

REGULAR CITY COUNCIL MEETING
November 24, 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

Councilman VanFleet led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Councilman Kopernik moved to approve the agenda as presented and receive and file all communications. Seconded by Councilman Couture. Motion carried unanimously.

Correction and Approval of Prior Meeting Minutes

- **Special City Council Meeting – October 12, 2009**

Councilman Bronson noted a correction on page 3 that should state “Councilman Bronson asked if today’s meeting was just informational rather than *informal*.”

Councilwoman Lepp moved to approve the minutes of the October 12, 2009 Special City Council Meeting as amended. Seconded by Councilman Bronson. Motion carried unanimously.

- **Regular City Council Meeting – October 13, 2009**

Councilwoman Lepp moved to approve the minutes of the October 13, 2009 Regular City Council meeting as presented. Seconded by Councilman Kopernik. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Sangster.

- **Pinehill Cemetery**

Mr. Ray Lofgren introduced himself and commented on the poor condition of Pinehill Cemetery. He noted the amount of debris and leaves at the Cemetery and recommended that if the contractor is unable to fulfill the terms of the agreement, then Council should take action to terminate the contract. Mayor Sangster commented on the attempt to remove leaves, adding that the situation does need to be addressed. Clerk/Treasurer Kwiatkowski commented on the unusual weather conditions and the contract which stipulates that maintenance ends October 31 of each year. Councilman VanFleet commented on proposed minor revisions to the contract that will be presented for approval at the next City Council meeting and suggested that the yearly end date for maintenance be adjusted to a later date to better accommodate uncertain weather conditions.

Ms. Janet Gahn introduced herself and expressed displeasure with the poor condition of Pinehill Cemetery. She cited large piles of leaves; dissatisfaction and inadequate service for the \$40,000 cost to City taxpayers for the maintenance agreement; contract language that calls for the Cemetery to be cleaned the weekend prior to Memorial weekend rather than on Memorial weekend; the unfairness to those that have paid for perpetual care and are not receiving that care; the need to change the contract date to accommodate weather condition; complaints brought before Council including photographs at the August 25, 2009 meeting; an extension cord hanging from a broken window of an out-building

and the unsightly rag ultimately blocking the hole in the window; and the three-month timeframe for any potential changes or recommendations to be brought to Council for consideration.

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

Public Hearings

- **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.**

Public hearing portion of the meeting opened by Mayor Sangster.

Chief Jones provided an overview of the proposed amendment to the Snow Removal/Parking Ordinance that would prevent parking vehicles 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 of each year between the hours of 2 a.m. and 7 a.m. He noted the amendment eliminates the 30 minute parking on City streets, alleys and public parking lots between the hours of 2 a.m. and 7 a.m. in order to better enforce the Snow Removal Ordinance.

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

Councilman Kopernik moved to adopt 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. Seconded by Councilman Couture. A roll call vote was taken. Motion carried unanimously.

Department, Boards and Commission Reports

- **Department of Public Safety Monthly Statistics – October 2009**

The Department of Public Safety Statistics for the month of October 2009 were received and reviewed.

- **Regular Planning Commission Meeting – November 16, 2009
Consideration of Similar and No More Objectionable Character – Crematory Use
In Light Industrial (L-1) Zone**

City Manager McNeil referred to a request for determination of similar and no more objectionable character within a Light Industrial (L-1) District for crematory use. He also referred to information from Cheboygan Cement who is proposing the use at their location at Lafayette and Lincoln Avenue. The Planning Commission reviewed and approved the request and is recommending approval of Council.

Councilman VanFleet moved to consider similar and no more objectionable character and approve the crematory use in a Light Industrial (L-1) Zone. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

General Business

- **Consideration to Take Bids – Four Wheeler for Sidewalk Plowing**

City Manager McNeil noted the four-wheeler is one of the line items put into the budget for the Street Department with the cost to be shared by the Downtown Development Authority. Councilman Couture referred to the specifications and noted that four-wheel drive is not included. DPW Director Gall replied that four-wheel drive is intended and he will ensure the specifications are changed to reflect that requirement. He referred to the mailing list noting that Lofgren Enterprises will be included on the list. Council discussed snow removal and the use of the four-wheeler for snow removal on sidewalks.

Councilman Kopernik moved to take bids for a four-wheeler for sidewalk plowing. Seconded by Councilman Jewell. A roll call vote was taken. Motion carried unanimously.

- **Consideration to Take Bids – Refurbishing of Existing Grit Dewatering Screw at Wastewater Treatment Plant**

City Manager McNeil indicated this expense is included in the Capital line item of the Wastewater System budget and has been part of the Capital Improvement Planning process. DPW Director Gall explained that this equipment has been in service for thirty years at the Wastewater Treatment Plant and takes the sand and gravel out of the water before the water goes into the settling tanks. He added that the equipment is starting to deteriorate and now needs to be replaced.

