

**REGULAR CITY COUNCIL MEETING**

**October 11, 2022**

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

**Roll Call:**

Present: Kwiatkowski, Tebo, Raab, Darling, Mills and Bedwin.

Absent: Mallory

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

- Councilman Kwiatkowski moved to approve the agenda and receive and file all communications. Seconded by Councilwoman Mills. Motion carried unanimously.

**Approval of Prior Meeting Minutes:**

- Councilman Darling moved to approve the Regular City Council meeting minutes of September 27, 2022, as presented. Seconded by Councilman Bedwin. Motion carried unanimously.

**Departments, Board and Commissions:**

- Office of Emergency Management Monthly Report, September.
  - Councilwoman Raab expressed her gratitude for Lt. Runstrom's report every month.
- Cheboygan Fire Department Monthly Report, September.
- Cheboygan Police Department Monthly Report, September.

**Bills and Disbursements:**

- Prepaid Bills and Disbursements for the Month of September 2022.
  - Councilwoman Darling moved to approve the prepaid bills and disbursements for the month of September 2022 in the amount of \$837,286.76. Seconded by Councilwoman Mills. A roll call vote was taken, motion carried unanimously.
- Unpaid Bills and Disbursements for the Month of September 2022.
  - Councilwoman Raab moved to approve the unpaid bills and disbursements for the month of September 2022 in the amount of \$74,033.46. Seconded by Councilman Kwiatkowski. A roll call vote was taken, motion carried unanimously.

**General Business:**

- Interlocal Agreement with Cheboygan County.
  - City Manager Sabolsky commented that he would like a representative from the County to come and present to the Council regarding what the recycling program does and give us an update on the recycling program. Sabolsky said we provide about \$55,000 to the recycling program and the operational budget is around \$300,000.
  - Councilwoman Raab asked what have we done in the past?

- Councilman Kwiatkowski said he has been involved in past agreements and this is pretty much a carbon copy of the old agreements. Councilman Kwiatkowski thinks the recycling program is a great service. He has read the document and he is ready to vote for it.
- Councilwoman Raab commented that it is a service that we need. She is not sure what the County would come and tell us that the agreement doesn't already tell us.
- Sabolsky commented that those involved pay \$102,000 for employees. Sabolsky asked, what does that entail? Where do the recycled materials go? Who hauls it away?
- Mayor Tebo said the County has a truck come haul it away.
- Sabolsky commented again that someone should come and speak about the program. It was our fault that we didn't invite anyone to come and speak at the meeting today, but he does think some questions need to be answered before this agreement is signed for 6 years. Sabolsky just has some questions.
- Councilman Kwiatkowski commented that Sabolsky is speaking in a way that the City pays for the recycling program; it is on the tax bill and people are paying towards the recycling program when they pay their winter tax bill yearly.
- Councilwoman Mills and Councilwoman Darling expressed that they do want to ask some questions.
- Councilwoman Mills moved to table the Interlocal Agreement with Cheboygan County until the next meeting of October 25, 2022. Seconded by Councilwoman Darling. A roll call vote was taken. Ayes from Mayor Tebo, Councilwoman Darling, Councilwoman Mills, and Councilman Bedwin. Nays from Councilwoman Raab and Councilman Kwiatkowski. Motion carried.
- Amendment of Planning Commission By-Laws.
  - Sabolsky commented that they have been working with the Planning Commission regarding their by-laws. They thought that they had been passed and in effect but they were never formally approved. They are here in front of Council today for formal approval.
  - Councilwoman Mills asked who is currently on the Planning Commission.
  - Sabolsky answered David Sullivan, James Granger, Michael O'Brien, Roger Kopernik, Linda Rogers, Christine Khan-King, and Bill Horntvedt.
  - Councilwoman Darling asked if all Commissions have by-laws and if they should.
  - Sabolsky said not all Commissions have by-laws and he thinks they should.
  - Clerk Singles commented that she thinks the Parks and Recreation Commission did draft some by-laws and she can send them.
  - Sabolsky commented that Parks and Recreation Commission has by-laws that they thought were officially passed by Council but never were.
  - Councilwoman Raab asked if it is a State requirement or a City requirement to have by-laws.
  - Sabolsky commented that he doesn't believe by-laws are a requirement but he does think by-laws are necessary and Boards and Commissions should have them.
  - Councilman Kwiatkowski asked what the amendments were.
  - Sabolsky said things such as Commission Secretary and record keeping. A lot of it was wording. The Planning Commission did vote to approve.

