

REGULAR CITY COUNCIL MEETING
June 26, 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:

The Oath of Office was taken by Councilman Richard B. Sangster.

Present: Council Members Muschell, Boardman, Tebo, Lepp, Riddle, Sangster and Charboneau

Mayor Muschell led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Councilwoman Riddle moved to approve the agenda as presented and receive and file all communications. Seconded by Councilman Boardman. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – June 12, 2007**

Councilman Boardman moved to approve the minutes of the June 12, 2007 Regular City Council Meeting as presented. Seconded by Councilman Tebo. Motion carried unanimously.

- **Special City Council Meeting – June 19, 2007**

Councilwoman Lepp moved to approve the minutes of the June 19, 2007 Special City Council Meeting as presented. Seconded by Councilman Charboneau. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

- **Recycle Program**

Mr. Dennis Lennox introduced himself, commenting that he is Chairman of Citizens Against New Taxes. He explained that his organization is a coalition of community members formed to oppose the annual household tax of \$400,000 from Cheboygan County residents to fund a new County-wide recycling program. Mr. Lennox stated that the coalition believes the tax increase is misguided and ill-thought in light of the high unemployment and poverty rates in Cheboygan County. He commented that while the Coalition does not oppose recycling, it is believed that the County Commissioners need to reconsider their previous vote on May 8 and consider putting the issue up for a vote of the people. Mr. Lennox stated that this County-wide recycling program has been modeled after those in Emmet and Charlevoix Counties both of whom put the recycle program issue up for a vote of the people through a millage request. He commented that Koehler Township has opted out of the County-wide recycle program, adding that Mullett, Grant, and Aloha Townships have all indicated they would opt out as well unless a millage request or some other method of vote would be placed on the ballot. He noted that it is his understanding that those three respective Townships will take a formal vote on that matter at their July Township meetings. Mr. Lennox reiterated that the Coalition does not understand why County Commissioners are forcing this tax increase on residents of Cheboygan County in light of the poor economic circumstances. He commented that another unfortunate consequence of this tax is that while it does not necessarily affect the City as much as other municipalities in the County, it is not solely on year-round registered voters and residents, and

includes any house, mobile home, cottage, cabin, apartment, condominium or any other independent living facility that could be occupied. Mr. Lennox stated that the estimated \$400,000 figure is based on the census of registered voters and does not include summer residents registered to vote elsewhere, and therefore that estimated \$400,000 cost could substantially increase. He pointed out that Cheboygan County had a recycling program in the past that failed because the cost estimate was inaccurate. Mr. Lennox stated that voters have a constitutional guarantee to vote on matters of taxation under the Headley Amendment and there should be nothing wrong with letting people decide if the recycling program is something they want to pay for. He closed his comments, noting that anyone having questions could contact him by telephone or e-mail.

Mr. William Burnett introduced himself, commenting that recycling would cost approximately 25 cents or at the most, fifty cents per week. He mentioned that he would very much like to see recycling in this area. Mr. Burnett questioned where the \$400,000 figure that is estimated for recycling originated. He stated that the recycling program that was initiated in the past had some people putting garbage in the recycling containers, which is why the program was stopped and had nothing to do with the cost. Mr. Burnett commented that \$24 per year is very inexpensive for a recycling program and would help stop the landfill problems all over the State.

- **Main Street Repairs/Footbridge Meeting**

Mr. Burnett thanked City Manager McNeil and the City crews for the excellent job they did in trying to patch areas of Main Street and that the effort is appreciated. He also questioned why the meeting regarding the footbridge is not being held until August. City Manager McNeil explained that the Downtown Development Authority Board decided to hold the meeting regarding the footbridge at one of their regularly scheduled meetings. The next DDA meeting is close to July 4th and the DDA felt that was not conducive to the public, which is why they chose their next meeting in August.

