

**REGULAR CITY COUNCIL MEETING**

**February 14, 2023**

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

**Roll Call:**

Present: Kwiatkowski, Raab, Mallory, Darling, Mills.

Absent: Bedwin (excused)

**Moment of Silence for Mayor Leslie A. Tebo**

Mayor Pro Tem Mallory commented that he wants a motion, second, and then discussion regarding items on the agenda.

**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 Darling. Motion carried unanimously.

**Approval of Prior Meeting Minutes:**

- Councilwoman Mills moved to approve the Regular City Council meeting minutes of January 24, 2023, as presented, seconded by Councilman Kwiatkowski. Motion carried unanimously.

**Public Hearings:**

- An Ordinance to Amend Title XV of the Land Usage Section of City Ordinances Specifically to Repeal Chapter 155: Historic District and Enact a New Chapter 155: Historic District.
  - Councilwoman Darling moved to open the public hearing, seconded by Councilwoman Mills.
  - Public comment open at 7:04.
  - Rick Bauers supports the preservation of old homes. He thinks they bring a lot of beauty to a town.
  - Mali Thomas, a City resident and Commissioner of the Historic Resources Commission, supports this ordinance. She hopes Council supports this so that funds can be made available to people who are interested in taking care of these buildings. She thanked City Manager Sabolsky for his help and Councilwoman Raab for her help.
  - Matt Nedwid wanted to thank the parks and recreation day crew for snow shoveling.
  - Katie Rosenbaugh stated that she grew up here and has just recently moved back. She would like to see the City grow. There are people out there who are interested in preserving historic buildings but just need the funds to implement. She thinks if this ordinance was passed, a lot of people would be very happy.

- Clerk Singles read a letter of support from Cheboygan County Economic Development Coordinator, Sharen Lange. Lange expressed the importance of the Certified Local Government status and how it will help the City.
- Mary Hebert stated that she had a letter from Sherry Nelson but it was not submitted before the 4:00pm deadline.
- Mayor Pro Tem Mallory allowed for Hebert to read the letter from Nelson.
- Hebert said that the Certified Local Government will not cost the City money. It will be Federal funds and State Funds. She thinks that information is important to know. Hebert said we would be building on assets that are already here. Those assets would have greater use as this gets accomplished.
- Hebert looked for the letter from Nelson on her phone.
- Mayor Pro Tem Mallory asked if anyone else had a public comment while Hebert looked for the letter.
- Rosenbaugh stated that she had another comment. She met Hebert when she moved back here. She is an artist and Hebert allows her to use the basement of the Carnegie as her workspace and studio. Being in the Carnegie makes her think of old times and how beautiful it used to be. Now, it needs some love, care and help and she thinks this ordinance passage would really help.
- Hebert commented that a lot of people love to use the Carnegie. She has a jewelry maker and Rosenbaugh working in the basement of the Carnegie and upstairs is very busy with yoga. Hebert continued to look for the letter from Nelson.
- Mayor Pro Tem Mallory suggested Hebert give the summary of Nelson's letter.
- Hebert said Nelson went through some of the history, projects and people who have worked on historic preservation. Hebert listed some successful historic preservations. People still want to use historic spaces and its important to preserve them.
- Kristen Baggott expressed how preserving historic buildings and architecture is so important and that this ordinance will help with that.
- Public comment closed at 7:14pm.
- Councilwoman Raab moved to approve an Ordinance to Amend Title XV of the Land Usage Section of City Ordinances Specifically to Repeal Chapter 155: Historic District and Enact a New Chapter 155: Historic District. Seconded by Councilwoman Mills.
- Councilwoman Mills asked regarding the definition of 'Notice to Proceed'.
- Sabolsky commented regarding the definition of 'Notice to Proceed'. Him and Alan Higgins from the State Historic Preservation Office (SHPO) had a long discussion regarding this definition. Sabolsky explained what this definition is to Council regarding historic preservation. We had this definition wrong in the first ordinance passage.
- Councilwoman Mills also had a question regarding paragraph 155.05: Powers and Duties of the Commission. In line E, 'State and' was taken out. At the end of the sentence, it states '...to review and comment on any nominations submitted to the State or National Registers'.
- Sabolsky said that the State does not do a registry. What the State does is allow you to register a building or structure to be historic. They don't keep a registry, whereas the Federal government does. Sabolsky did have a discussion with Higgins about that.

