

REGULAR CITY COUNCIL MEETING
April 10, 2007

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, Lepp, McCauslin, Charboneau, Muschell and Boardman
Absent: Councilwoman Riddle

Councilman Tebo led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Mayor Muschell noted one addition to the agenda under 8. B. Communications and Petitions – Request from Cheboygan Memorial Hospital to hold Annual Tag Day Sale on August 3, 2007.

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

- **Special City Council Meeting – March 20, 2007**

Councilman Boardman moved to approve the minutes of the March 20, 2007 Special City Council Meeting as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Regular City Council Meeting – March 27, 2007**

Councilman McCauslin moved to approve the minutes of the March 27, 2007 Regular City Council Meeting as presented. Seconded by Councilman Tebo. Motion carried unanimously.

Public Comments

Public Comment portion of the meeting opened by Mayor Muschell.

- **State Street Bridge Traffic**

Mrs. Trudy Lofgren introduced herself, and questioned any possible changes in the State Street Bridge opening schedule for boat traffic while the Lincoln Avenue Bridge is under construction. City Manager McNeil replied that he is unsure of the ferry service schedule or any changes in times, requirements or rules with regard to the opening of the State Street Bridge. Chief Jones commented that the standard times for opening the State Street Bridge will be maintained; however, there has been discussion on extending the left turn lane on west State Street at the traffic light and eliminating parking on both sides of State Street during the summer to accommodate a wider turn lane. Additionally, a request has been made to extend the timing of the traffic light at the left turn lane to accommodate the increase in traffic. He added that the opening of the State Street Bridge is governed under navigational rules and that boats have precedent over vehicular traffic.

Mr. William Burnett introduced himself, commenting that he has the same concerns regarding the State Street Bridge. He related his experiences with heavy traffic congestion on State Street as a result of closing the Lincoln Avenue Bridge and the additional impact that opening the State Street Bridge for boat traffic has on the already increased traffic. He commented that a solution is needed

and suggested that perhaps the State Street Bridge openings should be scheduled for no more than twice an hour, or perhaps the boats should be docked on the other side of the Bridge.

There being no further comments from the public, the Public Comment portion of the meeting was closed by Mayor Muschell.

Public Hearings

- **An Ordinance to Amend Section 154.046(G)(2) of the City of Cheboygan Code of Ordinances by Repealing said Section and Enacting a New Section 154.046(G)(2) which Provides for Construction of Sidewalks in Certain Locations when Submitting a Site Plan for Approval**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil explained that this proposed Ordinance amends the Site Plan Review Ordinance and requires any new construction that takes place parallel to public streets, to include the construction of sidewalks along those public streets. Additionally, the amendment provides for the ability of the Planning Commission to otherwise require placement of sidewalks if deemed necessary for separation of pedestrian and vehicular traffic. City Manager McNeil noted that this proposed amendment is pursuant to the Sidewalk Priority and Objective within the Strategic Plan and a result of the review and recommendation of the Planning Commission. Mayor Muschell commented that it is his understanding that this is a common procedure in most communities.

There being no further comments, the Public Hearing portion of the meeting was closed by Mayor Muschell.

Councilman Tebo moved to adopt the Ordinance to Amend Section 154.046(G)(2) of the City of Cheboygan Code of Ordinances by repealing said Section and enacting a new Section 154.046(G)(2) which provides for construction of sidewalks in certain locations when submitting a site plan for approval. Seconded by Councilman McCauslin. Motion carried unanimously.

- **An Ordinance to Amend Section 154.030 and 154.031 “Planned Projects” of the Cheboygan City Code by Repealing said Sections and adding a New Section which shall be Labeled 154.030 which shall be Entitled “Planned Unit Development” which Establishes a Planned Unit Development District and States the Purpose therefore, the Principle Uses, Site Plan Submission, Approval Standards, Procedural Requirements, the Rezoning of Parcels, Consequences of Approval and Changes to a Planned Unit Development**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil stated that this proposed Planned Unit Development Ordinance replaces the current Planned Project Ordinance and conforms to the Zoning Enabling Act. He explained that Planned Unit Development provides some flexibility under zoning where uses can be combined within a site plan that is submitted to the Planning Commission and City Council based on the standards within the Ordinance, and then the development is approved based on the merits of the Plan. City Manager McNeil commented that the Ordinance specifically states some of the uses within the current zoning districts that are allowed to be mixed within this type of development, and are named under 154.030 (C). He noted that those districts include residential, local business, and