- **Pinehill Cemetery**

Ms. Melody Budzinski introduced herself, commenting that she is here regarding Pinehill Cemetery. She referred to a City Council meeting held last year at this time where people in the public related problems regarding the Cemetery and that one of the issues she brought up was driving across gravesites and widening the road for dump trucks. Ms. Budzinski commented that she sees no need for dump trucks in there and is surprised the gravesites have not caved in. She stated that she was assured last year that something would be done in the fall, commenting that one year and approximately 1 month later, the problem is still there. The monuments are still away from where they are supposed to be and nothing has ever been done. Ms. Budzinski related another concern regarding the removal of flowers from scones attached to a headstone, noting that a complaint was filed through the police department; however, nothing was done which surprised and disappointed her. Councilwoman Riddle questioned the reason a complaint would not be followed up if filed through the police department. Clerk/Treasurer Kwiatkowski stated that a complaint regarding the Cemetery would be filed for an act of vandalism. The Cemetery Ordinance states that if flowers die or are unsightly and wilted, the staff has the right to remove them. Clerk/Treasurer Kwiatkowski stated that he was told by Mr. Olson that is what was done and that removing the flowers was not something the police department could pursue. Mr. Ellis Olson, stated that on May 11, 2006 Ms. Budzinski received a letter from Clerk/Treasurer Kwiatkowski regarding her complaints but continues to bring the same issues back repeatedly. He explained that he went to Pinehill Cemetery with Clerk/Treasurer Kwiatkowski and Ms. Budzinski and they looked at the area where she claims staff is driving over gravesites. Mr. Olson stated that he had that area staked out and it is very clear

that there are no gravesites where the driving is occurring. He noted that Ms. Budzinski received a letter stating that portion of the Cemetery does not contain gravesites; however, she refuses to accept that. Mr. Olson stated that Ms. Debbie Barber was there at the time and was former Sexton of Pinehill Cemetery, who said that she sold gravesites there. He noted that he questioned Ms. Barber on where the money is for the sale of those gravesites. Mr. Olson commented that this is the third time this subject has come up and if Ms. Barber sold gravesites there, he would like to know where the money went for the sale. Mr. Olson stated that he researched the matter extensively and there is no record of any gravesite being sold there and that is outside of the plotted grave burial sites. Mr. Olson commented that after Clerk/Treasurer Kwiatkowski provides his report to Council on Pinehill Cemetery later in the meeting, he would like to discuss other issues like this as there seems to be complaints to the point of harassment. He commented on telephone conversations that are now taped, unfounded complaints, and statements that are vindictive, petty and dishonest. Mr. Olson also commented on the removal of flowers, and referred to the posted regulations for Pinehill Cemetery, one of which prohibits the placement of artificial flowers that are not in a container. Councilwoman Riddle recommended holding a Special City Council meeting at Pinehill Cemetery to take a look at some of these issues that keep reoccurring. Mr. Olson welcomed that suggestion, recommending that the various complaints be compiled and reviewed at the Cemetery first hand and to have those registering the complaints to be present at the meeting as well. He recommended reinstating a complaint process. Councilwoman Riddle asked if Mr. Olson responds to everyone having questions or concerns. Mr. Olson replied that he does contact those having questions or concerns, although he does not always do so immediately because at times he needs to research matters in order to provide answers to some questions. Mayor Muschell stated that the suggestions to have a Special City Council meeting at the Cemetery and to re-instate the complaint file are very good. City Manager McNeil stated that the complaint process has already been instituted and has been refined at the last Department Head meeting, and will be subject matter at the City Hall staff meeting tomorrow. Mayor Muschell commented on scheduling a Special City Council meeting to take place on site at Pinehill Cemetery so that the complaints can be addressed. He noted that Mr. Olson can explain his position and those with complaints can also explain their concerns. Councilwoman Lepp asked if the issue regarding the Andrews gravesite and the condition of the Cemetery entrance have been taken care of. Clerk/Treasurer Kwiatkowski replied that the concern regarding the Andrews gravesite has been taken care of but the access entrance to the Cemetery is one of the items he will be addressing in his report to Council later in the meeting. He added that Mr. Olson's name, home telephone number and cell phone number have been added to the Directory of Municipal Services listing used by staff at City Hall for easy access. Mr. Olson explained the situation regarding the Andrews gravesite, commenting that he was in the process of bringing the Cemetery up to code and therefore the tombstone was lowered flush to the gravesite as required. Additionally, he mentioned that contacting family members is not always possible. Councilwoman Lepp mentioned that she realizes Mr. Olson is busy but with a little research, the Andrews family could have been contacted regarding that drastic of a change in the gravesite. She added that a courtesy call to a family member if they are still local residents would have been a nice gesture rather than having them visit the site on Memorial weekend and finding a change in the gravesite. Mr. Olson stated that would have been a very lengthy investigation. He noted that he contacted Ms. Gouine by telephone to advise her that the position of the headstone would be grandfathered and the next time he is in the area or by the first week of July, the gravesite would be restored, which was done. He added that Ms. Gouine then came to Council requesting a timeframe on when the headstone would be put back.