- Councilwoman Darling asked regarding section 9 of the by-laws. The section states that Commissioners cannot participate in the meeting by teleconference or two-way communication equipment. What about the Open Meetings Act?
- Sabolsky said a Commissioner can listen but they cannot participate.
- Clerk Singles said they can participate. Attorney General Nessel has amended the OMA allowing people who are unwell/sick to participate in meetings.
- Sabolsky commented that in January the only people allowed to participate that were not attending the meeting in person were those in the Armed Forces.
- Discussion regarding OMA commenced.
- Parks and Recreation Commission Chair, Dale Rieger, said that there was an amendment to the OMA in July 2022.
- Clerk Singles pulled up the current OMA and read it to Council.
- Sabolsky changed the wording in the section to discuss the OMA, and they have to follow whatever the OMA is allowing or not allowing as it changes.
- Discussion was had regarding participation and voting.
- Councilman Bedwin asked why this was in front of Council today.
- Sabolsky said that these by-laws should be approved by the Council.
- Councilman Bedwin said that there should be another section edited; Article VI: Amendments.
- Sabolsky changed it to “These by-laws may be altered, amended or repealed by the affirmative vote of majority of the Board, then in office, at any regular or special meeting called for that purpose with subject of approval of the City Council.”
- Councilwoman Raab moved to approve the amended by-laws of the City of Cheboygan Planning Commission with the added changes by Council. Seconded by Councilwoman Mills. A roll call vote was taken, motion carried unanimously.
- Bill from E.F. Wilkinson & Sons, Inc.
  - Sabolsky discussed an email he sent to Council explaining why he needed to move forward with this. Since then, there have been a number of days that he has hired Wilkinson or Rogue Industrial (the company cleaning the sewer lines) to help because we have had 5 or 6 additional sink holes that have appeared along South Huron. We have replaced about 150-175 feet of pipe and that is just sewer. We do have issues with storm sewer there along with water issues and road issues. We have a similar issue appearing on Cuyler Street. There may be similar bills coming in front of Council for that street as well.
  - Councilman Bedwin asked where on Cuyler Street is this problem.
  - Sabolsky commented that it seems to be around the hill.
  - Councilwoman Mills asked where this money is coming from. Is it coming from a grant?
  - Sabolsky said this is coming from the Sewer Enterprise Funds.
  - Councilwoman Mills asked if there is a line item for these kind of emergency repairs.
  - Sabolsky said no. There is some money in there that we did not appropriate in that fund.
  - Councilman Bedwin commented regarding the motion. It says payment of \$28,784.80, but the sheet in front of Council says ‘estimate’. They quote us at 240 feet of sewer line. When Councilman Bedwin drove over there over the weekend, he saw a bunch of sewer line that was not in the ground. How much did they actually put in the ground?

- Sabolsky said he would have to ask Jason Karmol that question. The pipe that Councilman Bedwin saw is the contractor's pipe, not ours. They are anticipating that they will need to use the pipe.
- Sabolsky said we should be getting a real bill from them, but that is the amount. It was agreed not to exceed that price.
- Ray Lofgren said that he sees the motion is for a sink hole, yet we are talking about sewer line. He believes it was July of 2018 or 2017, there was a sink hole at the same location and the City Manager at that time had Mr. James Granger declare that road an emergency and shut it down. The Council at that time approved some \$80-90,000. He is wondering because it doesn't say sewer, it says sink hole, if that is now another \$20-30,000 for the storm water.
- Sabolsky responded that it was both. The storm water eroded some of the area in there and the pipe was insufficient to hold itself so that collapsed. But then when we started digging, we were finding other sink holes. It was a combination of the sewer leaking and the storm sewer leaking that created the sink hole.
- Councilwoman Mills said if \$90,000 was spent 5 years ago, is this the same issue?
- Sabolsky said it can't be because the pipe that they took out was a composite pipe and they have not used composite pipe in 20-30 years. So it was a different area.
- Councilwoman Darling moved to approve the payment to E.F. Wilkinson & Sons, Inc. in the amount of \$28,784.80 for sink hole repair on South Huron Street. Seconded by Councilwoman Mills. A roll call vote was taken, motion carried unanimously.

