

REGULAR CITY COUNCIL MEETING
July 11, 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 McCauslin, Charboneau, Muschell, Boardman, Tebo, Chlopan and Riddle

Councilman McCauslin led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

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

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – June 27, 2006**

Councilman Chlopan noted a correction on what he stated during his opening statements before being appointed to the City Council. He commented that the sentence “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” should be corrected to read, “Mr. Chlopan replied that he is considering not running for City Council after this term expires but rather running for Mayor after Mayor Muschell’s term expires in 2008.”

Councilman Boardman moved to approve the minutes of the June 27, 2006 Regular City Council Meeting as amended. Seconded by Councilwoman Riddle. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

- **Preseau Fish Market**

Mr. Bob Boyea introduced himself, and provided Council with a photograph showing smoke emitting from the chimney of the Preseau Fish Market and the presence of a semi-trailer parked behind the building. He commented on his complaint to the Department of Public Safety regarding the odor of smoke reaching his home near the Fish Market and the lengthy discussion he had with Chief Jones regarding the smoke and the purpose of the semi-trailer. Mr. Boyea referred to information regarding a catalytic converter and the required temperature of at least 500 degrees in order for the converter to work properly, noting that Mr. Preseau’s ovens operate at approximately 200 degrees. He also referred to the semi-trailer parked behind the Preseau Fish Market, commenting that there was no mention of the trailer in the proposed plans for the Fish Market and the trailer is visible even with the fence that was erected. Mr. Boyea commented on the conditions imposed for allowing Mr. Preseau to operate the Fish Market in that location and estimated that the business is approximately 90% wholesale. Mr. Boyea mentioned that Mr. Preseau assured Council that the catalytic converter equipment would emit little or no smoke and there would be no odor, and if the catalytic converter did not work, the equipment would be shut down and removed. He commented that the odor from a combination of wood smoke and smoked fish from the Fish Market is very upsetting and that he invited Mayor Muschell to his residence to experience the conditions that he and his family must

endure with the Preseau Fish Market being allowed to smoke fish in the City limits in a residential area. Mr. Boyea requested that Council take Mr. Preseau at his own word in that if the equipment does not work it would be shut down and removed. Mayor Muschell commented that Mr. Preseau agreed to certain conditions. City Manager McNeil stated that Mr. Boyea may be accurate with regards to some of the statements or assertions that Mr. Preseau made but he does not recall any conditions or contingencies within the approval that Council provided, and that the minutes would have to be reviewed. Councilman McCauslin recalled making the statement that Council would hold Mr. Preseau's statement of condition in a public forum as a verbal agreement. City Manager McNeil noted that an opinion from legal counsel may be needed and ultimately the motion for approval would need to be verified for content. Councilman Tebo commented that the concerns regarding the Preseau Fish Market should be investigated further to obtain information from both parties before Council makes any decisions on the matter. Mr. Boyea noted he does not want Council to make a decision now because that has been done in the past without Council having all the information. He related circumstances regarding a fence that Mr. Preseau was required to provide and inaccurate information Mr. Preseau presented to Council regarding the fence which was approved by Council. Mr. Boyea commented on the good representation of the neighborhood that Council had when the Fish Market process began, adding that the process was wrong from the beginning and against City Ordinance. Mayor Muschell asked if the issues regarding the Fish Market could be addressed through the Nuisance Ordinance. City Manager McNeil replied that he is unsure if something from an approved use would fall under the Nuisance Ordinance and that he would have to review the Ordinance. Councilwoman Riddle questioned the semi-trailer parked behind the building. City Manager McNeil noted that issue would also have to be investigated. Councilwoman Riddle also mentioned that she remembers the issue on the smoke coming out of the smoker and Mr. Preseau being very exact in saying that if the catalytic converter does not work then he would remove it. Mr. Boyea stated he wanted to advise Council at a prior City Council meeting that the catalytic converter would not work, adding that the technology does not work in restaurants either because of the amount of outside air that must be pulled in thereby not allowing the appropriate stack temperature, and that he can provide the appropriate documentation if necessary. Mayor Muschell requested that City Manager McNeil research the minutes to determine the exact statements in the motion. Councilman Tebo requested that the purpose of the semi-trailer on the property also be investigated. City Manager McNeil commented that follow-up information will be available at the next City Council meeting. Councilwoman Riddle requested that Chief Jones relate what he found upon going to the area with regards to the smoke. Chief Jones commented that an investigation is ongoing with regards to everything that Mr. Boyea has brought to Council's attention.