Councilwoman Riddle moved to table any further discussion on the Cemetery until the Special City Council meeting regarding Pinehill Cemetery is held. Seconded by Councilman Tebo. Motion carried unanimously.

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

Councilwoman Riddle asked if the Special City Council meeting regarding the Cemetery will be scheduled tonight or if that will be done at a later date. Clerk/Treasurer Kwiatkowski recommended the meeting be scheduled for a Tuesday or Wednesday evening approximately 6:30 or 7 p.m. which would provide ample daylight to tour the Cemetery grounds. Additionally, the meeting date would be published when confirmed.

Boards and Commission Reports

- **Department of Public Safety Monthly Statistics – May 2007**

The Department of Public Safety Monthly Statistics for May 2007 were received and reviewed.

Unfinished Business

- **Consideration of Appointment of City Council Member to Downtown Development Authority Board of Directors**

City Manager McNeil stated that as a result of the resignation of former Mayor Pro Tem McCauslin, there is a vacancy on the DDA Board in an ex-officio position, which requires an appointment from the City Council. He noted that as Council may recall, one of the recommendations from the Hyett Palma Study was to have additional representation from Council on the DDA Board. City Manager McNeil explained that there are two representatives from Council, with Mayor Muschell serving in one capacity and Mayor Pro Tem McCauslin served in the other. Councilwoman Riddle commented that Councilman Sangster is already on the DDA Board, as well as Mayor Muschell and asked if appointing a third member would be too many members from Council on that Board. City Manager McNeil stated that would not be too many; however, after discussion with Mayor Muschell and Councilman Sangster, it may be prudent, if Councilman Sangster is willing, that he serve in the capacity of Council member on the DDA Board. He could continue serving on the DDA Board as Resident Representative of the DDA District as he has been, and would also serve in a dual purpose by representing the City Council. Councilman Sangster indicated he is willing to serve as ex-officio member on the DDA Board.

Councilman Charboneau moved to appoint Councilman Sangster as an ex-officio member of the Downtown Development Authority Board of Directors. Seconded by Councilman Tebo. Motion carried unanimously.

City Manager McNeil commented that this action creates another vacancy on the DDA Board which will have to be filled by a person at large relative to the rules of the DDA.

- **Consideration of Appointment of City Council Member to Human Relations Board**

City Manager McNeil stated that as a result of former Mayor Pro Tem McCauslin's resignation from Council, a vacancy exists as Council representative to the Human Relations Board. Councilwoman Lepp indicated her willingness to serve on the Human Relations Board.

Councilman Tebo move to appoint Councilwoman Lepp as a member of the Human Relations Board. Seconded by Councilman Boardman. Motion carried unanimously.