tourist service zoning and that there is added flexibility as well, where other uses can also be included; however, would require a Determination of Similar and no more Objectionable Character by the City Council and the Planning Commission. He added that the ultimate reason the Zoning Enabling Act was put into effect last year was to combine all the different laws that were adopted over a period of time into one law that is easier to understand. Councilwoman Lepp asked if this is still within what the property is zoned for. City Manager McNeil stated that this is a zoning in and of itself. He provided an example of a development that would include a restaurant and hotel, with a multi-family unit development on the backside and with that, possibly a marina. He explained that currently, there is no single zoning category that allows that type of development but this amendment would enable a developer to present a plan to the Planning Commission and City Council, and demonstrate how the project would be developed, then approval would be considered based on the merits of that plan, and then the developer must proceed based on the Plan. City Manager McNeil added that one of the reasons the Planning Commission took a look at this, even before the Zoning Enabling Act was effective, was that there was quite a bit of discussion with regard to legislation that allowed contract zoning, which presented some concerns, but the Planning Commission liked the flexibility that contract zoning allowed. He noted that this amendment addresses the concerns of the Planning Commission with regard to City Zoning Ordinances providing flexibility for mixing uses.

There being no further comments from Council or the public, the Public Hearing portion of the meeting was closed by Mayor Muschell.

Councilman McCauslin moved to adopt the Ordinance to amend Section 154.030 and 154.031 “Planned Projects” of the Cheboygan City Code by repealing said Sections and adding a new Section which shall be labeled 154.030 which shall be Entitled “Planned Unit Development” which establishes a Planned Unit Development District and states the purpose therefore, the principle uses, site plan submission, approval standards, procedural requirements, the rezoning of parcels, consequences of approval and changes to a planned unit development. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration of an Ordinance to Amend Title XV “Land Usage”, Chapter 154, Zoning, of the City of Cheboygan by Amending Sections 154.002, 154.150, 154.151, 154.158 and 154.159**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil stated that this proposed amendment to the Land Usage Ordinance also comes to the City Council by way of adoption of the Zoning Enabling Act, and is the result of work by the Zoning Board of Appeals. He explained that this section updates the Administration Section of the Zoning Ordinance and provides for the activities of the Zoning Board of Appeals. City Manager McNeil commented that the most notable items within the Ordinance provide for a reduction in the number of members on the Zoning Board of Appeals from seven to five, changes to the notice requirements, and the most notable change pertains to different standards for review and consideration of dimensional variances from use variances. He explained that currently, the City’s Zoning Ordinance has four standards that the Zoning Board of Appeals must determine are met before a variance is issued, and those standards apply to a use variance as well as a dimensional variance. The proposed amendment provides different standards for whichever consideration the Zoning Board of Appeals undertakes. City Manager McNeil stated that the amendment also empowers the Zoning Board of Appeals to hear appeals as a result of considerations of site plan

review and any of the Planning Commission decisions relative to uses of similar character, and brings the City in line as far as administration of the Zoning Enabling Act.

There being no further comments from Council or the public, the Public Hearing portion of the meeting was closed by Mayor Muschell.

Councilman McCauslin moved to adopt the Ordinance to amend Title XV “Land Usage”, Chapter 154, Zoning, of the City of Cheboygan by amending Sections 154.002, 154.150, 154.151, 154.158 and 154.159. Seconded by Councilman Charboneau. Motion carried unanimously.

Communications and Petitions

- **Request from the “Friends of Ottawa Park, Inc.” to hold a Ribbon Cutting Ceremony in Ottawa Park on Saturday, May 26th between 5:00 p.m. and 7:00 p.m.**

Councilman Charboneau moved to approve the request from the “Friends of Ottawa Park, Inc.” to hold a ribbon cutting ceremony in Ottawa Park on Saturday, May 26th between 5:00 p.m. and 7:00 p.m. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Request from Cheboygan Memorial Hospital Auxiliary to hold their Annual Tag Day Sale on August 3, 2007**

Councilman Tebo moved to approve the request from the Cheboygan Memorial Hospital Auxiliary to hold their Annual Tag Day Sale on Friday, August 3, 2007. Clerk/Treasurer Kwiatkowski requested that the motion be amended as there are several other fund-raising groups that already have permission for tag sales and he has not checked this particular request against the calendar to determine if another group will be fund-raising on that date. Councilman Tebo amended the motion to include that an alternate date could be set for the Hospital Auxiliary if there is a conflict. Seconded by Councilman Charboneau. Councilman McCauslin abstained from voting. Motion carried unanimously.