Ms. Jill Jewett introduced herself commenting that she is here regarding the Preseau Fish Market. She commented that what upsets her with the whole issue of the Preseau Fish Market being located in her neighborhood is that the City Council says they are here to serve the City and make it a friendly place for all to live. Ms. Jewett noted that on the Fish Market issue, one family is benefiting and ruining the whole neighborhood and many neighbors were here from the beginning saying they did not want the Fish Market in the neighborhood. She commented that the location is a tourist industry area and she personally does not see where a fish market has much to do with tourism. Additionally, she does not see how the Fish Market ever got there to begin with when the City Council is here for everyone and it seems to her that only one family has benefited from this so far.

Public comment portion of the meeting closed by Mayor Muschell.

Communications and Petitions

- **Letter dated July 6, 2006 from PETA**

Mayor Muschell referred to the letter dated July 6, 2006 from People for the Ethical Treatment of Animals (PETA) requesting action by the City Council with regard to legislation that would ban bull-hooks, electric prods and other devices used on elephants by the Carson & Barnes Circus which is scheduled to perform in Cheboygan on July 12, 2006 and two letters of response from Ms. Jennifer Johnson and Mr. Paul Ray. Councilman McCauslin asked if a video tape or attachments were sent with the letter from PETA as indicated in the letter, or if this is nothing more than a form letter that PETA distributes. Mayor Muschell stated that he received only a faxed form letter with no video tape, even though a video was mentioned in the letter. Councilman McCauslin commented that any complaints of animal cruelty should be taken seriously; however, this specific organization has gone out of their way to damage other people with false claims. He cited information regarding PETA from 1998 to 2003. Councilman McCauslin stated he personally feels that Council can ignore the letter from PETA. Councilman Tebo questioned if the Human Society should be made aware of this issue. City Manager McNeil stated he is unsure if this matter is under the authority of the Cheboygan County Animal Control. He commented that the issue before Council pertains to issues with regards to cruelty to animals and questioned if that is something Council wants the City to regulate and oversee or leave that to those authorities that do that. Mayor Muschell commented that it would be difficult for the City to enforce something like that. City Manager McNeil agreed, commenting it would be something that would need to be monitored closely and have some knowledge with regard to that type of issue. Councilwoman Riddle asked if it would be appropriate to email PETA and advise them that although Council appreciates receiving the letter, Council would not be able to forward the information to the proper authorities due to not receiving the video tape to review. City Manager McNeil stated that Council could respond in that manner but in his opinion, either no response or simply a response that indicates Council chooses not to regulate this particular area would be his recommendation.

Councilman Tebo moved to have City Manager McNeil direct an email to PETA explaining that it is not incumbent upon Council to enforce such an ordinance and chooses not to act on this matter. Seconded by Councilman McCauslin. Motion carried unanimously.

Reading of Ordinances

- **First Reading – An Ordinance to Amend Section 52.03 “Wells” by Adding an Exception to said Section 52.03 for Wells used for Cooling Machinery and Equipment**

City Manager McNeil explained that he has been in contact with representatives of Fiberform, Inc. a company that produces composite plastic materials, who are very seriously looking at locating in the City of Cheboygan’s Industrial Park. He explained that one of the needs that the company has indicated is the ability to have a well that would provide water used to cool their machinery and equipment. City Manager McNeil further explained that he informed Fiberform, Inc. that in an effort to bring them to the City of Cheboygan and the 40 high-quality jobs that they indicated to him they would bring with them, he is recommending that the City formally consider allowing an exception for wells used to cool machinery and equipment in conjunction with an industrial use. City Manager McNeil noted that the City currently has one exception in the Ordinance for watering systems for gardens, and this would add an additional exception for exclusive use for cooling machinery and equipment in conjunction with industrial use. He commented that Fiberform, Inc. has not requested tax abatements or anything else, and has considered locating in either Gaylord or Cheboygan. Councilwoman Riddle asked if there would still be water and sewer connection. City Manager

