

REGULAR CITY COUNCIL MEETING
August 22, 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 Tebo, Chlopan, Riddle, McCauslin, Charboneau and Muschell

Absent: Councilman Boardman

Councilman Tebo moved to excuse Councilman Boardman due to illness. Seconded by Councilman McCauslin. Motion carried unanimously.

Councilman Tebo led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Mayor Muschell noted two additions to the agenda: General Business – 9 F. Cheboygan Area Public Library Resolution and City Manager’s Report – 11 C. Advertisement for Bids re: Internal Condition of City Storm Sewer.

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

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – August 8, 2006**

Councilman McCauslin moved to approve the minutes of the August 8, 2006 Regular City Council Meeting as presented. Seconded by Councilman Charboneau. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

- **Condition of Sidewalks, Bushes and Overhanging Trees/Burn Ordinance**

Mrs. Doris Schmidt introduced herself and commented on the poor condition of some of the City sidewalks. She referred to the grassy stretch behind the new Library that completely obscures what used to be the sidewalk and some overhanging trees that hinder walking in that area. Additionally large sidewalk blocks were removed on Bailey Street leaving holes at least four inches deep that could cause potential injuries. Mrs. Schmidt also commented that the sidewalks on Ball Street are in very bad condition and the bushes along the sidewalk are not trimmed, making it difficult to pass by. She added that she has only covered the area from State Street to Lincoln Avenue and that Council should see how many trees overhang the sidewalks and need to be trimmed and other issues that pose a safety hazard. Mrs. Schmidt commented on the number of residents that can not afford to replace sidewalks and asked if consideration could be given to provide a longer time period for residents to pay for sidewalk repairs on their property taxes. She also commented on the funding reserved for the foot bridge, asking how many people will actually utilize the bridge. Mrs. Schmidt stated that something must be done about the sidewalks and overhanging trees or the City may have potential litigation, adding that she would be very upset if she were injured as a result of the hazardous conditions.

Mrs. Schmidt also questioned if the City has a burning ordinance in effect. City Manager McNeil indicated there is an ordinance regarding burning. Mrs. Schmidt explained that someone near the football field is burning garbage and the smoke and odor travels to residences on Ball Street when the wind blows from the west. City Manager McNeil recommended that Mrs. Schmidt notify the Department of Public Safety on the occasions when the odors are evident to follow up on the concern.

Councilman Tebo suggested that DPW Superintendent LaCross meet with Mrs. Schmidt to look over the condition of the sidewalks and overhanging trees and bushes. City Manager McNeil noted that a Committee made up of members from the City Council, the Planning Commission and Staff is currently reviewing the sidewalk situation in conjunction with the Strategic Plan to address sidewalks in walkable community issues. Councilwoman Riddle noted that several years ago there was a master plan for replacing sidewalks that would take between five and ten years to accomplish; however, there was such an uproar made by the community that the Council backed down on that situation. Council is now addressing the situation again because the problem has not gone away and Council feels that it is an issue that needs to be taken care of. Councilwoman Riddle added Council is very much aware of the problem and appreciates Mrs. Schmidt's comments.

- **Ordinance Enforcement/Sidewalks/Foot Bridge**

Mr. William Burnett introduced himself and asked if the City has Ordinances and if so why the Ordinances are not upheld. He explained that there are sidewalks in town that are terrible, citing the broken sidewalks from his residence to State Street that have not been repaired in five years. Additionally, he commented on the tall weeds behind the former dime store, the corner of Division Street and Western Avenue, and behind Rivertown Plaza. Mr. Burnett also stated that five years ago he provided a list of 13 junk cars to City Manager McNeil and Chief Jones and that those cars are still exactly where they were five years ago and have not been moved. He also commented on signs placed on utility poles, noting for example the circus that was recently in town where signs were placed all over town with arrows directing people to the circus and that none of the signs were removed after the event. Mr. Burnett questioned if a citation was issued. He also commented on the grass near the storm water drains along the side of the road and asked if those could be cleaned up with the street sweeper. Mr. Burnett also asked if the taxpayers of the City of Cheboygan will be funding the foot bridge or if downtown merchants will pay for the bridge. City Manager McNeil explained that it has been proposed that the Downtown Development Authority fund the foot bridge. Mr. Burnett questioned who funds the Downtown Development Authority and if that includes City taxpayers. City Manager McNeil explained that the taxpayers within the DDA District contribute to toward the DDA and that the district runs primarily along the river corridor on both sides, mostly on the west side from Nelson Street going north. Mr. Burnett commented that the drawing of the new foot bridge shows two hydraulic elevators and asked who will provide security and maintain the elevators after the DDA is gone, noting that he does not feel that City taxpayers should fund that.

