

**REGULAR CITY COUNCIL MEETING**  
**August 11, 2009**

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

Present: Council Members Couture, Kopernik, Bronson, VanFleet, Lepp, Jewell and Sangster

Mayor Sangster led the Pledge of Allegiance to the Flag.

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

Mayor Sangster indicated an addition to the agenda under Communications and Petitions – 7.B. Letter from East Side Businesses Regarding Signage.

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

**Public Comments**

Public comment portion of the meeting opened by Mayor Sangster.

- **Pinehill Cemetery Maintenance Contract**

Mrs. Trudy Lofgren introduced herself and commented on the Pinehill Cemetery maintenance contract specifically the weed and grass cutting portion. She also referred to agreements that were made between Mr. Olson and Clerk/Treasurer Kwiatkowski and City Manager McNeil outside the bid-out contract.

- **Weeds Along Riverbank**

Mrs. Lofgren commented on the weeds growing on the riverbank from the motel to the Lincoln Avenue Bridge on the Main Street side. Parks & Recreation Director Scott Hancock explained the weed control product that is used and that half of the area has already been treated by staff who is now working on the other half.

- **Lincoln Avenue Bridge**

Mrs. Lofgren stated that she noticed several paint bubbles in the Lincoln Avenue Bridge and spots showing through the paint down to the cement. She asked if the work is still under warranty or if that is an expense to the City to repair. City Manager McNeil indicated he is unsure and would look into the matter.

- **Burial Permits**

Mr. Ray Lofgren introduced himself and explained that he recently reviewed burial records at City Hall and felt that those from 2003 and forward were not as complete as the records on file from previous decades. He commented that the next day he requested to view his parents' burial certificates as well as other relatives and that he ultimately felt very disturbed and deceived that the records were not available. Mr. Lofgren commented on burial records that were in order and in the building except for 2007 and 2008 which are missing. He explained that he was informed by Clerk/Treasurer Kwiatkowski that the State of Michigan does not require the City to retain burial permits. Mr. Lofgren expressed displeasure that the records were removed from the building and that

clerical staff may be held responsible for the missing records which he feels is not right. He also commented on deception and that Council will ultimately realize by the use of complaint forms what is and is not truthful. Councilwoman Lepp asked if the information that the City does not retain death records is correct. Clerk/Treasurer Kwiatkowski explained the circumstances leading up to the missing burial records and confirmation from the State of Michigan that the City is not obligated to retain the records once the information is entered into the burial book. He also explained the procedures involved with documentation at the end of the burial season and the burial transit permit form which is completed by the funeral home, signed by the Sexton, and then ultimately provided to the City. Clerk/Treasurer Kwiatkowski also referred to the State Statute which he copied and attached to the complaint form submitted by Mr. Lofgren. He noted that he felt the missing records would ultimately surface at some point. Councilman Kopernik asked the status of the 2009 burial season and expressed a preference to have the original documents available to the public. Clerk/Treasurer Kwiatkowski stated that he has the 2009 burial permits on file. Mayor Sangster requested a written report from City Manager McNeil to be available at the next City Council meeting to resolve this issue. City Manager McNeil indicated that he has already instructed Clerk/Treasurer Kwiatkowski to recreate the files and in the meantime, he is researching what may or may not be needed to create an administrative policy. Ms. Janet Gahn introduced herself and spoke on behalf of clerical staff. She commented on circumstances regarding the missing 2007 and 2008 burial records and noted that burial records are reviewed by the public. City Manager McNeil clarified that management is not faulting clerical staff in any way. Mayor Sangster reiterated the directive to City Manager McNeil to provide a written report outlining the events that transpired with regard to the burial records including the allegations from Mr. Lofgren to be discussed at the next City Council meeting. City Manager McNeil commented that he felt the issue could be resolved administratively.

Public comment portion of the meeting closed by Mayor Sangster.

### **Public Hearings**

- **Consideration of an Ordinance to Amend Section 154.002 Definitions, “Dwelling, One-Family”, by Repealing the Current Definition and Enacting a New Definition of “Dwelling, One-Family”**

Public Hearing portion of the meeting opened by Mayor Sangster.

