

REGULAR CITY COUNCIL MEETING

September 12, 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: Raab, Mallory, Mills, Dodd, Kwiatkowski, Darling and Bedwin.

Absent:

Public Comments on Agenda Items Only:

- Kay Forster commented that she thinks it would be a wonderful thing to have a committee for the Opera House/City Hall renovations.

Approval of Agenda and Receive and File all Communications:

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

Approval of Prior Meeting Minutes:

- Councilman Kwiatkowski moved to approve the Regular City Council meeting minutes of August 22, 2023, as presented. Seconded by Councilwoman Dodd.
- Councilwoman Raab commented that she feels that the written version of the August 22, 2023 meeting minutes are missing important statements that were made. Councilwoman Raab would like those statements entered into the minutes verbatim.
- Mayor Mallory asked Councilwoman Raab if she could find those specific statements and give them to Clerk Singles.
- Councilwoman Raab said she can.
- Councilman Kwiatkowski rescinded his motion.
- Councilman Kwiatkowski moved to table the approval of the August 22, 2023 meeting minutes to the next Council meeting. Seconded by Councilwoman Dodd.

Departments, Board and Commissions:

- Cheboygan Police Department, June, July and August Reports.
 - Councilwoman Darling commented that the 911 calls have gone up every year. Councilwoman Darling asked Chief Rifenberg why the number of calls has increased so much.
 - Chief Rifenberg commented that he is really not sure. In this community, people call 911 for any police service at night. He does not know if that is a change or if it's always been that way. A lot of non-emergency calls come through 911.
 - Councilwoman Darling asked Chief Rifenberg about the 911 calls statistic. Referencing the August 2022 911 calls and the Year To Date 2023 911 calls.
 - Chief Rifenberg said he would look into her question.

- Councilwoman Mills asked what an OUIL Arrest is.
- Chief Rifenberg said that is Operating Under the Influence of Liquor.
- Councilwoman Mills also asked regarding APS and CPS Referrals.
- Chief Rifenberg said those are referrals from Adult Protective Services and Child Protective Services.
- Cheboygan Fire Department, August Report.

Resolutions:

- Resolution of Authorization for Risk Reduction Grant Program Application and Local Match.
 - Councilwoman Mills moved to authorize the submission of a Risk Reduction Grant Program application through the Michigan Township Participating Plan for \$3,876.62, and a local match of \$1,000.00 for defensive tactics training equipment for the City of Cheboygan Police Department. Seconded by Councilwoman Dodd.
 - Chief Rifenberg said that MCOLES, which is our licensing board, is making some changes at the State level. Currently, the only training that is mandated by law enforcement professionals in the State of Michigan is fire arms training, but there are a lot of other trainings that will be coming up and one will be defensive tactics. Chief Rifenberg said that it is a huge civil liability risk for cities to not have officers that are trained in control techniques. Chief Rifenberg said that we have never had a defensive tactics training program here or an instructor, but we do now. Officer Auger went to that training for defensive tactics. This equipment will allow us to safely train our officers. Chief Rifenberg discussed the equipment and the use for it.
 - Sabolsky told Council that we have applied for this in the past. This is the grant that helped us get backup cameras for the fire trucks.
 - Mayor Mallory expressed his appreciation for the new trainings.
 - A roll call vote was taken. Motion carried unanimously.

General Business:

- City Hall/Opera House – Discussion regarding the Mayor’s desire to form a working Committee to focus on the condition of the City Hall/Opera House.
 - Mayor Mallory said that Sabolsky came to him a while back regarding this. The building needs a lot of help and at this point, more than we can afford to give.
 - Sabolsky provided Council a document outlining points based on conversations with the Mayor and community members. Sabolsky said that at this time, he does not have the time nor does Opera House Director, Owen Goslin, to take on this project. Sabolsky explained that they will try to get a group of citizens, probably 7-9 people, that will meet on a regular basis and lead the charge. We do have an RFQ out for engineering services. Those proposals for the RFQ were due on September 11th. Whatever engineering firm that is selected will help with this committee to move this forward.
 - Mayor Mallory talked about the past community effort that was had to restore the Opera House. Mayor Mallory is hoping to have the same results with this committee.
 - Councilwoman Darling asked regarding the people who would serve on this committee.