- **Weeds Among Riverfront Rip Rap**

Mrs. Trudy Lofgren introduced herself, commenting that she has been to Council before complaining about the weeds among the rip rap along the Riverfront and that although the weeds may have been pulled and the area looked good for a week or two, the weeds are back again. City Manager McNeil replied that weed control is difficult to maintain along the Riverfront and that it is his understanding that methods of weed prevention and elimination are limited because of the location and proximity to the water. Mrs. Lofgren commented that the rip rap was not installed properly because materials

such as black tarp and rubber matting are available to prevent weeds on river banks. City Manager McNeil explained that soil ultimately settles on top of the barriers and weeds begin to grow. Mrs. Lofgren indicated that is correct. Mrs. Lofgren also commented on the unsightliness of the overgrown weeds along the break-wall at Gordon Turner Park, in front of the former Woolworth building and the buildings on the other side of the street, and the grate near Ottawa Park.

Public comment portion of the meeting closed by Mayor Muschell.

Communications and Petitions

- **Request from the Knights of Columbus Cheboygan Council 791 to Conduct 32nd Annual Drive for Mentally Impaired on October 6, 7 & 8, 2006**

Councilman Tebo moved to approve the request from the Knights of Columbus Cheboygan Council 791 to conduct 32nd Annual Drive for Mentally Impaired on October 6, 7 & 8, 2006. Seconded by Councilman Chlopan. Councilman McCauslin abstained from voting. Motion carried unanimously.

Boards and Commission Reports

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

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

General Business

- **Consideration of Bids – Replacement of 280 Feet of Sanitary Sewer on North E Street**

Councilman Chlopan moved to award the bid for the replacement of 280 feet of sanitary sewer on North E Street to Ginop Construction, Inc., the low bidder, in the amount of \$11,500.00. Seconded by Councilman Tebo. Motion carried unanimously.

- **Consideration of Traffic Control Order No. 005-06**

Councilman Tebo moved to approve the Traffic Control Order No. 005-06. Seconded by Councilman McCauslin. Motion carried unanimously.

- **Consideration of Amendment to Planned Project for Mariner's Village Marina (Site Plan)**

Mr. John Knaffla introduced himself, commenting that he is the developer for Mariner's Village Marina. He explained that the footprint of the building was changed by six feet on the Main Street side of the building which alters the original setback of 19 feet from the sidewalk to the current 13 feet so that the structure of the building could accommodate larger boats. Mr. Knaffla added that there will still be a green area with trees, lawn and two park benches which will maintain the same appearance as well as space for the drainage field. Additionally, the footings had to be larger which was another issue. He commented that the former Thompson Lumber Company building was right up to the sidewalk and the wall was left there for support because of the possibility that the sidewalk and street near there could collapse if the wall were removed. Councilman Charboneau questioned if the original site plan called for a 24 foot setback. Mr. Knaffla indicated that it did not and in fact, the Hyett-Palma Study recommended a zero lot line which would bring the building right up to the sidewalk but he decided against that. Councilman Charboneau noted that this is the second change Mr. Knaffla is requesting. Mr. Knaffla indicated this is actually part of the first change but the issue was deferred to this meeting. Councilman Tebo questioned why Mr. Knaffla did not obtain approval from Council before the building was built. Mr. Knaffla replied that he realizes he should have requested approval then. Councilwoman Riddle commented that the original plan included a façade

of a lighthouse on the end of the former bank building and asked if that is still planned. Mr. Knaffla indicated the lighthouse is included in the last phase of the project and that he will likely return before Council with more detailed designs once the project reaches that phase. Councilwoman Riddle questioned if the drive through area of the former bank would join the other building in some way. Mr. Knaffla indicated that the former bank is a separate structure. He explained that initially, the retail space was part of the marina building but those plans changed even before he came to the City Council the first time. There were several different layouts and then he was able to purchase the former bank property so he came back in front of the City Council where he proposed to make the retail area separate from the marina building and part of the bank and that is when the lighthouse piece will come on board. The former bank building will be double in size and will include the lighthouse. Councilwoman Riddle asked when Mr. Knaffla anticipates that portion of the project will be started. Mr. Knaffla indicated that phase will begin through the winter now that this phase is complete but before that phase begins, he will be back before Council showing the details of the building. Councilman Tebo suggested that Mr. Knaffla come before Council with any proposed changes before any changes are made in the next phase to eliminate any problems. He added that he feels he is being forced into approving this request because the building has already been built. Mr. Knaffla stated that he understands, commenting that City Manager McNeil brought to his attention that he had to come to the City Council before making changes. He noted that he realizes that now and it will never happen again. Councilman Chlopan commented that this project is a great investment in our community.

