

REGULAR CITY COUNCIL MEETING
October 10, 2017

The Regular City Council Meeting was called to order by Mayor Bronson in the Council Chambers at City Hall at 7:00 p.m.

Roll Call:

Present: King, Riddle, Couture, Kwiatkowski, Bronson and Temple

Absent: Lavender

Mayor Bronson commented notice was received that Councilman Lavender was not able to make tonight's meeting.

Councilman King moved to excuse Councilman Lavender; supported by Councilwoman Kwiatkowski. Motion carried unanimously.

Councilman King led the Pledge of Allegiance to the Flag.

Public Comments:

Mr. Louis Vallance introduced himself, stating he is the infamous letter writer to the Editor. He stated he is here to get an answer from the City as to the ditches on the east side of town and the trench that needs to be done before winter, noting he has heard we are supposed to have one heck of a winter. This inaction by the City needs to stop and needs to stop now. Mr. Vallance went onto state they are paying taxes and for City services they are not getting. The ditches need to be cleaned out and the trench needs to be done between Duncan Avenue and Duncan Bay. He has been given a song and dance about "we have to wait until after Fall Clean-Up, we have to wait until the snow flies, and we have to wait until this happens and this happens. Mr. Vallance commented he has been waiting too long. His family has property on Eastern Avenue and cannot afford another flood-out, asking what the City is going to do to address this once and for all to get these ditches cleaned out properly and get the culverts taken care of and get the drainage ditch cleaned out from Duncan Avenue to Duncan Bay. He would like to know when this is going to be done. He is tired of this delayed, denied or refused attitude. Mayor Bronson asked if that is his comment. Mr. Vallance replied yes and the fact that they have no City water or City sewer on that side of town, which they are paying taxes on for services they are not getting. Fifteen or twenty years ago the City was going to get a nasty gram from the MDEQ between the old City dump on Eastern Avenue from Lincoln Avenue to Vanyea Road where the manufacturers in that area were dumping their waste and it would be to the point where it would glow in the dark at night. They took the old City landfill and put it over there and it is contaminating all of the ground water that is over there. What is the City going to do about putting water and sewer from the Plaza to the City line? Again, they are paying for services they are not getting and have been paying it for decades and Mr. Vallance thinks it's time they are owed this as taxpayers to get this done. Mr. Vallance then commented we need to get with Meijer and get them into the town instead of worrying about Inverness Township. He then asked what he can expect to see from the City. Mayor Bronson stated this is public comments and not a time for a discussion. Mr. Vallance stated he wants to get a response. Mayor Bronson informed Mr. Vallance he needs to talk to the City Manager, but we are not going to have a discussion tonight and that is not what public comments is for. Mr. Vallance stated this is the only time he can get Council all together. Mayor Bronson stated Mr. Vallance has made his comments.

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Mrs. Trudy Lofgren stated she does not like Public Comments right at the beginning because then she doesn't know what Council is going to talk about. She was wondering if there is any headway at all with Meijer's, where are we at, and are we starting all over? City Manager Eustice stated he was going to talk about it later and can certainly answer any questions she has. Mayor Bronson replied the City has not received any notification about our last proposal to the Township. Ms. Lofgren asked if there was a deadline. Mayor Bronson replied two weeks ago. City Manager Eustice explained the City has responded by letter just today to the Township and made some changes to our agreements for their consideration.

Ms. Carol Whittaker introduced herself stating she is from the City of Cheboygan and has been going to the Inverness Township Board meetings. The last one she went to they had a closed session because of having received a response from the City. Ms. Whittaker went on to state she is getting a little frustrated noting there is no Tribune in town, no K-Mart, there are two buildings downtown that are going to be torn down, plus making a parking lot, and several businesses have closed up. We started with Meijer's November 14, 2014 and it has been pushed back and forth, back and forth, like a yo-yo and it is sad. She does not do a lot of shopping herself, but she feels for families that have children in school or college or they have them home or are helping with older people, and we have two places to shop at – Walmart and Family-Fare. It is sad we can't get a business in here instead of tearing down the Gold Front and two other businesses to make another parking lot. Ms. Whittaker commented when she was in school in the 1950's you never saw a parking lot in the middle of Main Street. It is too bad the City and Township cannot get together and hit a happy ground and go together and get this Meijer's going somehow, instead of passing it back and forth. She noted at the last meeting at Inverness Township, they had their regular meeting and when they got the notices from the City they would not explain it to us; they had a closed session and when they went back in they did not want to tell us anything that took place and said the meeting was adjourned. Those attending stood outside for about an hour. Ms. Whittaker stated this is sad because they are representing everybody in our County and does not think Inverness is listening to what the people of the County want.

