

REGULAR CITY COUNCIL MEETING
July 13, 2010

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 Riddle, Bronson, VanFleet, Lepp, Jewell, Sangster and Couture

Councilwoman Riddle led the Pledge of Allegiance to the Flag.

Approval of Agenda and Receive and File all Communications

Councilwoman Lepp 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

- **Regular City Council Meeting – June 22, 2010**

Councilwoman Riddle moved to approve the minutes of the June 22, 2010 Regular City Council Meeting as presented. Seconded by Councilman Bronson. Motion carried unanimously.

Public Comments

Public comment portion of the meeting opened by Mayor Sangster.

- **Tree Trimming**

Mr. Bill Burnett introduced himself and requested that the City trim a dying tree in the City right-of-way at his vacant lot on South D Street. Interim City Manager Korthauer indicated he would look into the matter. Ms. Debbie Messler introduced herself and requested a definition of property owner versus City tree, explaining that she also has an issue with a tree that needs to be trimmed. Interim City Manager Korthauer explained that a tree within the City right-of-way is considered City property and would be verified before any action is taken.

- **DPW Employees**

Mrs. Trudy Lofgren introduced herself and explained a concern regarding DPW employees and whether they are required to itemize their daily activities. Interim City Manager Korthauer stated that employees keep track of their time so the City knows which accounts to charge their time to. Mrs. Lofgren requested a list of activities conducted by the two DPW employees she observed today. Interim City Manager Korthauer indicated he would check into the matter.

- **Manhole Repairs**

Mrs. Lofgren also commented on the manhole problem on Duncan and Mackinaw Avenues, asking if repairs will be made. Mayor Sangster explained new products being introduced that are able to set the height of manholes. Interim City Manager Korthauer noted that along the State trunk line such as Mackinaw Avenue, the City would need permission from the Department of Transportation to make any modifications but that could be looked into.

- **Sidewalk Repair**

Mr. Terry Ormsbee introduced himself and commented on sidewalk and water drainage issue at his residence at the corner of Pine and Bailey Streets. He noted that another fall occurred on the sidewalk the day following his report to Council on the condition of the sidewalk and since then

caution tape was put up. He noted he has not had a response from the City with regard to what action would be taken on these issues. Mr. Ormsbee referred to City specifications and requirements regarding sidewalk having 6-inch concrete thickness versus 4-inch thickness of average sidewalks and the additional cost to property owners because of that requirement. He commented on his desire to repair his driveway and sidewalk but that finances are an issue, and questioned what if anything the City would be willing to assist him with. Interim City Manager Korthauer indicated he was going to report on that later in the meeting, adding that he has been reviewing all of the background materials on the City's sidewalk program from over the years and what Council and staff have discussed recently. He noted that sidewalks are a complicated issue for a number of reasons. The engineering aspect and how it ties into everything else; dollars are certainly a concern; and then an overall issue of fairness and how to go about doing something uniformly and strategically. Interim City Manager Korthauer noted that all of those aspects are in the process of being pulled together and that Mr. Ormsbee's property could be looked at to determine what might be done there. He explained that specifications regarding sidewalk thickness depend on whether the area is used primarily pedestrian or vehicular traffic. Mr. Chris Hudak introduced himself as a residential and commercial concrete contractor who has been retained by Mr. Ormsbee for sidewalk and driveway repair. He explained the poor condition of the sidewalk as a result of tree roots and the lack of curb face when the road was resurfaced which affects storm water drainage in the driveway. Interim City Manager Korthauer commented that this issue is not a simple one and placement of the sidewalk with regard to just drainage alone and how that fits in with curb lines and everything else has to be taken into consideration. He added that this issue would be looked into in conjunction with the sidewalk project. Discussion was held regarding tree and/or root removal, sidewalk repair, safety of pedestrians, increased foot traffic as a result of the Library addition, and storm water drainage affected by the grade of the resurfaced street. Mr. Ormsbee commented on his need to move forward with his sidewalk and driveway project. Interim City Manager Korthauer noted that the response has been delayed while trying to work through many details and that he hopes to get back with Mr. Ormsbee yet this week.

- **Brown Street Right-of-Way**

Mr. Richard Lemorie introduced himself and commented on the Brown Street right-of-way and the original 1871 Patterson plat records. He noted that he researched the property information and found that 33 feet from the center of Brown Street places his property line in his living room. Mr. Lemorie indicated that Brown Street was moved to the north from its original position and that he would like an explanation on where Brown Street actually runs and where his property line actually is. Interim City Manager Korthauer explained that pavements are often times installed within the right-of-way but not necessarily down the center of the street and that the area could be surveyed to determine property lines. He commented the matter would be looked into.