Ms. Tina Duffiney introduced herself and explained that she represents the Grippe family as housekeeper and property manager of their residence on the Cheboygan River. She outlined problems experienced last year with renters which were acted upon immediately and that clients are now screened more effectively. Ms. Duffiney commented on the economic gain for Cheboygan and the surrounding area. Mayor Sangster commented on concerns expressed regarding potential investment and investment properties and the intent to keep homes through rental income or other means of financing. He added that he would use caution on restricting that kind of activity. Councilman Couture questioned what precipitated this issue. City Manager McNeil provided an overview of the issue, stating that this comes to Council by way of a recommendation from the Planning Commission through him by way of a complaint from a property owner next to the Grippe residence with concerns relative to the type of activities that take place while people are vacationing. The nature of the complaint was that those activities are not necessarily harmonious to one's own home. City Manager McNeil explained that he took the issue to the Planning Commission which was discussed extensively, particularly whether that type of rental arrangement would deter investment or

not. He added that the definition of single family was reviewed extensively and the issue is regarding rental of property in single family residential zones because by definition, homes within these districts should be occupied by those who fit the definition of family. That being said, homes can be rented by the weekend to families and be within the zoning requirements. Within the Planning Commission's recommendation is the basis that the single family residential district should be just that – a place where your home is and occupied by single families and that there are other zoning districts within the City such as Tourist Service District or Commercial Districts etc. where these types of activities may be more appropriate. City Manager McNeil explained that in order to address this further the Planning Commission recommended the 30-day addition into the definition of single family which is why this issue is before Council today. Councilman Couture questioned the nature of the complaints and whether the source is in violation of any current Ordinance that pertains to rental dwellings or adjacent property owners. City Manager McNeil explained that based on his understanding of the complaints there was excessive noise and the activities of more people coming and going, parking of extra vehicles and boats on the streets and other issues of that nature. Councilman Couture stated that Ordinances would apply as any other homeowner. City Manager McNeil indicated that is correct. Discussion was held regarding short term rental properties. Mayor Sangster commented that rental arrangements can be abused and he feels that is the issue Council should focus on versus impeding people from renting their homes for revenue. Councilman Kopernik stated that he feels the occupancy of a family for at least 30 days is restrictive. Councilman Bronson explained that the Planning Commission considered similar instances in Traverse City where homes in single family residential districts were purchased solely for investment purposes and used as rental units. He commented that the intent of the Planning Commission is not to completely eliminate that practice but to implement restrictions so that families are not driven out of neighborhoods.

Ms. Carol Fradette introduced herself, stating that she resides next door to the residence under discussion. She related several unpleasant experiences regarding the various rental clients including loud late night campfires, excessive vehicles, boats and trailers, trespassing, and disrespectful behavior. Ms. Fradette noted that not all rental clients are undesirable and some have been good experiences but Council should put into perspective that this is her family home. She referred to an on-line calendar featuring the rental home and scheduling arrangements. Mayor Sangster stated that he feels there are Ordinances in place that do not allow the situations Ms. Fradette referred to. Councilman Couture questioned if the problem is the renters themselves or the situations escalating out of hand without being properly taken care of by the authorities. He noted that there are laws against situations described by Ms. Fradette and that the police should be notified. Mr. Gene Fradette stated that is the whole idea because last year, there was a constant stream of strangers in their yard and nothing was said because the renters were not hurting anything and incidents were minor, but at the end of eight weeks, summer was over and they were not able to enjoy their yard because of the other people out there. He explained that they reluctantly put a no trespassing sign on the lawn this year which has helped somewhat but they do have photographs of people ignoring the signage. Mr. Fradette commented on the fireworks after midnight, campfires after 3 a.m. and children left unattended on the dock at the waterfront. He asked at what point and how often the police should be notified and that the situation is very tiresome. Councilman VanFleet referred to mixed feelings on this issue of not discouraging renters from coming into this community and using all the local amenities nor deterring people from buying properties next to a rental property. Discussion was held regarding activities at the rental property as well as the Fradette property and nearby condominiums which are both designated as private property with no trespassing.

Councilman Jewell asked for clarification on why the 30 day restriction was determined by the Planning Commission. City Manager McNeil explained that 30 days was a timeframe that the Planning Commission thought would provide the ability for someone to rent that would be more harmonious with single family residential use as described in the Zoning Ordinance. Additionally, two week rental would be more in keeping with Commercial/Tourism districts.

