

REGULAR CITY COUNCIL MEETING
October 23, 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 and Muschell

Absent: Councilman Boardman

Councilman Tebo moved to excuse Councilman Boardman from the meeting due to illness. Seconded by Councilwoman Lepp. Motion carried unanimously.

Councilman Tebo led the Pledge of Allegiance to the Flag.

Mayor Muschell presented a memorial proclamation to Terry and Cheryl Blaskowski in honor of their son, the late U.S. Army Sgt. First Class Matthew Blaskowski.

Approval of Agenda and Receive and File all Communications

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

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – October 9, 2007**

Councilwoman Lepp moved to approve the minutes of the October 9, 2007 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.

- **Preseau Fish Market**

Mr. Bob Boyea introduced himself and commented on rumors that he has heard regarding his alleged efforts to put the Preseau Fish Market out of business, his partial ownership of another fish market business. He indicated that these rumors are untrue.

- **Industry in Cheboygan/Street Repairs**

Mr. Bill Burnett introduced himself, commenting on the need to rethink priorities, specifically with regard to the loss of jobs and need for industry in Cheboygan. Additionally, he questioned the time frame for street repairs after the water main project is completed. City Manager McNeil explained that the water main project, including restoration, would need to be substantially completed by the mid part of next month. He added that with regard to economic development, job creation and business attraction, the City of Cheboygan, through Cheboygan County, has joined efforts with the Northern Lakes Economic Alliance and that he anticipates there will be many benefits as a result of this partnership as time goes by.

- **Soup Out in the Park Fund Raiser**

Ms. Rachel Dugal introduced herself, commenting that she represents the Cheboygan County Housing and Homeless Coalition. She requested the use of Washington Park on November 14, 2007 from 11:00 a.m. to 2:00 p.m. for a Soup Out in the Park fund raising event. Ms. Dugal explained that

Chamber of Commerce Executive Director Kim Pappas has indicated that Washington Park is available on that date and time and that the same arrangements as in previous years are planned. She commented that students of the Cheboygan Area High School Food Service Program are providing the soup and that the Salvation Army canteen and tent will be available in the park. Ms. Dugal added that proceeds will benefit the Cheboygan County Housing and Homeless Coalition Youth Grant Program.

Councilman Tebo moved to approve the request for the use of Washington Park on November 14, 2007 from 11:00 a.m. to 2:00 p.m. for a Soup Out in the Park fund raiser for the Cheboygan County Housing and Homeless Coalition. Seconded by Councilman Charboneau. Motion carried unanimously.

Public comment portion of the meeting closed by Mayor Muschell.

Boards and Commission Reports

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

The Department of Public Safety monthly statistics for September 2007 were received and reviewed.

- **Recreation Commission Meeting – October 17, 2007**

City Manager McNeil stated that the Recreation Commission reviewed the Action Plan relative to the Parks and Recreation Objective within the Strategic Plan and found that most of the items of the Action Plan have been completed. He noted that one of the items not yet addressed is to review the current recreation programs and determine those that are successful, as well as those that are not as successful, and possibly make recommendations for other programs. City Manager McNeil indicated that Parks and Recreation Director Scott Hancock appeared at the last Recreation Commission meeting and provided a color-coded report which outlined the maintenance activity of the Recreation Department, the programs that are run by he and his staff with City facilities, and others that he is involved with either in a semi-limited or limited way. City Manager McNeil commented that the Recreation Commission will assimilate that report and continue to review that particular action item.

Resolutions

- **Consideration of Resolution – Cheboygan Memorial Hospital's 65th Anniversary**

Mayor Muschell read the Resolution regarding Cheboygan Memorial Hospital's 65th anniversary.

Councilman Tebo moved to adopt the Resolution for Cheboygan Memorial Hospital's 65th anniversary as presented. Seconded by Councilman Sangster. Motion carried unanimously.

