

REGULAR CITY COUNCIL MEETING
November 10, 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 Sangster, Couture, Kopernik, Bronson, VanFleet and Lepp
Absent: Councilman Jewell

Councilwoman Lepp moved to excuse Councilman Jewell from the meeting. Seconded by Councilman Couture. Motion carried unanimously.

Councilman Bronson led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Mayor Sangster noted an addition to Unpaid Bills and Disbursements for the month of October 2009.

Councilman Kopernik moved to approve the agenda as amended and receive and file all communications. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Regular City Council Meeting – September 22, 2009**

Councilman VanFleet moved to approve the minutes of the September 22, 2009 Regular City Council Meeting as presented. Seconded by Councilwoman Lepp. Motion carried unanimously.

- **Special City Council Meeting – September 29, 2009**

Councilman Couture moved to approve the minutes of the September 29, 2009 Special City Council meeting as presented. Seconded by Councilman Kopernik. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Sangster.

- **Sikorski Property**

Ms. Barb Lennon introduced herself and commented on the activity at the Sikorski property. Chief Jones provided an update on the Sikorski property blight proceedings, noting that volunteers are in the process of cleaning the exterior of the property and will soon be working on the interior of the residence.

Public comment portion of the meeting closed by Mayor Sangster.

Public Hearing

- **Consideration of ATV/ORV Ordinance, Chapter 75 of the Cheboygan City Code of Ordinances**

Public hearing portion of the meeting opened by Mayor Sangster.

Chief Jones stated this is the same Ordinance Council approved two weeks with the presentation of the final wording and a public hearing is needed for formal consideration. He noted there is nothing

new to add to the Ordinance. Councilwoman Lepp asked if the ATV/ORV operation is year-round. Chief Jones indicated that is correct.

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

Councilman VanFleet moved to adopt Chapter 75 of the Cheboygan City Code of Ordinances which shall pertain to ATV/ORV use within the City, provide definitions, operating rules, impoundment, presumption of ownership, penalties, closed highways/streets, access to downtown area and other areas, City resident access, driver's license requirement, registration and speed. Seconded by Councilman Couture. A roll call vote was taken.

Yes votes: Council Members Couture, Lepp, Kopernik, Sangster and VanFleet

No votes: Councilman Bronson

Motion carried.

Communications and Petitions

- **Request from Inverness Township for Easement along Stempky Street for Inverness Township Sewer Customers**

Mr. Tim MacArthur introduced himself commenting he is accompanied by members of the Inverness Township Board and has been asked to present this request for an easement along Stempky Street to the City Council. Mr. MacArthur referred to the Stempky Street area that is within the City of Cheboygan at present due to an Act 425 Agreement negotiated a number of years ago between the City and Inverness Township. He explained that the Township has a municipal sewer which runs along what was formerly the Michigan Central Railroad right-of-way and runs into the City of Cheboygan and is subject of numerous contracts that the City and Township have. Mr. MacArthur stated that there is both City property along Townline Road and Inverness Township property on the other side of Townline Road that could potentially be served by municipal sewer from either the City or Township. He noted that discussions have been held recently with regard to The Brook of Cheboygan and the City has made arrangements with that developer for providing water and sewer. During those discussions it was brought to the attention of the Township Clerk that the City had not granted a right-of-way along Stempky Street to provide access to the sewer of Inverness Township. Mr. MacArthur stated that the request this evening on behalf of the Inverness Township Board is for the City to consider granting the Township a right-of-way from the locus of the municipal sewer which is in the former Railroad right-of-way westerly to the right-of-way of what is now Townline Road and across Townline Road so that the Township can access its sewer for potential future development on Township property. He added that there is no specific development being contemplated at this time. Additionally, this request is being made because in the final negotiations between the City, the developer of The Brook of Cheboygan, and Inverness Township it was brought to the attention of Inverness Township Clerk that no right-of-way existed with regard to the sewer that exists in the Railroad right-of-way.

City Manager McNeil indicated that the proposal is fairly straightforward in so far as the issue before Council is a request for the right for Inverness Township to place sewer lines within the City street right-of-way. He added this may be an opportunity for discussion of other issues with Township officials and recommended the further exploration. Council discussed the existing Sewer Contract Management Agreement and whether an alternate arrangement would create a default on behalf of either the City or Inverness Township. Also discussed was the special assessment district, the Inverness Township Ordinance provisions pertaining to sewer connection, the Brook of Cheboygan

development, and an easement for utility connection in the event of future development. Council determined that more information is needed before a decision can be made and that a Committee to further explore the issue may be appropriate.

Councilman VanFleet moved to table the issue until the next regular City Council meeting based on some fact finding for whoever is appointed to undertake that. Seconded by Councilwoman Lepp. Council discussed whether a Committee should be established for that purpose, if the two week time frame to develop a recommendation is adequate, and whether any time constraints exist with regard to a decision on the matter. It was determined there are no time constraints for either Inverness Township or the City with regard to a decision and that the two week time frame for a recommendation would not be adequate. Councilman VanFleet withdrew his motion.