Mr. Dan Schultz introduced himself and commented on the difference between a homeowner that allows relatives the use of their home versus renting homes out similar to a motel business which should be located within an area that is zoned accordingly. He commented that he resides down the street from the Grippe residence under discussion and related problems with excessive people continually roaming the neighborhood, overnight parking of empty boat trailers not attached to vehicles that pose a safety hazard on the dark street, vehicles parked in neighbors' yards and stolen firewood. Mr. Schultz also commented on the website advertising the Grippe rental home that includes daily, weekly or weekend rentals and that the home sleeps 17 people which resulted in occasions where groups of well over 20 people stayed for a week.

Ms. Sandra Brown introduced herself and commented that the situation appears to be a problem with one homeowner in violation of City Ordinances and if the Ordinances were enforced, the problems would be alleviated. She commented on a single homeowner adversely affecting neighbors and that the entire town should not have to pay for what one homeowner is doing. Ms. Brown described her home on Duncan Bay that has been successfully rented out twice this summer and that she would like to continue that practice next summer because of the income. She commented on the positive economic impact to the community and surrounding areas when visitors stay here and then encourage family and friends to visit as well. Ms. Brown noted the lack of economic base except for tourism and that government should not dictate what property owners do with their homes.

Mr. Robert Syzniak introduced himself and explained that he manages rental property outside the City. He commented on the positive economic impact the renters have on the community and that homeowners of the rentals should be notified of any problems prior to the police department.

Mr. Richard Brown introduced himself and commented that putting restrictions on property owners becomes an encumbrance on the whole community. He commented on the difficulty of removing restrictions once put in place and related an instance involving a deed restriction. Mr. Brown noted the favorable experiences he and his wife have had renting their home to two large families on separate occasions and the economic gain to the community. He commented that they are conscientious of the neighbors and would not want to interfere or cause problems. Mr. Brown also commented on promoting business in Cheboygan and requested that Council carefully consider a decision on the matter.

Ms. Tina Duffiney stated that last year was Mr. Grippe's first year renting his home. She related an experience with last minute arrangements for a wedding party on the Fourth of July weekend that involved approximately 30 guests and resulted in an issue with parking which she addressed immediately. She noted that Mr. Grippe is one to make sure things get done in a respectful manner.

Mr. Bob Kapsa introduced himself and commented that he owns the home next door to Mr. Grippe. He commented that he sympathizes with the family on the other side of the Grippe residence for the problems they have experienced. He noted that he has not experienced problems although he was informed about a wedding party that was out of control and that the police should have been called.

Mr. Kapsa explained that he spoke to the current renters who enjoy this area and have spent a significant amount of money in the community and surrounding area. Mr. Kapsa commented on the amount of rules these days and that problems should be resolved between the parties involved before calling the police. He also commented on the effect of rules that are imposed that may discourage visitors from coming to this area.

Councilman VanFleet referred to rentals on Mullett Lake and questioned zoning or the need for a permit for rental units. City Manager McNeil explained that there may be nonconforming use or a rental unit prior to when zoning was initiated. Councilman Jewell questioned the outcome if the amendment was adopted and renters left before the 30 day minimum rental period. City Manager McNeil replied that remedies would be within the enforcement section of the Zoning Ordinance.

Ms. Michelle Duffiney introduced herself and commented that all new businesses experience problems in the beginning. She added that Mr. Grippe should be given an opportunity to address problems and implement limitations such as noise restrictions and property boundaries, and has improved by screening renters more thoroughly.

Discussion was held regarding noise, disorderly conduct, violation of Ordinances and Ordinance enforcement. Also discussed was the possibility of placing restrictions on rental units and the impact of rentals within single family residential districts. Council discussed holding homeowners accountable for their renters, and that the issue here is a problem with one homeowner. Councilman Bronson stated that it seems like the sticking point here is the length and maybe a way to look at this is to refer the matter back to the Planning Commission for further discussion and to look at other Ordinances to determine if there is a better alternative.

There being no further comments from the public the public hearing portion of the meeting was closed by Mayor Sangster.