Councilman Couture moved to take bids for refurbishing the existing grit dewatering screw at the Wastewater Treatment Plant. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

City Clerk's and Treasurer's Comments

There were no comments.

City Manager's Report

- **Receipt and Evaluation of Proposals for Legal Services**

City Manager McNeil referred to the proposals received for legal services relative to criminal and civil matters. He noted the City Attorney position is subject to the appointment of the City Manager and confirmation of the City Council. City Manager McNeil added that he would welcome a Committee of Council to assist him with evaluation of the proposals and input relative to an appointment recommendation, or he and the Department Heads can evaluate the proposals and provide a recommendation to Council. Discussion was held on legal services and it was the consensus of Council that City Manager McNeil would evaluate the proposals and provide a recommendation to Council and any dialogue or input should be directed to him.

- **2011 Capital Improvement Plan (CIP) Process**

City Manager McNeil commented that the Capital Improvement Planning Process is underway and Department Heads have been advised to submit updated capital improvement lists for the next five year period by December 1, 2009. He added that he expects to provide a preliminary budget to

Council within the next two or three weeks and recommended considering another Strategic Planning Session shortly after the first of the year.

- **City Sidewalk Replacement**

City Manager McNeil outlined the estimated cost for City sidewalks relative to sidewalk corner locations that have been deemed the responsibility of the City, noting the total cost exposure to the City would be approximately \$105,000. He commented that if the project is phased in over several years as recommended the cost would be divided and a combination of relying on cash balance and budget appropriations should be manageable. Council discussed the City's portion of sidewalk replacement. City Manager McNeil noted that is only at the street corner locations and there are a few other locations such as the Recreation Center and in front of City Hall that would be considered.

Messages and Communications from Mayor and Council Members

- **Pinehill Cemetery**

Councilman VanFleet referred to concerns expressed regarding Pinehill Cemetery and asked if complaint cards were completed. Clerk/Treasurer Kwiatkowski indicated that no complaint cards were submitted. Councilman VanFleet noted that meetings regarding the Cemetery contract have been held and although no major changes are being recommended, the Committee decided to rely on the complaint card system that is in place to address concerns. He commented on the difficulty of addressing concerns without the complaint cards because written information is provided such as dates, times and a general paper trail. Councilman VanFleet commented on alleviating what has been happening in the past year with complaints expressed at City Council meetings that should be processed through the complaint procedure in place. He added that other ways may have worked in the past but this system will be enforced now that there is a procedure to utilize. Councilwoman Lepp questioned the complaint procedure. Clerk/Treasurer Kwiatkowski explained that complaint forms are completed and submitted to the appropriate department head to address. If resolution is not reached, the matter is referred to City Manager McNeil and then to Council if necessary. Councilwoman Lepp recommended that Council receive copies of complaint forms including the corrective action for review along with Council packet information. It was noted that the information would be provided to Council.

- **Footbridge**

Councilman Bronson questioned if the footbridge is available for use. City Manager McNeil indicated the footbridge is not officially open for use because there are railing issues still needing to be addressed. Councilman Jewell asked if a grand opening will be held. City Manager McNeil commented that there are some issues relative to some of the mesh panels for the railing and other problems before plans can be made for the grand opening.

- **Art Unveiling**

Councilman Bronson distributed an invitation to Council regarding an art display unveiling at the Library on December 9, 2009. He described the size of the display which will be an outdoor installation and that an article will be featured in the local newspaper for the public to attend.

- **Personal Property Taxes**

Councilwoman Lepp questioned the status of personal property tax collection. Clerk/Treasurer Kwiatkowski noted that letters have not been sent yet but would be distributed in March 2010 after this tax season. Ms. Janet Gahn commented on a directive of Council in September 2009 for Clerk/Treasurer Kwiatkowski to send letters requesting payment on delinquent personal property

taxes. Council discussed the direction given regarding personal property tax collection and determined the intent was to look into collection to recoup delinquent personal property taxes. City Manager McNeil agreed, noting that a report reflecting the total of delinquent personal property tax was provided to Council. Council noted that delinquent personal property taxes need to be collected even if the amount due is not significant. Discussion was held on delinquent personal property tax collection procedures, the appropriate software, limited resources within the City, an option to consider Small Claims Court, and the possibility of retaining a collection agency. It was determined that another report would be provided to Council before deciding what collection procedure to pursue after letters are generated.

Closed Session

- **Police Officers Labor Council Negotiations**

Councilman Kopernik moved to adjourn to closed session at 7:52 p.m. Seconded by Councilman Jewell. Motion carried unanimously.

Councilwoman Lepp moved to reconvene the meeting at 8:27 p.m. Seconded by Councilman Couture. Motion carried unanimously.

Adjournment

Councilman Kopernik moved to adjourn the meeting at 8:28 p.m. Seconded by Councilman Jewell. 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