General Business

- **Consideration of Amendment to Retirement Health Benefit Policy**

City Manager McNeil referred to a proposed amendment to the City of Cheboygan Retirement Health Benefit Policy which has been drafted by the City's labor attorney as directed by Council. He explained that this amends the current health benefit policy to allow for the allocation of monies already declared within the current policy to be paid directly to the retiree and provides for proof to be provided to the City of active health insurance. Additionally, the amendment provides for the same monetary considerations as the current policy, but allows the retiree to obtain their own health insurance if they choose not to participate on the City's health insurance plan that is provided to other employees from the classification from which they retire.

Councilman Tebo moved to adopt the amendment to the Retirement Health Benefit Policy as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration of 2007 Animal Control Appropriation**

City Manager McNeil referred to the invoice from the Cheboygan County Humane Society, which provides animal control services on behalf of the County. He noted that as discussed during the adoption of the upcoming budget, that appropriation has been reduced as a result of budget cutting measures. City Manager McNeil commented that the current budget line item for the animal control appropriation is \$2,900 which he is recommending be approved and disbursed after July 1, 2007. City Manager McNeil also referred Council to a draft letter to Ms. Mary Talaske, Executive Director of the Cheboygan County Humane Society that provides an explanation of the reduced appropriation and refers to a recent telephone conversation with Ms. Talaske.

Councilman Tebo moved to approve the 2007 Animal Control appropriation to the Cheboygan County Human Society in the amount of \$2,900.00 to be submitted on or about July 1, 2007. Seconded by Councilman Boardman.

Yes votes: Council Members Lepp, Tebo, Sangster, Muschell, Riddle and Boardman

No vote: Councilman Charboneau

Motion carried.

City Manager McNeil explained that one of the reasons for the reduction in appropriation for the Humane Society is to bring the City's allocation in line with that of the Townships. Prior to this, the City gave approximately 45% of the total local government contribution within the County and with this allocation, the City is providing about 56 cents per capita toward that operation based on the information provided by Ms. Talaske on the Township allocations which is 41 cents per capita. City Manager McNeil noted that even with this reduction, the City's contribution with regard to the local government effort is still above what the Townships are providing collectively.

- **Discussion – re: Inter-local Agreement Regarding County Recycling Surcharge**

City Manager McNeil stated that as Mr. Lennox eluded, the Inter-local agreement has been distributed and provides information regarding the Cheboygan County recycling surcharge. He explained that the purpose of providing this information on the agenda tonight is so that Council may discuss the matter with each other and if there are any questions of Council, he will be able to

research and provide answers at a later date when the issue can be formally entertained. He noted that this is also subject to review by the City Attorney. City Manager McNeil stated that it may be possible to have representatives of the Recycle Program Committee provide information to Council relative to the program. He noted that the County is looking for a response from each municipality by August 24, 2007. City Manager McNeil commented that the surcharge is based on the statutes cited within the Inter-local Agreement and that this is being initiated under the Urban Cooperation Act, in other words, this is a service the County is willing to provide on behalf of the other local governments and in order for that to be created, a formal agreement under that statute would be required based on the recommendation of the County's attorney. Discussion was held with regard to having a representative of the County available at the second City Council meeting in July to answer questions about the recycling program. Additionally, that would provide the City attorney with enough time to review the proposed Agreement. City Manager McNeil indicated he would facilitate that arrangement.

Councilman Tebo moved to table consideration of the Inter-local Agreement Regarding County Recycling Surcharge until the July 24, 2007 Regular City Council Meeting pending review by the City Attorney. Seconded by Councilwoman Riddle. Motion carried unanimously.

