

REGULAR CITY COUNCIL MEETING
January 8, 2008

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 Charboneau, Muschell, Boardman, Tebo, Lepp, Riddle and Sangster

Councilman Charboneau led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Councilman Sangster 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 – December 26, 2007**

Councilman Boardman moved to approve the minutes of the December 26, 2007 Regular City Council Meeting as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Muschell.

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

Public Hearings

- **Consideration of an Ordinance to Amend Sections 32.35, “Board of Directors”, and 32.39(B)(1)(a) “Board of Directors”, by Repealing said Sections and Adding New Sections 32.35, “Board of Directors” and 32.39(B)(1)(a), “Board of Directors” which Shall Provide for a Board of Directors for the Downtown Development Authority; Appointment; Terms; Qualification of Members; Vacancy; Compensation and Expenses; and, Election of Chairperson**

Public Hearing portion of the meeting opened by Mayor Muschell.

City Manager McNeil explained that this public hearing is in consideration of an amendment to the DDA Ordinance which changes the number of DDA Board members from ten to eleven, plus the Mayor, and that even though the section of the Ordinance being amended also discusses qualifications, vacancies and other items, the only change under consideration is the number of members. He commented that this change is being recommended by the Downtown Development Authority as they had one vacancy and two qualified and motivated candidates to fill that vacancy so as a result, the DDA Board is recommending that both applicants be accommodated by increasing the number of members on that Board. Additionally, this proposed amendment is consistent with the statute which provides for 8-12 members to serve on a DDA Board and in this case, would bring the DDA Board to the maximum membership allowed by law.

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

Councilman Tebo moved to adopt the Ordinance to Amend Sections 32.35, “Board of Directors”, and 32.39(B)(1)(a) “Board of Directors”, by Repealing said Sections and Adding New Sections 32.35, “Board of Directors” and 32.39(B)(1)(a), “Board of Directors” which Shall Provide for a Board of Directors for the Downtown Development Authority; Appointment; Terms; Qualification of Members; Vacancy; Compensation and Expenses; and, Election of Chairperson. Seconded by Councilman Sangster. Motion carried unanimously.

Communications and Petitions

There were none.

Bills and Disbursements

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

Councilwoman Riddle moved to approve the bills and disbursements for the month of December 2007 in the amount of \$1,301,422.61. Seconded by Councilman Boardman. Motion carried unanimously.

Boards and Commission Reports

- **Regular Downtown Development Authority Board of Directors Meeting – January 2, 2008**

City Manager McNeil stated that the DDA Board approved a Resolution of Intent to issue bonds and in conjunction with that, as the Resolution requires the signature of a secretary, he was appointed to serve in that capacity since he is already fulfilling the duties as outlined in the By-Laws. He commented that the Resolution of Intent was approved and the Board will proceed toward bond issuance as a result. Additionally, a public hearing is scheduled for the next Regular City Council meeting where the amended Tax Increment Finance Plan and DDA Development Plan will be included in a proposed new amendment to the DDA Ordinance, which is also being done as part of this bond issuance process. City Manager McNeil stated that the Downtown Enhancement Administrator has prepared a survey form relative to some of the activities and events which she coordinates in order to gain feedback from the DDA Board on what programs the Board collectively feels are effective or ineffective. The surveys will be returned and compiled soon and then evaluated at the next DDA Board meeting. Additionally, the two perspective DDA Board candidates will likely be included on the next City Council agenda for consideration of appointment. Councilwoman Riddle questioned the status of the Woolworth building. City Manager McNeil stated that the DDA Board authorized him to initiate negotiation of a purchase agreement or purchase option which he is currently in the process of doing. He noted that the Woolworth Building Site Redevelopment Committee will be meeting Friday to review structuring solicitation for development proposals.

General Business

- **Consideration of Bids for a 2007 IS 2000Z Ferris Mower for Recreation Department**

City Manager McNeil referred to bids compiled by Recreation Director Hancock for the purchase of a 2007 IS 2000Z Ferris Mower, who is recommending the purchase of the 61-inch deck model from Hyde Equipment in the amount of \$7,499.85. He commented that this expense is included in this year’s budget and meets with his recommendation.

Councilman Charboneau moved to award the bid for a 2007 IS 2000Z Ferris Mower for the Recreation Department to Hyde Equipment in the amount of \$7,499.85. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration to Set Bond Amount within Licensing Ordinance**

City Manager McNeil stated that Clerk/Treasurer Kwiatkowski recently received an inquiry relative to an individual considering opening a pawn shop. He explained that a pawn shop is one of the businesses regulated under the City's Licensing Ordinance which calls for a license fee and bond. City Manager McNeil commented that after reviewing the matter, it was discovered that there are many bond amounts that had not been established and that in order to do so, the amount must be approved by the Mayor and City Council upon his recommendation. He noted that to facilitate the continuance of this particular application that may be coming forward, it is advisable to establish a bond amount of \$5,000 as is already set for transient merchants. City Manager McNeil added that he is recommending that the remainder of the bond amounts not already established within the Licensing Ordinance also be set at \$5,000. Additionally, he, Clerk/Treasurer Kwiatkowski and Chief Jones reviewed bond amounts, the purpose of bonds and the different forms a bond could take, and feel that further study is needed, which may result in a different recommendation being made in the future. Councilman Charboneau asked if a local resident is requesting to be a pawn broker and if the intent is to charge the individual \$5,000 bond per year in addition to the license fee. City Manager McNeil indicated that a \$5,000 bond would have to be in place each year the license is acquired or renewed. Mayor Muschell questioned the fee on a \$5,000 bond. Clerk/Treasurer Kwiatkowski stated that the approximate fee is \$200 per year.