Councilman Bronson moved to refer the issue of amending Section 154.002 Definitions, “Dwelling, One-Family”, by Repealing the Current Definition and Enacting a New Definition of “Dwelling, One-Family” back to the Planning Commission for further review and input. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

Discussion was held regarding further discussion of this matter at the next Planning Commission meeting. City Manager McNeil noted that the next meeting of the Planning Commission is August 17, 2009 at 7:00 p.m. in Council Chambers. Councilman Jewell commented that anyone having input should attend the meeting.

### **Communications and Petitions**

- **Consideration of a Request from Wheeler Motors, Company Picnic, August 13, 2009, 4:00 p.m. to 10:00 p.m. at Gordon Turner Park**

Councilman Couture moved to approve the request from Wheeler Motors to use Gordon Turner Park on August 13, 2009 from 4:00 p.m. to 10:00 p.m. for a company picnic. Seconded by Councilman Kopernik. Motion carried unanimously.

- **Letter From East Side Businesses Regarding Signage**

City Manager McNeil deferred to Ms. Laura Derk for comment. Ms. Derk introduced herself and spoke on behalf of business owners on the east side of Cheboygan. She referred Council to a list of businesses that would benefit from directional signage to the business district on the east side of town. Discussion was held regarding possible locations for directional signage such as the Lincoln Avenue Bridge, possibly State Street and along Mackinaw Avenue. Councilwoman Lepp noted that she had several conversations with Ms. Derk and can attest to the fact that sometimes the east side of town is overlooked. Mayor Sangster asked if that issue should be added to Strategic Planning or the Marketing Plan. City Manager McNeil stated that he is unsure if this fits into any particular current objective but he would be willing to work on some type of way-finding plan to direct visitors to the east side. He noted however, that a review of the Sign Ordinance would likely be needed and possibly some revision to ensure the signage is not contrary to the language in the Ordinance. Discussion was held regarding advertisement of east side businesses. Mayor Sangster commented that in answer to the request from east side businesses, the matter will be looked into on how the City could facilitate some type of signage. It was the consensus of Council that City Manager McNeil pursue the directional signage issue regarding businesses on the east side of town.

### **Bills and Disbursements**

- **Pre-paid Bills and Disbursements for the Month of July 2009**

Mrs. Trudy Lofgren referred to the Pre-paid Bills for the Month of July 2009 and questioned item 46– Internal Revenue Service 941 Tax Late Fee in the amount of \$267.48. Clerk/Treasurer Kwiatkowski explained that expense pertains to social security withholdings from short term disability payments that the City matches. He noted the IRS regulations to report the withholdings within three days of issuance of a check and that although the situation was rectified for the future a penalty resulted in this instance. Councilman Jewell requested clarification on item 29 City of Cheboygan Taxes Due – Woolworth Building in the amount of \$1,395.60. Clerk/Treasurer Kwiatkowski explained the timing of the purchase of the Woolworth building by the DDA in that the taxes are set in December for the upcoming year and the DDA was responsible for paying the summer and winter taxes which should be adjusted after the end of the tax season. Councilman Jewell also requested clarification on item 45 Inverness Township – Debt Service Monies Due to Township in the amount of \$38,514. Clerk/Treasurer Kwiatkowski explained that when the billing system for the Inverness Township Sewer System was implemented the sewer fees for the City were collected as well as the debt service for Inverness Township. He noted that the debt service funds are then forwarded to Inverness Township. City Manager McNeil added that the debt services is based on REU's and basic usage which could easily be built into the City's billing system rather than having to duplicate services. Councilman Jewell questioned item 59 Ted Melonas – Disbursement of Insurance Proceeds in the amount of \$95,228.99. Clerk/Treasurer Kwiatkowski stated that the City is required to hold a certain percentage of insurance proceeds for claims within the City and that ultimately the entire payment is released by the Department of Public Safety. Mr. Ray Lofgren questioned how the insurance company knew to issue a check in the appropriate amount. City Manager McNeil explained that is standard operation. Councilman Bronson questioned item 24 Citizens National Bank – Principal & Interest, Sidewalk Bonds, asking if the bond is an annual or quarterly fee. Clerk/Treasurer Kwiatkowski stated that the City pays interest twice a year and principal once a year. Mr. Lofgren questioned the duration of the sidewalk bond. City Manager McNeil indicated that he believes the sidewalk bonds are ten year bonds. Councilman Kopernik questioned items 52 Leaf – Monthly Copier Lease, WWTP and 53 Leaf – Copier Lease, WWTP in

the amount of \$80 each. Clerk/Treasurer Kwiatkowski stated that Leaf is a finance company that the WWTP finances their copier lease through. Councilman VanFleet commented on lease agreements.