- **Consideration of Recommended Site for Participation in Cheboygan Brownfield Assessment Project**

City Manager McNeil referred to a memo to the Cheboygan Economic Development Corporation, which indicates that Cheboygan County, in conjunction with the City of Cheboygan, received two EPA Brownfield Assessment Grants to address environmental unknowns and position properties for redevelopment. A list of potential sites were identified which the County EDC approved, and another list was presented to the City of Cheboygan Brownfield Redevelopment Authority for their review relative to the sites listed within the City, and it received their approval and recommendation to Council. City Manager McNeil stated that Ms. Lisa Fought, Project Manager of the Northern Lakes Economic Alliance is present, explaining that the NLEA is the administrator for the grant funding received for site assessment. As Council may recall, the County in participation with the City received \$400,000 in grant funding from the USEPA to conduct site assessments with the idea to position properties for redevelopment. Ms. Fought explained the site assessment process which includes identifying potential sites for redevelopment based on criteria that includes redevelopment potential, perceived environmental conditions, willingness of the seller and prospective purchaser, job creation, and spin-off redevelopment potential. She noted that the NLEA is looking for the approval from the City as well as the County on the preliminary list of sites, to present this list to the EPA for approval to begin assessments. Ms. Fought commented that this is a voluntary program whereby property owners would be contacted to determine interest in participating in the program and would sign access agreements, and that process is the first step after EPA approval of the list. She noted that the property owner can stop the process at any point. City Manager McNeil commented that the total amount of sites on the list is based on the consultant's experience of a reasonable, manageable list to get started with. He added that there are several sites within the City of Cheboygan that will have an opportunity to take advantage of grant funding for site assessment. City Manager McNeil commented that the NLEA will continually be able to receive suggestions and consider other sites for the list, explaining that some will be omitted and others added during the three year process. Ms. Fought added that Cheboygan received two grants from the EPA, one for petroleum based hazardous materials and the other for non-petroleum based hazardous materials for a total of \$400,000 in grant funding.

Councilwoman Riddle moved to approve the list of sites for participation in the Cheboygan Brownfield Assessment Project as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration of Recommendation for Engineering Services regarding the City Wastewater Treatment Plant Treatment Capacity Study**

City Manager McNeil stated that the City of Cheboygan in partnership with the Northern Lakes Economic Alliance, received a study grant from the Community Development Block Grant Program which would study the Wastewater Treatment Plant in consideration of being able to receive and treat industrial discharge. He noted this is an effort to assist Great Lakes Tissue with some of their challenges as well as position the City to assist other job creators as they may consider the City of Cheboygan. City Manager McNeil stated that the Grant Agreement was approved by Council at the previous City Council meeting and since then, he has received notice from the MEDC that the City is now allowed to expend funds. He added that a Request for Qualifications has been sent out to various engineering firms and three responses have been received. City Manager McNeil referred to the responses, commenting that a review committee comprised of Mr. Clarence Roznowski from Great Lakes Tissue, Ms. Jan Kellogg from the Northern Lakes Economic Alliance, and himself reviewed the proposals and are recommending that Wilcox Engineering be approved. He explained that the total budget for the program is \$70,000 and the grant is \$35,000 with matching funds of \$17,500 each provided by the City and Great Lakes Tissue.

Councilman Tebo moved to approve Wilcox Engineering to provide Engineering Services for the City Wastewater Treatment Plant Capacity Study. Seconded by Councilman Charboneau. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Report on Pinehill Cemetery Issues**

It was noted that a report on Pinehill Cemetery has been tabled until the Special City Council meeting. Clerk/Treasurer Kwiatkowski commented that he and City Manager McNeil went to the Cemetery to look at the grounds, and as a comparison, also looked at Calvary Cemetery. Additionally, he met extensively with Mr. Olson and contacted Ms. Barber to discuss her concerns. Clerk/Treasurer Kwiatkowski stated that all issues will be able to be addressed at the Special City Council meeting. Councilman Tebo commented that he visited the Cemetery a couple times in the last couple weeks, and during one of the visits he observed a headstone knocked over by children riding bicycles through the Cemetery. One child stopped and tried to put the headstone back but was unable to. He noted that he realizes that children play in the Cemetery because there is no traffic and that some of the damages could be caused unintentionally from children playing in the Cemetery. Councilwoman Riddle asked if the City has received information from the DEQ regarding the nearby creek and reported debris. Clerk/Treasurer Kwiatkowski stated that he is aware of the incident but because Mr. Olson complied and removed the leaves from the creek, no further action was taken by the DEQ, no citation was issued, and no report was provided to the City.