- Sabolsky referenced the draft proposal that was handed to Council. People can respond if they are interested. Once the DRAFT watermark is removed, it will go on Facebook and a number of different locations.
- Consideration to Rezone the Properties of Parcel ID # 055-G16-001-004-00 (R-1) and Parcel ID # 055-001-204-001-00 (R-1) One Family Residential to (R-M) Multi Family Residential.
 - Councilwoman Mills moved to Rezone the Properties of Parcel ID # 055-G16-001-004-00 (R-1) and Parcel ID # 055-001-204-001-00 (R-1) One Family Residential to (R-M) Multi Family Residential. Seconded by Mayor Pro Tem Bedwin.
 - Sabolsky said that the Planning Commission did recommend this zoning change. There are a number of conditions with the Planning Commission's approval. The conditions are the purchase of the properties by Tierra Realty Trust, LLC within three months, submittal of site plan to the Planning Commission by Tierra Realty Trust, LLC within one year, submittal of a drainage plan to the City of Cheboygan within one year. Staff recommends to follow the conditions set forth by the Planning Commission.
 - Councilman Kwiatkowski asked regarding what they are trying to build there.
 - Sabolsky said they would be building one-story, maybe two-story, apartments. About 60-80 units. There are three possible alternatives for ingress and egress. Sabolsky said that the City, when they do the site plan, will require them to have one ingress and egress plus another emergency entrance. The owner also agreed to do some sort of landscape buffer around the perimeter where it touches the school and the residential homes there. Sabolsky shared some comments that were shared at the Planning Commission meeting by residents. Some comments were that Spooner is not a through road, issues about water were also brought up, quality of the units was discussed, residents commented that Spooner needs to be wider, traffic concerns were discussed, utility questions, flooding in the area was discussed, height of the units, and who manages the project. Sabolsky said the gentleman who was at the meeting last night for this has his own management company. He would have a full-time manager and a maintenance person on staff. Questions regarding taxes were brought up.
 - Councilwoman Mills commented that they said it would be done in phases.
 - Councilwoman Darling asked if they had a completion date.
 - Sabolsky said that they don't have plans yet. Once they get the plans, then they can go from there for estimating a completion date.
 - Councilman Kwiatkowski asked if Sabolsky knew about the affordability of the units.
 - Sabolsky said that when the representative from Tierra Realty Trust, LLC spoke last night, the units are going to be affordable in the sense of a certain percentage will be moderate income and after that it would be market rate. Sabolsky brought up another concern, which was the use of the playground at Bishop Baraga School. The representative said he always builds a playground in the complex/in the community. Sabolsky discussed the representative from Tierra Realty Trust, LLC.
 - Councilwoman Raab asked regarding this project. Councilwoman Raab said that the City has not been increasing development due to our infrastructure. People have come in with retail development, that doesn't put a huge demand on our water/sewer. This project has 60-80 homes that need water/sewer. Councilwoman Raab understands that we need housing, but she is trying to make sense of this.

- Sabolsky said that it doesn't conflict with what he has said, it conflicts with the rumors around town. The rumors are saying that we don't have the capacity and we are telling people that we can't do development. Sabolsky said that there are certain areas of the City that cannot be developed because of the poor infrastructure in those areas or the lack of infrastructure. Sabolsky said that a lot of the developers Councilwoman Raab is talking about, chose poor areas of the City to try to develop. Sabolsky said that in this particular area, it has the newest infrastructure. Sabolsky says that he uses the word "newest" loosely. This area has the capacity, it is about 30 years old. Sabolsky said that area is perfect for development. For the developers that wanted to develop over by the Fairgrounds, Sabolsky explained that we told them we cannot serve them over there due to collapsing sewer lines and water line issues, but there are other areas for development. Sabolsky said that the City is open for development, but there are certain areas that are not. Sabolsky commented on the rumor regarding development in town.
- A roll call vote was taken. Ayes by Councilwoman Dodd, Councilwoman Mills, Mayor Mallory, Councilman Kwiatkowski, Mayor Pro Tem Bedwin and Councilwoman Darling. Nayses from Councilwoman Raab. Motion carried.

