

REGULAR CITY COUNCIL MEETING

February 28, 2023

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

Roll Call:

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

Absent:

Public Comments on Agenda Items Only:

- No comments.

Approval of Agenda and Receive and File all Communications:

- Councilwoman Mills moved to approve the agenda and receive and file all communications. Seconded by Mayor Pro Tem Bedwin. Motion carried unanimously.

Approval of Prior Meeting Minutes:

- Councilman Kwiatkowski moved to approve the Regular City Council meeting minutes of February 14, 2023, as presented. Seconded by Councilwoman Mills. Motion carried. Mayor Pro Tem Bedwin abstained from voting.

General Business:

- Consideration of Appointment to the City Council to Temporarily Fill the Vacated City Council Seat.
 - Councilwoman Darling moved to temporarily appoint Leroy Ormsbee to fill the vacated City Council seat. Councilwoman Mills seconded for discussion.
 - Councilwoman Mills asked Councilwoman Darling why Ormsbee is her nominee.
 - Councilwoman Darling said that Ormsbee is highly involved and knows what is going on in the community. She thinks he would be a good leader on City Council.
 - Mayor Mallory commented that there are many great candidates.
 - City Manager Sabolsky asked Clerk Singles regarding Ormsbee being a resident and registered voter of the City and if he was in any debt to the City.
 - Clerk Singles said he has no debts and is registered to vote in the City.
 - Sabolsky commented that there have been some questions regarding Ormsbee's residency and asked Ormsbee to clarify for Council.
 - Ormsbee stated that he has been renting and renovating a house in the City limits. They would have moved in a month ago but they had an electrical fire.
 - Mayor Mallory asked for clarification, asking Ormsbee if he is moving into the house but has not moved in yet.
 - Councilwoman Raab asked if Ormsbee is a resident of the City.

- Ormsbee said he has registered to vote in the City since he will be moving into the house on Third Street.
- Executive Assistant Clear said the charter states the person has to be a registered elector of the City.
- Sabolsky asked if he has the proper paperwork to be a registered voter in the City.
- Singles said that he is registered to vote in the City as he did drop off paperwork to City Hall changing his voter registration address.
- Ormsbee said they will be buying the house from his brother-in-law eventually, but for right now they are renting it from him.
- Mayor Mallory just wanted clarification.
- Mayor Pro Tem Bedwin asked if Ormsbee is presently living in a house within the City limits.
- Ormsbee said he is not.
- Mayor Pro Tem Bedwin stated that something could happen and Ormsbee may not move into that home.
- Ormsbee stated that he has to move there. Ormsbee also mentioned that his son-in-law, Scott Rifenberg, is the Chief of Police for the City. His son-in-law will be buying the house he is currently living in, so they have to move into the house on Third Street.
- Mayor Mallory asked if Ormsbee would not be allowed to vote on certain things due to his son-in-law being the Chief of Police.
- Sabolsky said that he is eligible to be a Councilperson, but he cannot vote on anything that pertains to the budget for the Police Department, personnel decisions for the Police Department, etc., he would have to abstain. Sabolsky discussed this with City Attorney, Stephen Lindsay.
- Mayor Pro Tem Bedwin complimented Ormsbee and his interview. He does think someone should be appointed to Council that can vote on all issues.
- Councilman Kwiatkowski said he doesn't know if he agrees with Mayor Pro Tem Bedwin regarding that. There is always the possibility for a Councilperson to have a conflict of interest.
- Mayor Pro Tem Bedwin says that is true, but the Police Department budget is over half of the City's spending.
- A roll call vote was taken. Ayes from Councilman Kwiatkowski and Councilwoman Darling. Nays from Councilwoman Raab, Mayor Pro Tem Bedwin, Mayor Mallory, and Councilwoman Mills. Motion failed.
- Mayor Pro Tem Bedwin moved to temporarily appoint Hayley Dodd to fill the vacated City Council seat. Seconded by Councilwoman Raab.
- Councilwoman Mills asked for Mayor Pro Tem Bedwin's reasoning for appointing Dodd.
- Mayor Pro Tem Bedwin said that he believes when the Council has the appointing ability, they should appoint voices to the Council that are currently under represented. Having another person on Council who has a family with young kids who participate in events and activities in town is needed.
- Councilwoman Raab agreed.
- Sabolsky asked regarding Dodd's debts to the City and if she is a registered voter.
- Singles responded that Dodd owes no debts and is registered to vote in the City.