City Manager's Report

- **2007 Water Main Capital Improvement Project Update**

City Manager McNeil stated that a pre-construction meeting was held relative to the upcoming Water Main Replacement Project, and that the contractor indicated construction will begin sometime between July 16 and 23, 2007 with a five day a week operation until completion. He commented that

at this particular point, the contractor has not determined where they will start but they do know they cannot begin the Main Street section until after Labor Day.

- **Water Quality Plan of Action Quarterly Report – June 2007**

City Manager McNeil stated that pursuant to the Objective within the Strategic Plan relative to water quality and the Action Plan that joins it, an update is required to be provided on a quarterly basis. He referred Council to the June 2007 quarterly report, noting some of the highlights. He commented that this marks the one year anniversary of the adoption of this Action Plan and Council may recall one of the first items initiated as a result of recommendations by the engineers is to change the blend of polyphosphate treatment. City Manager McNeil stated that based on staff reports, the cast iron water mains are clearing much more quickly and complaints have been down; however, the PVC water mains have gotten worse and are taking longer to clear. Although an increase in complaints has not been noticed, we want to review that blend determination again and have the supplier of the treatment material provide another analysis for review by our engineers. Councilwoman Riddle mentioned the standing water near a fire hydrant in an empty field on Court Street which may need to be checked into. City Manager McNeil replied that would be investigated. He commented that if there are any other questions relative to the June 2007 Status Report, please contact him.

- **Strategic Planning**

City Manager McNeil reminded Council of the Strategic Planning sessions scheduled for Wednesday and Thursday, June 25 and 26, 2007 beginning at 1:00 p.m. at Cheboygan Memorial Hospital. Mr. Phil Alexander of the MSU Extension Office will facilitate a review of the current status of the City's Strategic Plan and discussions relative to other initiatives that should be priorities of the City of Cheboygan. He noted that approximately 35 people have committed to attending the meeting, representing different areas of interest from the community. Thursday's meeting will include a smaller group made up of department head staff, Strategic Planning Team and City Council members to render down all the information discussed at the previous session into new priorities.

- **Brownfield Assessment Project Update**

City Manager McNeil stated that the Brownfield Assessment Project has already been discussed earlier in the meeting; however, he wanted to mention an upcoming training opportunity he plans on attending. City Manager McNeil stated that the date of the session is July 16 at the Northern Lakes Economic Alliance office in Boyne City from 3 to 4:30 p.m. and anyone wanting to attend should contact him.

Messages and Communications from Mayor and Council Members

- **State Street Bridge Traffic Complaint**

Councilwoman Riddle commented she received a complaint regarding access across the State Street Bridge. She questioned if a police officer could be available for traffic control during peak times. Councilwoman Riddle related a circumstance of blocked traffic and aggressive behavior as a result, asking if anything could be done. Chief Jones replied that a special detail assigned for that purpose would be needed and that an officer could not be guaranteed to be on hand. Councilman Tebo commented that the public will have to be more considerate and plan ahead for delays during peak traffic times knowing there is only one way across the River at this point.

Adjournment

Councilman Charboneau moved to adjourn the meeting at 8:16 p.m. Seconded by Councilman Tebo. Motion carried unanimously.

Mayor James Muschell

City Clerk Kenneth J. Kwiatkowski

Councilman Richard B. Sangster

Councilman Gerald R. Boardman

Councilwoman Winifred L. Riddle

Councilman Charles Charboneau

Councilman Leslie A. Tebo

Councilwoman Theo Lepp