

REGULAR CITY COUNCIL MEETING
April 22, 2008

The Regular City Council Meeting was called to order by Mayor Riddle in the Council Chambers in the City Hall at 7:00 p.m. The proceedings were as follows:

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

Councilman Charboneau led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Mayor Riddle noted a change in the language of Item 9.A. Resolutions – Resolution Allowing the Cheboygan Blue Line Club, Inc. to Obtain a Charitable Gaming License.

Councilman Tebo moved to approve the agenda as amended and receive and file all communications. Seconded by Councilman Boardman. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – April 8, 2008**

Councilman Boardman moved to approve the minutes of the April 8, 2008 Regular City Council Meeting as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Riddle.

- **Restoration from Water Main Project**

Mrs. Trudy Lofgren introduced herself and questioned when Pete's Contracting will be returning for the restoration portion of the water main project. City Manager McNeil replied that Pete's Contracting is anticipated to be here tomorrow.

- **RV Park/Marina Development**

Mr. Dick Bedell introduced himself, and questioned the projected plans for the property across from Pine Street near the ball fields and Ice Rink/Pavilion where the former sawdust pile was located on the east side of the River. He commented on an RV park or marina in that area. City Manager McNeil referred to the Major City Park Master Plan which currently shows a 120-slip marina with a walking path that traverses around that area and connects further to the south. He commented that the Recreation Commission and Planning Commission will be evaluating that concept relative to the Riverfront Development planning that is going on now. He noted that there has been some general discussion regarding the possibility of an RV park or campground that may have a marina facility along with it in that location.

- **Recycle Surcharge**

Mr. Richard Lemorie introduced himself, and questioned the possibility of the recycle program being placed on the ballot to allow a vote on the issue. City Manager McNeil replied that referendum issues and petition requirements could be researched and the results provided to Mr. Lemorie. Mr. Lemorie questioned if each property, specifically vacant property is assessed the recycle surcharge. City Manager McNeil replied that vacant properties are not assessed the recycle surcharge, explaining that the criteria includes household which was established on assessment data where there

are residential units. Mr. Lemorie asked the reason the recycle surcharge was not added to the ballot along with the millage increase in the November election. City Manager McNeil explained that the recycle surcharge was ultimately initiated through Cheboygan County and as long as the fee is under \$25 per household, the surcharge could be initiated in this manner. Mr. Lemorie asked if a study was done on the actual benefit the recycle program would have to the City of Cheboygan. City Manager McNeil replied that the recycle program information is available and was initiated through the County's Solid Waste Committee. Mr. Lemorie questioned the chances of having the issue repealed, explaining that the City can choose to opt-in or opt-out of the program. City Manager McNeil replied that he would research the matter and provide the information to Mr. Lemorie.

- **Footbridge**

Mr. Lemorie also questioned who will assume liability once the footbridge is operational. City Manager McNeil stated that the general operation liability will be assumed by the City of Cheboygan and maintenance issues would be assumed by the Downtown Development Authority. He added that liability insurance would fall under the City of Cheboygan's broad liability coverage.

Public comment portion of the meeting closed by Mayor Riddle.

Communications and Petitions

- **Request from Cheboygan Memorial Hospital Auxiliary to hold Annual Tag Day on Friday, August 8, 2008**

Councilman Sangster moved to approve the request from the Cheboygan Memorial Hospital Auxiliary to hold Annual Tag Day on Friday, August 8, 2008. Seconded by Councilman Oxley. Motion carried unanimously.

- **Lincoln Avenue Bridge Reconstruction Update/Request for Additional Engineering Fees – Mr. Rick Freeman, P.E., Rowe, Inc.**

Mr. Rick Freeman of Rowe, Inc. introduced himself and provided a brief update on the status of the Lincoln Avenue Bridge. He noted that the contractor is in the process of applying the initial treatment to the concrete fascias in preparation of the white, blue and gray painting scheme that will essentially finish the project. Mr. Freeman stated that the initial review of the project has been completed with the MDOT Grayling office and the project will be finalized when the painting is done and any other punch list items that may arise. He explained that with regard to the request for additional engineering fees, when the contract was entered into with the City of Cheboygan in 2005, Rowe, Inc. anticipated a more traditional box beam structure similar to what was previously there with an approximate six-month construction schedule. Due to the type of structure that was ultimately chosen and constructed, the construction period ended up being nine months and about 60 additional inspection days. Mr. Freeman explained that early on, Rowe, Inc. realized the project would take longer and working with the contractor, they managed to minimize the overrun on the project and work as efficiently as possible. He noted that traditionally, a 60-day overrun on inspection would cost about \$50,000. Mr. Freeman stated that Rowe, Inc. is obligated to finish the project and will complete the project as contracted; however, Rowe is requesting payment of \$14,500 to cover additional costs they incurred on the project. Mayor Riddle asked if Rowe, Inc. anticipates the need for more than \$14,500. Mr. Freeman stated the additional time and work for completion of the project has already been factored in. He stated that originally, in 2005 before any preliminary design was done or concepts were developed, Rowe, Inc. projected costs based on past projects assuming it was going to be more of a traditional type bridge and that during the concept phase, the bridge came to be a selected alternative of a pre-cast arch and therefore that is the primary reason for