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

Public Hearings

- **Consideration of the Vacation of a Portion of an Alley in Triangle Land Company's Addition to the City of Cheboygan that fronts Lots 16 through 22 and 51 through 57 (between Division Street and Hancock Street)**

Public hearing portion of the meeting opened by Mayor Sangster.

Ms. Rebecca Rodriguez introduced herself and expressed opposition to the proposed vacation of the alley because the property in question is directly behind hers and contains a septic tank as well as part of a drain field in the alley. Discussion was held regarding the parcel of property owned by Ms. Rodriguez, water drainage on her property, properties adjacent to the alley and if the alley is paved. Interim City Manager Korthauer explained that by State law, the City Council's action would be through the vacation and would essentially declare in Council's opinion, that there is no longer a public need for that right-of-way. Additionally, should Council authorize vacation of the alley, the right-of-way would be divided equally between adjoining property owners. Discussion was held on water run off and septic system, and Ms. Rodriguez not wanting any of the vacated property. Interim City Manager Korthauer noted that adjacent property owners would be free to divide the vacated property as they see fit. He added that the installation of a septic system and water run off are separate issues and would need to be looked into.

Public hearing portion of the meeting closed by Mayor Sangster.

Councilman Couture moved to approve the vacation of a portion of an Alley in Triangle Land Company's Addition to the City of Cheboygan that fronts Lots 16 through 22 and 51 through 57 (between Division Street and Hancock Street). Seconded by Councilman Jewell. A roll call vote was taken. Motion carried unanimously.

Councilwoman Riddle requested that the circumstances involving the placement of the septic system inside the City limits be checked into. It was noted that Interim City Manager Korthauer would look into the matter.

Bills and Disbursements

- **Pre-paid Bills and Disbursements for the Month of June 2010**

Mayor Sangster referred to purchases listed by all departments except Department of Public Works. It was noted that expenses listed as all departments encompasses a combination or each department into one expense rather than listing each individually. Mr. Bill Burnett questioned item 43 regarding the footbridge dedication. It was noted the expense was paid for from the DDA Fund. Mr. Burnett also questioned a locksmith replaced locks at the footbridge site. Clerk/Treasurer Kwiatkowski stated all locks were re-keyed and the expense charged to the DDA Fund.

Councilman Couture moved to approve the pre-paid bills and disbursements for the month of June 2010 in the amount of \$264,159.12. Seconded by Councilwoman Lepp. A roll call vote was taken. Motion carried unanimously.

- **Unpaid Bills and Disbursements for the Month of June 2010**

Mayor Sangster referred to tire replacement and repair. Clerk/Treasurer Kwiatkowski explained that tire replacement and repair expenses are allocated to the Equipment Fund.

Councilwoman Riddle moved to approve the unpaid bills and disbursements for the month of June 2010 in the amount of \$19,240.92. Seconded by Councilman Bronson. A roll call vote was taken. Motion carried unanimously.

Resolutions

- **Consideration of Cheboygan County Road Commission Property-Tax Millage Endorsement Resolution**

Council reviewed the Cheboygan County Road Commission Property Tax Millage Endorsement Resolution. Clerk/Treasurer Kwiatkowski noted this issue will be placed on the August Primary ballot for taxpayers to vote on. Discussion held on the millage request and taxpayers being able to make a decision on the matter. Mr. Richard Lemorie requested that Council not endorse the Resolution and allow the matter to be voted on its own merit. A lengthy discussion was held on the three options of either endorsing or not endorsing the resolution; or taking no action, and public perception of Council either endorsing or not endorsing the proposed resolution.

Councilman VanFleet moved to take no action on the Resolution endorsing the Cheboygan County Road Commission Property-Tax Millage. Seconded by Councilwoman Riddle. A roll call vote was taken.

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

No votes: Councilman Couture

Motion carried.

City Clerk's and Treasurer's Comments

There were no comments.

City Manager's Report – Status of Various Pending Matters

- **Sidewalks**

Interim City Manager Korthauer reported as a follow up to previous discussion that he and staff began reviewing all of the materials that exist with regard to discussions on sidewalks over the years and how this issue may be approached immediately in a fair and consistent manner. He added that once staff develops some ideas on how the City might proceed, we will be getting back to Council for direction and determine if there is some type of long range solution.

- **LeGault Property**

With regard to the LeGault property, the Director of Public Safety has been working closely with the City Attorney on this issue and there was consideration of having the City Attorney attend this Council meeting to discuss the latest legal complications. He requested that staff and the attorney have additional time to review the matter further and report back to Council hopefully at the next meeting.