- Mayor Pro Tem Mallory said there is a National registry of historic buildings, but not a State registry.
- Sabolsky said that is correct.
- Councilwoman Mills commented that there are a lot of sidebars in the working version of the ordinance and asked Sabolsky to summarize what was edited.
- Sabolsky said that a lot of that was formatting or spacing.
- A roll call vote was taken. Motion carried unanimously.
- Winifred Riddle wanted to make a comment. She thanked Council for moving forward with this ordinance. She is the current Chairperson of the Historic Resources Commission. She asked where does that bring HRC in the process.
- Mayor Pro Tem Mallory said that can be addressed later in the meeting.

### **Departments, Board and Commissions**

- Office of Emergency Management, January Report.
- Cheboygan Fire Department, January Report.

### **Bills and Disbursements:**

- Prepaid Bills and Disbursements for the Month of January 2023.
  - Councilman Kwiatkowski moved to approve the prepaid bills and disbursements for the month of January 2023 in the amount of \$2,503,786.56. Seconded by Councilwoman Mills.
  - Ray Lofgren stated that he was asking regarding the payment to Wilkinson.
  - Sabolsky said as he has mentioned before, we did have a bill that kind of got lost in the transition between Treasurers that we paid last meeting. He also stated before that there will most likely be more bills coming regarding this matter. The total for this will be around \$100,000 to fix the road as it keeps collapsing. Sabolsky said again it is probably not the last bill you will see regarding that road collapse. To the public, that is why we have infrastructure issues in that area; it just keeps collapsing. When it does collapse, it is an emergency situation and someone has to get out there to fix it. There was also a watermain break over on Backus that needed to be repaired. Council will see something in regards to that main break. Wilkinson was out there first thing Monday morning as the main break did happen late Saturday night.
  - Sabolsky and Lofgren discussed the matter of the collapses and repair.
  - A roll call vote was taken. Motion carried unanimously.
- Unpaid Bills and Disbursements for the Month of January 2023.
  - Councilwoman Raab moved to approve the unpaid bills and disbursements for the month of January 2023 in the amount of \$48,536.00. Seconded by Councilwoman Darling.
  - Councilman Kwiatkowski said he has some questions but they are for Jason Karmol.
  - Lofgren said there is the same amount again for Wilkinson. It does say it is the final bill to Wilkinson.
  - Sabolsky said hopefully that is it for now until the next collapse.
  - Councilwoman Raab said that this has been stated before that these are temporary fixes. They are emergency repairs that have to be fixed, but it is not a permanent fix.

- A roll call vote was taken. Motion carried unanimously.

**General Business:**

- Mayor Appointment – Discussion and Action.
  - Councilwoman Mills motioned to appoint Mayor Pro Tem Brett Mallory to fill the vacancy as Mayor of the City of Cheboygan, term ending 2024. Seconded by Councilwoman Darling.
  - Councilwoman Raab said when the term of Mayor is more than 12 months, what happens then.
  - Sabolsky said that Council did have a memo from Stephen Lindsay. Sabolsky said that it kicks you from section B back to section A, and section A states “...in the event that that office shall be that of the Mayor, City Council may choose from its existing members one to fill the office of Mayor. In which case, that Councilperson decision shall become vacant”. If the motion on the floor is to appoint Mallory to the seat of Mayor, we would then have to fill his seat in a special election. Mallory would fill the Mayor seat until 2024. His former Council seat will now have to have someone appointed to until there is a special election.
  - Mayor Pro Tem Mallory said hopefully the charter can be looked at/updated so everything is clear.
  - A roll call vote was taken. Ayes from Councilman Kwiatkowski, Councilwoman Darling, Councilwoman Mills, Councilwoman Raab. Mayor Pro Tem Mallory abstained. Motion carried.
- Appointment of Mayor Pro Tem.
  - Councilwoman Mills moved to appoint Councilman Bedwin to fill the vacancy as Mayor Pro Tem. Term shall expire as Mayor Pro Tem November 2024. Seconded by Councilwoman Darling.
  - Councilman Kwiatkowski asked if Councilman Bedwin was okay with this.
  - Councilwoman Mills said that he was and due to him being out sick for this meeting, she suggested him putting something in writing for Council. Councilwoman Mills explained why she thinks Councilman Bedwin is right to fulfill the Mayor Pro Tem role.
  - Sabolsky stated that the Mayor Pro Tem appointment is for two years. In section 4.5 of the charter, it states that the title of Mayor Pro Tem is to be appointed every two years.
  - Discussion regarding the title of Mayor Pro Tem commenced.
  - Councilwoman Darling said that the charter is confusing and she was wondering if there could be a meeting to discuss and explain the charter.
  - Sabolsky said what probably needs to happen is that everyone gets together with Lindsay and update the charter.
  - Councilman Kwiatkowski said that you need to have a charter commission, they have to be paid. It then has to go to the State for approval.
  - Mayor Mallory stated that former City Manager Eustice explained the process to Council at one point mentioning the cost and Council decided to postpone on moving forward with charter revisions at that time due to it being so expensive. It will have to be budgeted.
  - A roll call vote was taken. Motion carried unanimously.