the longer construction period. Mr. Freeman explained that it took longer to set the structures and prepare the foundations and again Rowe, Inc. worked diligently through the project to minimize the cost but ended up with this overlap. Councilman Oxley questioned if an itemized billing on the extra cost has been provided. Mr. Freeman stated that Mr. Eric Johnson of Rowe, Inc. calculated the number of days but a more itemized statement to whatever degree Council would like can be provided. Councilman Oxley stated he would like the costs broken down more. Mr. Freeman replied that an itemized statement would be provided.

Councilman Tebo moved to table the request from Rowe, Inc. for additional engineering fees with regard to the Lincoln Avenue Bridge Reconstruction in the amount of \$14,500 until an itemized statement is provided. Seconded by Councilwoman Lepp. Motion carried.

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

No votes: Councilman Charboneau

Motion carried.

Mr. Freeman commented that on behalf of Rowe, Inc. and United Design Associates, he would like to present the City of Cheboygan with a plaque displaying a highlight on the Lincoln Avenue Bridge as featured in a publication of C.E. News which is a national industry publication. He noted that the Lincoln Avenue Bridge received national recognition as one of the first of this type of bridge.

Boards and Commission Reports

- **Department of Public Safety Monthly Statistics – March 2008**

The Department of Public Safety monthly statistics for March 2008 were received and reviewed.

- **Regular Historic Resources Commission Meeting – April 7, 2008 Resolutions**

City Manager McNeil stated that the primary focus of this meeting was to review an application for designation of a City historical resource and review a presentation relative to the same for the former St. Charles Borromeo Catholic Church. He noted that the Historic Resources Commission ultimately approved the application and has now added the Church to the inventory of designated resources of the City.

- **Resolution Allowing the Cheboygan Blue Line Club, Inc. to Obtain a Charitable Gaming License**

Councilman Tebo moved to approve the Resolution allowing the Cheboygan Blue Line Club, Inc. to obtain a charitable gaming license. Seconded by Councilman Boardman. Motion carried unanimously.

Unfinished Business

- **Consideration to Pay Past Retainer Fees to United Design Associates, Inc. for City Engineer Services**

Councilman Charboneau moved to approve the payment of past retainer fees for the years 2005, 2006 and 2007 to United Design Associates, Inc. for City Engineer Services. Seconded by Councilman Boardman.

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

No votes: Councilman Oxley

Motion carried.

General Business

- **Consideration of Reappointment of Paul Tranquilla to the Planning Commission**

Councilman Sangster moved to reappoint Paul Tranquilla to the Planning Commission, term to expire May 10, 2011. Seconded by Councilwoman Lepp. Motion carried unanimously.

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

City Manager McNeil stated that there was not much activity with regard to proposed changes to the budget but the major item of note is with regard to winter maintenance of major and local streets which exceeded the budgeted amount due to the increased amount of snow this past winter. He commented that those expenses were covered by adjusting some of the maintenance and supply line items, and the City did experience a higher revenue sharing amount from the previous year than what was budgeted. City Manager McNeil added that costs within the Department of Public Safety exceeded the budgeted amount due to an underestimation when reviewing the previous year's experience. He noted that other than that the budget remains at levels as previously established. Mayor Riddle commented on the condition of some of the roads, and questioned if repair work is scheduled for this year. City Manager McNeil replied that anything in the budget for this year is basic maintenance which is also projected for next year in the Capital Improvement Plan. He added that there is a pavement project planned for next year and three years from now. Additionally, he and Street Superintendent LaLonde have discussed the need to update the survey relative to street maintenance needs and evaluating the current condition of streets and that they will be developing estimated costs for next year's projects. Councilman Sangster questioned line item 447 of General Fund Revenue – Collection Fees. Clerk/Treasurer Kwiatkowski explained that figure represents the 1% administrative fee on property taxes.