- **Blight**

Interim City Manager Korthauer referred to blight that was discussed at the last Council meeting, noting that the DDA discussed the possibility of having a part-time Parks & Recreation employee available to spend some additional time downtown and the DDA Board agreed upon an arrangement of two hours per day, five days a week or a total of 10 hours per week. He noted that as part of that arrangement, Ms. Michelle Corsault was substituting at City Hall with custodial duties and will now be splitting time between City Hall and downtown. Interim City Manager Korthauer explained that it is uncertain what the demand might be in either area and this is merely a start, and it may be that more time is required downtown than at City Hall. He commented that if Council has no objections, that arrangement will proceed and Council will be kept informed.

- **Foreclosed City Properties**

Interim City Manager Korthauer reported that Council discussed the foreclosed City properties that the City has an opportunity to acquire from the County. He commented that Council had an

opportunity to review the properties and made a decision not to proceed with any of the foreclosed properties.

- **City Income Tax Committee**

Interim City Manager Korthauer noted there was also discussion at the last City Council meeting with regard to the Committee looking into the City Income Tax and the thought was if Council would like to proceed, staff will contact Council and schedule some meetings to get that group back together.

- **City Manager Recruitment**

Interim City Manager Korthauer stated that with regard to City Manager recruitment, he has all of his information except one item into Ms. Caroline Kennedy of the Michigan Municipal League who is beginning to pull all of that information together and a schedule in terms of advertising will be available as well as draft materials for Council to review based on Council and community member input.

- **Former Woolworth Building**

Mrs. Lofgren asked if there are any bids going out for demolition of the former Woolworth building. Interim City Manager Korthauer stated that no bids have been put out as yet but all the information has been pulled together. He added that as a requirement of that grant, request for proposals and request for qualifications will have to be sought and those materials have been drafted. He also commented that he mentioned to the DDA that he requested a landscape architect that he has worked with for years to develop some other concepts for that project as well as the Washington Park project. He noted the architect has materials to provide for review next week. The Woolworth building and Washington Park project are in the works as well as the portion of the grant that deals with the wayfinding signage. Interim City Manager Korthauer noted that he has been working with MDOT officials and are finalizing the permit process for the installation of those signs along trunk lines.

- **Footbridge Construction**

Mr. Chris Hudak introduced himself and provided a detailed outline of issues concerning the footbridge construction including an incident involving unsafe working conditions that resulted in a serious accident, problems with elevator access doors on the interior of the elevator shaft, stairwell columns on the east side of the river, steel supports and stairwell pad misplacement, the appearance of the footbridge, and additional expense to taxpayers to resolve these problems. Mayor Sangster noted that issues with the landing have been an ongoing debate. Additionally, the DDA Board is the appropriate entity to address these issues and that the Board relies on the engineer for input. Discussion was held regarding the practice of awarding projects to the lowest bidder which may not always be prudent in that services may not be comparable. The trailhead project was used as an example. Mayor Sangster commented on request for qualifications in relation to projects and relying on the engineer for input. It was noted that Interim City Manager Korthauer would follow up on the issue.

Messages and Communications from Mayor and Council Members

- **East Side Business District Signage**

Mayor Sangster questioned the status of signage for the east side business district. Interim City Manager Korthauer commented that the DDA Committee agreed to include the east side message on the downtown signs so everything would be rolled into that contract. Additionally, that will be done in all cases except for one stand alone sign and that all of the signs that are going to be installed are within the State right-of-way and the information will be included in the permit process to the State.

- **Hockey Association Contract**

Councilman Bronson questioned the status of the Hockey Association contract. Interim City Manager Korthauer noted that he will follow up directly.

- **Soft ball Field**

Councilwoman Lepp commented on the ball field closest to the Ice Rink/Pavilion where grass is cut except in one large area where foul balls are lost. Interim City Manager Korthauer stated the area may have to be leveled before it can be cut and that he will check into it. Councilman Bronson also noted a drainage system in that area.

- **Summer Tax Bill Increase**

Councilwoman Lepp also asked about tax bills and the increase noted on the summer bills, questioning why taxpayers were not notified of the increase in advance. Interim City Manager Korthauer explained that the school district's levy is now on the summer tax bills rather than on winter bills. Clerk/Treasurer Kwiatkowski added that the action was approved by Council. He also commented on jurisdictions throughout the State that are combining taxes onto one tax season. Councilman Jewell noted that the townships sent detailed letters explaining the tax bills so people knew in advance what was taking place but the tax bills from the City did not say anything.

- **Great Lakes Tissue**

Councilman Jewell questioned the status of Great Lakes Tissue bankruptcy proceedings. Interim City Manager Korthauer noted the attorneys are still working on that. He added that the attorneys representing several of the other creditors have since also objected to the proposed settlement. The judge has ordered another hearing which may have already occurred, but all the attorneys are going to get back together so it is still ongoing. The attorney representing the MEDC and in affect, representing the City, has explained that this is all part of the process. It is still not done and he feels it will go on for a while longer yet.

Adjournment

Councilwoman Lepp moved to adjourn the meeting at 8:16 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