Approval of Agenda, and Receive and File all Communications:

Councilman King moved to approve the Agenda and receive and file all communications; supported by Councilwoman Kwiatkowski. Motion carried unanimously.

Approval of Prior Meeting Minutes:

Councilwoman Riddle moved to approve the Regular City Council Meeting Minutes of September 26, 2017 as presented; supported by Councilman Temple. Motion carried unanimously.

Bills and Disbursements:

▪ Prepaid Bills and Disbursements for the Month of September 2017.

Mayor Bronson inquired on item no. 7, Charter Communications, stating the footbridge appears twice and wondered if there are two phones. Clerk/Treasurer Kwiatkowski explained they had one phone on one of the elevators, but the other wasn't installed, noting there was a one-time \$99.00 installment fee. Councilwoman Riddle asked if everything is working on the footbridge now, i.e. telephones, elevators. City Manager Eustice stated there is still a water issue in the bottom of the west elevator that we are trying to rectify, but it is operable. Councilwoman Riddle asked if this needs to be addressed before cold weather hits. City Manager Eustice stated it does not necessarily have to be. We believe it is just ground water seeping into the bottom of the elevator shaft housing. We probably are going to have to

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do some drainage in and around the elevator shaft to get the water away from that, and it may have to be engineered. It is going to be fine for the winter.

Councilman King moved to approve the prepaid bills and disbursements for the month of September 2017 in the amount of \$452,246.97; supported by Councilwoman Kwiatkowski. A roll call vote was taken; motion carried unanimously.

▪ **Unpaid Bills and Disbursements for the Month of September 2017.**

Mayor Bronson noted an amendment to the unpaid invoices. Clerk/Treasurer Kwiatkowski stated there was an addition, Compass Minerals America, noting the invoice was received on Monday.

Councilman King moved to approve the unpaid bills and disbursements for the month of September 2017 in the amount of \$47,769.07; supported by Mayor Pro Tem Couture. A roll call vote was taken; motion carried unanimously.

Councilwoman Riddle asked what leak needed to be repaired at City Hall. Clerk/Treasurer Kwiatkowski explained there was a leak backstage and also in the office area there was a backup due to condensation in an air conditioner. Councilwoman Riddle asked if there was another roof leak. City Manager Eustice stated the leak in the backstage was pretty significant. Chief Jones explained it was a steam pipe valve.

General Business: *None.*

City Clerk's and Treasurer's Comments:

- **Audit** – Clerk/Treasurer Kwiatkowski stated they will be starting Monday on the City's audit.
- **WWTP Insurance Claim** – Clerk/Treasurer Kwiatkowski informed Council the insurance claim for the Treatment Plant is officially closed and we just got the last check in the mail for \$255,000.00.

City Manager's Report:

- **Meijer's** – City Manager Eustice stated he did send a letter today, by certified mail, to the Township Board along with a 425 Agreement, Revised Sewer Agreement, and we are also working on a revised Water/Sewer Utility Service Agreement and City Attorney Stephen Lindsay is drafting a letter in that regard to be sent to the Township, so they have those options still available. The County Commissioners have offered to do mediation and he thinks if we can't resolve this issue very soon, we may have to go into a mediation session with the Township to try and work out the differences and come to an agreement, whether it be a USA or a 425 and a Sewer Only Agreement. We made some changes and concessions in the USA, the 425 and the Sewer Only Agreement, so we hope they look at those favorably and are hoping they will come back and make some concessions themselves or some sort of a counter-offer. If not, the next step might be to go into mediation and have an independent mediator look at both sides of the issue and help us work through the differences. Mayor Pro Tem Couture commented the mediator isn't anything; there is no arbitration. It is basically a group discussion and it can't be done with full members of the Board. City Manager Eustice replied that is correct so it might be two or more sessions. Mayor Pro Tem Couture said it doesn't change anything to be honest; it's just more eyes are looking at it. It should be all public knowledge anyway. Mayor Pro Tem Couture asked if the Township has a 425 in their hands, which works the best for the City.