Councilman VanFleet moved to approve the pre-paid bills and disbursements for the month of July 2009 in the amount of \$1,141,634.80. Seconded by Councilman Jewell. A roll call vote was taken. Motion carried unanimously.

- **Unpaid Bills and Disbursements for the Month of July 2009**

Mayor Sangster requested clarification on item 10 Cheboygan Lumber Company – Building Materials, P&R. Clerk/Treasurer Kwiatkowski explained that new windows and trim for the Recreation Center is included in that expense and that he reviewed the invoices and compared the amount which was in keeping with the bid amount. Mrs. Trudy Lofgren questioned item 43 Tele-Rad, Inc. – Two Way Radios, Fire Dept. in the amount of \$7,602. Mayor Sangster indicated that radios for the Fire Department were put out for bid as directed by Council.

Councilman Couture moved to approve the unpaid bills and disbursements for the month of July 2009 in the amount of \$53,252.40. Seconded by Councilman VanFleet. A roll call vote was taken. Motion carried unanimously.

### **Department, Boards and Commission Reports**

- **Regular Downtown Development Authority Board of Directors Meeting – August 3, 2009**

City Manager McNeil reported that DVD's of the PowerPoint presentation by an MDOT walkability expert were provided to the DDA Board and will be reviewed at their next meeting. He added that the DDA also reviewed four plan concepts for the Major City Park Master Plan and offered their feedback. Additionally, feedback is also anticipated from the Planning Commission and Recreation Commission which will be compiled and offered to the City Council for final consideration. City Manager McNeil noted that general updates relative to activities taking place such as the footbridge construction and Woolworth building were provided. Discussion was held regarding pilings for the footbridge construction and it was noted that the data within the bid specifications indicated that the pilings would need to be driven approximately 50 feet when in reality many had to be driven about 65 feet so there is a change order based on that incremental cost which is to be reviewed by the engineer. Councilwoman Lepp commented on the articles in the Cheboygan Daily Tribune provided by Ms. Kirsten Guenther, Downtown Enhancement Administrator. She noted that the articles have been very good especially during the construction and that she hopes to see them continue. City Manager McNeil commented that he would convey that message to Ms. Guenther.

### **Unfinished Business**

- **Amendment to Section 95.02(23), “Nuisances Per Se”, of the Cheboygan City Code of Ordinances by Repealing Said Section 95.02(23), and Enacting a New Section 95.02(23), which Provides for the Placement of Swimming Pools upon Residential Property, the Construction of a Fence Surrounding Pools and the Height and Material of the Fence**

City Manager McNeil recused himself from discussion regarding the regulation of residential swimming pools and deferred to Chief Jones for an update. Chief Jones stated that as a result of conversation with the City Attorney and input from Mr. Lindsay it is being recommended that the City Ordinance address swimming pools from 6 inches to a depth of four feet and not attempt to include pools greater than four feet in depth which are already regulated by County Ordinance. Chief

Jones also commented on providing a fence or restrictive barrier unless the pool is used under supervision such as day care or back yard use and emptied on a daily basis. He noted that language regarding the recommended changes will be provided for consideration at the next City Council meeting and requested that any input in the meantime be directed to him. Discussion was held regarding tabling a decision until the revised language is available.

Councilman VanFleet moved to table consideration of setting a public hearing to consider an amendment to Section 95.02(23), “Nuisances Per Se”, of the Cheboygan City Code of Ordinances by Repealing Said Section 95.02(23), and Enacting a New Section 95.02(23), which Provides for the Placement of Swimming Pools upon Residential Property, the Construction of a Fence Surrounding Pools and the Height and Material of the Fence until a directive from Chief Jones is available. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