- A roll call vote was taken. Motion carried unanimously.
- Mayor Mallory mentioned to those who ran for the Council seat and also to members of the public, if they want to get more involved in the community to please reach out to him or Sabolsky.
- Dodd was sworn into office by Singles.

General Business:

- Consideration of Reappointment.
 - Councilman Kwiatkowski moved to reappoint Scott McNeil to the Brownfield Redevelopment Authority, term to expire April 13, 2024. Seconded by Councilwoman Darling.
 - Councilwoman Kwiatkowski commented that he worked with McNeil for 15 years as he was former City Manager and he was a very good man to work with and was very dependable.
 - Motion carried unanimously.
- Consideration of Reappointment.
 - Councilwoman Raab moved to reappoint Robert Andrews to the Brownfield Redevelopment Authority, term to expire April 13, 2024. Seconded by Councilwoman Mills. Motion carried unanimously.
- Purchase of Fire Department “Turn-Out Gear”.
 - Councilwoman Mills moved to purchase 24 sets of turn-out gear by the Fire Department from Municipal Emergency Services (MES) for \$116,208.00. Seconded by Councilwoman Darling.
 - Fire Chief, Don Dailey and Sergeant Todd Charboneau discussed with Council regarding the current state of their turn-out gear. Some of their gear is 16-20 years old. Very few firefighters have gear that fits them appropriately. Currently, firefighters are using hand-me-downs from 18 years ago and it is not properly sized to them. Chief Dailey has applied to FEMA grants numerous times and has been denied. The maximum life of firefighter gear is 10 years. The turn-out gear is a thermal barrier between the firefighters and the gas, smoke, etc in a burning building. Chief Dailey has prepared and presented 3 different quotes for the gear. Chief Dailey mentioned that him and Sabolsky discussed a turn-out gear purchasing timeline so this doesn’t happen again. In about 5-6 years, they will purchase two turn-out gear sets a year.
 - Mayor Mallory asked if that is in the Fire Department budget.
 - Chief Dailey responded that it is not, but it will be. Chief Dailey stated that as Fire Chief, he is responsible for the safety and lives of the firefighters that volunteer for the City of Cheboygan. If something were to happen to these firefighters due to inadequate gear, the City could be held liable.
 - Sabolsky said that they did consult with the turn-out gear company and they said they would finance this for us for a number of years. Sabolsky also went to Citizen’s Bank and discussed financing this with them. They will finance this for us, and they would do this at a lower rate than what the company would and we can finance this over a 5 year span. Sabolsky mentioned that this is something that we don’t have a choice about. We have had some recent visits from OSHA, and we have to get this old turn-out gear

replaced with new turn-out gear. Sabolsky also suggested to amend the motion to say “to allow the City Manager to negotiate the terms of a lease or purchase of this equipment with a financial institution or this company”. Sabolsky also thanked the Firefighters Association as they had their firefighter’s dinner and it was an excellent event.

- A roll call vote was taken on the original motion. Motion carried unanimously
- Councilwoman Mills made a motion to allow the City Manager to negotiate on behalf of the City to finance and find the best finance deal to support this \$116,208.00 purchase over the span of 5 years. Seconded Councilman Kwiatkowski. A roll call vote was taken. Motion carried unanimously.
- Discussion and Action – Walstrom Marina Site Plan.
 - Councilman Kwiatkowski moved to approve the submitted site plan with recommendations, if any, by the Planning Commission and Staff. Seconded by Councilwoman Darling.
 - Sabolsky explained to Council that the Zoning Board of Appeals approved the height variance on this building. In that district, the maximum height is 35 feet, where they needed a variance for 43 feet and 9 inches. Planning Commission approved their site plan with three conditions. One, being to combine all the parcels that are located where this building and the other buildings are into one lot. Second is to submit a landscaping plan to buffer the building from the adjacent residential district. Third, is to submit a drainage plan and obtain a drainage permit from the City.
 - Council asked Sabolsky some questions regarding the site plan.
 - Councilman Kwiatkowski asked if there were any resident concerns.
 - Sabolsky responded that the only resident in attendance was Mr. Ray Lofgren. They did not receive any letters of concern.
 - Josh from the engineering firm for this site plan joined via Zoom if Council had any questions.
 - Josh had a comment regarding the landscaping and described some of the plans to Council and Sabolsky.
 - Sabolsky responded that they would need to submit a landscaping plan which would show Josh’s described plans to Sabolsky for administrative approval.
 - Councilwoman Mills asked regarding the drainage plan; where does the drain go.
 - Sabolsky responded that that is something they will need to work out with Mr. Granger, our drainage engineer, to see what works. Sabolsky commented that Walstrom and their engineers are still working on finalizing the drainage plan.
 - Josh described and explained the drainage plan.
 - Josh asked regarding the land combination.
 - Clear responded that we have received the land combination application and she has spoke with the Assessor, Doug Keipert, about it. He will be able to process the application and look it over after March Board of Review.
 - Councilman Kwiatkowski amended his motion to include combining all parcels into one lot, submission of landscaping plan and submission of drainage plan and obtain a drainage permit. Seconded by Councilwoman Mills. A roll call vote was taken. Motion carried.