City Manager's Report:

- Sabolsky said that as we have been talking about in the Finance Committee and here in Council Chambers, we have been working on the documents with an attorney named Kristen Kolb who specializes in levies and taxing functions of government. The documents are done and Sabolsky is waiting on comments back about what he wrote over the last few days. Sabolsky said that the documents will be done for a possible police and fire levy. Sabolsky said that we are looking at possibly 5 mills, which would generate \$550,000.00 for police and fire. Sabolsky said that we have not done a great job of saving money and replacing equipment in the past. Sabolsky discussed different equipment we have replaced and equipment that needs to be replaced. Sabolsky discussed putting away money/saving money for future equipment. This levy would allow us to develop a capital budget and plan for our needs as the years go on.
- Regarding the Community Center Grant, this is the grant that staff has been working on for the last 2.5 weeks. Sabolsky thanked Deputy Clerk Martin, Recreation Director Hancock, Deputy Treasurer Swanberg, Clerk Singles, Volunteer Firefighter and local contractor Todd Charboneau, Chief Dailey, Director of Public Works Karmol and all the community support and help for this grant. Sabolsky said that he believes that he got about twenty letters of support. Sabolsky discussed all the technical difficulties he experienced when trying to submit the grant. The grant was successfully submitted. Sabolsky said that we asked for 2.5 million dollars. Sabolsky said that we will be updating the recreation center. Sabolsky explained that a new addition would be added to the Recreation Center with two ADA compliant restrooms. It would also contain two locker rooms and two basketball courts/four pickleball courts. There would also be an indoor walking track. This grant would also partially fund some new chillers for the ice rink. Sabolsky discussed the ADA issues that would be addressed with the help of this grant. Sabolsky said that we should be notified regarding this grant in late October.
- Sabolsky said that the DDA's next visioning session for the Water Street area is September 14th at 6:00pm.

- Regarding the Police Union Contract, Sabolsky believes that we are to the final document. Chief Rifenberg and Sabolsky have had a couple meetings with the officers about it. Sabolsky said that if Council has any questions on the contract when they receive it to please ask him and to remember that this is a negotiation and Council should not have conversations with the officers about this until it is signed.
- Regarding the ice rink, the ice is down. The Zamboni is working great. Practices start tomorrow. Sabolsky said we are in the process of getting in contact with all our donors who helped with the Zamboni. \$0 public dollars went towards the Zamboni that we purchased, it was bought with funds that Sabolsky and Ice Rink Manager Coxe raised. Sabolsky said that we want to recognize the businesses and people who donated. On the side and front of the Zamboni, there will be some lettering recognizing the businesses and the people who contributed; one of those people being former Mayor Tebo.
- For Walstrom Marine, Sabolsky said we have finalized the revision of the old easement and the new easement. Sabolsky reminded Council that the old building is built over a major sewer main. Sabolsky said the new building is similar to that, but this time we have an agreement. Hopefully that agreement can get signed and recorded soon. Sabolsky said if we have to replace a line under the building, replacing that line is our cost, but getting to that line would be the cost of Walstrom.
- Regarding the concession stand/bathrooms/warm-up area project, the engineering plans are done. Jim Granger donated his time for these plans, which is very appreciated. Sabolsky said we are starting to get bids coming in on a lot of the trades. Sabolsky said our estimate of \$150,000.00 should be close. Sabolsky said that there are donations coming in from companies that supply materials or provide labor. Fund raising for equipping the concession stand may need to be done. Sabolsky said that Tammy from the Little League has been great to work with.
- Sabolsky gave an update on Meijer. Sabolsky reached out to his contact and Cheboygan is still not in Meijer's three-year plan for construction and they are not willing to sell the land to other developers that may be interested. Our 425 for the Meijer expires in less than a year.
- Sabolsky talked about the new fire pick-up truck. The firefighters are really excited about it and wanted Sabolsky to tell Council they appreciated Council approving that purchase.
- Stephen Lindsay will be taking some time off soon. That may slow some things down that Sabolsky is working on with Lindsay.
- Sabolsky said in regards to finances, bills and payroll, everything is getting done and Rehmann Group is helping with that. Executive Assistant/Interim Treasurer Clear has called in to help Deputy Treasurer Swanberg with some things.
- Councilwoman Mills asked if the DDA session is here or at the library.
- Sabolsky said here in Council Chambers.
- Mayor Mallory brought up the vandalism at the Children's Trail. Mayor Mallory asked Sabolsky if he has heard anything regarding that.
- Sabolsky said that right now, they don't know who did it. Sabolsky said that one thing they are looking at right now is how to 'vandal proof' the lights. These lights are an aluminum tube. We have Fleet Manager Wiltfong trying to figure out how to engineer them to make them vandal proof. Sabolsky said that he was offered some money to offer a reward for anybody who provides information that results in the arrest and conviction of whoever did this.