### **General Business**

- **Consideration of Bids – 2009 Season Bituminous Street Resurfacing**

City Manager McNeil referred Council to the bids for the 2009 Season Bituminous Street Resurfacing project, and recommended accepting the low bid from Rieth-Riley Construction Company in the amount of \$351,443. DPW Director Gall explained that the bid specifications were re-written and sent out accordingly. Discussion was held regarding the original bid process and the bids that were resubmitted by Payne & Dolan and Rieth-Riley Construction as a result of the corrected bid specifications. It was noted that the bid from Rieth-Riley is \$351,443 which is approximately \$20,000 less than their original bid, and the bid from Payne & Dolan is \$358,345 and includes wedging. Councilman Couture commented that the entire process was done improperly. Discussion was held regarding the corrected bid specifications. Ms. Janet Gahn questioned the repairs that will be made to Ball Street. Director Gall explained the road repairs and wedging that will alleviate the dips in the road, adding that the surface may change during the winter months due to the frost. Councilman Jewell requested clarification on the bid specifications. Director Gall clarified that the items outlined on the specifications pertain to all the streets listed.

Councilman Jewell moved to award the 2009 Season Bituminous Street Resurfacing project to Rieth-Riley Construction Company in the amount of \$ 351,443. Seconded by Councilman VanFleet. A roll call vote was taken.

Yes votes: Council Members Kopernik, Sangster, VanFleet, Jewell, Bronson and Lepp

No votes: Councilman Couture

Motion carried.

- **Consideration to Accept the Bid for the Purchase of City of Cheboygan 2009 Transportation Fund Bonds in the amount of \$360,000**

City Manager McNeil stated that in anticipation of approval of the low bid the bond resolution was adjusted to reflect what is believed will cover the issuance cost and bid amount. He recommended that the resolution be approved and that the bond is closed through Citizens National Bank.

Councilman Bronson moved to adopt the Bid Resolution – 2009 Michigan Transportation Fund Bonds in the amount of \$360,000, accepting the low bid from Citizens National Bank. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Bids for Construction of Corner Sidewalk and Handicap Curbing**

City Manager McNeil recommended the low bid from Great Lakes Masonry in the amount of \$14,800. Councilwoman Lepp asked if this project is different than the curbing that was done on Main Street. City Manager McNeil explained that this project pertains to street corners listed on the back of the bid specifications. Councilman Jewell commented on the lack of signature on the proposal. City Manager McNeil stated that the bid could be approved and the signature will be sought.

Councilman Couture moved to award the construction of corner sidewalk and handicap curbing to Great Lakes Masonry in the amount of \$14,800. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

Councilwoman Lepp commented on the pleasant appearance of the streets in town that were recently improved.

- **Consideration to Take Bids for Snow Blower for Street Department**

City Manager McNeil referred Council to the bid specifications regarding a snow blower for the Street Department. He noted that this expense is consistent with the Equipment Replacement Plan and the budget. Councilman VanFleet asked if this equipment would also be used for sidewalks. DPW Director Gall stated that this equipment is large and is intended for the streets. He added that the maintenance information on the equipment was provided and is very minimal compared to what has been spent on the current equipment.

Councilman Kopernik moved to approve the taking of bids for a snow blower for the Street Department. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Bids – Used One-Half Ton Extended Cab Pick-Up Truck for Recreation Department**

City Manager McNeil deferred to Parks and Recreation Director Scott Hancock for comment. Director Hancock explained the need for a used club cab pick up truck for the Parks & Recreation Department. He commented that he, DPW Director Gall and the City Mechanic reviewed the bids and that the Mechanic thoroughly inspected each of the vehicles. Director Hancock stated that the 2003 model from Fernelius is considered the best option and recommended accepting the bid in the amount of \$10,000. Discussion was held regarding tax, transfer and plate as well as the vehicle warranty. Director Hancock stated that the City is tax exempt and that the bid of \$10,000 was to include all expenses. It was noted that the bid specifications did not include a warranty and that there is no warranty on the vehicle. Discussion was held regarding the make, model and year of the various vehicles.

Councilman Couture moved to award the purchase of a used one-half ton extended cab pick-up truck for the Recreation Department to Fernelius Auto Group in the amount of \$10,000 contingent upon that being the total cost out the door. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Quotes – Plaster Repair in Opera House**

City Manager McNeil stated the plaster repair in the Opera House is another budget item within the Capital Improvement line item for Buildings and Grounds. He explained that the Opera House staff received quotations and is recommending the low quotation from PB&S Contracting in the amount of \$4,240. Discussion was held regarding a timeline for the repairs. City Manager McNeil noted that he is not aware whether any specific timeline was established.

