheboygan and that he and Council should be there to testify. Mayor Muschell asked if there is only one meeting. City Manager McNeil replied that his understanding is that there would be one meeting in Cheboygan and that a final decision would then be made at a Department of Natural Resources Commission meeting in Lansing. Councilman Tebo asked if that final decision would be made prior to the next snowmobile season. City Manager McNeil replied that his understand is that the timeframe for a final decision is September or October.

- **Request from Cheboygan Area Arts Council for Annual Appropriation**

City Manager McNeil referred Council to the letter from Joann Leal, Executive Director of the Cheboygan Area Arts Council, who is requesting the annual appropriation from the City of Cheboygan to the Arts Council for operations of the Opera House. You will note that Ms. Leal's request is for \$23,000 but the budget approved by the City Council was for \$21,000 and that it is his recommendation that Council approve the appropriation in the amount of \$21,000.

Councilman Tebo moved to approve the annual appropriation from the City of Cheboygan to the Cheboygan Area Arts Council in the amount of \$21,000 as budgeted for the fiscal year beginning July 1, 2006. Seconded by Councilman Boardman. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Pinehill Cemetery Follow-up Report**

Clerk/Treasurer Kwiatkowski provided a follow-up report regarding concerns expressed by Ms. Melody Budzinski about Pinehill Cemetery. He explained that he met with Ms. Budzinski, DPW Supervisor LaCross, and Cemetery Sexton Ellis Olson at the Cemetery and looked at the area that Ms. Budzinski was concerned about. Clerk/Treasurer Kwiatkowski noted that three headstones were moved to accommodate the Waste Management trucks which service the nearby dumpster and the City dump trucks that haul sand and gravel into the Cemetery. He commented that the dumpster will be relocated and the headstones moved back and once the headstones are re-set the City crew will be even more careful when bringing in sand and black dirt. Clerk/Treasurer Kwiatkowski stated that there was also concern about a berm and some waste material that had built up, which will be removed in July. Additionally, the area Mr. Olson uses to access grave sites on a particular section of the Cemetery was also looked at and there does not seem to be a problem there. Clerk/Treasurer Kwiatkowski also noted that the edges of some gravesites where heavy trucks were turning to access

another road going into the interior of the Cemetery will be restored. He commented that he would be following up with Ms. Budzinski either this week or early next week with an update on how her concerns are being addressed. Councilman Tebo asked if a smaller dump truck could be used rather than the larger truck. City Manager McNeil commented he is unsure if the City has a smaller dump truck. Councilman Tebo also asked when the Cemetery maintenance contract expires and if it is re-bid each time, adding that there are other lawn care services that might bid. Clerk/Treasurer Kwiatkowski commented that he thought the expiration date is 2007 or 2008. City Manager McNeil stated that he felt the Cemetery maintenance contract would be re-bid this time although it was not last time. Clerk/Treasurer Kwiatkowski stated that Ms. Budzinski requested that gravel and sand be placed across the street in the new portion of the Cemetery; however, the road would have to be built up and would involve a substantial cost to taxpayers. Councilman Tebo asked if the expense could be passed on to those that use the cemetery. Clerk/Treasurer Kwiatkowski replied that could be done but the fees would be quite substantial. Councilman Tebo also questioned the cost of a lot and perpetual care at Pinehill Cemetery and if other cemeteries require payment for perpetual care. Clerk/Treasurer Kwiatkowski replied that the cost for a Cemetery lot for residents is \$250 and \$500 for non-residents, which is consistent throughout the area and perpetual care is \$300 for residents. He added that other cemeteries also require payment for perpetual care. Councilwoman Riddle asked if Ms. Budzinski was pleased with the meeting that transpired or if she still has concerns. Clerk/Treasurer Kwiatkowski replied that the meeting seemed to answer all of her questions and she thanked everyone for being there. He noted that he also informed Ms. Budzinski that once he had an opportunity to further discuss the issues with City Manager McNeil, Mr. Olson and Superintendent LaCross, that he would contact her. Councilwoman Riddle noted that there was also concern with trees in the creek area that had fallen into the creek. Clerk/Treasurer Kwiatkowski stated that those trees were taken care of by the DPW staff, explaining that was just natural fall that needed to be cleaned up. Mr. Lofgren asked why the Treasurer is dealing with Department Heads and the contract states City Manager. City Manager McNeil explained that he delegated oversight of the Cemetery to the Clerk/Treasurer as he already oversees the deeds and record keeping so it seemed like a natural fit to him for the Clerk/Treasurer to administer that as well. Mr. Lofgren asked if Clerk/Treasurer Kwiatkowski administers other things. City Manager McNeil replied that Clerk/Treasurer Kwiatkowski administers many things. Mr. Lofgren clarified his question to include the DPW, Wastewater Treatment Plant or others. City Manager McNeil noted that Clerk/Treasurer Kwiatkowski is a Department Head but sometimes the various departments dovetail with regards to materials and other issues as well. Mr. Lofgren stated he also appreciates Councilman Tebo's comment that the next Cemetery contract should be bid out. City Manager McNeil noted that he expects the contract will be bid out. Councilman Charboneau added that the decision regarding awarding the contract is up to the City Council. City Manager McNeil commented that Mr. Olson did offer to reduce his fee for a five year period. He recommends however, that the City bid out the next contract. Councilman Tebo stated he supports that recommendation.