- Vacant Council Seat.
  - Councilwoman Raab moved to authorize Alyssa Singles, City Clerk, to accept applications from interested candidates to temporarily fill the open Council seat until a Special Election can be held. Seconded by Councilman Kwiatkowski.
  - Councilwoman Mills wanted to clarify that this will be an appointed seat to replace Mayor Mallory's former Councilperson seat, then go to a Special Election and the term will expire 2026.
  - A roll call vote was taken. Motion carried unanimously.
- Special Election.
  - Councilwoman Mills moved to authorize Alyssa Singles, City Clerk, to schedule a Special Election for the seat of Councilperson. Seconded by Councilwoman Darling. A roll call vote was taken. Motion carried unanimously.
- City Prosecutor Contract Extension.
  - Councilwoman Mills motioned to approve a one year contract for Thomas R. Hungerford for \$20,000 to represent the City ordinance enforcement/prosecution. Seconded by Councilwoman Raab.
  - A roll call vote was taken. Motion carried unanimously.
- Discussion and Action regarding Planning Commission Appointment.
  - Sabolsky explained that Christine Khan-King is currently on the Planning Commission and would like to stay on the Planning Commission. They have also received a Planning Commission application from Anna Sangster. There is only one open seat, so Council would have to decide who is appointed.
  - Councilman Kwiatkowski asked how long Khan-King has been on the Planning Commission.
  - Planning Commissioner, Michael O'Brien, said for at least four years.
  - Mayor Mallory said that both applicants have different experience.
  - Councilwoman Darling moved to reappoint Christine Khan-King to the Planning Commission, term to expire January 14, 2026. Seconded by Councilwoman Mills.
  - Winifred Riddle asked regarding commissions; is there a guideline. Can commissioners live outside of the City or do they have to live inside the City limits.
  - Sabolsky explained that it does depend on the commission.
  - Executive Assistant Clear stated that the Planning Commission allows two non-residents. State law does state how many Commissioners are allowed to be non-residents. It is based on population size.
  - A roll call vote was taken. Motion carried unanimously.

**City Clerk's Comments:**

- Clerk Singles reported that she has been working on digitizing Pine Hill Cemetery records. She has scanned in majority of the transit permit books.
- Councilwoman Darling asked how old the cemetery is.
- Singles did not have an exact year, but she could certainly find it.
- Councilwoman Darling asked if records go back that far.

- Singles responded that the burial transit permits don't go back that far, but the records do. The cemetery has two books that are used to record burials alphabetically. One book starts at the year 1998 to current times, and the other is from, Singles believes, 1873 to 1997.
- Councilman Kwiatkowski asked if Singles spends a lot of time at the cemetery.
- Singles responded that she did take a few trips out there last year. Singles shared a story of how her and Deputy Clerk Martin helped a woman from out of town find her grandparents' grave as it was recorded in the wrong section of the burial books.
- Councilwoman Raab asked if anyone has moved family members within Pine Hill cemetery since there are two parts.
- Singles said she has seen a few disinterment and reinterment permits, but those are typically moving someone from one cemetery to another. She hasn't seen any disinterment from one section of Pine Hill and then reinterment to another section of Pine Hill.
- Councilwoman Raab asked how much special elections cost to the City.
- Mayor Mallory said last time it was about \$1,500.
- Singles said she has talked to County Clerk, Karen Brewster. The cost was around \$700 to the County and around \$800 paid to Election Source.

**City Treasurer's Comments:**

- Treasurer Byrd commented that training continues under former Treasurer Bridget Brown. Byrd has learned a lot from Brown and is very appreciative of her help.
- Councilman Kwiatkowski asked Byrd how it's going with BSA.
- Byrd responded that its going great and the service with them is phenomenal. The system itself is great.
- Councilwoman Raab asked regarding the audit.
- Byrd does have the draft of the audit. The auditor who would present to Council just emailed Byrd stating that he has been very sick and just reported back to work. They will figure out a date to present to Council.