Councilman Tebo moved to approve the 2007/2008 Third Quarter Budget Revision as presented. Seconded by Councilman Sangster. Motion carried unanimously.

- **Consideration to Approve Appropriation of Remaining Match Funding (\$17,500) for the Wastewater Treatment Plant Study Grant**

City Manager McNeil stated that the City received a Community Development Block Grant which provides funds for an engineering study of the Wastewater Treatment Plant and at that time, to address the needs of Great Lakes Tissue. He explained that first and foremost the grant is to assess the needs and requirements of the Wastewater Treatment Plant to increase its treatment capability, not only to assist Great Lakes Tissue, but possibly to be in a position to assist other industries in the future. Additionally, grant funding is needed to directly assess some of the needs of Great Lakes Tissue in their challenges and issues relative to wastewater treatment. City Manager McNeil commented on the potential sale of Great Lakes Tissue, noting that the facility is now under a management agreement with NPS Corporation of Green Bay, Wisconsin. He explained that NPS Corporation is currently conducting their due diligence and that one of those due diligence considerations is their own treatment system. City Manager McNeil added that NPS Corporation is interested in this study and what possible benefits might be available from the City as a result of the study but the Company is not committed. He commented on the importance to the City to retain the grant funds and keep the study going, adding that the City planned on completing an engineering study relative to the treatment capacity anyway and receiving grant funding was a windfall for the City in that regard. City Manager McNeil noted that Great Lakes Tissue was involved in the original scope of the project and had committed to providing half of the matching funds for the grant but since the company is no longer committing those funds, he is recommending that the City commit the funds for our own interests as well as the possible interests of the new company as they start their

due diligence. He stated that the amount is \$17,500 which would come from the Wastewater Fund and was previously built into the budget before the grant was received. Councilman Oxley asked how long the study would be good for if the City does not proceed in the near future and if another study would be needed in three years if nothing is done. City Manager McNeil replied that the study would be good for quite some time unless new technology came forward or unless the discharge permit changed drastically, which is not anticipated. Councilman Tebo questioned if the \$35,000 expense was in the budget before receiving the grant. City Manager McNeil stated that \$60,000 was the anticipated budgeted amount for the study. He added that the City is assisting a major employer as well as addressing our own treatment issues.

Councilman Oxley moved to approve the appropriation of remaining match funding (\$17,500) for the Wastewater Treatment Plant Study Grant. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Consideration to Take Bids – Windows in the City Hall**

City Manager McNeil referred to specifications for window replacement in the City Hall, noting that the proposed expenditure is within the current budget and he is requesting permission to take bids.

Councilman Oxley moved to approve taking bids for windows in the City Hall. Seconded by Councilman Boardman. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Mayor and Council**

Clerk/Treasurer Kwiatkowski noted the pleasure in working with Mayor Riddle and expressed best wishes to the candidates running for office in the May 6, 2008 Biennial Election.

City Manager's Report

- **Strategic Goal No. 2 – Walkable Community Plan/Sidewalk Repair**

City Manager McNeil stated that Strategic Goal No. 2 with regard to the walkable community plan and sidewalk repair is provided as an update. He referred to the report resulting from discussions of the Strategic Planning Team as well as the Committee that has been established to oversee this particular goal. City Manager McNeil explained that the Walkable Community Plan was reviewed as well as various revenue sources involving new taxes or special assessments and the Committee determined now is not a good time to impose new taxes particularly in light of the poor economy and the recent voter approval to reinstate the full operating millage. He added that the Committee recommended that at least a minor amount should be appropriated from the City budget to start working on sidewalks so that some progress can be made toward sidewalk repair. City Manager McNeil noted that the expense was included in the Capital Improvement Plan based on the recommendation that Council reviewed about a month ago and was included in the preliminary budget that Council reviewed a couple weeks ago. He stated that the Committee is also recommending further review and evaluation relative to enforcement of the sidewalk portion of the City Ordinance pertaining to dangerous sidewalks or those in disrepair. Councilman Tebo commented that residents have reported sand and gravel on some of the sidewalks that should be swept up and made passable. He questioned if the City has equipment available to sweep the sidewalks before pedestrian traffic increases. Councilman Tebo also mentioned the number of pedestrians using sidewalks along the major streets. City Manager McNeil replied that he would discuss with Street Superintendent LaLonde the ability to obtain the appropriate equipment for sweeping sidewalks and the availability of staff to provide that service. He added that the Parks and

Recreation Department routinely manages the sidewalks along City property. Mayor Riddle commented that the sidewalk in front of the Sleep Center was removed during remodeling and has been replaced with gravel. She noted that the plan was to replace the sidewalk but that has not happened. City Manager McNeil replied that the City has a few issues similar to that which is where the enforcement portion of the sidewalk issue comes into play and should be top priority. He commented that the Ordinance calls for the City engineer to assess sidewalks and designate those deemed to be in disrepair. Additionally, the Ordinance provides for a procedure where notification is given that the sidewalk is to be repaired and if that does not happen, the City of Cheboygan is empowered to repair the sidewalk and charge the property owner through a special assessment.