### **City Managers Report**

- Sabolsky reported that regarding Huron Street, he wants to make sure people understand that we have a number of collapses and we are trying to fix them. This on Huron Street is only a temporary fix. There will be other issues on that street. We have the issues on Cuyler Street that need to be addressed.
- Regarding the Police Chief search, that closed at the end of September. Sabolsky has started calling the hiring committee members today to see what they would like to do. We have three possible choices. One being to interview the one candidate. Two would be to post again with a higher salary and then the last option would be to explore other options. Sabolsky will let Council know what they would like to do at the next meeting.
- There were new grant opportunities announced with the governor's office. One has about 23.3 million in funds. This is to address blight issues. We are going to work with the NLEA to write the grant. There are a lot of structures here in the City that can be torn down. Sabolsky told Council if there are any structures they know of that people are not living in that could be condemned/torn down to let Sabolsky know so that we can submit those with the grant application.
- Regarding the personnel policy, Sabolsky has been looking at other municipal personnel policies. We are running into some problems that are not covered clearly in the personnel policy we currently have.
- Councilwoman Raab asked what kind of problems are coming up?
- Sabolsky responded how to pay out vacation and sick leave, etc. Just want to make sure there are clear guidelines for things. Sabolsky gave an example of a past employee we had and their

phone bill was still being paid by us. Payment in lieu of taking healthcare was also still being paid. That cost us about \$12,000 in legal fees to straighten out.

- Sabolsky met with the staff of NEMCOG. They are going to see what kind of services they can provide for us. Hopefully we can get some help from them.
- There was a contractor that came out to take a look at the dam on the golf course. This goes back to who owns it, who manages it and who cleans it. The dam is on the States list for threatened/critical issues. We hired an engineer to go through it and there are some issues.
- Sabolsky said he has been working with Buddy Ormsby. They have gone out to talk to some of the Townships to start putting that group together to address the Black River Watershed issue. How can we share the cost of the problem? Sabolsky says he can't take the chance of that dam letting go, so this fall we will probably go out and do some temporary fixes. He is currently working on what the cost would be.
- Councilman Kwiatkowski asked regarding retired healthcare, says it should be all cut and dry in the contracts.
- Sabolsky said that they found some of the old contracts but when you change from one contract to another contract, sometimes those benefits go away and we were trying to find out if they did or not. There are all kinds of policies that need to be looked at. Sabolsky passed around an old policy that is still active saying that the City Manager gets \$10 per every cent that there is for reimbursement for the IRS mileage study. Currently the IRS mileage reimbursement is 62.5 cents. So Sabolsky would get \$10 dollars per cent per month for a car allowance. That is why we are looking at the policy manuals. It is still in effect from 2002.
- Councilwoman Raab asked about the K-Mart property. Councilwoman Raab said All Aboard Boat Storage is all over Facebook with phone numbers, fax numbers, contracts, you can email them etc. It doesn't show the location so Councilwoman Raab commented asking where they are located and they are in the K-Mart property. Councilwoman Raab said her and Sabolsky talked about this a few weeks ago and at that time nothing had been decided. She is curious if that has to come through the City or in front of Council?
- Sabolsky said that they pulled the permit as required. There was no change to the structure. They were able to submit their application and payment. It is an acceptable use at the property so it was approved. It does not have to come through Council.
- Councilwoman Darling would like to know when permits are pulled so if she is asked questions by people, she can answer them effectively.
- Sabolsky said they will try to do so.
- Councilwoman Raab said she sent a question regarding the property on Lafayette across from the cement plant. It is being cleared and it looks like something is going in there. She heard from a citizen that storage lockers are going in there and the City owns that property. Councilwoman Raab told the citizen that the City does not own that property and she doesn't know what is going in there. She emailed staff and it is property owned by the cement plant and there had been no plans submitted to the City at that time.
- Councilwoman Mills said Sabolsky is doing a radio communication segment and asked how often he is doing this.
- Sabolsky said he does this once a month with the radio station and they play it throughout the month. They talk about a number of different things. He will soon get a schedule and give it to

Council. Do we want to have a segment where people can ask questions? It does cost about \$150 a month. We were on the news recently regarding the sink hole on Huron.

- Councilman Kwiatkowski talked with Chris Lindsay before the meeting and he noted that by the old jail, there is a field with a bunch of stakes with red tags on them. Wanted to know if that is development.
- Sabolsky said he knows the old co-op sold and they were going to get a survey to see where the property lines were. So most likely they were getting a survey done, but Sabolsky doesn't know what is going on there for certain.