City Manager McNeil recommended that if Council wishes him to address the issue, that two Council Members assist him in discussions with Inverness Township officials in developing a recommendation.

Councilman Kopernik moved to table the issue for 30 days, and that City Manager McNeil and two members of Council form a Committee to discuss the details of the agreement with Inverness Township. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

Councilman Bronson and Mayor Sangster indicated they would assist City Manager McNeil with further investigation into the matter.

Reading of Ordinances

- **An Ordinance to Amend Section 70.01(4) Rule 825(5) of the Uniform Traffic Code for Cities, Townships and Villages which has been adopted in Chapter 70 “General Provisions” of the Cheboygan City Code of Ordinances Repealing said Section 70.01(4), Rule 825(5) and adding a new Section 70.01(4), Rule 825(5), which will Prevent any Person from Parking a Vehicle on City Streets or Alleys from November 1 to April 1 of each Year and on any Public Parking Lot from December 1 to April 1 of each Year between the Hours of Two (2:00) a.m. and Seven (7:00) a.m.**

Chief Jones explained that this proposed Ordinance revision is before Council relative to a section that pertains to snow removal/all night parking that provides for periods of up to 30 minute parking on City streets between the hours of 2 a.m. and 7 a.m. He noted that the provision prevents enforcement of the snow removal ordinance because of the difficulty in monitoring the 30 minute parking stipulation throughout the City. Chief Jones stated that the language in the Ordinance has been amended by the City Attorney to prevent parking on City streets or alleys from November 1 to April 1 of each year and on any public parking lot from December 1 to April 1 of each year between the hours of 2:00 a.m. and 7:00 a.m. Council discussed the issue of parking in the winter and the intent of the Ordinance, requiring a parking permit, and maintaining contact with people leaving their vehicles during certain periods of time.

Councilman VanFleet moved to schedule a public hearing for November 24, 2009 at 7:00 p.m. to consider An Ordinance to Amend Section 70.01(4) Rule 825(5) of the Uniform Traffic Code for Cities, Townships and Villages which has been adopted in Chapter 70 “General Provisions” of the Cheboygan City Code of Ordinances Repealing said Section 70.01(4), Rule 825(5) and adding a new Section 70.01(4), Rule 825(5), which will Prevent any Person from Parking a Vehicle on City Streets

or Alleys from November 1 to April 1 of each Year and on any Public Parking Lot from December 1 to April 1 of each Year between the Hours of Twp (2:00) a.m. and Seven (7:00) a.m. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

Bills and Disbursements

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

Councilman Couture commented on proposals for legal services. City Manager McNeil replied that requests for proposals have been issued with a deadline for submission on November 20, 2009. Councilman VanFleet questioned items 40 and 41 regarding lease on the copier. Clerk/Treasurer Kwiatkowski noted the two expenses resulted from the way the billings were received. Mayor Sangster commented on item 36 Inverness Township Debt Service Fund Transfer of \$36,884.99 and questioned how that debt is collected. Council discussed the debt collection procedure. Mrs. Trudy Lofgren questioned item 56 and requested a breakdown of legal, union matters and negotiation. City Manager McNeil indicated that the fees pertain to all personnel related issues over a one year period. It was noted that a breakdown of expenses is available for review. Council discussed attorney services for union negotiations. Councilman Kopernik questioned item 16 monthly health and mileage and item 63 Priority Health November health premium. Clerk/Treasurer Kwiatkowski stated that item 63 is the November premium for health insurance and item 16 pertains to individuals that opt out of the City's health insurance plan and pertains to the City Manager's mileage. Mrs. Lofgren questioned items 65 and 66 regarding Republic Services. Clerk/Treasurer Kwiatkowski explained the expenses reflect two different months. Councilman Kopernik questioned items 22 and 24 regarding Consumers Energy. Clerk/Treasurer Kwiatkowski explained the separate billings received at different times during the month. Council discussed the energy upgrade and the cost effectiveness of the investment. Council discussed mileage for the City Manager and use of the City car. Councilman VanFleet questioned item 47 regarding a snowmobile map for the DDA. City Manager McNeil stated the expense is allocated to the DDA marketing budget.

Councilman Kopernik moved to approve the pre-paid bills and disbursements for the month of October 2009 in the amount of \$799,401.36. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

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

Councilman VanFleet questioned item 15. Clerk/Treasurer Kwiatkowski explained that Parks & Recreation Director Hancock purchased athletic supplies. Councilman VanFleet questioned item 34 regarding Spray's Plumbing and Heating. Clerk/Treasurer Kwiatkowski explained that Spray's Plumbing and Heating was contracted through DPW Director Gall. City Manager McNeil added that expenses could have pertained to reimbursement of expenses for repairs made on behalf of a resident where the City had some responsibility. Councilman Kopernik questioned item 16 regarding ferric chloride. City Manager McNeil indicated that ferric chloride pertains to treatment chemicals at the Wastewater Treatment Plant. Councilman VanFleet questioned item 36 regarding work boots purchased through Teter Orthotics. It was noted the work boots were provided to Officer Frazier. Council discussed expenses relating to boots and apparel. Councilman Kopernik questioned item 26 Petoskey Auto Parts. Mayor Sangster indicated that is Cheboygan Auto Supply.