Councilman Jewell moved to award the plaster repair in the Opera House to PB & S Contracting in the amount of \$4,240. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Traffic Control Order No. 001-09**

Chief Jones stated that Traffic Control Order No. 001-09 pertains to the new four way stop at Court Street and Western Avenue.

Councilman Kopernik moved to approve the Traffic Control Order No. 001-09. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

- **Consideration to Set Public Hearing – Vacating of Streets/Alley**

City Manager McNeil stated that in the due diligence process of preparing for the sale of the BP Oil gas and fuel storage facility it was discovered that some platted streets and alleys occupied by that facility have not been vacated. He explained that in order to provide clear title the streets and alleys must be officially vacated. He also explained that in most cases the Planning Commission would review the request and provide a recommendation but this particular situation is clear and as such he is recommending that Council set a public hearing for September 22, 2009 which satisfies the timeline requirements in the Ordinance for consideration of vacating streets and alleys within the property. Discussion was held regarding the exact location of the vacation and the arrangements made quite some time ago without official action by the City Council. Mr. Lofgren commented on the amount of waterfront property that was given away by the City in the past and the need for a public hearing. City Manager McNeil replied that a public hearing is needed to officially vacate any street or alley and that there may be other legal means for BP Oil to acquire title to the property but this method would be the smoothest.

Councilman VanFleet moved to schedule a Public Hearing for Tuesday, September 22, 2009 at 7:00 p.m. for the consideration of vacating streets and an alley pertaining to the BP Pipeline (North America) property. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Purchase of Foreclosed Property within the City of Cheboygan pursuant to Property Tax Collection Process**

City Manager McNeil stated that the City received notice from the Cheboygan County Treasurer that property referred to as the Gold Dust Ballroom and Gold Front has reverted back to the County for non-payment of property taxes. He explained that part of the County's procedure is to first offer purchase of the property to the local government entity for the amount of outstanding taxes which in this case has been calculated at \$73,893.30. City Manager McNeil added that the City would be required to use the property for public purposes and given that restriction, he is recommending declining the offer to purchase the property and allow the purchase to go to a private investor.

Discussion was held regarding criteria for offering the right of first refusal for purchase and whether there is a timeline on a decision to waive that right. Also discussed was use of the building for public purpose. City Manager McNeil noted that using the property for public purpose is a perpetual requirement. Additionally, there is no timeline regarding a decision and the matter could be tabled for further consideration. City Manager McNeil commented on the number of current plans already on board and that opportunities that arise should fit those plans as opposed to creating new ones.

Councilman Jewell moved to table a decision on the Right of First Refusal regarding Foreclosed Property within the City of Cheboygan. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

- **Consideration of Request from the Cheboygan Area Arts Council 2009-2010 Annual Appropriation in the Amount of \$23,000**

City Manager McNeil referred to a request from the Cheboygan Area Arts Council for an appropriation of \$23,000 and that the budget amount approved by Council was thought to be \$21,000 although he would have to verify that information. He recommended that Council approve the request based on the allocated amount in the current budget. Councilwoman Lepp referred to the \$4,000 expense out of the City budget that Council approved tonight to repair plaster at the Opera House. Discussion was held regarding budget constraints, across the board reductions, and the need to scrutinize all expenditures. City Manager McNeil noted that perhaps Ms. Westover could provide Council with more details on the request and that Council could table the matter.

Councilwoman Lepp moved to defer making a decision on the request from the Cheboygan Area Arts Council 2009-2010 Annual Appropriation in the amount of \$23,000 until the first quarter budget revision. Seconded by Councilman Kopernik. A roll call vote was taken.

Yes votes: Council Members VanFleet, Jewell, Couture, Bronson, Lepp and Kopernik

No votes: Mayor Sangster

Motion carried.

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

There were no comments.

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

- **PowerPoint Presentation of Major City Park Master Plan Concepts as Prepared by MSU Department of Landscape Design & Architecture**

City Manager McNeil requested that the PowerPoint presentation regarding the four concepts for the Major City Park be presented early at the next City Council meeting to allow more feedback.

Council concurred. Discussion was held regarding the hard copy of the PowerPoint presentation and it was determined that Council would retain their copies for review at the next City Council meeting.