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City Manager Eustice replied yes, it was mailed by certified mail and e-mailed to Mr. Ron Neuman today.

▪ **FallFest** – Mayor Bronson asked the City Manager to report on FallFest. City Manager Eustice reported it rained part of the day on Saturday and Saturday night, but it went very well. There probably was a little less in attendance than expected, but there was pretty good attendance for most of the events. The lighthouse tour was canceled due to the weather; the Ottawa Park art painting was moved indoors to Purple Tree Books; and the pumpkin art session for the kids was very well attended, noting they ran out of pumpkins for kids to paint. Councilwoman Riddle stated it looked like the kids were having a really good time. City Manager Eustice stated there were a lot of people downtown considering the weather. He thinks the Committee learned a lot and thinks it will be something we look forward to in the future. With the sponsorships they had and how the community stepped up, it is going to be profitable and will have a good start on next year. Sunday was a great day with the Cemetery tour going well. Clerk/Treasurer Kwiatkowski commented Friday night they had the Native American event at the City Beach, which he attended and there was well over 100 people. He then stated the main concern with the Festival was if they could raise enough money to cover the expenses and they did, noting they have a surplus for next year. He also explained it is going through the City's books and the surplus will sit there until next year, noting they think they can build upon that quite a bit.

▪ **East Side Drainage** – City Manager Eustice stated he will briefly address Mr. Vallance's concerns regarding the east side drainage, which has been a long term issue on the east side. We constantly try and move water through that area and take vegetation out. We have cleaned Sangster Creek out and the ditches on Butler and the County has also done some work on Butler, noting the east side of Butler is taken care of by the County as are the ditches on US 23, east of Eastern Avenue. City Manager Eustice then stated the Tip of the Mitt Watershed Council has a grant program and the City is applying for that grant. It is a significant fix as far as dollars are concerned. To clean out the eastern drain, which is the ditch that Mr. Vallance mentioned from Duncan Avenue to Lake Huron (the Bay), is going to be very expensive to clean out. We also need to clean out Smith Creek, which is part of the Black River Water Shed, and we are trying to get funding to do this. We don't have the capabilities internally to be able to fix that issue; we will likely have to contract the eastern drain to somebody like Ryba Marine or Kokosing to get a barge and crane in there to get the vegetation out and the trees that are knocked down blocking the drain. We don't have the equipment to pull that stuff out. Mayor Bronson stated he and DPW Director Karmol met with the Tip of the Mitt and there were other people involved concerning the drains and funding proposals. The Tip of the Mitt is working on that and to see if it applies to what we want to do and if we are able to get that money. City Manager Eustice commented the Tip of the Mitt Water Shed Council understands the Duncan and Grass Bay Water Sheds are very important to drainage on the east side, so they are going to try and help us get the area cleared out. Councilman King commented the water level has risen quite a bit, asking if we are able to get this done he would really like to see us maintain it so we don't end up in the shape we are in right now with vegetation and over growth. One of the first things he did, once elected, was to take a trip with Mr. Cam Cavitt who showed him the concerns he had with the drainage with the Water Shed and a lot of stuff has sat for years without any attention. Councilman King asked if there is a timeline on the grant or is it in discussion right now. City Manager Eustice stated he does not know the exact timeline, but it is certainly something we are not going to get until the spring. He then commented it is an issue that we need to continue to address and work on, noting that whole area has always been difficult to drain. The elevation from Vanyea Road to Lake Huron on the east side is the same – it is completely flat. There are some areas where we have dug the ditches out on the wrong end; they are