City Manager's Report

- **County EDC Activity Update**

City Manager McNeil provided an update with regards to the Cheboygan County Economic Development Corporation. He explained that because he serves as President of that Corporation, he feels he should update Council on how his time is spent in that regard, and that this is being done because of economic development objectives in the Strategic Plan and Intergovernmental Communications Objectives. City Manager McNeil reported that the EDC continues to work toward a recommendation that would provide a proactive economic development program to Cheboygan

County. The Cheboygan County EDC has identified an opportunity to partner with the Northern Lakes Economic Alliance which is the economic development program for Emmett, Charlevoix and Antrim Counties. He explained that two meetings have been held with regards to a partnership and a third has been scheduled for August. City Manager McNeil added that the meetings are progressing very well which brings closer a recommendation that a partnership takes place. He explained that one of the issues that would come of this is appropriations from the County that would purchase membership to this organization, appointments to the Boards of Directors that represent Cheboygan County and also support to that organization from the City and Townships as well as private entities of the County. City Manager McNeil stated that the EDC also discussed their role with regards to the Brownfield assessment activity that will take place as a result of the grants that were received. He noted that the EDC has gone on record as recommending that Cheboygan County form their own Brownfield Redevelopment Authority and the EDC has also offered to serve in the capacity of choosing or prioritizing which sites would get more detailed assessments, once identified through the grant process.

Messages and Communications from Mayor and Council Members

- **City Beach Debris**

Councilman Tebo commented on the trash and weeds along the rocks at the waterfront at City Beach that needs to be cleaned up. Mayor Muschell added that a stump or log drifted into the beach area that also needs to be addressed. City Manager McNeil stated that the stump is quite large and a distance from the beach and that the City crew has not had a close look at it or knows quite what to do with it. Councilman Tebo commented that the break-wall also needs attention.

- **Cable and Telecommunications Legislation**

Councilman McCauslin commented on information the media has been putting out regarding cities and governments being involved in telecommunication and cable legislation. He asked if City Manager McNeil has any information on this. City Manager McNeil explained that what is at issue is the control of street right-of-ways that communications companies use. He further explained that many cities in their franchise agreements will take fees from these communications companies as a result of allowing the companies to use the city street right-of-ways. The communication companies do not want to pay the fees or deal with local governments, adding that their arguments are that the fees are costing their customers and companies money as well as the time involved with weeding through each of the municipalities that they have to work with, versus the municipality's argument that it is their streets and as such they should maintain control. The messages being sent by the communications companies through the media, is that they are being restricted and customers are not receiving the choices available and therefore should advise their local municipal officials. The other side of the story is lack of local control and states and federal government proclaiming through laws who can use city street right-of-ways and how. City Manager McNeil noted that is his understanding of the issue and that he has not been very close to it because the City does not charge the franchise fees and are not as involved as many other communities are.

Adjournment

Councilman McCauslin moved to adjourn the meeting at 8:12 p.m. Seconded by Councilman Charboneau. Motion carried unanimously.

Mayor James Muschell

City Clerk Kenneth J. Kwiatkowski

Councilman Scott McCauslin

Councilman Gerald R. Boardman

Councilwoman Winifred L. Riddle

Councilman Charles Charboneau

Councilman Leslie A. Tebo

Councilman William E. Chlopan