Bills and Disbursements

- **Bills and Disbursements for the Month of March 2007**

Councilman McCauslin moved to approve the bills and disbursements for the month of March 2007 in the amount of \$493,147.05. Seconded by Councilman Charboneau. Mayor Muschell abstained from voting. Motion carried unanimously.

Mrs. Lofgren questioned item 9 on the Invoice Register, Cheboygan Area Public Library, in the amount of \$27,500.00 for grant disbursement. She asked if that is the amount as published in the local newspaper that the Library will not receive now because of the moratorium on state grants. Clerk/Treasurer Kwiatkowski explained that this is part of what was in the newspaper and that the Library is supposed to receive two payments. He noted that a portion of the grant was received; however, there is a good possibility that the Library will not receive the remaining balance.

General Business

- **Consideration to Place 6 Month Delinquent Water/Sewer Utility Bills as a Lien on the 2007 Summer Tax Roll**

Clerk/Treasurer Kwiatkowski stated that City Ordinance requires that notice be sent to property owners with delinquent water/sewer utility bills where unpaid charges that are six months in arrears

are placed as a lien on the 2007 summer tax roll. He added that typically, quite a number of the charges will be paid before the tax roll is prepared.

Councilman Boardman moved to place 6 month delinquent water/sewer utility bills as a lien on the 2007 Summer Tax Roll. Seconded by Councilman Charboneau. Motion carried unanimously.

- **Consideration of Confirmation and Approval of Notice of Intent and Matching Funds for Wastewater Treatment Plant Planning Grant**

City Manager McNeil stated that he has been working with the Northern Lakes Economic Alliance in order to assist Great Lakes Tissue with one of their challenges involving the treatment of their wastewater. He noted that the NLEA has been able to secure a commitment from the Michigan Economic Development Corporation for \$35,000 in planning grant funding that could be used to obtain an engineering study of the City's Wastewater Treatment Plant that among other things, would help determine what kind of upgrades would be necessary in order for the City to better treat industrial discharge. City Manager McNeil commented that from his perspective, this assists the City in two ways such as helping to determine how the City may be able to assist Great Lakes Tissue with one of their challenges, and provide a study of future treatment capacity which is on the City's list of priorities and fits in very well with the City's plan. He noted that the application indicates that Great Lakes Tissue will provide 25% of the cost of the study, and the City of Cheboygan will provide 25%, with the State of Michigan assuming 50% of the cost. City Manager McNeil stated that he has signed and forwarded the document to the State on behalf of the City in order to expedite the process. He noted that he has advised Council through written reports on the activities that have lead up to this point; however, official confirmation of Council is needed. Councilman McCauslin referred to the matching funds of \$17,500 from the City and questioned if that amount will come from the Wastewater Budget. City Manager McNeil indicated that is correct. He added that another benefit is that since the State is participating in the planning grant, if it does appear feasible that upgrades can assist Great Lakes Tissue and other industrial users, there is a good chance that there may be other grant monies to build the addition which will help the City in our own treatment capacity issues.

Councilman McCauslin moved to confirm and approve the Notice of Intent and matching funds, not to exceed \$17,500.00 to the Michigan Economic Development Corporation for a Wastewater Treatment Plant Planning Grant. Seconded by Councilman Boardman. Motion carried unanimously.

- **Consideration to Reappoint Mark Bronson, Linda Konicki, James Mick, Scott McNeil and Kenneth Kwiatkowski to the Brownfield Redevelopment Authority – Terms to Expire April 13, 2010**

City Manager McNeil noted that the three individuals seeking reappointment have expressed a desire for reappointment. He clarified that his capacity on the Brownfield Redevelopment Authority is as Recording Secretary, with Clerk/Treasurer Kwiatkowski acting as Treasurer.