McNeil replied that the company would be connected to water for all their other water uses and subject to all the discharge regulations that would apply to the sewer system. Councilwoman Riddle asked if a massive amount of water is used for cooling machinery. City Manager McNeil replied that his understanding is that high volumes of water are used from time to time through a re-circulating type of system. He added that Fiberform, Inc. was concerned with the cost of their operation if they had to use and pay the City water charges. Councilwoman Riddle questioned the use of a meter to monitor the water flow. City Manager McNeil stated that he expects a meter would be used because the company will have to discharge water from time to time into the sewer system. He added that no changes are proposed for discharge, which is very closely regulated by the Department of Environmental Quality. Councilwoman Riddle asked if the City Attorney has been consulted in terms of whether this proposed change would set a precedent. City Manager McNeil replied that he has not talked to the City Attorney with regards to setting a precedent although the Attorney did draft the language and the form before Council for the Ordinance Amendment. He commented that the language is very specific in referring to cooling machinery and equipment in conjunction with an industrial use, adding that the chances of having many of these instances are slight. Councilwoman Riddle asked if Great Lakes Tissue has a well and sewer system. City Manager McNeil replied that Great Lakes Tissue has a well that was drilled before the Ordinance was enacted and also has a sewer system. Councilman McCauslin asked if the addition of the term “non-potable” to that sentence would provide more strength as being not useable for consumption or anything else. City Manager McNeil stated he feels that the language covers exclusively using the well for cooling of equipment, and that he and the City Attorney carefully considered the language before offering it to Council. Councilwoman Riddle asked how usage would be regulated. City Manager McNeil replied that would be worked out with the Water and Wastewater Department and that his understanding is that the building already has connection for domestic use.

Councilman McCauslin moved to schedule a public hearing for August 8, 2006 at 7:00 p.m. to consider an Ordinance to amend Section 52.03 “Wells” by adding an exception to said Section 52.03 for wells used for cooling machinery and equipment. Seconded by Councilman Tebo. Motion carried unanimously.

Councilwoman Riddle requested that City Manager McNeil contact the City Attorney with regards to the proposed amendment setting a precedent and if Council has to be concerned with that. City Manager McNeil stated that to address that concern immediately, what Council is doing is providing an exception to the current law for that specific use; it does not open up the door for any other wells. He added that he could have the City Attorney try to address that same thing as well but what Council is approving is simply an exception for wells for cooling machinery and equipment in conjunction with industrial use. Councilwoman Riddle stated she understands that completely but she is also concerned that by accepting this Council is also opening themselves up to setting a precedent and she wants to get the Attorney’s opinion on that. City Manager McNeil noted that would be done.

Bills and Disbursements

- **Bills and Disbursements for the Month of June 2006**

Clerk/Treasurer Kwiatkowski stated that a late invoice was received from Traffic Specialty in the amount of \$118.17 regarding signage for the Lincoln Avenue Bridge, which brings the total invoices to \$25,611.43 and total expenses to \$530,243.23.

Councilwoman Riddle moved to approve the bills and disbursements for the month of June 2006 in the amount of \$530,243.23. Seconded by Councilman Chlopan. Mayor Muschell abstained from voting. Motion carried unanimously.

General Business

- **Consideration of Quotes – Sandblasting, Priming & Painting of Two (2) 10’ Swenson V-Box Style Salt Spreaders**

City Manager McNeil referred Council to quotes for sandblasting, priming and painting two ten-foot Swenson V-Box style salt spreaders, noting that allocation toward this expense is included in the budget and that Mr. LaCross is recommending the quote from Schwartz Boiler Shop, Inc. be approved. He added that Superintendent LaCross is present to answer any questions. Councilman McCauslin asked the approximate cost to transport the vehicles in question to Boyne Falls, explaining that the bid from Truck & Trailer Specialties of Boyne Falls was 24% less than Schwartz Boiler Shop. Superintendent LaCross explained that the bid from Schwartz Boiler Shop in the amount of \$5,480 is for both salt spreaders and the bid from Truck & Trailer Specialties is \$4,164.50 per unit, and there are two units. Councilman McCauslin thanked Superintendent LaCross for the clarification.