Councilwoman Lepp moved to set the bond amount at \$5,000 for all other bond requirements within the City of Cheboygan Licensing Ordinance. Seconded by Councilwoman Riddle. Councilman Sangster questioned if that is stating then that under the general licensing, you are required to have a \$5,000 bond and is that limited to these eighteen businesses on the schedule. City Manager McNeil stated that only those that indicate a bond is required. Clerk/Treasurer Kwiatkowski noted that the bond protects the consumer rather than the City, and is often the only recourse the consumer has in the event of an unsatisfactory transaction.

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

No votes: Councilman Charboneau

Motion carried.

City Clerk's and Treasurer's Comments

- **Lincoln Avenue Bridge Dedication**

Clerk/Treasurer Kwiatkowski stated that the dedication ceremony for the Lincoln Avenue Bridge is scheduled for Sunday, January 13, 2008 at 2:00 p.m. He reviewed the tentative plans which include a staging area for speakers located near the boat launch facility, a Native American blessing, ribbon cutting ceremony and bridge walk. Clerk/Treasurer Kwiatkowski also commented on Ms. Thelma Nieman's participation in the event, explaining that she is the last remaining descendant of the Spies family that formerly owned much of the riverfront property along that area.

City Manager's Report

- **Status Report – Priorities of the City Manager for 2007**

City Manager McNeil referred Council to his status report relative to the approved priorities that were adopted in January 2007, noting that he plans to submit a new priority report for the coming year at the next City Council meeting. He commented that he is pleased to note that almost all of the items listed on the report were adequately addressed and completed, adding that some, such as the employee policy manual review and update are not completed and is under review by the City's labor

attorney; however, much of that has been completed and updated as much as possible by staff. He reviewed each of the priorities which include the Priorities of the Strategic Plan, the Riverfront Development Planning process, the City of Cheboygan Recreation Plan, Replacement of the Lincoln Avenue Bridge, the 2007 Watermain Replacement Project, Design of the New Trailhead Facility, Economic Development Activity, EPA Assessment Grant Administration, Water System Capital Improvement Planning, Wastewater Treatment Plan Capacity Review, Priorities Identified by the Northern Cheboygan County Intermunicipality Planning Committee, Operation Fund Project Review, Negotiation of Collective Bargaining Agreement with AFSCME Union, and Downtown Revitalization. City Manager McNeil acknowledged the department heads and staff that supported the projects. Councilwoman Riddle referred to the number one priority in the Strategic Plan which pertains to conditions of junk and blight, noting that there were issues identified regarding the riverbank and bridge area of Pinehill Cemetery which were going to be addressed by the Department of Public Works. She asked how those issues will be addressed. City Manager McNeil commented that he and staff are unsure how those issues will ultimately be addressed but the matter is under review and will be revisited in the spring.

- **Martin Luther King Day Event – Sunday January 20, 2008 at 1:00 p.m.**

City Manager McNeil noted that the Martin Luther King Day event is scheduled for Sunday, January 20, 2008 at 1:00 p.m. He commented that the event is sponsored by the City of Cheboygan Human Relations Board.

Messages and Communications from Mayor and Council Members

- **Lincoln Avenue Bridge/Snowmobile Traffic**

Mayor Muschell commented he is pleased that construction of the Lincoln Avenue Bridge is complete and open to traffic, and that a dedication ceremony has been scheduled. Councilman Tebo questioned how the sidewalks and snowmobile paths are working out on the Bridge. City Manager McNeil explained that the intent was to have the DPW staff remove the snow from the bridge after a heavy snowfall and place some of the excess on the sidewalks for the Recreation Department staff to later remove and form a shallow base of snow on the snowmobile paths. He noted that after the first heavy snowfall, the Recreation Department inadvertently removed all the snow from the sidewalks onto the snowmobile paths which later resulted in the snowmobile paths being higher than the sidewalks. City Manager McNeil commented that efforts were made with relative success to level off the area; however, ice had already formed and snowmobiles were either sliding off the path or driven on the sidewalks, therefore all the snow had to be removed to correct the situation. He stated that complaints were received from some snowmobilers and hotel owners when the snow was removed but there was ultimately no choice in having to remove the snow and start over. Councilman Charboneau stated that snow should not be needed on the special surface of the bridge for snowmobile traffic. City Manager McNeil agreed, commenting that is correct from a standpoint of protecting the asphalt but the snowmobilers need a little snow from a control standpoint to be able to steer as they cross the bridge. Councilwoman Lepp questioned if the snowmobilers are enjoying the trails from Gaylord to Mackinaw City. City Manager McNeil replied that the Chamber of Commerce received very good comments especially from those accessing the downtown area and it appears that snowmobile traffic has increased.

- **City Manager Annual Review**

City Manager McNeil commented on his annual review that normally takes place this time of year. He noted that if Council is still satisfied with the evaluation process used in the past, then

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Clerk/Treasurer Kwiatkowski can provide the forms and possibly compile the information for the next City Council meeting.

- **Presidential Primary**

Clerk/Treasurer Kwiatkowski noted the Presidential Primary will be held on Tuesday, January 15, 2008. He reviewed the Democratic and Republican ballots.

Adjournment

Councilwoman Lepp moved to adjourn the meeting at 7:33 p.m. Seconded by Councilman Boardman. 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