Councilman Chlopan moved to approve the Amendment to the site plan for Mariner's Village Marina planned project. Seconded by Councilman Charboneau. Mayor Muschell abstained from voting. Motion carried unanimously.

Councilwoman Riddle asked if Mr. Knaffla plans on having the canopies over all of the windows. Mr. Knaffla indicated that is correct noting that canopies will be over every window.

- **Consideration to Authorize CDBG Grant Program Notice of Intent for Water Main Replacement**

City Manager McNeil commented that Council will note that the previous application had a \$1 million threshold within that program and this program has a \$750,000 threshold so in order to keep the City's matching funds within what he believes the current water system budget can afford, some cutbacks have been made primarily with regards to the scope of the Main Street project. City Manager McNeil proposed that the matching funds in the amount of \$513,000 come from monies currently set aside within the water system expense budget which is under the Capital portion of the Budget entitled Reserved for the Future. He commented that \$40,000 has been earmarked as a reserve for the future which can be allocated for the debt service. Based on his discussions with bond counsel the City can issue a thirty-year bond and that \$40,000 can support debt service on a half million dollar bond issue. City Manager McNeil explained that this project is proposed to replace the Main Street water main in anticipation of the MDOT rebuild in 2009 as well as address the high complaint areas of primarily Duncan Avenue and South B, C and D Streets.

Councilman Chlopan moved to authorize the submission of the CDBG Grant Program Notice of Intent for water main replacement with \$513,500 in matching funds by the City of Cheboygan. Seconded by Councilman McCauslin.

Mayor Muschell commented that the thirty-year bond would be a revenue bond. City Manager McNeil indicated it would be water system revenue bonds. Councilwoman Riddle referred to the cutbacks in the scope of the Main Street project and asked if any of the troubled areas would be cutback as well. City Manager McNeil explained that the reductions he is referring to are items trimmed from the budget such as not having to go underneath the sidewalk, with service lead replacement and repair any sidewalks.

Motion carried unanimously.

- **Consideration of Reappointment of Vincent Hillesheim to the Downtown Development Authority Board of Directors – Term to Expire September 13, 2010**

Councilman McCauslin moved to reappoint Vincent Hillesheim to the Downtown Development Authority Board of Directors with a term to expire September 13, 2010. Seconded by Councilman Tebo. Motion carried unanimously.

- **City Council Resolution for the Cheboygan Area Public Library**

Mayor Muschell read the City of Cheboygan City Council Resolution for the Cheboygan Area Public Library. City Manager McNeil indicated that Ms. Lisa Brisson is here on behalf of the Library to answer any questions. Ms. Brisson commented on the support of the City Council for the Library and the Grand Opening celebration being held Saturday, August 26, 2006.

Councilman McCauslin moved to adopt the City Council Resolution for the Cheboygan Area Public Library as presented. Seconded by Councilman Tebo. Motion carried unanimously.

City Clerk's and Treasurer's Comments

Clerk/Treasurer Kwiatkowski stated that September 1, 2006 at 4:00 p.m. is the deadline to submit nominating petitions for the vacant City Council seat which will appear on the November 7, 2006 General Election ballot. He noted that to date, no petitions have been submitted, which is a concern. Clerk/Treasurer Kwiatkowski added that an option is that an individual could file as a write-in on the Friday before the election and it is conceivable that the write-in could receive one vote and therefore fill the vacant seat on the City Council. He commented that if Council is aware of someone that would be of benefit to the City and Council, that Council should urge them to consider running and submit an application. Councilman McCauslin asked how many names are needed on the petition. Clerk/Treasurer Kwiatkowski replied that 25 registered voters must sign the nominating petition.