- Councilman Kwiatkowski asked what happened.
- Sabolsky said that someone tore out eight column solar lights. The lights still work. Sabolsky said that if anyone would like to donate reward money, that would be great. Sabolsky would like to get a good amount of reward money and then advertise that we have it. There are a lot of people upset about this vandalism.

Public Comments:

- Winifred Riddle commented regarding the amount of 911 calls. The door is locked to the Police Department after a certain time. The only way to get in touch with the Police Department is through the red phone on the wall which connects to 911. Is there another way to connect with non-emergency things other than the red phone.
- Chief Rifenberg said yes and no. You can call the non-emergency line after hours and if someone is back in the office working, they will pick up the phone. 911 will get you to dispatch who will send an officer to you.
- Riddle suggested that maybe that's why the 911 numbers are higher because you have to call 911 for an officer most of the time.
- Mary Brown commented that she once went to the Sheriff's Department and knocked on the door. Two officers answered, she explained that it was non-emergency and needed a police report taken and they told her to call 911.
- Chief Rifenberg said his goal is for his officers to be out in the community, not in the office. If they are needed at the City Hall building, to call and they will arrive to help.
- Riddle asked if the non-emergency office line was posted on the door.
- Chief Rifenberg said he can get it posted on the door.
- Don Schappacher spoke. Schappacher said that he is the representative of the 15 acres of commercial property next to Walmart. Schappacher said that he was the person trying to bring in the TJ Maxx and a few other retailers to that site. Schappacher said he knows he cannot get utilities until a number of things are done. Schappacher said that he was told about renegotiation of the 425 agreement with the Township and he does not understand that. Schappacher asked if he cannot get utilities from the City yet, is it possible for him to put in his own septic and water until he can connect to the City services.

Council Response to Public Comments:

- Mayor Mallory said he knows the 425 is something that we have discussed negotiating and Sabolsky would be involved with that. Mayor Mallory doesn't know about Schappacher getting his own septic and water, that would be something Karmol would have to answer.
- Schappacher asked that its dependent on a renegotiation of a 425 agreement even though he is in a 425 agreement and there is a current agreement, it has to be renegotiated before?
- Sabolsky said yes.
- Mayor Mallory said its part of the process. In order for us to serve water and sewer, you have to be in the 425 agreement.
- Schappacher said he is.
- Mayor Mallory said that he understands that the 425 agreement will be expiring, he is not sure when.

- Councilwoman Raab said 20 years.
- Schappacher said it has been renegotiated and there is a long term still in that agreement.
- Mayor Mallory said that he does not have all the information at this time.
- Councilwoman Darling asked that when Schappacher gets his information, to please share that information with Council also.