Councilman Bronson moved to approve the unpaid bills and disbursements for the month of October 2009 in the amount of \$30,284.73. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

Department, Boards and Commission Reports

- **Regular Zoning Board of Appeals Meeting – October 28, 2009**

City Manager McNeil stated the Zoning Board of Appeals entertained a side setback variance for a car port within the required setback area. The Zoning Board in its deliberations decided there were other reasonable alternatives that existed to the owner and denied the variance.

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

- **Discussion – Possible Public Uses at Former F. W. Woolworth Building Site**

City Manager McNeil requested input from Council relative to possible grant opportunities for demolition of the former Woolworth building and subsequent public re-use of the site. He referred to illustrations of some different development opportunities relative to public use on that site, noting that one of the conditions attached to the grant is that the City would not be able to sell the property for a period of five years. City Manager McNeil commented that the DDA Board discussed some of the financial scenarios presented in the McKenna Study relative to private redevelopment of the site and determined none were particularly appealing and that the five year time period required for resale was inconsequential. He noted that of the various public use scenarios, the DDA Board favored the covered pavilion for the site, which was also the most expensive scenario. Council discussed the various scenarios for public re-use of the site, as well as funding options and level of investment. It was the consensus of Council to pursue the pavilion concept as the primary plan for re-use of the former Woolworth site with some type of funding back-up. City Manager McNeil indicated he would obtain cost estimates with assistance through the Northern Lakes Economic Alliance in preparation for review and pre-screening by a panel of the Michigan Economic Development Corporation.

General Business

- **Consideration of 2010 Fireworks Contract Agreement**

City Manager McNeil referred to the 2010 fireworks contract noting the agreement is the same as the past few years and he is recommending approval.

Councilman VanFleet moved to approve the 2010 Contract Agreement with Wolverine Fireworks Display, Inc. in the amount of \$7,000. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

City Clerk's and Treasurer's Comments

- **Bills and Disbursements**

Clerk/Treasurer Kwiatkowski commented that bills and disbursements are available in more detail for review at any time.

City Manager's Report

- **Sidewalk Review Update**

City Manager McNeil commented that he will be handling the inspection of the City's responsibility for sidewalks this fall while DPW Director Gall is on medical leave.

- **Marketing Committee Update**

City Manager McNeil referred to a breakdown of the Marketing Committee's \$24,000 budget based on identified priorities which include developing a website, welcome signage and billboard advertising. He noted that identifying a logo and tag line or slogan was discussed and the Marketing

Committee recommends retaining the current logo which is felt to be well established and very identifiable. The Committee is looking to identify a tag line or slogan for Council’s consideration the first of December. Council discussed the cost of a website, marketing in general, and the merits of developing a video presentation similar to those provided by the school system and hospital. City Manager McNeil noted that the information would be provided to the Marketing Committee for discussion at their next meeting.

Messages and Communications from Mayor and Council Members

- **Michigan Municipal League Review**

Mayor Sangster referred to the Michigan Municipal League Review publication and commented on several articles regarding some of the issues under discussion. He also read and commented on a very favorable communication from tourists visiting this area, noting that other information relative to the DNR public restroom facilities has been forwarded to DNR officials.

- **Cleveland Avenue Gravel**

Councilman Bronson requested an update on providing gravel for Cleveland Avenue. City Manager McNeil stated he believes the gravel has been provided and that the Department of Public Works will be conducting a final inspection of the area.

- **Parking**

Councilman Bronson requested an update on the status of possible back-in/angle parking along certain streets. City Manager McNeil stated that the DDA still has to review that information and is in the process of transferring the presentation to an alternate format.

Closed Session

- **Police Officers Labor Council Negotiations**

Councilwoman Lepp moved to adjourn to closed session at 8:21 p.m. Seconded by Councilman VanFleet. A roll call vote was taken. Motion carried unanimously.

Councilwoman Lepp moved to reconvene the meeting at 9:27 p.m. Seconded by Councilman Bronson. Motion carried unanimously.

Adjournment

Councilman Kopernik moved to adjourn the meeting at 9:27 p.m. Seconded by Councilman Bronson. Motion carried unanimously.

Mayor Richard B. Sangster

City Clerk Kenneth J. Kwiatkowski

Councilman Nicholas C. Couture

Councilman William K. Jewell

Councilwoman Theo Lepp

Councilman Mark Bronson

Councilman Michael J. VanFleet

Councilman Roger Kopernik