- **Public Hearing at Regular City Council Meeting of August 24, 2009 for Consideration of Brownfield Plan and Related Documents for Redevelopment of Former Woolworth Building Site**

City Manager McNeil reported that the Brownfield Authority approved a Brownfield Plan for the Woolworth building as well as an Act 381 Work Plan that will be submitted to the Department of Environmental Quality for review. He added that the Brownfield Plan and related documents which include a development agreement will be provided for review at the next City Council meeting.

- **Michigan Department of Transportation (MDOT) Mackinaw Avenue Milling & Resurfacing Schedule**

City Manager McNeil stated that the Mackinaw Avenue Milling and Resurfacing project has been bid and that the project is anticipated to begin on August 17, 2009 and last for two to three weeks.

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

- **Woolworth Building**

Councilman Kopernik questioned the plans for the Woolworth building. City Manager McNeil stated that the Brownfield Plan would allow reimbursement of demolition expenses if that were to happen. He explained that if the City were to proceed with demolition and site preparation and later turn the property over to a developer, new taxes would be created as a result and the City would be in a position to be reimbursed for those costs out of the new taxes that would be created.

- **City Income Tax Update**

Councilwoman Lepp referred to the City Income Tax issue and asked if that is under investigation. City Manager McNeil deferred to Clerk/Treasurer Kwiatkowski and commented that a report would likely be available at the next City Council meeting. Clerk/Treasurer Kwiatkowski explained that he received payroll information from seven employers in Cheboygan and from that information he calculated what the City would receive in revenue.

- **The Brook – Proposed Independent/Assisted Living Facility**

Councilwoman Lepp referred to previous discussion regarding a proposed assisted/independent living facility in Inverness Township and asked the status of that project. City Manager McNeil stated that it is his understanding that The Brook facility is being proposed through the Cheboygan County Planning & Zoning Department and completely within their jurisdiction. Mayor Sangster stated it appears that plans are underway for development and that the City made every conscientious attempt to communicate.

- **PowerPoint Presentation Hard Copy**

Councilman VanFleet referred to the hard copy of the PowerPoint presentation regarding the Major City Park Master Plan. City Manager McNeil indicated that Michigan State University originally provided the information which could then have been provided to Council in disk format if preferred. Ms. Gahn clarified that she copied the information in several sections. Councilman VanFleet commented on the amount of copy work involved and his preference for an inquiry on whether a hard copy should be provided in his Council packet.

- **Sidewalks**

Councilman VanFleet referred to the letter provided to Council from Mr. James Conboy with regard to sidewalks and asked if that program is still under consideration. City Manager McNeil noted that the issue is close to the top of his list of items to address.

- **Sewage Odor**

Councilman Bronson requested an update on the sewage odor downtown and asked if that had been followed up. City Manager McNeil stated that there was one incident within a private business which he feels has been addressed.

- **Garrison Keillor Performance**

Councilman Bronson commented on the Garrison Keillor performance at the Opera House that was very well attended and a positive promotion for the City.

- **Lap Top Computers for Council Members**

Councilman Bronson inquired about providing lap top computers to Council Members. He provided a sample brochure of a small unit weighing only 3.5 pounds with a 10 inch screen equipped for wireless internet and other amenities. Discussion was held regarding the means of providing Council information electronically. City Manager McNeil commented on the equipment needed in house such as a scanner and antenna to accommodate that conversion. Discussion was also held regarding the \$386 cost per lap top computer versus the cost of copy work and supplies. Mayor Sangster commented that the concept has merit and requested that City Manager McNeil look into the matter further.

- **Police Services Committee**

Councilman Jewell referred to the Special City Council meeting of August 4, 2009 regarding a report to the public from the Police Services Committee. He commented that many issues arose at the meeting that need to be addressed and that the Committee will be meeting soon and will provide an update to Council.

**Adjournment**

Councilwoman Lepp moved to adjourn the meeting at 9:38 p.m. Seconded by Councilman Couture. Motion carried unanimously.

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Mayor Richard B. Sangster

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City Clerk Kenneth J. Kwiatkowski

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Councilman Nicholas C. Couture

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Councilman William K. Jewell

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Councilwoman Theo Lepp

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Councilman Mark Bronson

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Councilman Michael J. VanFleet

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Councilman Roger Kopernik