- **Repair Work to Take Place on Mackinaw Avenue (U.S. 23)**

City Manager McNeil stated that Street Superintendent LaLonde has advised him that repair work will take place to provide a Dura-patch material on portions of Mackinaw Avenue which is not necessarily a re-asphalt process but is a step or two above the cold patching process. He noted that the County Road Commission will be undertaking this project and assisted by MDOT, adding that the project is anticipated to start on April 28, 2008.

Mrs. Trudy Lofgren questioned the Lincoln Avenue Bridge engineering fee. Additional information was provided by Mr. Rick Freeman of Rowe, Inc. including the qualification based selection, design concept and the alternative process through which this type of structure was ultimately selected. City Manager McNeil explained that the bid process is not used when selecting services such as engineers because there is so much other criteria that is important. He commented that the same qualification based selection process is proposed when addressing the footbridge project, other than the formal presentations and a question and answer period that took place relative to the Lincoln Avenue Bridge.

Mr. Bill Horntvedt introduced himself and commented on the discussion of sidewalk repair and possibly estimating a sweeper attachment for sidewalk maintenance. He noted that in the winter time there are many school children that cannot use the sidewalk along U.S. 23 and instead walk on the street to the bus stop by Kiwanis Park. He recommended when obtaining an estimate on the sidewalk sweeper to also get an estimate on a snow blower to maintain sidewalks in the winter to make a clear safe path for children to the bus stop. Mr. Horntvedt also commented on the condition of the stretch of Mackinaw Avenue from the car wash to the City limit and why that area has not been paved along with the US 23 project from the City limit to Mackinaw City. He commented on the tar heating equipment used by the Cheboygan County Road Commission for filling cracks and asked if the City Street Department could price out that type of equipment as an investment to maintain City streets. City Manager McNeil stated that with regard to snow removal on sidewalks, the City does have a snow-blower but has not made the portion of sidewalk along Kiwanis Park part of the snow removal route and will need to consider that further. With regard to paving U.S. 23 from Main Street to the City limit, MDOT indicated that they will not undertake urban projects at this time. City Manager McNeil noted that with regard to equipment needed to fill pavement cracks, that option was evaluated a while ago and it was determined the City could undertake that type of project with the appropriate equipment and staff or contract the service out. Councilman Oxley asked the route of the snow-blower and time of day the equipment is used. City Manager McNeil replied the snow-blower covers the areas in the Ordinance where snow removal is required which is the downtown area, Huron Street, Main Street, and East State Street toward East Side School. Councilman Tebo recommended obtaining cost estimates on larger scale snow-blower equipment or contracting with a local snow removal company to clear the sidewalk routes, with possibly the DDA assisting with the cost of snow

removal on sidewalks. City Manager McNeil indicated that adequate staff is the larger issue rather than equipment.

Councilman Tebo moved to investigate the cost of using a private contractor for snow removal on designated sidewalks in the winter months and sidewalk sweeping maintenance in the spring in comparison to the City purchasing the appropriate equipment and providing the necessary staff. Seconded by Councilman Oxley.

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

No votes: Councilman Charboneau

Motion carried.

Messages and Communications from Mayor and Council Members

• **Recreation Commission and Sidewalk Committee Vacancies**

Mayor Riddle commented she has been a liaison on the Recreation Commission and a member of the Sidewalk Committee, and that because her term on Council will expire in May, the Council Member seat for those positions will become vacant.

Adjournment

Councilman Charboneau moved to adjourn the meeting at 8:04 p.m. Seconded by Councilwoman Lepp. Motion carried unanimously.

Mayor Winifred L. Riddle

City Clerk Kenneth J. Kwiatkowski

Councilman Richard B. Sangster

Councilman Gerald R. Boardman

Councilwoman Theo Lepp

Councilman Charles Charboneau

Councilman Leslie A. Tebo

Councilman Carl B. Oxley, II