**City Treasurer's Comments:**

- Revenue & Expense by Fund, September 30, 2022.
- Blaskowski worked with BSA today doing a live run for the new State chart of accounts. Regarding the audit, he is waiting on the OPEB from Rehmann Group. After that, the company will start doing our audit. He is meeting with Matt as well as two other people regarding the investment opportunities. Next week, Matt will start doing the cash flow analysis.
- After meeting with BKC insurance, our healthcare premium did go up 9.1%.

**City Clerk's Comments:**

- Singles said she has the Election Commission meeting to approve the list of election inspectors this week. She has sent out the bulk of absentee ballots. Preliminary testing has been done and the Public Accuracy test will be October 20<sup>th</sup> at 1:00pm.
- Councilwoman Mills asked if there are citizens that have requested ballots and have received them, but they want to vote on election day at the polls, what do they do?
- Singles said to have the voter bring the ballot into City Hall and sign that they are surrendering their ballot. That way they will not be sent a new one and they can vote in person.

**Public Comments:**

- Dale Rieger discussed the Joanna Neil memorial rock. She was the probate judge here in Cheboygan. Katie Neil, Joanna's daughter and a student of Rieger's, spoke with Rieger and proposed moving the memorial rock. Rieger went to check with the people who put in the memorial rock and that organization is no longer. All of Joanna Neil's family members are in support of moving the rock to the Children's Trail where more people will see it. Rieger wanted to make sure it was brought to Council's attention.
- Councilwoman Raab discussed the rock and she thinks it would be appropriate to move the rock to the Children's Trail especially since Neil's main focus during her career was children and families.
- Sabolsky said there is no policy regarding moving memorials such as this. There is not even a policy regarding accepting memorials such as this as well. Sabolsky does think this needs to be looked into because there is a gentleman who created a metal sculpture that used to be out in front of City Hall. The Opera House people decided to move it and it is currently behind our public works building. The man has since come to Sabolsky saying he wants it placed somewhere again. Sabolsky thinks it would be smart to think about how to deal with that in the future.

- Ray Lofgren had a comment to Councilwoman Raab stating that if she remembers the property from Gildner’s request was from a strip of land down from Garfield to Eastern Avenue is zoned industrial. Doesn’t know what’s going in there but it was a parking lot. He knows it’s been expanded. Wanted her to know it is zoned industrial. Lofgren had a question regarding Triple D Sanitation. Just about a quarter mile pass the K-Mart store, there is a billboard sign and there have been three garbage trucks parked there all summer. Doesn’t look the neatest. Lofgren also commented about the sink holes happening around town, he is wondering if some of the money we are spending shouldn’t be put towards companies to do the work but to use our own equipment and staff to fix things.
- Sabolsky said that Triple D bought the property out there and they have been a target of City Hall and the County for doing things without permits. They have been on the City and County’s radar. Sabolsky also said that currently we have three guys working for the entire public works department and trying to get that fourth back. We don’t have a lot of the equipment to fix large problems such as sink holes. They did fix the bridge by the cemetery and a few other road projects. At the end of Western, we have the order placed to get that corner fixed. We are hoping the contractor gets it done before the winter.
- Sabolsky did meet with the Principal and Vice Principal of Cheboygan High School and they appreciate the active role our Police Department has at the school.
- Councilwoman Darling commented that she saw on Facebook regarding the sewer lids being popped up with an orange cone on it. the cones keep getting knocked off. Why are they left that way?
- Sabolsky said that Mayor did call him Saturday regarding that. He wonders if people are hitting the barrels on purpose. The one by Burger King has been fixed. We are trying to get those all fixed.
- Sabolsky also commented that Karmol will be presenting at the State of the Community. Sabolsky will be doing some more remote work due to his son having reconstructive knee surgery.

**Adjournment:**

- Councilwoman Mills moved to adjourn the meeting at 8:24pm. Seconded by Councilwoman Darling. Motion carried unanimously.

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Mayor Leslie A. Tebo

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Clerk Alyssa Singles

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Mayor Pro Tem Brett Mallory

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Councilwoman Diane Mills

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Councilman Ken Kwiatkowski

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Councilwoman Mary Darling

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Councilwoman Diane E. Raab

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Councilman Adam Bedwin