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lower away from the Lake then they are going towards the Lake. The water flows towards the Lake which is where we get a lot of pooling. Mayor Pro Tem Couture asked if this is something the Drain Commissioner actually gets involved in. Mayor Bronson commented he was at the meeting, too. City Manager Eustice stated the Drain Commissioner has helped us with the Butler Road ditches and so forth. Mayor Pro Tem Couture asked if the Drain Commissioner is County. City Manager Eustice replied yes. Mayor Pro Tem Couture stated it is definitely worth keeping that conversation open with them. Councilwoman Riddle said one of things that was said at the Utilities Committee Meeting is that because the water flows from out of the City to Lake Huron, not only is it City groundwater but groundwater from the surrounding Townships and feels it is really appropriate the Drain Commissioner is involved. It is something we need to deal with, because if it gets backed up it gets backed up down the road, too. City Manager Eustice stated Mr. Cavitt keeps a very close eye on the Black River Water Shed, noting it drains the west side along the school system all the way north to Lake Huron. Mayor Bronson noted Mr. Cavitt's job really doesn't have any funding. Councilwoman Riddle stated there can be support, which would be helpful in the grant process. City Manager Eustice noted Mr. Cavitt does provide that and has helped us a lot with that.

- **Development Committee Meeting** – City Manager Eustice asked if the Development Committee can meet at 10:00, Thursday morning. Mayor Bronson and Mayor Pro Tem Couture replied no; Councilman Temple replied yes. City Manager Eustice stated he will call or e-mail the Committee Members in the morning and see if we can put something together.

Messages and Communications from Mayor and City Council Members:

- **Recreation Commission Meeting** – Councilman King inquired on a Recreation Commission meeting. City Manager Eustice stated it is likely that Mr. Harry Burkholder will be here next Wednesday for the Regular Meeting. He has not confirmed it yet, but he thinks he can be here for the regularly scheduled meeting next Wednesday night. If not, he is going to try and get him here in the daytime, realizing Councilman King will be in school. Mr. Burkholder will be a great resource, and they are trying to get his schedule together to meet with us. Mayor Bronson stated the Commission has enough to talk about without him being here, right. City Manager Eustice replied yes. Councilman King commented talk about maybe, but there are things they have asked for through the Commission, that he has been present for, that they haven't seen. We want to hear from Mr. Burkholder to kind of educate the Commission on some options and it's tough to get anywhere without knowing those options. Mayor Bronson stated it would be better if Mr. Burkholder were present. Councilman King reiterated there is data the Commission has asked for that is kind of crucial to moving with this. Mayor Bronson commented this meeting is now an evening meeting. City Manager Eustice and Councilman King answered yes, at 7:00 on Wednesday.

- **“C” Street Burned-Out House** – Councilwoman Kwiatkowski stated concerns were brought to her about the burned out house on the east side and asked for an update. Chief Jones stated they are still citing him monthly and waiting for the District Court to issue a bench warrant noting there is asbestos. City Manager Eustice asked Chief Jones if the owner got some insurance money. Chief Jones replied not on North “C” Street, but there is insurance money for the last fire up on Brown Street. Mayor Pro Tem Couture stated there was concern brought up with air borne mold and asbestos, asking if there is nothing we can really do. Chief Jones replied no, unless the City wants to tear it down. Councilwoman Kwiatkowski asked if there is asbestos in the “C” Street home. Chief Jones answered a small amount of some old asbestos piping. Councilwoman Kwiatkowski stated this is obviously not getting us anywhere, asking if there is some action we can do. City Manager Eustice replied the owner will give it to us and we can tear it down, noting the cost is \$13,000.00. Councilwoman

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Kwiatkowski asked if we are not going to end up doing that anyway and isn't sooner rather than later better for the people who live around it. Mayor Pro Tem Couture stated his thought on that scenario, and thinks it has been brought up and talked about before. Yes, there is a quick fix for the place if it sits in a municipality, i.e. City, who can take it and tear it down and make it a lawn; however, there is a process in place for it to happen. He knows it is a long process, but if we do it for one then we set a precedent and there are a lot of things that need our attention – no doubt about it. Mayor Pro Tem Couture stated the Gold Front is the same thing, but on a much bigger scale. It is hard for him to earmark that; does he want that there anymore – no, but the process is what it is. If there is a failure, it's a failure in the process to get it handled. Councilwoman Riddle asked if the Gold Front building was condemned. Chief Jones replied no. Councilwoman Riddle asked if it just was not viable in terms of making something out of it because of the mold and disrepair. Chief Jones stated if someone wanted to invest a lot of money it could be repaired, but it is about one-half million. Councilman Temple stated the Gold Front it not the City's problem, it is the County's.