Committee Updates:

- Mayor Pro Tem Bedwin said that the Finance Committee has not met.
- Councilwoman Raab said that Finance Committee was supposed to meet. Councilwoman Raab said she does not understand that.
- Sabolsky said Council received information last week regarding personnel. Clear is the one that generates all the reports for the Finance Committee meeting.
- Councilwoman Raab said that the Finance Committee is Mayor Pro Tem Bedwin, Councilman Kwiatkowski, Councilwoman Mills, and Sabolsky.
- Councilwoman Mills said the Treasurer is also a part of the Finance Committee.
- Councilwoman Raab said that it is two months that the Finance Committee has not met.
- Sabolsky said that is not correct. The reason there was no Finance Committee meeting is because the Treasurer is not here.
- Councilwoman Raab clarified that Clear is our Treasurer. Councilwoman Raab said that was not made clear before.
- Sabolsky said she is the Interim Treasurer. Sabolsky said that has been said before. We have talked about that before along with Rehmann Group coming in to help.
- Councilwoman Raab said that 'we' doesn't always mean all the members of City Council.
- Sabolsky said it has been talked about at Council meetings before.
- Councilwoman Raab asked that all communication with Council be made clear.
- Sabolsky and Councilwoman Raab went back and forth regarding Clear, Finance Committee and communication.
- Councilwoman Dodd said that the DDA has not met.
- Councilwoman Mills said that Housing Commission has not met. They should meet next week unless they change it.
- Councilwoman Darling said she talked to Buffy Weldon, County Treasurer, and Weldon said that Clear, according to the County, is the Treasurer on record.
- Sabolsky said she is the Interim Treasurer. Clear had to go sign at the County as Treasurer so we could send out and collect property taxes. There has to be someone on record with the County.
- Councilwoman Darling talked about 9 days early voting. All the townships got together and discussed early voting. There will be one place to vote for early voting for Cheboygan County and that will be at the County building in the Commissioner Chambers. Councilwoman Darling also had flyers for a veteran's appreciation event that will be happening September 27th. It will be at the VFW hall. Councilwoman Darling said the Labor Day Bridge Walk was the biggest and best yet.
- Councilman Kwiatkowski asked regarding the 9 days early voting Councilwoman Darling mentioned.

- Clerk Singles talked about 9 days early voting. She was at the meeting with all the Townships Councilwoman Darling mentioned. There are still a lot of details to discuss and figure out. Clerk Singles discussed the details she knows so far.
- Councilwoman Raab asked if that takes the place of absentee ballots.
- Singles said it does not.
- Councilwoman Mills asked if it takes the place of in person voting.
- Singles said it does not.
- Councilman Kwiatkowski asked if we will be using tabulators for 9 days early voting.
- Singles talked regarding tabulators, ballot-on-demand and early voting. Singles said it would all cost a lot of money. For 9 days early voting, completely separate tabulators would need to be used. Singles discussed that the tabulator does not get zeroed out at the end of each day for early voting, simply shut down for the night and locked away securely, then to be turned on the next day. Results can only be run after 8:00pm on election day. Singles discussed the early voting election inspectors. Singles said that there are a lot of questions but not a lot of answers from the State.

Messages and Communications from Mayor and Council Members:

- Councilwoman Raab said that all of Council received an email from Rod LaHaie, Inverness Township Supervisor. Councilwoman Raab said she looks forward to what or who we are negotiating with since it doesn't appear we have met with anyone from Inverness since April of 2022. She expressed its a curiosity and a concern. Councilwoman Raab said she doesn't want to ignore something all of Council received.

Adjournment:

- Mayor Mallory adjourned the meeting at 8:00pm.

Mayor Brett Mallory

Clerk Alyssa Singles

Mayor Pro Tem Adam Bedwin

Councilwoman Diane Mills

Councilman Kenneth Kwiatkowski

Councilwoman Mary Darling

Councilwoman Diane E. Raab

Councilwoman Hayley Dodd