**City Manager's Report:**

- City Manager Sabolsky reported that we were not rewarded the Sparks Grant we applied for to develop accessible paths, paving the Children's Trail and finishing the fishing pier. Soon we will get the grant application back so we can improve it for the next round of grants.
- DDA Executive Director Schneider and Sabolsky met with Jennifer from the glass bottom boat tours. She would like to move her business from where it is currently down to the City parking lot, north of the BKC Insurance building. Sabolsky said he would like to have a work session before the next Council meeting to discuss this. There are a few other things that Sabolsky needs to discuss such as how we will be charging the ferry service that uses our parking lot.
- Sabolsky said he needs to discuss with department heads regarding capital budget needs. We will be winding down the year soon so Sabolsky wants to make sure that if we do have some money, we have to look at purchasing a police vehicle or two and some trucks for the water/sewer department. We will try to get together, see what we need, and then bring that to Council.
- Councilwoman Darling asked if the glass bottom boat tours are on private or public land.

- Sabolsky said that it is private. However, Jennifer does not have a lot of parking for her business, has trouble setting up her merchandise trailer, etc. She believes it will benefit her business if she moves down a bit.
- Councilwoman Raab asked how many parking spots are at the location she wants to move to.
- Sabolsky said at least 60-70 spots.
- Councilwoman Raab commented that she knows Jennifer has had some issues with the property and parking. Moving her to the City's parking lot would be great because then people would be right downtown to utilize businesses and restaurants.

**Public Comment:**

- Rick Bauers commented that he wishes the Children's Trail would be renamed. There are sharp, jagged trees within the Children's Trail. He doesn't like the sprays used along the river. He has been seeing signs saying support the police and that causes PTSD for him. At the recreation center, he doesn't like seeing people spit in the water fountain and he has seen people spit on the floor. He also doesn't like the pop machine at the recreation center.
- Matt Nedwid commented that he has only seen people spit on the floor in the recreation center a few times. There have been no serious injuries at the recreation center.

**Council Response to Public Comments:**

- Councilwoman Raab said the day crew that shovels the Lincoln bridge has been great.
- Councilwoman Darling congratulated Mayor Mallory and Mayor Pro Tem Bedwin.

**Committee Updates:**

- Councilwoman Mills reported that Finance Committee met January 30<sup>th</sup>. They discussed a few things. One of those items is we have just a little under half a million dollars in outstanding personal property tax bills in the City of Cheboygan. We are trying to figure out how we can go out and capture that. We won't be able to get a lot of it, but we can get some of it. Councilwoman Mills hopes that the February meeting will have some quality reports that show where we are at on our budget.
- Councilman Kwiatkowski commented that the new rates took effect July 2022. He believes portion of that is debt service. That money is comingled with operating funds. Councilman Kwiatkowski said it shouldn't be. He's not sure how to go back and find out what the correct amount is. Once we start paying on that debt, we need to have those numbers.
- Sabolsky said that we can make budget amendments to take care of that. He agrees they should be separated so you can see the amount, but Sabolsky thinks you can go back and separate those funds.
- Councilwoman Mills also stated that there was a Housing Commission meeting. The commissioners are very busy trying to digest the enormous number of files to figure out exactly where they are at. There was a presentation by ETHOS, they are the predevelopment contractor that is putting all the pieces into place to rehabilitate the three housing sites. The contractor has a proposed timeline to have the rehabilitation done by 2026. Making sure that everything is good to go before proceeding.

- Councilwoman Raab commented that she was at that meeting and that it is amazing that ETHOS got that money and the housing sites will be rehabilitated. Councilwoman Raab said it's an opportunity we can't pass up.
- Councilwoman Mills commented that we aren't passing anything up. It's a done deal and the money has been awarded. ETHOS didn't get the money; Kate Schulz and her team got it. ETHOS is the manager for it. The commission is making sure to protect the City because if anything goes wrong, it falls back onto the City.
- Councilwoman Raab said that the Housing Commission commissioners were asking a lot of good questions regarding the project.
- Councilman Kwiatkowski commented in regards to ZBA. Said a variance was passed for Mary Hebert.
- Sabolsky said that the ZBA will be meeting again February 22<sup>nd</sup> to deal with the expansion for Walstrom.
- Councilwoman Darling commented that Parks and Recreation Commission will meet next month.

**Messages and Communications from Mayor and Council Members:**

- Councilwoman Raab thanked all the citizens that came out to the meeting today. She always loves seeing people come to Council meetings.
- Mayor Mallory commented that someone on Council will have to be appointed to be the liaison of the DDA since he and Mayor Tebo both were.

**Adjournment:**

- Councilwoman Raab moved to adjourn the meeting at 8:33pm. Seconded by Councilwoman Mills. Motion carried unanimously.

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Mayor Brett Mallory

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Clerk Alyssa Singles

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Mayor Pro Tem Adam Bedwin

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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