Councilman Tebo moved to reappoint Mark Bronson, Linda Konicki and James Mick as Board Members; Scott McNeil as Recording Secretary; and Kenneth Kwiatkowski as Treasurer of the Brownfield Redevelopment Authority, with terms to expire on April 13, 2010. Seconded by Councilwoman Lepp. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Water/Sewer Billings and Social Security**

Clerk/Treasurer Kwiatkowski stated that he was contacted by an individual requesting that the quarterly utility billing cycle coordinate with receipt of social security payments. He noted that this is the second request on this issue and that an investigation was done on when social security payments are received. Clerk/Treasurer Kwiatkowski referred to information provided by the Social Security Administration which illustrates that social security payments arrive on four different dates during each month, depending on the recipient's birth date. He explained that providing four different billings for each cycle would be very difficult due to limited staffing and that he has since advised the individual of that information.

City Manager's Report

- **2009 MDOT Main Street Project & Water Main Replacement Update**

City Manager McNeil stated that the 2009 Main Street Project that is scheduled by the Michigan Department of Transportation is going to have a significant component with regards to water main replacement. He referred to the letter from Ms. Hilary Owen, Development Engineer with the Grayling MDOT office, where she is confirming that the scope of the water main replacement in conjunction with the 2009 Main Street rehabilitation project is now extended south to Seymour Street, which is advantageous for the City. City Manager McNeil stated that the cost of the 2007 water main project can be lowered and the City will be able to obtain 80% in federal funding with the City and State each providing 10% of the funding for the project.

- **2007 Water Main Replacement Update**

City Manager McNeil stated that with regard to the 2007 water main project, the scope of that has now changed in that the Main Street portion of that project will be Lincoln Avenue north to Seymour Street, which will take place this summer. Additionally, the Main Street portion of the project is expected to take place after Labor Day. The plans and construction specifications are now complete and the permit has been signed and forwarded to the DEQ office in Cadillac for approval. City Manager McNeil stated that the engineers are now working on bid specifications and documentations which is the beginning of the bid phase of the project. Additionally, the bonds on the Lincoln Avenue Bridge project closed today and the City will proceed with the bonds on the water main project and request those at the maximum allowable amount.

- **2007/2008 Preliminary Budget**

City Manager McNeil stated that with regard to the next fiscal year's preliminary budget, the information was delivered to Council Members on Monday, in keeping with compliance requirements of the City Charter. He commented that the budget is very preliminary and because of the Budget Review Committee and pending recommendations, as well as needing to yet review this year's third quarter experience and complete the Capital Improvement Planning process, the preliminary budget is likely to be under consideration by Council a couple times before the official public hearing in June. City Manager McNeil commented that the Budget Review Committee meets at the end of this month and it is very possible that a preliminary recommendation could be coming from that group, and the preliminary budget could be formally reviewed in May. Councilman McCauslin referred to page one of the preliminary budget which addresses revenue, commenting that the revenue appears to be down quite a bit on both taxes and sales tax. He commented that the reduction in sales tax is understandable due to the declining economy, and questioned if the revenue regarding property tax being low or at least less than what was anticipated is pretty much the same

reason and is in keeping with what has been happening with the economy. City Manager McNeil stated that the estimate from a property tax collection standpoint is pretty conservative and he is hoping that will increase by the time the budget is adopted in June. Additionally, the sales tax amount may decrease more in conjunction with revenue sharing.

Messages and Communications from Mayor and Council Members

• **Lincoln Avenue Bridge Update**

Mayor Muschell stated that things seem to be progressing fairly well with the Lincoln Avenue Bridge in spite of the weather. Councilman Charboneau asked if road restrictions are holding them back from removing debris from the site. Mayor Muschell replied that road restrictions are still in force throughout the County although the main roads are fine. Chief Jones explained the disposal method for the concrete sections removed from the site. Additionally, he explained the crane incident that occurred during demolition of the Lincoln Avenue Bridge. Chief Jones also mentioned that the bi-weekly progress meetings will begin tomorrow. Councilman McCauslin referred to the traffic issues and asked if the timing of the traffic light at Main Street and Lincoln Avenue will be addressed. Chief Jones stated that the traffic light cycle at the intersections of Main Street and State Street and Main Street and Lincoln Avenue will be addressed. Chief Jones also noted that demolition of the Speedway Gas Station will likely begin this Thursday.

Adjournment

Councilman Boardman moved to adjourn the meeting at 8:14 p.m. Seconded by Councilwoman Lepp. 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

Councilwoman Theo Lepp