▪ **Possible Money for Blight** – Mayor Bronson stated he attended a meeting last week with MDOT, MEDC, MDEQ and the MDNR and there were about 22 people from various agencies representing Northern Michigan. The City Manager was down State and asked him to attend; also, DPW Director Karmol was there, in addition to City Engineer James Granger and John & Marcella Costin attending because they have the Façade Program going on. He reported one of the things he brought up and they talked about was somehow to address blight and if there is money available through the State to take care of those things. He did get encouragement to try this or call here, which he has not shared with the City Manager yet. Mayor Pro Tem Couture stated Councilman Temple's comment that the Gold Front is the County's problem, but it is still a taxpayer problem whether it is the City or the County or the State. It is coming out of our pockets and your tax dollars that could be used for something pleasurable, i.e. better roads. But to knock down a building is a horrible problem that not just we have, but it is all over. For us to start, \$13,000.00 is a small amount and there are already tax dollars being spent through the system to take care of these things. Mayor Pro Tem Couture gave the example of Michigan auto insurance where we are paying for someone who does not have insurance and gets hurt real bad. Councilwoman Kwiatkowski asked what comes next after the bench warrant. Chief Jones informed Council the defendant would be jailed and then appear before the Judge, noting we would most likely pick him up down State. He would then be ordered by the Court to demolish and remove the home. The problem is he is just looking to feed a family of six and does not have any money. Usually when they are facing confinement they somehow come up with the money and hopefully that happens. Mayor Bronson commented there was a house on Mackinaw Avenue that we said needed to be torn down and the homeowner did it. It is possible for a motivated person to get that done and the house on Mackinaw Avenue was a bigger house than the one on "C" Street.

Mayor Bronson stated if there are any government students in the audience that need signatures for attendance the Council will take care of that now.

▪ **Gold Front Property** - Councilwoman Riddle asked City Manager Eustice if the County is still looking at trying to market the property for the grant money they spend on the Gold Front to tear it down to see if someone would make it viable. Mayor Bronson explained the only reason the parking lot was put into the grant is because they had to have a conclusion for the property, but everyone prefers to have some development there. City Manager Eustice stated the County can sell that property to a developer or investor. Councilman King commented it is good to read about things before you go on hearsay. One thing that is really irritating him as of late is the spinning out of control

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on the misinformation. If something is public knowledge please do your research before you take to whatever platform it is.

Adjourn to Closed Session:

Mayor Pro Tem Couture moved to adjourn to Closed Session for the POLC Contract Discussion at 7:42 p.m.; supported by Councilwoman Kwiatkowski. A roll call vote was taken; motion carried unanimously.

Reconvene from Closed Session:

Mayor Pro Tem Couture moved to reconvene from Closed Session at 8:34 p.m.; supported by Councilman Temple. A roll call vote was taken; motion carried unanimously.

POLC Contract:

Councilman King moved to approve the POLC Contract, effective July 1, 2017 to June 30, 2020, as presented; supported by Councilman Temple. A roll call vote was taken. Yes votes: Temple, King, Kwiatkowski, Riddle and Bronson; No votes: Couture; Absent: Lavender. Motion carried.

Adjournment:

Councilman Temple moved to adjourn the meeting at 8:36 p.m.; supported by Mayor Pro Tem Couture. Motion carried unanimously.

Mayor Mark C. Bronson

Clerk/Treasurer Kenneth J. Kwiatkowski

Councilman Joseph Lavender

Councilwoman Winifred L. Riddle

Councilman Vaughn Temple

Councilman Nathan H. King

Mayor Pro Tem Nicholas C. Couture

Councilwoman Betty A. Kwiatkowski