

**REGULAR CITY COUNCIL MEETING**  
**July 24, 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, Riddle, Sangster, Charboneau, Muschell and Boardman

Councilman Tebo led the Pledge of Allegiance to the Flag.

**Approval of Agenda and Receive and File all Communications**

Councilwoman Lepp 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 – July 10, 2007**

Councilman Boardman moved to approve the minutes of the July 10, 2007 Regular City Council Meeting as presented. Seconded by Councilwoman Riddle. Motion carried unanimously.

**Public Comments**

Public comment portion of the meeting opened by Mayor Muschell.

- **Proposed Recycling Program**

Mr. Dennis Lennox introduced himself, commenting he is Chairman of Citizens Against New Taxes, and that before he begins his prepared remarks he would like to present a copy of those remarks to Clerk/Treasurer Kwiatkowski to be entered into the minutes of this meeting as official record. The remarks were read by Mr. Lennox and are attached to these minutes. An area resident provided a budget outline on the cost of Emmett County recycling program. Mr. Jim Bricker of Inverness Township introduced himself and referred to signatures of residents in support of recycling. He requested that City officials approve this inter-local agreement so that Cheboygan County can offer recycling as soon as possible. Mr. Gary Coon of Inverness Township introduced himself, commenting that he also circulated petitions in support of the recycling program which resulted in very favorable responses. Ms. Karen Martin introduced herself, commenting that she is employed with the Department of Human Services and that she is in favor of the proposed recycling program. With regard to low income residents, she noted that the majority of low income residents that she personally knows through the area of her employment are in favor of the program. Mr. Lennox commented on constitutionality and the legal issues brought forth. Mrs. Nanette Johnston introduced herself and indicated her support for the recycling program. She commented on the recycling program that was provided in the past. Mrs. Kathy Bricker of Inverness Township introduced herself, commenting that she served on the Recycling Committee appointed by the Cheboygan County Board of Commissioners. She commented on the Recycling Committee and Education Subcommittee meetings and that four Townships unanimously approved the plan, including Beaugrand, Burt, Ellis and Monroe.

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

### **Communications and Petitions**

- **Request from Cheboygan County Council on Aging to use Washington Park on August 19, 2007 from 12:30 p.m. to 4:00 p.m. for a “Summer Celebration and Pig Roast”**

Councilman Tebo moved to approve the request from the Cheboygan County Council on Aging to use Washington Park on August 19, 2007 from 12:30 p.m. to 4:00 p.m. for a “Summer Celebration and Pig Roast.” Seconded by Councilwoman Lepp. Motion carried unanimously.

### **Reading of Ordinances**

- **First Reading – An Ordinance to Amend Title XV of the Cheboygan City Code of Ordinances by adding a New Chapter which shall be known as Chapter 157 “City of Cheboygan Stormwater Flow Control Ordinance” and which Provides for its Purpose of Objectives, Definitions, Permit Submission Requirements, Action, Revocation, Expiration, Stormwater Control Plan, General Standards for Approval of Stormwater Flow Control Plans, Cease and Desist Actions, Enforcement Action and Appeals**

Councilwoman Riddle moved to schedule a Public Hearing for Tuesday, August 28, 2007 at 7:00 p.m. for consideration of an Ordinance to Amend Title XV of the Cheboygan City Code of Ordinances by adding a New Chapter which shall be known as Chapter 157 “City of Cheboygan Stormwater Flow Control Ordinance” and which Provides for its Purpose of Objectives, Definitions, Permit Submission Requirements, Action, Revocation, Expiration, Stormwater Control Plan, General Standards for Approval of Stormwater Flow Control Plans, Cease and Desist Actions, Enforcement Action and Appeals. Seconded by Councilman Tebo. Motion carried unanimously.

### **Boards and Commission Reports**

- **Regular Zoning Board of Appeals Meeting – July 11, 2007**

City Manager McNeil reported that the Zoning Board of Appeals considered a variance with regard to a rear setback where the applicant wanted to place an addition on the rear of a home which encroached into the setback area. He noted that the Zoning Board of Appeals approved the variance to allow that addition to be added based on the smaller than average size depth of the lot as a hardship upon the property owner. Councilwoman Riddle questioned the steps leading to the building addition. City Manager McNeil replied that based on his review of the drawing submitted with the application, the steps were within the addition considered by the Zoning Board of Appeals.

- **Regular Human Relations Board Meeting – July 16, 2007**

City Manager McNeil stated that the Human Relations Board continues to work toward a summer event by considering facilitating a Native American pow-wow in Cheboygan, as well as continuing to refine details relative to the annual Martin Luther King Day event.

- **Regular Planning Commission Meeting – July 16, 2007**

City Manager McNeil noted that the primary issue with the Planning Commission was consideration of a draft of the Stormwater Flow Control Ordinance before Council tonight and their recommendation relative to that Ordinance.

- **Department of Public Safety – Blight Enforcement Quarterly Report**

Chief Jones provided an overview of the Department of Public Safety Blight Enforcement Quarterly Report, commenting that as of July 19, 2007 the Department of Public Safety has handled 169 ordinance violations. He referred to the statistics indicated on the quarterly report, which includes

the number and type of complaints, and number of citations. Additionally, the Department of Public Safety is in the condemnation process of three properties.