City Manager's Report

- **Marine Facilities Engineering Grant Application Update**

City Manager McNeil stated that Council may recall authorizing submission of a grant to the Waterways Commission to help fund costs toward an engineering study at the City Marina facilities. He noted that he was informed that the deadline on those grant applications was April 1, 2006 and that the City may have to wait until April 1, 2007 for consideration of that funding. He was also advised that there are some appropriations that have not been made to the Waterways Commission that may still come up and if so, there may be money available in the current fiscal year to cover that. City Manager McNeil added that he has been in contact with the staff of the Waterways Commission as well as Mr. Todd Wyatt, Chairman of the Waterways Commission who introduced himself to Council. He stated that if the Waterways Commission secures that additional funding, the City will be at the top of the list for consideration. City Manager McNeil clarified that this pertains to an

engineering study with regards to conditions and recommendations for repairs and upgrades to the City Marina facilities, noting that the Waterways Commission will fund half of the cost of the engineering study.

- **County EDC Activity Update**

City Manager McNeil stated that pursuant to economic development and intergovernmental communication objectives within the City Strategic Plan, he has had the honor of being selected President of the Cheboygan County Economic Development Corporation. He explained that the EDC has basically embraced a goal of providing a recommendation to the County Board of Commissioners that would bring a pro-active economic development program to Cheboygan County. City Manager McNeil noted that as a result, the EDC will be presenting a recommendation to the County Board of Commissioners next week that the County take a look at joining the Northern Lakes Economic Alliance. The Northern Lakes Economic Alliance is currently an economic development group that is made up of representatives from Antrim, Emmett and Charlevoix Counties. He explained that the EDC feels that the expertise and proven track record of the Northern Lakes Economic Alliance would bring an excellent economic development program to Cheboygan County and to the City of Cheboygan. City Manager McNeil noted that the Northern Lakes Economic Alliance would become a four-county group in the event Cheboygan County joins the Alliance. He added that there have been several meetings with representatives of Cheboygan County and the Northern Lakes Economic Alliance over the last few months trying to weigh the pros and cons of an alliance. City Manager McNeil commented that the NLEA sees advantages because they can strengthen some disciplines within their staff and bring in additional expertise in specific areas as well as strengthen Cheboygan politically which is seen by the Cheboygan County EDC as a significant advantage. City Manager McNeil stated that the recommendation to join the Northern Lakes Economic Alliance will be made to the Cheboygan County Board of Commissioners next Tuesday, August 29, 2006 and representatives of the NLEA will be present as well.

Mrs. Lofgren commented on a public notice for the Lincoln Avenue Bridge, asking why that would be advertised at this late date. Mayor Muschell indicated that the notice is from the U.S. Coast Guard which is part of their investigative process as a result of the Homeland Security Act and that the City has been assured that the permit will be provided. He added that residents within a certain radius of the Lincoln Avenue Bridge were provided notice.

- **Advertisement for Bids re: Internal Condition of City Storm Sewer**

City Manager McNeil referred Council to an advertisement for bids relative to providing a camera and equipment to determine the internal condition of a storm sewer at the south end of town. He explained that the owners of the Best Western/River Terrace Motel have brought to his attention that there is some settling within the north portion of their building which happens to have a storm sewer drain going underneath. There is evidence that there might be some collapse within that storm drain system and therefore bids are being sought to have that storm drain scoped to determine the internal condition and exact location of the storm drain. City Manager McNeil commented that he is bringing this information to Council's attention because it could become a complicated and expensive matter to correct. He added that these particular bids will likely come within the range that he can approve under his own authority and if not, the bids will come before the City Council for consideration. Councilwoman Riddle questioned if the storm drain goes underneath the building. City Manager McNeil indicated that is correct. Councilwoman Riddle noted that the right-of-way for storm drains for alleys and such are supposed to be kept clear for easy access should the system need repair or

replacement. She asked how that came about when a building was put over the top of the storm drain. City Manager McNeil stated that he cannot find any record of provisions with regards to the easement for that particular location

Messages and Communications from Mayor and Council Members

• **Lincoln Avenue Bridge**

Mayor Muschell commented that official notification of approval regarding the Lincoln Avenue Bridge is still pending and that a September letting by MDOT was anticipated but may not be possible. Councilman McCauslin asked if that will slow the construction in the spring. Mayor Muschell stated that construction would not slow a great deal; however, would be somewhat affected.

Adjournment

Councilman McCauslin moved to adjourn the meeting at 7:44 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