City Managers Report:

- Sabolsky said that about 2 weeks ago, we received emails from Senator Peters' and Senator Stabenow's office regarding possible submission of our projects to the Federal budget. We did do this last year and asked for about 3 million dollars but we did not get included in the Federal budget. This year, we are going to look at what could be submitted for this. One of those possible projects would be the Huron Street infrastructure.
- City staff and some Housing Commission members had a meeting with HUD on the Section 18 repositioning project. Also discussed conflicts of interest, deed of trust modifications and tax credits. On the phone call was HUD's Director of the Michigan office. He thanked us for our due diligence and all the questions that were being asked. Stephen Lindsay will be asked to take care of some legal matters for the City for that deed of trust, but also for the Housing Commission because we are getting nowhere with the lawyer that is currently helping with that.
- Regarding the Opera House meeting, Sabolsky has been working with Owen Goslin as well as the engineers and architects to schedule a public meeting regarding the condition of this building and future plans for the Opera House.
- Sabolsky attended today's Board of Commissioners meeting and heard the County Economic Development staff give a presentation on their community development efforts. Sabolsky has also scheduled meetings with some Commissioners that he hasn't had the chance to talk with yet. Tomorrow, Sabolsky has a meeting with the Sheriff regarding some matters.
- There are grants Sabolsky and Clear are looking at and prioritizing to submit for.
- Sabolsky mentioned a meeting that he had scheduled for this Friday, unfortunately that meeting does have to be rescheduled and Sabolsky will reach out regarding rescheduling that.
- Sabolsky thanked the Firefighters Association again for their firefighter's dinner.

City Clerk's Comments:

- Singles reported that she has finished the scanning of the burial transit permits for the Pine Hill cemetery, now she will continue putting the names into an excel sheet for easier look up.
- Singles reported that she has been getting surveys and emails regarding the implementation of Proposition 2 that passed in the General election. The State is trying to figure out how this will be implemented State wide and there are a lot of unanswered questions currently.
- Councilman Kwiatkowski asked regarding what Proposition 2 entails.
- Singles said there are changes to absentee voting, postage, 9 days early voting, mandatory drop boxes for absentee ballots, etc. Singles described some of the major changes.
- Councilman Kwiatkowski asked how often precinct lines are drawn. It would be nice to combine some of the precincts.
- Singles wasn't sure how often the lines are drawn, she hasn't been contacted regarding precinct lines changing.
- Councilwoman Mills said it typically follows a census. If that is the case, it's usually every 10 years.
- Singles hopes questions regarding Proposition 2 get answered soon.
- Councilwoman Raab asked who would be paying for the upcoming special election.

- Singles responded that the City would be paying for it.
- Councilman Kwiatkowski asked if Gracie Larson is still our Sexton.
- Singles responded that Larson is still our Sexton. Singles said that Larson is very knowledgeable and an asset for Pine Hill cemetery.

Public Comment:

- Ray Lofgren wanted to clarify the motion Councilman Kwiatkowski made for Walstrom Marina.

Committee Updates:

- Councilwoman Mills said that Treasurer Byrd put out an email stating that March 29th is the target date for the next Finance Committee meeting.
- Councilman Kwiatkowski asked regarding the audit report.
- Sabolsky commented that he believes that auditor should be back at work. He was out on vacation and then was sick for some time. Sabolsky said he will make note that the audit report needs to be scheduled.
- Councilwoman Raab did not have any committee reports.
- Councilwoman Darling stated that the Parks and Recreation Commission meets the 15th of next month.

Adjournment:

- Councilwoman Mills moved to adjourn the meeting at 7:54pm. Seconded by Councilman Kwiatkowski. Motion carried unanimously.

Mayor Brett Mallory

Clerk Alyssa Singles

Mayor Pro Tem Adam Bedwin

Councilwoman Diane Mills

Councilman Ken Kwiatkowski

Councilwoman Mary Darling

Councilwoman Diane E. Raab

Councilwoman Hayley Dodd