### **Unfinished Business**

- **Consideration of Interlocal Agreement Regarding County Recycling Surcharge**

Mr. Mike Overton, Cheboygan County Administrator addressed issues brought up earlier in the meeting regarding legality and taxation without representation, also commenting on Supreme Court decisions with regard to taxation versus fees assessed to property owners. He referred to elected officials which represent residents of the City and County, advertising and education of the recycling program, the option to lower the \$24 annual fee per household if appropriate, Townships that have elected to opt out of the proposed recycling program, and his observation on the majority of residents that are in favor of the recycling program. Mr. Overton explained the annual fee per household and the difference to property owners if a millage is initiated at some point. Councilwoman Riddle asked if the recycling program would maintain the \$24 per household amount even with the Townships that have elected not to participate. Mr. Overton indicated that the \$24 per household fee would remain however, fewer recycling stations would be available. Councilman Sangster referred to the fees allocated to the Recycle Program Fund and asked if a demand for recycled materials arose within this area could the recycled product be sold to the local entity or would the materials have to be sold to Emmett County. Mr. Overton replied that the agreement with Emmett County would be reopened. Councilman Sangster asked if there would be preferential treatment for local taxpayers in the area to bid this work. Mr. Overton explained that the local vendors would have an advantage and would be considered.

Councilman Tebo moved to approve the Interlocal Agreement Regarding County Recycling Surcharge and authorize the Mayor to execute the Agreement on behalf of the City of Cheboygan. Seconded by Councilwoman Lepp.

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

No votes: Councilman Charboneau

Motion carried.

### **City Clerk's and Treasurer's Comments**

- **Annual City Audit**

Clerk/Treasurer Kwiatkowski stated that the annual audit will be conducted by Anderson-Tackman the week of August 20, 2007, adding that currently, he and City Manager McNeil are working on year end adjustments.

- **Pinehill Cemetery Request for Information Policy**

Clerk/Treasurer Kwiatkowski referred Council to the Pinehill Cemetery Request for Information Policy, commenting that this came about as a result of a letter directed to Mayor Muschell from an individual that had difficulty in contacting Pinehill Cemetery Sexton, Ellis Olson for Cemetery information. He stated that the individual came to City Hall requesting information that was readily available but was not provided, nor was he contacted for assistance. Clerk/Treasurer Kwiatkowski stated that he developed this policy and that he should be contacted if Council has any questions or concerns. Mayor Muschell asked if Clerk/Treasurer Kwiatkowski responded to the individual's request for Cemetery information. Clerk/Treasurer Kwiatkowski stated that he attempted to contact the individual several times and eventually made contact on Wednesday of this week. The individual expressed frustration in trying to obtain Cemetery information, but was finally able to find what he

was looking for when he inadvertently encountered Mr. Keith Barber at Pinehill Cemetery who directed him to the old gravesites. Clerk/Treasurer Kwiatkowski stated that as an exercise, once he reviewed the letter sent to the Mayor, he looked up the records which took approximately five minutes, then he drove to the Cemetery and within eight minutes he located the gravesites in question. He added that the gentleman experienced a lot of unnecessary frustration in trying to contact Mr. Olson on three different occasions and left messages without results; however, that was during a period of time when Mr. Olson was undergoing medical care. Clerk/Treasurer stated that as custodian of all City records, he is ultimately responsible for Pinehill Cemetery records as well and will provide information accordingly.

### **City Manager's Report**

- **Strategic Planning Task Force Meeting – July 19, 2007**

City Manager McNeil stated that the Strategic Planning Task Force met recently and reviewed information and priorities as a result of two different Strategic Planning sessions. The Task Force requested that he take a look at revamping the documents to recognize the priority status of some of the objectives established previously. City Manager McNeil stated that there were four Tier A priorities identified which include water quality, sidewalk issues, the former F. W. Woolworth building, and a proposed arts and cultural education center site. He commented that the Strategic Planning document will ultimately be amended to reflect the results of the latest Strategic Planning sessions and recommendations will be provided to Council for consideration.

- **Strategic Planning Progress Report – Woolworth Building**

City Manager McNeil stated that also as a result of the recent Strategic Planning Sessions, and the four Tier A priorities that were identified, it was determined that a progress report regarding each of those top four priorities would be provided to Council. He noted that today's status report is with regard to the former F. W. Woolworth building. City Manager McNeil stated that a Committee comprised of members of the Strategic Planning Task Force has been formed along with Ms. Jan Kellogg of the Northern Lakes Economic Alliance, and that the Committee met with representatives of the Michigan Economic Development Corporation with regard to the former F. W. Woolworth building. He commented that Ms. Kellogg is pursuing the MEDC's Urban Land Assembly Program potential and the possibility of a preliminary study through the Michigan State House Development Authority on the potential of low income housing for families and seniors at the Woolworth site. City Manager McNeil noted that the City Attorney is also reviewing laws which would allow a municipality to condemn a building under eminent domain based on blight standards within the statute. He added that the building has also tentatively been approved to receive funding which would provide Brownfield assessment of the property under the EPA Grant program.

### **Messages and Communications from Mayor and Council Members**

- **Status of Water Main Replacement Project**

Councilman Tebo questioned the status of the Water Main Replacement Project. City Manager McNeil stated that the contractor anticipates beginning the project on July 30, 2007 at either North B Street or Duncan Avenue. Additionally, consideration has been given to avoiding water main replacement at C and D Streets during the week of the Cheboygan County Fair to avoid excessive traffic congestion in that area.

**Lincoln Avenue Bridge Update**

Councilman Charboneau questioned the status of the Lincoln Avenue Bridge reconstruction. City Manager McNeil stated that construction is going very well and that continuing with the November deadline schedule is anticipated. Additionally, substantial progress with structures above the waterline is becoming more evident.

**Adjournment**

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

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Mayor James Muschell

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City Clerk Kenneth J. Kwiatkowski

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Councilman Richard B. Sangster

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Councilman Gerald R. Boardman

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Councilwoman Winifred L. Riddle

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Councilman Charles Charboneau

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Councilman Leslie A. Tebo

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Councilwoman Theo Lepp

Attachment: July 24, 2007, Remarks Before Cheboygan City Council