Councilman Charboneau moved to award the quote for the sandblasting, priming and paint of two (2) 10’ Swenson V-Box Style Salt Spreaders for the DPW to Schwartz Boiler Shop, Inc. dba Great Lakes Sandblasting in the amount of \$5,480. Seconded by Councilman McCauslin. Motion carried unanimously.

- **Consideration of Bids – Installation of Equipment to Rehabilitate Four (4) Primary Settling Tank Sludge Collectors at the Wastewater Treatment Plant**

City Manager McNeil referred Council to bids for the rehabilitation of four primary settling tank sludge collectors at the Wastewater Treatment Plant, noting that the expense is included in the Capital Budget for the Wastewater Department. He noted that Superintendent Good recommends approval of the low bid from Moran Iron Works, Inc. in the amount of \$33,720.00 and is here to answer any questions.

Councilman McCauslin moved to award the bid for the installation of equipment to rehabilitate four (4) primary settling tank sludge collectors at the Wastewater Treatment Plant to Moran Iron Works, Inc. in the amount of \$33,720. Seconded by Councilman Chlopan. Motion carried unanimously.

Councilwoman Riddle asked if this is the project that involves obtaining all four tanks but only replacing two tanks immediately and having the other two tanks available should it be necessary to replace them. Superintendent Good explained that this is the same project, noting that Council approved the purchase of four tanks and the City will see a considerable savings on replacing all four tanks at the same time.

City Clerk’s and Treasurer’s Comments

There were no comments.

City Manager's Report

- **Bulkhead at Water Street Marina**

City Manager McNeil referred Council to a letter from the City's engineers pursuant to his request for them to investigate some settling and separation in the sidewalk area of the Water Street Marina. He distributed photographs which show the condition of the sidewalk, noting that Mr. John Schlack of United Design Associates is recommending fairly extensive repair. Additionally, the repair would not last very long unless the condition that appears to be allowing the break wall to push out is fixed. With that, he has requested that the engineers update a proposal that was given to him approximately one year ago that would provide an overall engineering review and study of the City Marina facilities. City Manager McNeil commented that it is his hope that the City can secure grant funding from the Waterways Commission that would pay for half of the engineering study and then subsequently for the repair upgrades once the engineering study is complete. He noted that this process would be sequential and hopefully accomplished over the next several years. City Manager McNeil explained that it is also his plan to have the repairs as suggested by the engineers done this year after the boating season and that funding in the budget would have to be identified to do that. He commented that the condition of the sidewalk is a concern due to exposure to trip and fall liability. Mayor Muschell asked if assistance for both grants would be requested of the Waterways Commission. City Manager McNeil replied that the Waterways Commission will help fund both the study and upgrades and he expects that the study is going to provide information and recommendations with regards to repair and upgrades and from there the City would then know what best to ask for regarding those repairs.

- **City Manager on Vacation July 19 – July 24, 2006**

City Manager McNeil commented that he plans to be on vacation from July 19 through July 24, 2006.

Messages and Communications from Mayor and Council Members

- **Lincoln Avenue Bridge/Foot Bridge Permits**

Mayor Muschell commented that approval from the Historical Preservation Commission and Coast Guard with regard to the Lincoln Avenue Bridge and Foot Bridge are still pending but expected to be received soon. Councilwoman Riddle asked the role of the Historical Preservation Commission with regard to the permit process. Mayor Muschell explained that the Historical Commission must grant approval for both bridges to ensure that there are no historical preservation issues that have been bypassed in the past and are not there currently.

- **Councilman McCauslin Absent Next Week**

Councilman McCauslin commented that he will be gone next week and requested that information be conveyed to the Human Relations Board. Additionally, he commented that he would do everything in his power to attend the July Board of Review on Tuesday evening.

- **Paperless Alternative to Council Packets**

Councilman Tebo requested that the City investigate an alternative method of copying and distributing City Council meeting information to Council members. He explained that other municipalities in the area distribute Council information via email which is much easier and less time consuming than generating paper. Councilman Tebo commented that a paperless option of providing information would be worthwhile to explore. He recommended that other municipalities be contacted on how their Council information is distributed.

Adjournment

Councilman Charboneau moved to adjourn the meeting at 7:52 p.m. Motion carried.

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