- **Consideration of Resolution Recommending Project Plan – re: Cheboygan Memorial Hospital/EDC Financing**

City Manager McNeil stated that as Council may recall, Cheboygan Memorial Hospital received financing through bonds issued by the Cheboygan County Economic Development Corporation. He indicated that the Resolution now before Council comes by way of refinancing those bonds with lower interest rates. City Manager McNeil commented that the summary description of the Project Plan as well as refinancing indicates the intention of the Hospital to purchase new computer equipment. He explained that the Economic Development Corporations Act empowers County Economic Development Corporations to facilitate bonds to certain types of qualified businesses such as Cheboygan Memorial Hospital. The statute requires that the Project Plan relative to the

refinancing be approved by the local governing body. City Manager McNeil referred to the resolution prepared by Mr. David Barton the overseeing attorney, along with information regarding the Project Plan. Councilman Charboneau questioned the funding to demolish the original Hospital building and construct the new medical facility. City Manager McNeil indicated that he is unsure if at that time, demolition was not contemplated in the project plan. He commented that as he recalls, this original financing had much to do with the acquisition and renovation of the offices in the Lincoln Bridge Plaza and possibly some new construction but he does not believe that the financing involved with the original bonds had to do with demolition of the old building. Councilman Tebo clarified that the City has nothing to do with repaying the loan and is only a formality for the Hospital to obtain financing. City Manager McNeil stated that is correct and involves only approving the Project Plan for refinancing the existing bonds and for the purchase of new computer equipment.

Councilman Tebo moved to adopt the Resolution Recommending Project Plan regarding Cheboygan Memorial Hospital/EDC financing as presented. Seconded by Councilwoman Riddle. Motion carried unanimously.

General Business

- **Consideration of 2007/2008 First Quarter Budget Revision**

City Manager McNeil referred Council to the first quarter budget revision, indicating that there are very few changes being recommended at this time. He commented on the reduction of anticipated revenues from taxes, adding that this is being balanced in the budget by a one time revenue to the General Fund based on the purchase of Wastewater Treatment Plant capacity by Inverness Township. City Manager McNeil noted that initiative was approved approximately six months ago by the City Council and finally effectuated at the end of the fiscal year. He stated that the other item of note is the refinement of the Capital Improvement Budget within the Water System to reflect the results of the actual bids and reduction in actual costs which reduced the expected grant funding as the project came in under budget. City Manager McNeil commented that other than that, the budget remains at levels as adopted last June.

Councilwoman Riddle moved to adopt the 2007/2008 First Quarter Budget Revision as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Lincoln Avenue Bridge Walk**

Clerk/Treasurer Kwiatkowski stated that a local resident requested a one time Lincoln Avenue Bridge walk commemorating the opening of the new Bridge. Mayor Muschell stated that consideration should also be given to a ribbon cutting ceremony.

Councilman Tebo moved to schedule a Lincoln Avenue Bridge walk and ribbon cutting ceremony to be held simultaneously when the Bridge is open for traffic and that the Clerk/Treasurer coordinate the arrangements. City Manager McNeil commented that he is unsure of State protocol with regard to the ribbon cutting ceremony and cautioned that the State may want a different venue. Seconded by Councilwoman Lepp. Motion carried unanimously.

City Manager's Report

- **Preseau Fish Market – Smoking Use**

City Manager McNeil stated that the City Attorney has completed research relative to the approval of smoking fish at the Preseau Fish Market and concluded that the approval to smoke fish constituted a

permit for that use by the City Council as did the previous motion for the other use. City Manager McNeil explained that as that constitutes a permit for use, any consideration for disallowing the use or in other words revoking the permit, comes under the jurisdiction of the Zoning Administrator, which is himself. He referred to a copy of the Ordinance that the attorney is citing, explaining that the Ordinance provides for the Zoning Administrator to make a decision that terms of the permit are not being met. Should that decision be made, a hearing would be held before the Zoning Administrator in consideration of revoking the permit, modifying the permit or leaving it as it is. City Manager McNeil added that the holder of the permit has the opportunity to appeal the decision of the Zoning Administrator to the Zoning Board of Appeals. He commented that he is currently gathering information from the files provided by the Director of Public Safety relative to other enforcement efforts that have gone through the County Prosecutor's office to first make his determination that conditions of the permit are not being met. Once that decision is made, he will give the property owner the ten day required notice and hold a hearing, then render a decision based on that hearing. City Manager McNeil stated that is the process being recommended by the City attorney and the process that he has already begun. Mayor Muschell suggested that the decision be made in accordance with each section of the Ordinance as adopted and that the language be reviewed by the attorney so that in the event there is any subsequent court case involved, the City will have grounds for whatever decision is made. City Manager McNeil indicated that he will document everything and proceed in conjunction with advice from the attorney. He added that his first reaction to the attorney's opinion was to request a further review of the language for absolute assurance that an approval from the governing body could be overturned by the Zoning Administrator. The attorney conducted further research and confirmed his original opinion that the action of Council constituted a permit and as such, the Ordinances as they are written now clearly empowers the Zoning Administrator to consider whether or not the conditions of those permits are being met. Mr. Bob Boyea commented on the odor of smoked fish emanating from the Preseau Fish Market, the unacceptable living conditions at his home as a result of the smoked fish odor, and cited the Nuisance Ordinance. City Manager McNeil stated that was the basis of the most recent enforcement efforts that have been concluded through the County Prosecutor's office. Mr. Boyea stated that he should not have to endure the odor in his backyard and garage caused by the fish smoking process and be forced to close windows and turn off the air conditioner in his home. Councilman Tebo stated that the matter has been turned over to City Manager McNeil to address.

- **Strategic Plan Progress Report – Sidewalk Repair and Walkable Community Objective**

City Manager McNeil stated that one of the top four priorities of the Strategic Plan is to look at sidewalk repair and initiate a walkable community design. He referred to a drawing developed by a Committee working on the walkable community design concept, indicating that the map shows many public areas and existing sidewalk systems that could be connected and possibly other new pathways that would allow the public to walk at least the central part of town and access each of these areas from another location. City Manager McNeil stated that the Committee is also looking at sidewalk repair based on enforcement of the City Sidewalk Ordinance which would require repair of any dangerous sidewalk. He noted that the first priority would be areas involved with the walkable community design and then other areas are to be identified. City Manager McNeil explained that Department of Public Works Supervisor Dave LaCross, whose department this plan falls under, is reviewing all the sidewalks in town with City engineers and they will be meeting with the Committee soon to provide recommendations with regard to what areas should receive priority. He noted that a substantial report and possible recommendation for Council is anticipated by the first of the year. Councilman Tebo commented on a couple areas in town where sidewalks were removed by construction or homeowners and have not been replaced. City Manager McNeil stated that a

sidewalk that has been removed and not replaced can also be replaced through the Sidewalk Repair Ordinance. Mayor Muschell commented on the portions of sidewalks that meet the streets at the intersections. City Manager McNeil stated that past policy has determined that sidewalks that meet the street at intersections are basically the responsibility of the City and that the City completed many of those areas already. He noted that areas that are left to repair will need to be reviewed. Councilwoman Riddle commented on two Huron Street locations where sidewalks have been replaced with gravel and parking lot. City Manager McNeil replied that policy determinations may be needed where sidewalks cross driveways.

- **Picture Identification/Affidavit Needed for Voting**

Clerk/Treasurer Kwiatkowski commented on the new election law that requires registered voters to produce picture identification or sign an affidavit in the event picture identification is not readily available.

Messages and Communications from Mayor and Council Members

- **Lincoln Avenue Bridge**

Mayor Muschell stated that the final stages of the Lincoln Avenue Bridge construction is progressing well and is close to meeting the deadline, depending upon the weather.

Closed Session: Re – AFSCME Union Negotiations

Councilman Tebo moved to adjourn to closed session at 7:50 p.m. Seconded by Councilwoman Lepp. Motion carried unanimously.

Councilman Tebo moved to reconvene the meeting at 8:08 p.m. Seconded by Councilwoman Lepp. Motion carried unanimously.

Councilman Tebo moved to ratify the AFCME union tentative agreement effective July 1, 2007. Seconded by Councilwoman Lepp. Motion carried unanimously.

Adjournment

Councilwoman Riddle moved to adjourn the meeting at 8:09 p.m. Seconded by Councilwoman Lepp. 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